

From: Jana Cook <jcook231@att.net>
Sent: Friday, October 6, 2023 12:50 PM
To: Roy, Alex <Alex.Roy@hawaiiicounty.gov>
Subject: Kona Hawaii Development LLC Application (PL-SMA-2023-000038)

Aloha, Mr. Roy,

I have received the Notice of Submittal about the proposed hotel development at Ali'i Drive and Kahakai Road. I am on owner and on the board of directors for Hale Kona Kai, located directly makai to the proposed project. As you may guess, there are many questions about the application. Primarily, I find the notice to be deficient in a couple of aspects.

Notably, there are no images of the west and north elevations, including the appearance of the outdoor parking and recreation areas. A lot of attention is given to the west and south elevations, including noting the building height on the Ali'i side is 40', under the maximum of 45'. There is nothing noting the height of the retaining wall and building at the west elevation along Kahakai Road. When 40 feet of building is added on top of the existing exterior wall of the parking structure, it will significantly change the character of Kahakai Road. Such a structure will have negative impact on our building for lack of morning sunlight and changes to the natural air flow we currently enjoy.

The increase in the number of units from 48 to the stated 100 is a significant intensification of use for the property. As I look at the diagrams of the units, the Residential Type C unit, of which there are 51, has one exterior door, two interior doors, two bedrooms, two bathrooms, and - if I am reading the miniscule diagram correctly - two kitchenettes. This seems designed for use as lock-off units meaning there are actually 151 rooms being created. The available parking is completely insufficient to handle this and will have significant impacts on the already congested parking in the area.

The Figures 5 and 6 provided are not accurate, showing a lawn and landscape area that is not within the property lines of the project and where there is actually an existing office building. This seems very intentional as our building, Kona Reef and the residence in between are "ghosted" in the images, but this building is fully obscured with landscape images. This gives the impression of a landscape buffer area which does not exist and that the project is at street level on the west side. Such a buffer should be required for the development to provide screening for the outdoor recreation areas of the hotel and to dampen noise which might otherwise cross the property lines, negatively impacting the existing residential properties. That would require the area where the plan shows 20 paved parking spaces to be changed to landscape.

Noise is another impact that seems to have been ignored in the proposal. The U-shape of the structures, with recreation, parking and vehicle maneuvering occurring within, will focus noise on the Hale Kona Kai building. Outdoor paving for parking may also cause noise to "bounce" from the balconies and recreation areas and cross the property line toward the residential units.

And parking. There isn't enough. They claim 145 spaces, though I count only 143. 5 of those are handicap and 18 compact vehicles. 100 rooms, 51 with 2B/2B configuration, plus daily requirements for staff parking - it isn't enough. The west side of the building, along Kahakai Road, has become a parking area for beach access, events at Royal Kona, and general visitors in Kona Town. There is nothing in the plan, or lack of provided elevations, to show what is to become of this area.

Lastly, the stated intent to divert traffic from Ali'i to Kahakai lacks any structure. While the project will probably have an Ali'i address, there is no drive-in area on that side of the building to allow for guest check-in, loading, or passenger pick-up. The character of Kahakai Road has generally been walking for residents of Kona Reef, Hale Kona Kai, and others to gain access to town without walking on Ali'i - and neither route has sidewalks. What is the plan for the intensified use of Kahakai Road? Will the County be developing a plan for this area or imposing some requirements on the project to maintain the walkability, parking, and improve safety in the area?

Thank you for your time on this. I had left a message for you earlier and would appreciate a call at your convenience to learn more about the planning process anticipated for this project. I do live in Texas, 5 hours ahead of Hawaii, so feel free to call me as early as you have office hours!

Mahalo,

Jana Cook
951-833-6126

Araujo, Jaclyn

From: Mark Van Pernis <mvpv@hawaii.rr.com>
Sent: Sunday, December 17, 2023 2:04 PM
To: LPCtestimony; Kona Letters; Inaba, Holeka
Cc: Kimball, Heather; Kanealii-Kleinfelder, Matt; Villegas, Rebecca; Cindy Evans; Kagiwada, Jennifer; Lee Loy, Sue; Kierkiewicz, Ashley; Galimba, Michelle M.
Subject: Special Management Area Permit, Kona Hawaii Development, LLC, December 21, 2023 Leeward Planning Commission meeting.

The Hilo based West Hawaii Today on December 15 reports The Leeward Planning Commission (LPC) will consider another developer's proposed development for the obnoxious, hurtful and partially constructed structure on the site of the old miniature golf place. What isn't reported is that:

1. the developer received approval for the project, to be completed in five years, i.e. 25 years ago;
2, that developer had no intention or ability to build that project, and merely wanted approval so he could sell it to another developer, which he did for a big profit; 3. several more delays were obtained free of any charge penalty, with further sale of the project, with the county getting nothing but more empty promises 4. The property became a hangout for the homeless and drug dealing; 6. A few years ago (while I was on the LPC and before the Mayor let the Kona staff go), a new developer wanted another delay and a change in design, without penalty, charge, over 30 years, and without any requirement of finish construction by any date. And without inquiry into how the neighborhood had changed.

7. There had been a lot of new construction, road and vehicle usage increase and huge population increase in the prior two or three decades; 8. The neighbors without exception were against it or wanted conditions. Including completion.

9. The LPC approved further delay, but thinking the project in its new form might go towards a sale and further delay, the sunset provision was included. That applicant made no effort to comply with the sunset, resulting in cancellation of the Special Management Act Permit. and then selling to the current applicant "Kona Hawaii Development, Limited Liability Company" (new or a form of the last developer?) which may be seeking to make the LPC and County fools again with more and more delay under a claim of another change in design to a hotel.

So the rich get richer, the foolish County gives away decades of development rights for no reason but private profits and Kona gets only empty promises, an eyesore and crime center. As the newspaper says, the LPC Commissioners are going to look into more development rights. The Commissioners, mayoral appointees, have no education or expertise in planning or as futurists. But they can and should do better for their constituency, the people of West Hawaii

There was talk of denying further totally unjustified delay at the last hearing if this matter. At least, a sunset provision occurred, and was not met, meaning there are no permits in effect. 1. There should be full disclosure and transparency as to who and what this applicant is. 2. There should be full disclosure and transparency as to the willingness and capability of the applicant to timely complete. 3. There must be sunset provisions for phases of construction. 4. There should be a current traffic study of the two intersections affecting the property, pedestrian traffic, curbs, gutters, sidewalks and parking.

Prior applicants didn't take the LPC seriously and made no real effort towards the community. The future planning and safety of West Hawaii residents must be your first concern, not protecting private investors.

Mark Van Pernis, Kona resident and former Leeward Planning Commission Commissioner and Kailua Village Design Commission Commissioner.

Araujo, Jaclyn

From: James Sogi <jamessogi@gmail.com>
Sent: Sunday, December 17, 2023 12:56 PM
To: LPCtestimony
Subject: 12/21/23 leeward planning Agenda 1- Walua Partners LLC: 18 units #2 - Kona Hawai'i Development LLC:

1- Walua Partners LLC: 18 units #2 - Kona Hawai'i Development
LLC: 100 units

Please require all infrastructure to be completed concurrently
and before occupancy.

James Sogi
Resident Kona Hawaii

Araujo, Jaclyn

From: Sylvia Dolena <sylviadolena@gmail.com>
Sent: Sunday, December 17, 2023 8:25 AM
To: LPCtestimony
Subject: SMA Permits for two Kona resorts?

Aloha Leeward Planning Commission

With TWO (118 total - hotel/vacation/condo units) proposed projects for the bottom of Walua Road, Royal Kona Resort area. (old Kona Hilton) being proposed, what about

--the old, dilapidating infrastructure?

--more gridlock traffic & few emergency evacuation routes?

We need more housing for residents, better infrastructure, not hotels and condos for tourists!

Mahalo for your consideration.

Sylvia Dolena

Owner, Pele Lani Farm LLC

Owner, Winning Edge Women's Leadership

Director, Puna Rising Entrepreneur Hub

Co-founder, Aloha Animal Advocates, HI Domestic non-profit

Director, Malama O'Puna. 501c3

President, Aloha Lokahi Association, 501c3

President, Kulia I Ka Nu'u Outreach Services

Vice President, Love Those Dog Paws, 501c3

Executive Coach, Hewlett-Packard Enterprises

Araujo, Jaclyn

From: Liz Berecz <lizberecz01@gmail.com>
Sent: Monday, December 18, 2023 7:25 AM
To: LPCtestimony
Subject: Kona Hawaii Development (PL-SMA-2023-000038)
Attachments: Leeward Planning Commission Letter 12.18.23.pdf

Aloha,

Attached is my written testimony regarding the above proposed development that is coming before the Planning Commission later this week. If you could confirm receipt, I would appreciate it! Mahalo!

Liz

Liz Berecz
lizberecz01@gmail.com
949-701-0701

To: Leeward Planning Commission, County of Hawaii

From: Elizabeth Berecz, owner of 75-5870 Kahakai Road, Unit 408, Kailua-Kona, HI 96740

Re: Proposed Kona Hawaii Development LLC Application (PL-SMA-2023-000038)

Aloha,

I am currently an owner within the Hale Kona Kai (HKK) complex located on Kahakai Road directly across from this proposed development. I generally agree with the idea of developing this area as it currently contains an abandoned concrete foundation (an eyesore to the community); however, there are several concerns that I have with the proposed plan and I respectfully ask the Committee to not approve the plan in its current form. My concerns are as follows:

- While stated as a 100-unit hotel development, the Type-C unit has three entry doors. This allows the option for the hotel to implement a "lock-off" option, creating a 151-unit hotel. This is a significant intensification of use from the previously approved 48 condominiums and should trigger more significant scrutiny for environmental impacts.

- There have been no traffic studies conducted. In 2018 it was deemed unnecessary, but when we are talking about adding 151 units with stairs that lead to the entrance of the HKK parking lot, the addition of pedestrians on Kahakai Road, and the added vehicular traffic, it seems a study should be required. Kahakai Road is a much narrower thoroughfare than Ali'i Drive.

- Parking was stated as 145 spaces, but the developer has acknowledged that there are only 143 spaces. This is completely inadequate for 151 hotel units and the staff needed on site to work and maintain the property.

- The height of the building is only described from the Ali'i side of the building as being 40 feet. Along Kahakai Road, the impact of adding 40 feet of structure on top of the 25 feet of retaining wall and parking structure will create a building that towers over Hale Kona Kai, blotting the morning sun and creating a canyon of Kahakai Road. The projected images from the west side of the development are completely absent from the report. Even some of the included images show a landscape barrier in what is actually the office building of C.J. Kimberly Realty and Kona Beach Properties.

- The plan calls for a 7-foot sidewalk all around the building to accommodate “pedestrian traffic”. This appears to eliminate the public parking that currently exists for those seeking beach access or guest parking on Kahakai Road across from Hale Kona Kai. There are no other sidewalks for pedestrians to use all along Kahakai Road north of the turn, so pedestrians will still be using the traffic lanes – there will just be MUCH MORE pedestrian traffic once they are past the sidewalks.

In summary, based on my review of these plans, this looks like an over-sized building development being placed down in the midst of a peaceful, tranquil part of the community widely traversed by pedestrians from the surrounding complexes. The safety and environmental impact of this development seem to have been ignored by the developer. Some recommendations to the current plan prior to approval would be as follows:

- 1) Elimination of the lock off unit concept reducing the number of units to less than 100. This is more in line with the original plan approved several years ago for 48 condo units.
- 2) Eliminating one floor of the structure so that the height of the building from Kahakai Road also falls below 40 feet. Again, this will help adjust the number of units to less than 100.
- 3) Conducting a thorough impact study of the revised building plan on the traffic and safety of pedestrians on Kahakai Road and making any adjustments recommended accordingly.

I appreciate the time and consideration of this testimony by the Planning Commission. I look forward to viewing the Planning Commission meeting online later this week. Mahalo!

Sincerely,



Elizabeth Berez

Owner, 75-5870 Kahakai Road, Unit 408

Kailua Kona, HI, 96740

From: [Sidney Fuke](#)
To: [Greg Sherwin](#)
Cc: [LPCtestimony](#)
Subject: Re: Public Hearing Protest regarding the proposed development plan by Kona Hawaii Development, LLC (TMK: 7K-8-018:011): "Residence Inn by Marriott".
Date: Wednesday, December 20, 2023 9:07:44 AM

Aloha and thank you for your comments. I have copied your email to the County Planning Department who will then include it into the public record for the Commission's consideration of this item. Happy Holidays!
Sid Fuke

From: Greg Sherwin <gregtalk1@gmail.com>
Sent: Wednesday, December 20, 2023 2:35 AM
To: sidneyfuke@gmail.com <sidneyfuke@gmail.com>
Subject: Public Hearing Protest regarding the proposed development plan by Kona Hawaii Development, LLC (TMK: 7K-8-018:011): "Residence Inn by Marriott".

To Whom it May Concern,

I am an owner of a condo, unit 310, at the Hale Kona Kai, located across Kahakai Road, and directly West of the subject property.

Please register and respond to my concerns at the December 21st public hearing regarding the subject property.

My concerns are:

1. The proposed increase in occupancy size from the previously approved 48 condo/hotel units to a 100 room hotel consisting of 91-room suites with a kitchenette and 9 standard guest rooms. This appears to more than double the occupancy capacity and parking demand. I request that a pedestrian and auto traffic impact study on Kahakai road be required and considered before approving this proposed plan. Owners of the Hale Kona Kai condominiums need reasonable access along Kahakai Road to our parking spaces.
2. This project will remove approximately 10 public parking spaces along Kahakai Road that our service people need for temporary parking to make repairs to Hale Kona Kai.
3. Safety concerns for pedestrians who typically walk on Kahakai Road because of a lack of sufficient sidewalks on parts of this narrow road, even with the proposed added sidewalk on the West side of the project. This project specifically proposes "...shifting traffic more to Kahakai Road". This road is already heavily used by cars, service trucks and pedestrians.

Thank you for recording and reporting my concerns at this public hearing.

Mahalo,
Greg Sherwin
Neighbor and property owner impacted by this project.

From: [Lauray Walsh](#)
To: [LPCtestimony](#)
Subject: Testimony re: New Vacation Rental Development in Kona
Date: Monday, January 8, 2024 9:37:58 AM

as outlined in Saturday, Jan 6, West Hawaii Today.

Aloha..

I strongly object to ANY additional vacation rentals in Kailua Kona.

There is a serious shortage of long-term rental housing, and all future development should be for that purpose. Please...

Will any of you take a look at Craig's List on any given day, and see 300 to 400 square foot rooms going for \$2000. This is a sad state of affairs. Please...

Ask your constituents. Do they wish additional vacation rentals and tourism? Or long-term rental housing so our local community can thrive.

Not to mention getting more of the homeless population of the street which is a subject for another day.

Mahalo for listening and your kind consideration,
Lauray Walsh
808-707-5264

From: ann.magnano.net
To: [LPCtestimony](#)
Subject: Special Management Area Use Permit Application (PL-SMA-2023-000038)
Date: Wednesday, January 10, 2024 5:31:09 AM

Hello Leeward Planning Commission,

My name is Ann Magnano and my spouse is Sheri Boddy. We have been owners at Hale Kona Kai for over 10 years. There are major concerns regarding the proposed project from the applicant Kona Hawai'i Development, LLC (PL-SMA-2023-000038). The first and major concern is the change in scope of the project from 48 units to a 100-room hotel. The infrastructure studies were for the original proposed 48 units. I want to see all the new studies completed for this proposed project including traffic studies, parking, fresh water, waste water, and for tsunami exits for the hugely increased occupancy of this new proposal. Where are the plans for vehicular traffic? Redirecting traffic to Kahakai Rd would be inappropriate. This is a lane, mostly pedestrian friendly, that is not designed for car traffic especially for an added 100-room hotel. Every commercial property is required to have adequate parking for the planned occupancy including all personnel. These plans do not show adequate parking for the increased occupancy. The only parking shown on the plans is in the courtyard. There is no space around the exterior of the building to add additional or adequate parking for the increased proposed occupancy.

Another thought is if this project would be much better suited as affordable housing rather than more vacation rental property. Perhaps this project should be redesigned for housing for our local community.

I want the County to do their due diligence examining all infrastructure studies, permits and proposals for this newer much larger proposed project.

Aloha and Mahalo,

Ann Magnano & Sheri Boddy
Hale Kona Kai 212
75-5870 Kahakai Rd.
Kailua-Kona HI 96740
360 630 6008

Dacayanan, Melissa

From: June Gravitte <dawgnut@hotmail.com>
Sent: Friday, January 12, 2024 11:26 AM
To: LPCtestimony
Subject: June Gravitte - Comments on PL-SMA-2023-000038

Aloha Leeward Planning Commission Members and Planning Department personnel,

I submitted a Petition for Standing in a Contested Case Hearing on December 14, 2023 against proposed project PL-SMA-2023-000038. I co-own a condo at Hale Kona Kai across Kahakai Road from the proposed hotel.

The Planning Department noted in their recommendation that they feel Hawai'i/Kona is fortunate to have this development/project. As someone who grew up and lived in the DC area while the Marriotts were building their empire and as a fan of their hotels, I totally understand that sentiment. I have stayed at their hotels - their customer service and quality is excellent. However, I do have some concerns about the project.

During email and phone conversations with Alex Roy after I submitted the Petition, he noted that I should focus on identifying and documenting personal concerns with the development (vs. very generic broad ones that anyone could identify). Additional comments have been submitted by several members of the Hale Kona Kai community including Jana Cook and Jan/Richard Dodge.

Public Services and Facilities Access During Emergencies - Access to the underground parking garage will be via Kahakai Road. The Planning Department recommendation notes that during a major event the evacuation of this site will be via Ali'i Drive or Walua Road. In the event of an emergency, how is the Planning Department and the developer proposing to ensure that hotel guests will be evacuated via Ali'i Drive or Walua Road vs. Kahakai Road where the planned parking access is via Kahakai Road? Owners and guests from Hale Kona Kai along with the house and the Kona Reef are expected to use Kahakai Road to evacuate during an emergency, whether it's from a tsumami, a fire(wild or building), high surf from a Kona Low, hurricane, or god forbid, Hualalai erupts and during a luau at the Royal Kona. I do not think the Leeward Planning Commission should assume that all guests will automatically evacuate via Ali'i Drive. At least some of them will want to get in their cars and evacuate via Kahakai Road. Unless employees are trained to evacuate guests via Ali'i Drive and evacuation drills are performed on a regular basis, I am concerned that vehicular and pedestrian traffic from the proposed development will impact those Hale Kona Kai owners and guests that are trying to evacuate via Kahakai Road.

Pedestrian access and safety is also addressed by the developer and in the Hawai'i Planning Department recommendation via the development of a 7 foot sidewalk to accommodate pedestrians along Kahakai Road. However, it does not take into account the increased vehicular traffic that should be anticipated by the parking garage access on Kahakai Road. As noted by the developer and the Planning Department, traffic studies are not required. Although Kahakai Road may technically be a 2 lane road with a speed limit of 25 mph, in reality it is currently a 1-1.5 lane road with most vehicles traveling no more that 10-15 mph. Access to the Hale Kona Kai parking areas are difficult on a good day due to the narrowness of Kahakai Road. Hale Kona Kai's south entrance (my parking place entrance) should be approached/exited from/to the south side of Kahakai Road since basically a U-turn is needed to enter/exit that parking area from the north. An additional 7 feet of pedestrian

sidewalk will only impact Hale Kona Kai's south entrance/egress even more. The picture below shows the view of the south Hale Kona Kai exit.



Developer plans initially considered impacts to Kona Reef (130 units) and Royal Kona (multiple parcels with hundreds of hotel rooms, businesses, and condos) while skipping over Hale Kona Kai (39 units), the James Rodney Paul house, and the CJ Kimberley property. The developer has attempted to address other Hale Kona Kai owners' concerns with a set of new drawings. However, additional studies to the impacts to Hale Kona Kai along with the James Rodney Paul House, and the CJ Kimberley property are needed.

CJ Kimberley Property impact. As noted above, the CJ Kimberley property was removed from some of their earlier drawings but was restored in later drawings. My property manager leases part of the property. If the CJ Kimberley property becomes a part of the development, she will need to move her office given the location right across the street from my condo – an impact to me since it's really nice to have her across the street so she can easily observe my condo. The picture below shows the view from just outside of my front door facing mauka, the CJ Kimberley property, and the proposed development property.



Noise. Although not a Planning Department consideration in approving the development, I want to note that I was down at Hale Kona Kai on Sunday, December 17 around 4 pm evaluating my condo (205) for issues between guests. In addition to taking a couple of pictures from the walkway on the second floor, I listened. It was quiet. Birds were singing. Only a very small amount of pedestrian and vehicular traffic was noted on Kahakai Road. As I went south on the walkway towards 201, the noise from the ocean increased. I also went back on Monday, December 18 around 630 pm and opened the louvered front door to allow the ocean breezes to flow through - as many Hale Kona Kai guests and owners do. Again it was quiet - I couldn't even hear the luau music although in the past I have heard it from there. The developer has noted basically that there shouldn't be any noise impacts. Between the increased vehicular and pedestrian traffic and additional guests, I don't see how the noise couldn't increase, even after construction is completed.....and construction is a totally different issue that seems to be beyond the scope of this meeting.



Mahalo for your time.

June Gravitte
Hale Kona Kai 205 and Captain Cook

From: [Walter Jaccard](#)
To: [LPCtestimony](#)
Subject: Commission Hearing January 18, 2024
Date: Monday, January 15, 2024 8:13:19 AM
Attachments: [Ltr to Leeward Planning Commission 1-15-24.pdf](#)

Please see the attached letter.

Sincerely,

Walter Jaccard

Walter B. Jaccard
Bonni L. Sundberg
106 10th Street South
Kirkland, WA 98033
425-765-7387
wjaccard@outlook.com

January 15, 2024

By Email (LPCtestimony@hawaiicounty.gov) and US Mail

Leeward Planning Commission
County of Hawai'i, East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, HI 96720

Re: SMA Use Permit Application (PL-SMA-2023-000038) TMK: 7-5-018:011

Dear Leeward Planning Commission,

Thank you for the opportunity to provide feedback on the recent SMA Use Permit Application (PL-SMA- 2023-000038) to be discussed at a Public Hearing on January 18, 2024.

For the past 9 years, we have owned a condominium located at 75-5870 Kahakai Road (Hale Kona Kai), Unit 209 in Kailua Kona which is located directly across Kahakai Road from the proposed 100-room hotel described in the SMA application. We have reviewed the information packet provided by the Planning Consultant and have several questions and concerns regarding the proposed building that we hope you will consider and address:

1. While stated as a 100-unit hotel development, the 51 Type-C units have three entry doors. This allows the option for the hotel to implement a "lock-off" rental, creating a 151-unit hotel. This configuration is common in timeshare developments and allows the room with kitchenette to be rented to one party and the second bedroom with a coffeemaker to be rented to another party. This is a significant intensification of use from the previously approved 48 condominiums and should trigger more significant scrutiny for environmental impacts. In addition, it should be noted that the current Zoning would have to be changed to have a hotel of more than 102 rooms.

Further, while the Planning Consultant mentions that the proposed structure would be a 100-room hotel, he fails to mention that the total number of guests would be 344 at full occupancy (this number is hidden on Exhibit F, Water Use Calculation Report of the SMA application.)

2. There are 143 parking spaces. At 80% occupancy, that is 275 guests in the hotel and most will have a rental car. Several spaces will be dedicated to hotel reception for temporary parking, handicap stalls, compact cars, and maybe a hotel shuttle. This parking is completely inadequate for 100 hotel units (or more likely 151 hotel units) plus parking for the staff on site to work and maintain the property. This will impact parking throughout the Kahakai neighborhood for residents, guests, workers and those seeking ocean access.

3. The building site is located on a slope. While the proposed building will only be 40 feet tall as viewed from Ali'i Drive (maximum allowable height is 45 feet), it will be substantially taller (approximately 65 feet) on the makai (west) side of the building as viewed from Kahakai Road (see attached photos). Those of us who live immediately behind the building (Hale Kona Kai Condominium residents, 1 homeowner, and 1 business owner) would literally be overshadowed by this massive structure.

We note that neither the actual height of the building on the makai side, nor artistic renderings of the resultant narrow canyon this building would create along Kahakai Road are included in the information packets provided by the Planning Consultant. We believe this information was deliberately withheld in order to downplay the huge impact this proposed building would have on adjacent residents. Furthermore, allowing a building that would be taller than the maximum allowable height of 45 feet around the majority (>60%) of its perimeter would set a dangerous precedent for the approval of future buildings. Exactly how much of a building would need to be in compliance with building regulations in order to be approved? **For these reasons, we respectfully request that the maximum height of the building be limited to 45 feet as measured from the lowest ground level on Kahakai Road.**

Further, the Planning Consultant falsely states that this should not matter because none of the units at Hale Kona Kai face East. This statement by the Planning Consultant is false. My unit 209 and all of the other 09, 011 and 012 units have lanais that have beautiful views to the East. We have spent many mornings watching the sun rise over the mountains.

4. The proposed building plans indicate that the entrance/exit for the hotel would be on the south side of the building onto Kahakai Road. Presumably, many of the cars would exit to the left (east-bound) up the hill to the intersection of Kahakai Road and Ali'i Drive. There is already substantial car and pedestrian traffic at that 3-way intersection. Furthermore, it is hazardous for cars to turn from Kahakai Road onto Ali'i Drive because the cross-traffic does not stop, the speed limit is 35 mph, and the visibility is very limited due to adjacent structures and vegetation.
5. There have been NO TRAFFIC STUDIES CONDUCTED. In 2018 it was deemed unnecessary, when it was a 48-unit condominium complex. Now this is 100 (or more likely 151) hotel units with stairs that lead to Kahakai Road and the entrance of Hale Kona Kai parking lot. With the additional pedestrians on Kahakai Road, additional vehicular traffic, and the traffic in and out of the hotel, it seems a study should be required to determine the traffic flow and needed mitigation.
6. Currently, there is "Public Beach Access" that leads from Kahakai Road across Hale Kona Kai property to the ocean shoreline in back of the Hale Kona Kai Condominiums. Given that the proposed 100 (or more likely 151) room hotel does not have a beachfront, we expect that many of the 344 guests would stray off the designated pedestrian "public beach access" and trespass onto Hale Kona Kai property. Allowing the 344 guests from

the proposed hotel to trespass on the Hale Kona Kai property would dramatically and negatively impact our quality of life and property values.

7. The plan calls for a 7-foot sidewalk all around the building to accommodate “pedestrian traffic”. This appears to eliminate the public parking that currently exists for those seeking beach access or guest parking on Kahakai Road, west of the project. There are no other sidewalks for pedestrians to use all along Kahakai Road north of the turn, so pedestrians will still be using the traffic lanes – there will just be MUCH MORE pedestrian traffic once they are past the sidewalks.

Please let us know if you have any questions or would like additional information. Thank you for your consideration.

Sincerely,

Walter Jaccard & Bonni Sundberg



Photo 1: View of the property from the SW corner of Kahakai Road showing the slope of the proposed construction site. The applicants are proposing to construct their 40 foot tall building on top of this already-existing foundation and basement which are already over 20 feet tall along the west section of Kahakai Road.



Photo 2: Existing structure as viewed from the west section of Kahakai Road. The applicants propose to build their 40-foot-tall building on top of this existing foundation and basement. The resultant building would measure ~65 feet tall on its west side along Kahakai Road.



Photo 3: View of Kahakai Road facing north with Hale Kona Kai Condominiums on left and proposed building site on right. A 40-foot-tall building constructed on top of the existing structure would tower over the adjacent residences and this narrow passageway that barely accommodates 2 lanes of traffic and serves as a busy pedestrian thoroughfare.

From: [Kilihea Inaba](#)
To: [LPCtestimony](#)
Subject: Opposition of SMA 2023-000036 & SMA 2023-000038
Date: Tuesday, January 16, 2024 10:05:58 PM
Attachments: [Kona Hawaii Deve.docx](#)
[Phil Tinguely.docx](#)

Aloha Commissioners,

Please find attached letters.

Mahalo,
Kilihea Inaba

Aloha Commissioners,

My name is Kilihea Inaba, I am a Native Hawaiian descendant, and of Kaloko, Kona.

I am opposing the SMA Use application by Kona Hawaii Development, LLC for TMK (3) 7-5-018:011 for a few reasons listed.

- 1) As a first responder who has worked in busy Kailua town, I can only imagine the effects of adding more people to an area that is already overcrowded. There are three county ambulance units responsible for covering the area of Maniniowali/ Kua Bay all the way south to the 93 mile marker, which is a few miles north of Miloli'i. On a busy day in Kailua, Kealakekua's ambulance is required to respond to calls in Kailua, making them unavailable to respond to any calls in their own South Kona district, which is made up primarily of long-time local residents. In addition to the issue mentioned, traffic is sometimes at a standstill, making 911 response times longer than they should be. We are directly affecting the health and well-being of Hawai'i island people by constructing development that increases tourism without the appropriate resources.
- 2) The existing infrastructure in Kona, namely our septic system at the Kealakehe Wastewater Treatment Plant, is lacking the capacity to efficiently support the current population in Kona. It would be ill-advised to build more units (that we know will not house the people who need it most) along an already very congested Ali'i Drive. Most of us are aware of the suit brought upon the County of Hawai'i because of the inadequate and illegal operation of the Kealakehe WWTP where most of Kona's septic waste goes and where this project's waste would go to as well. In the background report under Wastewater and Solid Waste, it states that "the applicant intends to discharge the project site's wastewater to the existing sewer line along Ali'i Drive" and that "solid waste generated on the property will be disposed off-site in conformance with the Department of Environmental Management Solid Waste Division." With 1.6 million gallons a day of partially treated sewage being dumped into a pit and evidently draining into our waters outside of Kaloko/ Honokohau, a 100-room hotel would absolutely add to the destruction of our coastal and ocean resources that is already occurring. We must put the needs of our local residents first; specifically clean water.
- 3) I understand that the Kona Hawaii Development, LLC is not responsible for the irreversible damage done to the property based on the statement that "the site was fully disturbed when the original SMA application (No. 388) was approved in 1998." It can be implied that no study was ever done on this area prior to the construction of the concrete slab that is now there. Further construction on an area that is not guaranteed to not have archaeological or historical sites due to the negligence of previous owners as well as state and county agencies should not be approved just because there is a concrete foundation present.

I urge you, the Leeward Planning Commission to consider the unfavorable effects that this development would have on the Kona community and environment.

Mahalo for your time,
Kilihea Inaba
Kaloko, Kona

Dr. Holeka Goro Inaba
Council Member, District 8, N. Kona



Office: (808) 323-4280
Email: holeka.inaba@hawaiiicounty.gov

HAWAII COUNTY COUNCIL

County of Hawaii
West Hawaii Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawaii 96740

January 17, 2024

Hawaii County Leeward Planning Commission
Via Email: LPCtestimony@hawaiiicounty.gov

Re: **Opposition** to Applicant Kona Hawaii Development, LLC PL-SMA-2023-000038
For a Special Management Area Use Permit to develop a 100-room hotel on a 1.76 acre
parcel located at 75-5868 Ali'i Drive, TMK: 3/7-5-18-11
Hearing: Thursday, January 18, 2024 at 9:30 a.m. – WHCC Council Chambers

Aloha Chair DeFranco and Members of the Leeward Planning Commission,

I am writing to express my strong opposition to PL-SMA-2023-000038, which seeks to grant a Special Management Area Use Permit for the development of a 100-room hotel. I believe that approving this permit would have significant negative consequences for the community, particularly in terms of traffic congestion, an already inadequate parking situation, and potential adverse impacts on the surrounding environment.

Firstly, the proposed hotel development raises serious concerns about traffic management in the area. A 100-room hotel is likely to attract a substantial number of visitors, resulting in increased traffic flow and congestion. The existing infrastructure is not equipped to handle such a surge in vehicles, leading to inconvenience for local residents and compromising road safety.

In addition to the traffic concerns, the inadequacy of parking facilities associated with the proposed development is alarming. Insufficient parking spaces would not only inconvenience hotel guests but also exacerbate parking challenges for residents in the vicinity. This may lead to a spillover of vehicles into surrounding areas, further burdening the community with parking-related issues.

Furthermore, I am deeply concerned about the potential adverse environmental impacts that could arise from the construction and operation of the proposed hotel. It is crucial to thoroughly consider these environmental concerns before granting any permits for development.

I urge the Leeward Planning Commission to carefully evaluate the long-term implications of PL-SMA-2023-000038 on the community, particularly in terms of traffic, parking, and the environment. It is essential to prioritize the well-being of residents and the sustainability of the surrounding ecosystem over the immediate economic benefits that the hotel development may bring.

Thank you for your attention to this matter. I trust that the Commission will make a decision that reflects the best interests of our community that ensures responsible and sustainable development.

Sincerely,

DR. HOLEKA GORO INABA, Council Member
District 8, North Kona

From: [Planning CDP](#)
To: [Dacayanan, Melissa](#)
Cc: [Planning CDP](#)
Subject: FW: Say "NO!" to Ali'i Drive SMA requests (items #2 and 3 on 2/18 agenda)
Date: Wednesday, January 17, 2024 12:03:27 PM
Importance: High

From: Janice Glennie <palmtree7@hawaiiantel.net>
Sent: Wednesday, January 17, 2024 11:41 AM
To: Planning CDP <cdp@hawaiicounty.gov>; leeward planning commission testimony <ltkking@maui.net>
Subject: Say "NO!" to Ali'i Drive SMA requests (items #2 and 3 on 2/18 agenda)
Importance: High

Say “NO” to Ali'i Drive SMA requests (items #2 and 3 on 2/18 agenda)

Aloha commissioners,

I have to apologize, but I can only be a bit cheeky when it comes to these 2 requests since, after all, a sense of humor is required in these situations.

Only people in an alternate universe would approve an SMA for either of these 2 proposed Ali'i Drive projects at this time. I plan to testify tomorrow, but suffice it to say that if anyone has driven or walked in downtown Kailua-Kona lately, you would have a hard time imagining that any developer was gutsy enough to ask for either of these projects to be approved. (Let's just say there are only 3 reasons why they'd apply now: they're gutsy, must think no one is looking, and/or they think they have commissioners in their pockets.)

I know I don't need to tell you that West Hawai'i is running on illegal wastewater treatment and has absolutely no plan to improve that or alleviate traffic in the projects area including connections to and from there along Ali'i Drive and Kuakini — at least, no plan that will likely happen while any of us will still be alive.

Mahalo for using your integrity and wisdom by denying these laughable requests.

Sincerely,
Janice

Janice Palma-Glennie
P.O. Box 4849
Kailua-Kona, Hawai'i 96745

Araujo, Jaclyn

From: Fred Herber <fred@sagerfamilyhomes.com>
Sent: Thursday, January 18, 2024 8:21 AM
To: LPCtestimony
Subject: SMA2023-000038
Attachments: Kona Hawaii Development 12-20-23.docx

Please Enter this into the record for SMA2023-000038.

Thank you

Fred

Fred Herber | Land Development Manager

fred@sagerfamilyhomes.com / (425) 445-0255

PO Box 44428 Tacoma, WA 98448

www.sagerfamilyhomes.com

Dear Leeward Planning Commission

RE: Notice of Submittal of Special Management Area Use Permit Application Kona Hawaii Development LLC TMK 7-5-018:011 (PL-SMA-2023-000038)

This letter is in response to the recoded request and documents provided by Sidney Fuke and the Public Records request.

There are a couple of areas of concern that have been brought up, but no solutions have been given by the Developer.

It is good to see that there are additional -more than required parking spots to be available as parking in this area is already overused with public access taking up many spots.

1. The developer has requested a 7-foot-wide sidewalk for part of the project even though 8 foot is required. It appears the County staff is willing to grant a variance for this reduction in width. The Developer and staff both acknowledge that Kahakai Rd has limited width for a two-way road. It is disturbing that no mitigation was given for reducing the safety of a 7-foot vs 8-foot wide sidewalk. In an area of narrow road and very limited site distance.

To add to this concern no traffic study has been performed to address any shortcoming that this project may reveal. This project with 100 units will probably generate approximately 600 daily trips and 60 peak hour trips along with the existing traffic on these roads. None of this has been discussed.

As part of our safety concerns and to mitigate for these safety concerns traffic into parking area could be directed as right only in left only out to keep any additional traffic off the narrow Kahakai where pedestrians and cars already intermingle as there is no sidewalk along most of this road.

Further to help mitigate the safety concerns if Kahakai was turned into a one-way road coming from the north it would help with the safety issues that are only going to be increased with the additional traffic.

2 It appears that the elevation from Ali'i Drive meets the height restrictions but that the view from the ocean side looking to the Mountains from Kahakai will be over the allowed 48 feet. This has not been discussed on how this meets the rules and zoning code for the area except a variance appears to be in the

3 As Kona Reef provides Water access -there is an easement for 10 feet of our grass area- this 100-unit hotel will cause more stress on our maintenance as we are the closest and will be the main access for most of residents of this units.

There should be some commitment from the developer to provide monetary support for our continued maintenance.

4. As we are a short term rental units we would like some additional noise restrictions. We want this project to go toward completion as quickly as possible but on days of excessive noise—jackhammering and similar noise we would like these not to start until 9:00 AM if possible.

Thank you

Wendy Reinoehl Kona Reef AOA Board President

Re'd at 1/18 mtg by	ga
Dist'd	Read
FILE COPY	

1-18-2024

To: Commissioners

From: Ruth Arthurs,

Co-Owner Hawaii Family Physicians

Agenda: #3

1. Please consider voting against this ^{proposed} development.
I am opposed to the development of a hotel by Rona Hawaii Development LLC.

2. In the short term it will harm our providing care to our patients - the noise of construction, the dust & debris affects especially our elderly patients & those who have asthma & compromised breathing.

It will harm our work environment making it difficult to function for several years during the noise of construction for our providers and staff.

3. In the ~~short~~ ^{long} term, it will harm our investment in our building - hurting our property value with the reduction of our ocean view by a 40' hotel between us and the ocean. Thank you.

Araujo, Jaclyn

From: Heidi Ruffner <jaruffner@outlook.com>
Sent: Wednesday, January 31, 2024 7:17 AM
To: LPCtestimony
Cc: Roy, Alex; Kern, Zendo; Jackson, Maija; Eric Schindwolf (ejschin@outlook.com)
Subject: Testimony regarding SMA Permit Application PL-SMA-2023-000038 (for 2/15/24 LPC Meeting)
Attachments: Ruffner Schindwolf SMA Testimony 1_9_24 West.pdf; USPS Receipts to HCPD.pdf

Dear Leeward Planning Commissioners,

Please see our attached testimonial letter regarding SMA Permit Application PL-SMA-2023-000038.

Please note that hardcopies of this letter were delivered to the Leeward Planning Commission at the County of Hawaii Planning Department addresses in both Kailua-Kona and Hilo on January 11, 2024 (7 days before the public hearing) per the attached USPS Priority Mail tracking receipt. However, **to date, neither copy of our testimony letter has been uploaded to the LPC Board Packets.** Our testimonial letter regarding this important issue appears to have been misplaced or disregarded by the Planning Department for 3 weeks and that greatly concerns us. We nearly missed our opportunity to express our concerns to the LPC and wonder if other residents have experienced similar obstacles.

Nevertheless, we are grateful to have the opportunity to weigh in on this important issue and thank you for your service to our community.

Sincerely,

Judith A. Ruffner, Ph.D.
Eric J. Schindwolf
Owners, Kona Reef D8
Email: jaruffner@outlook.com
Mobile: 505-220-1274

23 Nature Pointe Drive
Tijeras, NM 87059
January 9, 2024

Leeward Planning Commission
County of Hawai'i, West Hawai'i Office
74-5044 Ane Keohokalole Highway
Kailua Kona, HI 96740

Re: SMA Use Permit Application (PL-SMA-2023-000038) TMK: 7-5-018:011

Dear Leeward Planning Commission,

Thank you for the opportunity to provide feedback on the recent SMA Use Permit Application (PL-SMA-2023-000038) to be discussed at a Public Hearing on January 18, 2024.

For the past 7 years, we have owned a condominium located at 75-5888 Ali'i Drive (Kona Reef), D-8 in Kailua Kona which is located diagonally across Kahakai Road from the proposed 100-room hotel described in the SMA application. We have reviewed the information packet provided by the Planning Consultant and have several questions and concerns regarding the proposed building that we hope you will consider and address:

- 1) The building site is located on a slope as the Planning Consultant knows well. While the proposed building will only be 40 feet tall as viewed from Ali'i Drive (maximum allowable height is 45 feet), it will be substantially taller (~65 feet) on the makai (west) side of the building as viewed from Kahakai Road (see attached photos). Those of us who live immediately beside (Kona Reef Condominium residents) or behind the building (Hale Kona Kai Condominium residents, 1 homeowner, and 1 business owner) would literally be overshadowed by this massive structure.

We note that neither the actual height of the building on the makai side, nor artistic renderings of the resultant narrow canyon this building would create along Kahakai Road are included in the information packets provided by the Planning Consultant. We believe this information was deliberately withheld in order to downplay the huge impact this proposed building would have on adjacent residents. Furthermore, allowing a building that would be taller than the maximum allowable height of 45 feet around the majority (>60%) of its perimeter would set a dangerous precedent for the approval of future buildings. Exactly how much of a building would need to be in compliance with building regulations in order to be approved? **For these reasons, we respectfully request that the maximum height of the building be limited to 45 feet as measured from the lowest ground level on Kahakai Road.**

- 2) The proposed building plans indicate that the entrance/exit for the hotel would be on the south side of the building onto Kahakai Road. Presumably, many of the cars would exit to the left (east-bound) up the hill to the intersection of Kahakai Road and Ali'i Drive. There is already substantial car and pedestrian traffic at that 3-way intersection. Furthermore, it is hazardous for cars to turn from Kahakai Road onto Ali'i Drive because the cross-traffic does not stop, the speed limit is 35 mph, and the visibility is very limited due to adjacent structures and vegetation.

While the Planning Consultant mentions that the proposed structure would be a 100-room hotel, he fails to mention that the total number of guests would be 344 at full occupancy (we had to find this number on Exhibit F, Water Use Calculation Report of the SMA application.)

Again, we believe this large number of potential guests was deliberately withheld from the information packet in order to conceal the true number of guests, staff members, and the resultant impact on the amount of car and pedestrian traffic. Furthermore, as of late December, we were unable to find a Traffic Impact study from the Applicant. We believe that the Applicant should be required to submit a traffic impact study and agree to pay for the recommended/required traffic control accommodations. At a minimum, **we request that 3-way “STOP” signs, overhead street lights, and pedestrian crosswalks be installed at the intersection of Kahakai Road and Ali’i Drive to provide greater traffic control and increased safety to drivers and pedestrians.**

- 3) Currently, there is “Public Beach Access” that leads from Kahakai Road across Kona Reef Property to the ocean shoreline in back of the Kona Reef Condominiums. This 10-foot wide pedestrian access area across the Kona Reef property was delineated by a Settlement Agreement dated May 12, 1984 between the County of Hawaii, the Kona Reef AOA, and 2 other entities who no longer exist and/or do not have standing.

Much has changed since the Settlement Agreement was enacted 40 years ago. According to the Hawaii Tourism Authority, the number of visitors to Kona has increased by ~50%. Meanwhile, the shoreline behind the Kona Reef has undergone significant erosion as evidenced by the undermining and partial collapse of the ground on the southwest corner of the property. This erosion poses a significant safety hazard and has required installation of physical barriers to prevent pedestrians from further exacerbating the erosion or, worse yet, sliding down the unstable platform onto the rocky beach below. **In 2021, the Kona Reef AOA requested permission from the HI County Planning Department permission to shore up its fragile grounds by installing a subterranean sea wall and the request was denied.** As a result, the erosion continues unabated, increasing the potential risk to an ever-increasing number of pedestrians.

Given that the proposed 100-room hotel does not have a beachfront, we expect that many of the 344 guests would stray off the designated 10-foot wide pedestrian “public beach access” and trespass onto Kona Reef property. This is already happening with many non-resident visitors who treat Kona Reef property as their personal beachfront - spending the day lounging in our lawn chairs, hosting large parties, playing bongo drums, etc. Allowing the 344 guests from the proposed hotel to similarly trespass on the Kona Reef property would dramatically and negatively impact our quality of life and property values. While the terms of the Settlement Agreement may have been reasonable 40 years ago, the persistent erosion and increased number of pedestrians now pose a substantial safety risk for which the Kona Reef AOA should not be held liable. For these reasons, **we request that, if the proposed building is approved, the Kona Reef AOA be released from the terms of the 1984 Settlement Agreement and no longer be required to provide public beach access through its property.**

Please let us know if you have any questions or would like additional information. Thank you for your consideration.

Sincerely,

Judith Ruffner

Eric J. Schindwolf



Photo 1: View of the property from the SW corner of Kahakai Road showing the slope of the proposed construction site. The applicants are proposing to construct their 40 foot tall building on top of this already-existing foundation and basement which are already over 20 feet tall along the west section of Kahakai Road.



Photo 2: Existing structure as viewed from the west section of Kahakai Road. The applicants propose to build their 40 foot tall building on top of this existing foundation and basement. The resultant building would measure ~65 feet tall on its west side along Kahakai Road.



Photo 3: View of Kahakai Road facing north with Hale Kona Kai Condominiums on left and proposed building site on right. A 40-foot-tall building constructed on top of the existing structure would tower over the adjacent residences and this narrow passageway that barely accommodates 2 lanes of traffic and serves as a busy pedestrian thoroughfare.



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TIJERAS, NM 87059-9998
(800)275-8777

01/09/2024 03:28 PM

Product	Qty	Unit Price	Price
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ClrTape 1.88x800	1	\$3.99	\$3.99
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Priority Mail®	1		\$9.65
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Flat Rate Env			
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Kailua Kona, HI 96740			
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Expected Delivery Date			
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Insurance			\$0.00
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Up to \$100.00 included			\$9.65
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Total			\$9.65
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Priority Mail®	1		\$9.65
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Flat Rate Env			
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Hilo, HI 96720			
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Flat Rate			
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Insurance			\$0.00
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Up to \$100.00 included			\$9.65
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Total			\$9.65
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Grand Total:			\$23.29
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Credit Card Remit			\$23.29
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Card Name: MasterCard			
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Account #: XXXXXXXXXX5671			
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Approval #: 45250P			
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PIN: Not Required			Mastercard
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Track USPS package

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Track

USPS package #9505512856784009591524
www.usps.com

Delivered: Thu, Jan 11, 02:18 PM

Processed	In transit			Delivered
DATE	TIME	LOCATION	STATUS	
Jan 11	2:18 PM	Kailua Kona, HI, United States	Delivered, left with individual	
Jan 11	8:46 AM	Kailua Kona, HI, United States	Out for delivery	
Jan 11	8:35 AM	Kailua Kona, HI, United States	Arrived at post office	
Jan 11	1:03 AM	Honolulu HI Distribution Center	Arrived at USPS regional destination facility	
Jan 10	12:00 AM		In transit to next facility	

Track USPS package

9505512856784009591548

Track

USPS package #9505512856784009591548
www.usps.com

Delivered: Thu, Jan 11, 03:25 PM

Processed	In transit			Delivered
DATE	TIME	LOCATION	STATUS	
Jan 11	3:25 PM	Hilo, HI, United States	Delivered, front desk/reception/mail room	
Jan 11	7:17 AM	Hilo, HI, United States	Out for delivery	
Jan 11	7:06 AM	Hilo, HI, United States	Arrived at post office	
Jan 11	1:03 AM	Honolulu HI Distribution Center	Arrived at USPS regional destination facility	
Jan 10	12:00 AM		In transit to next facility	

Araujo, Jaclyn

From: Mark Van Pernis <mvpv@hawaii.rr.com>
Sent: Friday, February 16, 2024 10:16 AM
To: LPCtestimony
Cc: Inaba, Holeka; Villegas, Rebecca; Kimball, Heather; Evans, Cynthia F.W.; Kona Letters; Mark Van Pernis
Subject: 2/29/24 Agenda, Item 4 of New Business, PL-SMA-2023-00038. Kona Hawaiian Development LLC

The Hilo based West Hawaii Today on 12/15/23 reported that the Leeward Planning Commission (LPC) will consider another developer's proposed development for the obnoxious and partially constructed structure on the site of the old miniature golf place. What isn't reported and the Commissioners should know is:

1. That the proposed project's approval is more than 25 years old, with no completion, and it was (mis-)represented in the 1990s beginning that all would be done in five years from approval;
2. The original applicant developer had no intention or ability to build that project, and merely wanted approval so he could sell it to another developer, which he did for a big profit, and so too with subsequent sales and transfers;
3. Several more delays were obtained free of any charge, public hearing, penalty, or additional imposition, with the county getting nothing but more empty promises;
4. The property became a hangout for the homeless and drug dealing;
6. A few years ago (while I was on the LPC), a new developer wanted another delay and a change in the obsolete design, without penalty or charge, i.e. to up the delay to over 30 years, and without any requirement to finish construction by any date, and without a contemporary traffic study or inquiry into how the neighborhood had greatly increased in density over the decades; are mayoral appointees, without educational training in planning for the future, How does decades of delay for the benefit of sequential developers plan for the community's future and well-being? Represent West Hawaii and say "No", and have the cement monstrosity removed.

The County of Hawaii Department of Finance, Real Property Tax Division, indicates the owner if this property is an entity, NOT THE LLC APPLICANT. The applicant has no ownership interest of record. Thus it has NO STANDING to apply for an SMA permit. Who is responsible for the structure/monstrosity? Who is making promises now and who is subject to conditions? Why is the applicant refusing to submit documentation on "rights" without any ownership to the Commission and the Corporation Counsel for review. No permit can issue without such information to a non-owner. Don't let smooth and subjective talk mislead you from doing your job as Commissioners for West Hawaii's people.

Since the project's prior approval 25 years ago, there has been a huge amount of commercial and residential development on adjoining or nearby Kapahulu and Walua roads, restaurant improvements on the mauka side of Alii Drive across from the project have forced all pedestrian traffic to the makai side of Alii Drive in front of the project site, beach park improvements were made just south of the project, Alii Drive has become traffic jammed, and the nearby substandard dangerous Walua Road-Alii Drive intersection is much more congested, needing better signage or perhaps a street light. In the prior application, Hilo's Mr. Fuke as representative, admitted that the population and vehicular and pedestrian traffic had grown about 300% since original approval with a prior applicant; but he argued that a traffic study conducted in the 1990s was sufficient. For this new application a new traffic study is a prerequisite.

There was talk in the prior hearing of denying further totally unjustified delay altogether, particularly because there were NO extenuating circumstances (such as floods or labor strikes, not mere convenience of the applicant), beyond

the control of the applicant and predecessors, WHICH PLANNING DEPARTMENT RULES AND THE LAW REQUIRE. At least, Sunset provisions were made for the further delay, suggested and promoted by then Chair Mr, Vitousek. But the applicant ignored the Sunset provisions, (that prior applicant appears to be closely related to this applicant), resulting in the cancellation and termination of the SMA permit entirely long ago.

.Here: 1. There must be complete disclosure of the persons or entities in the current applicant LLC, to see how it's related to prior applicants which have dodged the LPC. 2. There should be full disclosure and transparency of the applicant's intent and ability to timely develop, not just sell. 3. A new traffic study, including Alii, Walua and Kapeka, must first be done, submitted, and considered. 5. Construction of offsite traffic improvement must be contemporary with general construction. 6. There must be curbs, gutters and sidewalks along the frontage on Alii Drive (just road shoulders are too dangerous*), and around the corner to the intended parking garage on the south end of the property.

Prior applicants didn't take the LPC seriously and made no real efforts other than a denigration of Kalua-Kona of Kona for twenty years with the razor wire concrete monstrosity. The future planning and safety of West Hawaii residents must be your first concern, not protecting private investors. Use your power for the community!

The proposal is not economically viable, Years ago, the Kailua Village Design Committee approved a hotel project, very similar to what this applicant is proposing, off of but fronting Henry Street makai. That Commission did not have the power to impose a Sunset provision. That project has been abandoned to date because it was not economically viable.

Mark Van Pernis, Kona resident and former Leeward Planning Commission Commissioner and Kailua Village Design Commission Commissioner.

Araujo, Jaclyn

From: janet Matlock <matlock.janet@gmail.com>
Sent: Saturday, February 24, 2024 3:23 PM
To: LPCtestimony
Subject: Oppose SMA application PL-SMA-2023-000038, Kona Hawaii Development LLC

Aloha kākou,

Mahalo for this opportunity to testify on the SMA application for a potential 100-room hotel on Ali'i Drive. (Applicant Kona Hawaii Development, LLC PL-SMA-2023-000038, for a Special Management Area Use Permit to develop a 100-room hotel on a 1.76-acre parcel located at 75-5868 A1i'i Drive, TMK: 3-7-5-18-11)

Please say no to this request to extend, yet again, the holding pattern for this project. It has been **25 years** since the original 48-room hotel was proposed (see timeline below). So much has changed since then.

Please consider the impacts this doubled-in-size vacation property would have on Kailua Kona's:

- limited water supply,
- stressed sewer system,
- single landfill, plus
- the inevitable runoff,
- the increased traffic, and
- the safety concerns with tsunami, fire, and other evacuation bottlenecks.

It is baffling that the Planning Director's report states, "While there are no anticipated traffic impacts from the proposed project..."

How can a 100-room hotel's traffic, feeding into a tiny intersection, have no impacts?
What other concerns have been similarly dismissed? (Hint: see list above)

Today and going forward, please think outside the resort box, and please consider development in the aggregate, not by individual project. There are so many things that we who live and work in Kailua Kona need far more than expanding hotels.

Mahalo for your time and consideration.

janet Matlock
Kailua Kona

Project Timeline

1998, a 48-room resort condominium / office complex with retail is approved.

2002, four years later, a time extension is granted.

2007, nine years later, building permits issued for the current the slab and structure.

2008, ten years later, a SECOND time extension granted.

(crickets)

2013, fifteen years later, property bought by Diamond Resorts International.

2014, sixteen years later, a THIRD time extension was granted.

2017, nineteen years later, plans approved for a 46-unit condominium timeshare.

(crickets)

2021, 23 years later, a FOURTH time extension was granted.

September **2022** the property is listed for sale. (Evidently it didn't sell?)

January 2023, per the applicant the SMA Permit was automatically nullified due to non-compliance with the time performance condition.

May **2023**, "Baywood Dai Inc. entered into a purchase and sales agreement with DPM Acquisition LLC to complete the project."

This doesn't appear to be a real sale with a change in ownership.

Applicant Kona Hawaii LLC is a creation of Baywood Dai Inc., which is a part of DPM Acquisition LLC, which is controlled by Diamond Resorts International. The only entity added is the ***potential*** of a Residence Inn hotel branding.

September 2023, twenty-five years later, the current application to ***double the size*** of the initial proposal is submitted. They are asking for **another** five years to build, with the Planning Director able to grant an additional five years without further public review.

In other words, if approved, the next expiration could be in 2033.

That's 35 years from the initial application and two decades since Diamond Resorts (aka Kona Hawaii LLC) bought the property.

Araujo, Jaclyn

From: cindy Freitas <makainanqi@gmail.com>
Sent: Monday, February 26, 2024 1:42 PM
To: LPCtestimony
Subject: ITEM 4# OPPOSITION
Attachments: Kona Development OPPOSITION.docx

February 26, 2024

Cindy Freitas
makainanqi@gmail.com

Leeward Planning Department
February 29, 2024
At 9:30am
LPCtestimony@hawaiicounty.gov

Item: # 4 KONA HAWAI'I DEVELOPMENT LLC (PL-SMA-2023-000038)

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in OPPOSITION for the following reasons:

Construction will have significant cumulative adverse impacts on cultural, archaeological, native plants, rare plants and animal species and historic elements resources in the proposed 1.76 acre parcel situated in the Special Managment Area TMK: (3) 7-5-018:011 that is irreversible.

The Constitution of the State of Hawai'i clearly states the duty of the State and its agencies is to preserve, protect, and prevent interference with the traditional and customary rights of native Hawaiians. Article XII, Section 7 requires the State to "protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by *ahupua'a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (2000). In spite of the establishment of the foreign concept of private ownership and western-style government, Kamehameha III (Kauikeaouli) preserved the peoples traditional right to subsistence. As a result in 1850, the Hawaiian Government confirmed the traditional access rights to native Hawaiian *ahupua'a* tenants to gather specific natural resources for customary uses from undeveloped private property and waterways under the Hawaiian Revised Statutes (HRS) 7-1. In 1992, the State of Hawai'i Supreme Court,

reaffirmed HRS 7-1 and expanded it to include, "native Hawaiian rights...may extend beyond the *ahupua'a* in which a native Hawaiian resides where such rights have been customarily and traditionally exercised in this manner" (Pele Defense Fund v. Paty, 73 Haw.578, 1992).

Act 50, enacted by the Legislature of the State of Hawaii (2000) with House Bill 2895, relating to Environmental Impact Statements, proposes that:

...there is a need to clarify that the preparation of environmental assessments

or environmental impact statement should identify and address effects on
Hawaii's culture, and traditional and customary rights...[H.B. NO. 2895]

Act 16, enacted by the Legislature of the State of Hawaii (2020) with S.B. No. 2060

Section 3; (2) Historic resources;

(A) Protect, preserve, and where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

HRS 711-1107 Desecration

(b) A place of worship or burial

(2) "Desecrate" means defacing, damaging, polluting, or otherwise physically mistreating in a way that defendant knows will outrage the sensibilities of persons likely to observe or discover the defendant's action.

Therefor Applicant in all due respect should not build a 100 ROOM HOTEL and destroy what is still beautiful.

Mahalo,

_____/s/_____
Cindy Freitas

75-5888 Alii. Drive. C-12
Kailua-Kona HI. 96740
February 27, 2024

Leeward Planning Commissioners
Hawaii County Planning Department
74-5044 Ane Keohokalole Highway
Bldg B,
Kailua-Kona. HI. 96740

RE: Proposed Kona Hawaii Development 100-room hotel on Ali'i Drive at Kahakai Road (Application PL-SMA-2023-000038).

Aloha Leeward Planning Commissioners and Hawaii County Departmental Heads,

My wife and I are 20+ year residents as southern neighbors of this proposed development at the Kona Reef Condominium Complex. Every five years we are confronted with another developer's \$250 proposal to exploit the land to the planning department despite the community concerns and continue previous promises or stipulations stated and ignored by the developers. 2025 gives us another opportunity to be confronted by an outrageous plan without any preparation or supportive evidence presented to the Hawaii County Commissioners. On February 29, 2024 you will hear a new applicant and "fresh proposal" from a different development company. We strongly urge you to reject this most recent proposal without hesitation due to the following considerations.

- The proposal has minimal supportive data nor investigation by this developer. There have been no public informational meetings nor a shared proposal to communicate intent to the surrounding neighbors. There are no traffic studies of pedestrian, bicyclist, or vehicle traffic usage, or safety considerations in this submission submitting. We find this failure to engage or communicate with the neighbors and general community a crude attempt to fly "under the radar" with a purposely, incomplete, and deceptive insertion of a new proposal of 100 rooms in contrast with more modest prior proposals, failure to abide by existing county regulatory practices and requirements, and disregard for neighboring community views.
- This developer seems destined to continue the past practice of not meeting planning department stipulations for sidewalks, general upkeep, graffiti removal, safety practices, and a questionable project proposal to continue the largest eyesore monstrosity on a public thoroughfare in Hawaii County dating back to the last century. You do not see structures like this in downtown Hilo.

RCVD COH PLANNING DEPT
FEB 28 '24 AM 10:01

- Proposals are routed to the 15-20 county department heads for them to identify any issues that will impact their area of responsibility. Why are there no red flags from police, fire, civil defense, medical, water and sewage, engineering, DOT and all the other salaried department heads on this project? Every segment of county government will all be severely stressed by the magnitude and location of this project.
- The applicant did not submit traffic studies, safety proposals, pedestrian usage data, vehicle speed recommendations, a neighborhood communication plan, or traffic routing considerations for those turning into/out of the applicant entrance on North Kahakai Rd, from heavily traveled Alii Drive. Alii Drive is the most used coastal road from Kailua Village to Keauhou, with only 6 mauka-makai connectors between Palani and Kamehameha III Hwy. During the hours of 4:30 am and 10:00 pm there is no busier thoroughfare in Hawaii County with walkers, runners, strollers, auto, bicyclists, and dog walkers. During emergency coastal evacuations, there is no bigger bottleneck of panicked visitors seeking higher ground.
- The neighborhood is already impacted by Royal Kona Hotel's 430 rooms and to propose a 100+room hotel on the adjacent southern property boundary is the height of developer arrogance. The applicant claims sufficient parking spaces but our experience is that inadequate parking is ever-present for all the existing tenants on Alii Drive especially during events, holidays, and high season. Over three hundred people will be housed and working daily at this facility with no ocean frontage to even view the ocean. There is no question that they will migrate 24 hours a day onto all the adjacent properties—especially the green frontage area at Kona Reef. Kona Reef will need to purchase three gated entrances to our property in order to not be overrun by trespassers with nowhere else to park.
- * The applicant is proposing to build a 40 foot tall structure on top of an existing concrete foundation. However, the construction site is located on a slope such that the makai side of the structure would be 74 feet above ground level. This clearly violates Hawaii County Zoning Code (Sect. 25-5-93) which explicitly limits the height of buildings in hotel/resort areas to 45 feet. This concrete facility is perched on top of a massive lava tube that was filled with concrete over the course of several months around 15 years ago and now they propose to add four stories of concrete on top of that precarious foundation.
- * The proposed 100 "Room" hotel would actually consist of 9 standard guest rooms and 91 2-bedroom suites. At 80% occupancy, there would be over 300 guests plus the necessary hotel support staff to squeeze into the 143 proposed parking spaces. The additional cars would greatly exacerbate the traffic congestion and parking issues already existing in Kailua Kona. Yet the developer has not conducted nor even requested a traffic and pedestrian safety study

* The emergency response services for Kailua Kona are already under severe duress. On busy days, Kealahou's ambulance service is responsible for responding to emergency calls in Kailua. This greatly increases the response time for potentially life threatening situations due to the 10-mile drive and frequent traffic jams. It also takes critical emergency services away from the deserving residents of South Kona district. Adding more visitors to the already overcrowded resort area would increase the safety risk to both residents and visitors. We have not mentioned the obvious difficulties for over 500 visitors unfamiliar with the concept "evacuation routes" trying to avoid panic to travel mauka upon hearing the sirens. We have seen it and it is not pretty and quiet dangerous.

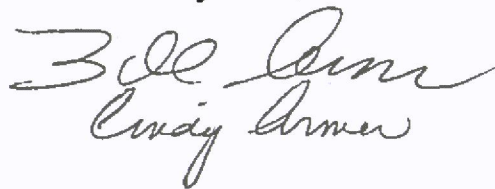
* The property has no oceanfront and nor immediate designated shoreline access. As a result, we expect that many of their guests will stray from that property to encroach onto nearby privately-owned oceanfront properties such as the Kona Reef, Hale Kona Kai, and the Royal Kona. This would dramatically and negatively impact the quality of life for long-time residents and guests.

- Sadly, the Hawaii County Planning Department has already made its recommendation to the Leeward Planning Commission to approve this SMA Permit application without questioning any of these violations or concerns.

We respectfully request that the Commissioners deny this application until the applicant prepares a proper and complete application for such a high impact project. We thank you in advance for your consideration of our concerns.

Aloha nui loa,

Bill and Cindy Armer

Handwritten signatures of Bill and Cindy Armer. The signature for Bill is on top, and the signature for Cindy is below it.

Clare Loprinzi Cultural Indigenous Practitioner

#4 Strong Opposition to APPLICANT: KONA HAWAI'I DEVELOPMENT, LLC (PL-SMA-2023-000038)

#4. Article 12 Section 7 protects customary cultural and traditional practices. This hotel is in an SMA area where na iwi kupuna, laau lapaau, and historical properties, it is mandatory to have an archeological impact statement. Act 50 also states that this area would be mandatory to get EIS.

For the Hawaiian culture and the exercise thereof is necessary to ensure the continued existence, development, and exercise of native Hawaiian culture.

The purpose of this Act is to:

(1) Require that environmental impact statements include the disclosure of the effects of a proposed action on the cultural practices of the community and State; and (2) Amend the definition of "significant effect" to include adverse effects on cultural practices.

(2) SECTION 2. Section 343-2, Hawaii Revised Statutes, is amended by amending the definitions of "environmental impact statement" or "statement" and "significant effect", to read as follows:

""Environmental impact statement" or "statement" means an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic [and] welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

I am a cultural practitioner of customary cultural and traditional practices. Do your due diligence.

Me ka haahaa,

Clare Loprinzi, cultural indigenous practitioner

Araujo, Jaclyn

From: Elizabeth Barrere <elizabethbarrere@gmail.com>
Sent: Tuesday, February 27, 2024 7:48 AM
To: LPCtestimony
Subject: Fwd: Comments regarding item #4 of the Leeward Planning Commission Agenda, Kona Hawai'i Developmental LLC, 75-5868 Ali'i Drive, TMK 7-5-018:011, PL-SMA-2023-000038

Hello Leeward Planning Commission and Planning Staff:

I am submitting the following comments regarding item #4 on the Leeward Planning Commission Agenda, Kona Hawai'i Developmental LLC, 75-5868 Ali'i Drive, TMK 7-5-018:011, PL-SMA-2023-000038:

1. This site has been an eyesore for over 20 years. There have been several staff approvals since the initial approval, which have not resulted in development at the site. Given the inability to secure capital or follow through with the previous proposals, why should the public expect there to be a different outcome?

A detailed and thorough distinction needs to be provided by the developer, applicant, or planning consultant regarding the construction and operating relationship between the property owner and applicant, such as:

Who will develop the property?

Who intends to operate the proposed hotel?

What experience does the hotel operator have in this industry?

What is the track record of this firm/business?

What is the detailed timeline for development?

If this project is approved, and a building permit is issued for construction, where will the staging area for the construction workers and its employees be?

What are the hours and days when construction can occur?

Language in the staff report says the developer "hopes to begin construction upon issuance of all required permits in 2024". What assurance does the public have that the proposed completion date will be 2026? I'd like the Planning Commission to consider requiring a security or guarantee bond so the developer has a financial incentive to follow through on its intentions to pursue its proposal at this site. If construction does not occur, the bond can be returned or rescinded. If a building or grading permit is issued, the security or guarantee bond can be applied towards the cost of the building or grading permit. Who will remove the concrete foundation slab if the project is not approved or not built?

There are sites that exist throughout the Kona area that have been approved and no construction has occurred. These same developers also continue to request extensions for their long ago approved (and stagnant) projects. For this reason, I would ask that if no building or grading permit is issued by County of Hawaii by the end of the 2026 calendar year that any approval of the current project be rescinded. I would also ask that any extension request for this proposal submitted before 2026 return to the Leeward Planning Commission for consideration. A staff decision to extend any approval for this SMA application may meet the letter of the Zoning Ordinance, but it goes against the community concern for this site and other sites where projects languish. Holding onto the land for over 30 years is land banking, a social harm to the community, and creates distrust of the development community.

Has there been a decision regarding the Contested Case Hearing on the height and view intrusions of the previous project? If so, please update the community about this issue.

2. Please better describe the distinction between a hotel and a condo/hotel. How do these uses differ from a timeshare? What use is really proposed for this site? The difference in these uses has an impact on the local community in terms of traffic, emergency services, and parking on-site or in the area to come to this building. Differing uses may also impact the type and amount of tax revenue that is generated for the benefit of the community. If the staff report continues to include the anticipated cost of a development, then there should be a more specific discussion about what fees are paid to the County, and what County departments and industries receive a financial benefit from allowing new development projects to be approved, and built.

3. Is there any affordable housing fee that is collected by the County for a vacation use, whether this is a hotel, condo/hotel or timeshare? If not, I'd ask that the County consider imposing a fee for affordable housing for these uses. When a site could be constructed for housing and isn't, the ability to use the site for housing or collect fees that help build affordable housing is lost. There should be a cost to the developer for removing the ability to build affordable/workforce housing.

4. It makes no sense that a traffic study isn't needed. This proposal is twice the number of rooms that were approved in 1998 for a hotel that wasn't built. There are residential projects along Ali'i Drive that are under construction that aren't finished. Item #3 on the February 2024 Leeward Planning Commission will add to the traffic in this already congested area of town if this project is approved, and built. Projects and their impacts need to be reviewed comprehensively. Not requiring a traffic study for the proposed hotel is inadequate and reckless.

I was driving on Ali'i Drive today at about 11am. It took approximately 20 minutes to drive north from Royal Poinciana to Lunapule where it opened up. There were no accidents. No road work. No wire work on the transmission poles. No emergency vehicles responding to an incident. Please tell me again why a traffic study isn't needed.

5. Please clarify the number of parking spaces that are to be provided. I count 145 spaces, not 143 that is listed in the staff report, and on the site plans. The hotel proposal from 1998 had 48 rooms, and 115 parking spaces. The current proposal is 100 rooms, and 143 (or 145) parking spaces. Was the previous proposal over parked? Is this current proposal under parked? A hotel is a 24-hour operation with guests, employees, dinner guests of the restaurant, and deliveries of goods and materials. Please better explain how the parking is calculated for this site, and why 143 (or 145) parking spaces is sufficient to address the parking needs of this use.

6. Please discuss how the hotel staff will ensure that the two (!) parking spaces for electric vehicles (EV) will be used for EVs and not other spaces. What kind of chargers are to be provided? Will either of these be a fast charger?

Thank you for your time and consideration of my concerns.

Elizabeth Dunn

From: [Shantee Brown](#)
To: [LPCtestimony](#)
Subject: Oppose agenda items #3 and #4 for February 29, 2024
Date: Tuesday, February 27, 2024 11:24:41 PM

Aloha Leeward Planning Commissioners,

I am writing to oppose agenda items #3 and #4 for Thursday, February 29, 2024.

I live within half a mile of the properties listed. In all aspects, it would exceed the carrying capacity of this space. We do not have enough water, safe sewage treatment, roads, emergency personnel, etc., for more transient accommodations. The road closure for utility work on Ali'i Drive between Hualalai Road and Walua Road has caused traffic in the surrounding area to be similar to what I imagine this over development would do to daily traffic. In an emergency, having hundreds more people on inadequate emergency routes would be devastating.

Thank you for your time and consideration,

Shantee Brown
District 7-Wai'aha 2nd

75-154 Lunapule Road
Kailua-Kona, Hawai'i 96740

From: [Jan Dodge](#)
To: [Jackson, Maija](#); [Roy, Alex](#); [LPCtestimony](#); [Kern, Zendo](#); [Dacayanan, Melissa](#)
Cc: [Jana Cook](#)
Subject: Fwd: Testimony Concerning Proposed Hotel by Kona Hawaii Development LLC
Date: Wednesday, February 28, 2024 1:13:51 PM

Aloha Maija, and all,

This letter of testimony, below, is for the proposed Kona Hawaii Development Application regarding tomorrow's hearing. It was received by Mr. Roy and Mr. Fuke in October, 2023, however the original email was not included in the Background Report at that time. We ask that it be included for tomorrow's hearing.

Also, note that we had sent a followup letter on January 3rd, 2024, which today has been reforwarded to the Leeward Planning Commission by Jana Cook, and we are in receipt of a reply by yourself that the January 3rd testimony will be submitted for the hearing tomorrow.

Mahalo,
Jan and Richard Dodge

My spouse, Richard, and I, Jan Dodge, have been owners at Hale Kona Kai Condominium, 75-5870 Kahakai Rd Unit 208 since 2017, and this letter outlines our concerns and questions about the proposed Marriott Hotel construction for the property at the corner of Kahakai Rd and Ali'i Drive.

The reason for our concerns are twofold: the proposed building drawings and description presents erroneous information, and the proposal lacks details and plans necessary to fully consider the project a viable one for the subject property.

Specifically, we request more information in the following scope:

1- Aerial views of the proposed hotel mistakenly show a landscaped area on the ground level of the interior of the U-shaped hotel, where in actuality there is a commercial building owned by C.J. Kimberly in that area which is not being removed for the project to proceed. The proposed Kahakai Rd landscaping buffer misleads neighbors who assume that landscaping will reduce the noise and sight from the three story hotel on Kahakai Rd, but that is not the case with the C.J. Kimberly building essentially being in the parking lot on the 3-D model. See attached photo of the C.J Kimberly building on Kahakai Rd.

2- The 2017 approved building for this property was for a 48 room hotel/condominium, but this proposal has more than doubled to a 100+ room hotel which changed from an Ali'i Drive entrance, to an entrance on the south arm of Kahakai Rd, a road with no median lines that is barely two lanes wide and is utilized by Royal Kona Hotel guests, Hale Kona Kai guests/owners, and most of the other businesses along the 2 block stretch of Kahakai Rd, primarily as pedestrian access for Honl's beach and other businesses without walking on busy Ali'i Drive. Is there a plan to improve Kahakai Rd for public safety, increased traffic, pedestrian walking, and secure access to Kahakai businesses? The hotel access for parking lies opposite the entrance to the Kona Reef Condominium complex which makes it virtually impossible for pedestrians to safely cross two lanes of vehicles to get from Kahakai to Ali'i Drive in both east and west directions due to entering and leaving vehicles at this parking entrance on Kahakai Rd and the Kona Reef entrance on the opposite side of Kahakai. We

propose that a main entrance to the hotel would be not only better suited on the busier road, Ali'i Drive, for accessibility to parking but also for visibility of the hotel main facade, as is the case with the Club Wyndham Hawaiian Resort, and many other condominium complexes a short distance south of this proposed hotel.

3- Are there additional and improved parking spaces planned on Kahakai for the exponential increase in vehicles due to this hotel? There are a total of 145 parking spaces shown in the architectural plan of the 150 room hotel, which is not taking into account the other 5+ hotel guest's, staff and employee vehicle parking. Where will the overflow hotel vehicles park? Kahakai Rd will be additionally burdened by the inadequate parking, taking away spaces for the other Kahakai businesses, condominium contractors, staff and guests where parking is currently less than adequate.

4- Without the erroneous landscaping buffer on the west/Kahakai Rd side of the hotel, noise from open lanai's and pool/recreation areas of the 110+ room, 3 story hotel will bounce and then travel out the U-configuration and directly to the front doors of the Hale Kona Kai condominium units, impacting the quality of life of owners and guests and also the visibility of the mountain. The hotel elevation drawings, especially of the south and west elevations, are notably missing from the drawing set, so while the Ali'i Drive east perimeter height is said to be under the limit of 45 feet, Kahakai Rd with it's east to western slope means that the hotel's western first floor level, which begins on top of the basement parking area, most certainly will be higher than 45 feet, looming over diminutive Hale Kona Kai and more importantly will rise above the County legal building height limits. We request all elevation drawings be submitted to all owners within 300 feet of the perimeter boundary of subject property.

5- We suspect that the sewer, water, and utility requirements and usage for what was the approved 48 unit condotel has changed drastically for a densely populated, 100+ room hotel on what is essentially a minor residential street. We would anticipate many utility and environmental problems unless the existing infrastructure of the property and adjacent streets are expanded and improved.

We look forward to your response, corrections, and submittal of missing items at your earliest convenience.

Respectfully,

Jan and Richard Dodge



From: [Jana Cook](#)
To: [Jackson, Maija](#); [Roy, Alex](#); [LPCtestimony](#); [Kern, Zendo](#); [Dacayanan, Melissa](#); [Jan Dodge](#)
Subject: Fw: Written Testimony for Kona Hawaii Development Application
Date: Wednesday, February 28, 2024 12:47:05 PM
Attachments: [Ruffner Schindwolf SMA Testimony 1 9 24 \(1\).pdf](#)
[Letter to Planning Commission - 20240118.pdf](#)
[Dodge - LPC Testimony 20240103.pdf](#)

Aloha, Maija,

I am following up on this email which was sent on January 18, 2024.

The attached letter from Ms. Ruffner and Mr. Schindwolf has now been uploaded for inclusion in the written testimony.

There is a letter attached from me that is clearly addressed as written testimony for the Leeward Planning Commission regarding tomorrow's hearing on the Kona Hawaii Development project. While my initial email inquiry to Mr. Roy from October has been now included, this letter which was written after much more research and review has not been included. **Please ensure that this letter with my concerns is made available to the Commission.**

I have also added an email that was forwarded to me from Ms. Jan Dodge, another owner at Hale Kona Kai. She had sent an email to Mr. Roy in October which is still not included in the information provided to the Commission. This email is referenced in the response from Mr. Fuke to both myself and Ms. Dodge and that response is actually included in the Background Report, but neither of the original emails that he was responding to were included. My email is now in the list of documents, but that of Ms. Dodge from October nor the follow up letter she sent in January are included. Admittedly, there is a typo in the email address from January 3 and I am not certain if Ms. Dodge sent this to any other email address, but it should also be included in the information under review by the Commission.

I look forward to an acknowledgement that this email has been received and the written testimony will be provided to the Commission.

Mahalo,

Jana Cook
951-833-6126

----- Forwarded Message -----

From: Jana Cook <jcook231@att.net>
To: Maija Jackson <maija.jackson@hawaiicounty.gov>
Sent: Thursday, January 18, 2024 at 01:14:24 PM CST
Subject: Written Testimony

Good morning, Maija,

I have attached my letter of written testimony to be shared with the Commission.

Going back to my concerns about what has been omitted from the reports being sent to the Commission - neighbors talk. In our conversations with our neighboring board at Kona Reef, the attached letter was shared with our board at HKK with concerns from owners at Kona Reef. This letter is not included with the current Board Packet and it has at least one significant issue that is of major concern to Kona Reef. I have reached out to the sender, but it is a bit of a game of tag going through the association management company, so I don't know if they are aware it isn't included and whether you can forward it having received it from a third party.

Mahalo,

Jana Cook
951-833-6126

23 Nature Pointe Drive
Tijeras, NM 87059
January 9, 2024

Leeward Planning Commission
County of Hawai'i, East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, HI 96720

Re: SMA Use Permit Application (PL-SMA-2023-000038) TMK: 7-5-018:011

Dear Leeward Planning Commission,

Thank you for the opportunity to provide feedback on the recent SMA Use Permit Application (PL-SMA-2023-000038) to be discussed at a Public Hearing on January 18, 2024.

For the past 7 years, we have owned a condominium located at 75-5888 Ali'i Drive (Kona Reef), D-8 in Kailua Kona which is located diagonally across Kahakai Road from the proposed 100-room hotel described in the SMA application. We have reviewed the information packet provided by the Planning Consultant and have several questions and concerns regarding the proposed building that we hope you will consider and address:

- 1) The building site is located on a slope as the Planning Consultant knows well. While the proposed building will only be 40 feet tall as viewed from Ali'i Drive (maximum allowable height is 45 feet), it will be substantially taller (~65 feet) on the makai (west) side of the building as viewed from Kahakai Road (see attached photos). Those of us who live immediately beside (Kona Reef Condominium residents) or behind the building (Hale Kona Kai Condominium residents, 1 homeowner, and 1 business owner) would literally be overshadowed by this massive structure.

We note that neither the actual height of the building on the makai side, nor artistic renderings of the resultant narrow canyon this building would create along Kahakai Road are included in the information packets provided by the Planning Consultant. We believe this information was deliberately withheld in order to downplay the huge impact this proposed building would have on adjacent residents. Furthermore, allowing a building that would be taller than the maximum allowable height of 45 feet around the majority (>60%) of its perimeter would set a dangerous precedent for the approval of future buildings. Exactly how much of a building would need to be in compliance with building regulations in order to be approved? **For these reasons, we respectfully request that the maximum height of the building be limited to 45 feet as measured from the lowest ground level on Kahakai Road.**

- 2) The proposed building plans indicate that the entrance/exit for the hotel would be on the south side of the building onto Kahakai Road. Presumably, many of the cars would exit to the left (east-bound) up the hill to the intersection of Kahakai Road and Ali'i Drive. There is already substantial car and pedestrian traffic at that 3-way intersection. Furthermore, it is hazardous for cars to turn from Kahakai Road onto Ali'i Drive because the cross-traffic does not stop, the speed limit is 35 mph, and the visibility is very limited due to adjacent structures and vegetation.

While the Planning Consultant mentions that the proposed structure would be a 100-room hotel, he fails to mention that the total number of guests would be 344 at full occupancy (we had to find this number on Exhibit F, Water Use Calculation Report of the SMA application.)

Again, we believe this large number of potential guests was deliberately withheld from the information packet in order to conceal the true number of guests, staff members, and the resultant impact on the amount of car and pedestrian traffic. Furthermore, as of late December, we were unable to find a Traffic Impact study from the Applicant. We believe that the Applicant should be required to submit a traffic impact study and agree to pay for the recommended/required traffic control accommodations. At a minimum, **we request that 3-way “STOP” signs, overhead street lights, and pedestrian crosswalks be installed at the intersection of Kahakai Road and Ali’i Drive to provide greater traffic control and increased safety to drivers and pedestrians.**

- 3) Currently, there is “Public Beach Access” that leads from Kahakai Road across Kona Reef Property to the ocean shoreline in back of the Kona Reef Condominiums. This 10-foot wide pedestrian access area across the Kona Reef property was delineated by a Settlement Agreement dated May 12, 1984 between the County of Hawaii, the Kona Reef AOA, and 2 other entities who no longer exist and/or do not have standing.

Much has changed since the Settlement Agreement was enacted 40 years ago. According to the Hawaii Tourism Authority, the number of visitors to Kona has increased by ~50%. Meanwhile, the shoreline behind the Kona Reef has undergone significant erosion as evidenced by the undermining and partial collapse of the ground on the southwest corner of the property. This erosion poses a significant safety hazard and has required installation of physical barriers to prevent pedestrians from further exacerbating the erosion or, worse yet, sliding down the unstable platform onto the rocky beach below. **In 2021, the Kona Reef AOA requested permission from the HI County Planning Department permission to shore up its fragile grounds by installing a subterranean sea wall and the request was denied.** As a result, the erosion continues unabated, increasing the potential risk to an ever-increasing number of pedestrians.

Given that the proposed 100-room hotel does not have a beachfront, we expect that many of the 344 guests would stray off the designated 10-foot wide pedestrian “public beach access” and trespass onto Kona Reef property. This is already happening with many non-resident visitors who treat Kona Reef property as their personal beachfront - spending the day lounging in our lawn chairs, hosting large parties, playing bongo drums, etc. Allowing the 344 guests from the proposed hotel to similarly trespass on the Kona Reef property would dramatically and negatively impact our quality of life and property values. While the terms of the Settlement Agreement may have been reasonable 40 years ago, the persistent erosion and increased number of pedestrians now pose a substantial safety risk for which the Kona Reef AOA should not be held liable. For these reasons, **we request that, if the proposed building is approved, the Kona Reef AOA be released from the terms of the 1984 Settlement Agreement and no longer be required to provide public beach access through its property.**

Please let us know if you have any questions or would like additional information. Thank you for your consideration.

Sincerely,

Judith Ruffner

Eric J. Schindwolf



Photo 1: View of the property from the SW corner of Kahakai Road showing the slope of the proposed construction site. The applicants are proposing to construct their 40 foot tall building on top of this already-existing foundation and basement which are already over 20 feet tall along the west section of Kahakai Road.



Photo 2: Existing structure as viewed from the west section of Kahakai Road. The applicants propose to build their 40 foot tall building on top of this existing foundation and basement. The resultant building would measure ~65 feet tall on its west side along Kahakai Road.



Photo 3: View of Kahakai Road facing north with Hale Kona Kai Condominiums on left and proposed building site on right. A 40-foot-tall building constructed on top of the existing structure would tower over the adjacent residences and this narrow passageway that barely accommodates 2 lanes of traffic and serves as a busy pedestrian thoroughfare.

Jana Cook

421 East Broad Street, Suite 4-100
Mineola, Texas 75773
951-833-6126 JCook231@att.net

75-5870 Kahakai Road Unit 309
Kailua-Kona, Hawaii

January 18, 2024

Honorable Members of the Commission,

As a long-time owner at Hale Kona Kai, I appreciate the opportunity to address the Commission regarding the proposed development at Ali'i Drive and Kahakai Road.

Please note that I am not opposed to the development of the property. The unfinished project has been a blight on the community for far too long. However, the development must be done in a manner that is healthy for the entire community, the Kahakai Road neighborhood, and even for the applicant and any future operator of the proposed business.

I have many concerns about the background report which seems incomplete with the anticipated negative impacts glossed over or omitted from the report. I urge the Commission to reject this report, returning it to the applicant to provide complete, detailed elevations and diagrams of the proposed project. For example, omitted are complete elevations of the west and north side of the complex which would give a full aspect of how the proposed building will change the entire atmosphere of the neighborhood. The proposed 40' structure on top of the existing retaining wall and parking garage will be massive and loom over the narrow Kahakai Road.

A primary concern is the room construction. The provided diagrams show 100 rooms with Type A, B, C and D configurations. By my count there are 51 rooms in the Type C configuration which are two-room suites with three entry doors. Such construction will allow these rooms to be rented as two separate rooms and have the effect of creating a 151-room hotel.

In the Estimated Future Water Consumption Report completed by Ramon Velazquez, PE, there are only Type A, B and C units, with Type D omitted. The Type C unit is listed as a maximum of 6 occupants, but it only calculates for 5 Type C units, not 51. By my calculations, this changes the maximum total occupancy from 344 guests to 452 guest and places Total Daily Estimated water usage at 28,874 gallons, not the 21,022 gallons listed in the report. This is approximately 25% above the water use of 22,000 gallons per day supported by the previously permitted and installed water connection.

The parking provided on site is only 143 spaces. With spaces reserved for check-in, handicap, staff and other hotel parking, this is completely inadequate for the estimated occupancy of the

hotel. This will significantly intensify parking in the area which is already impacted by visitor parking for the Royal Kona, Huggo's and other high usage facilities in the area.

While it was deemed in 2018 that no traffic study was required for 48-unit condominium complex, the change to a 100-room hotel is a significant intensification of the vehicle and pedestrian traffic in the area. Kahakai Road is designated as two-lanes and 25 mph, but this is not the de facto use today. With the heavy pedestrian traffic it already experiences, Kahakai Road has a maximum speed of 15 mph, two cars passing requires careful cooperation of both drivers and there is heavy use for service and delivery vehicle at the existing hotel and restaurants. A traffic study must be completed to determine the best management of the current and additional traffic from holiday drivers unfamiliar to the area.

I also have significant concerns about the noise which will be created in the U-shaped configuration of the hotel with high walls on each side. This will contain and focus sound from the outdoor recreation area of the hotel and direct it toward the west, directly toward the Hale Kona Kai property. Mitigation must be put in place through landscape, building design and event limitation to lessen the sound which will leave the property and disrupt the quiet nature of the already existing properties.

It is these concerns and others that have motivated me to file the Petition for Standing in a Contested Case. It is my desire to work with the consultant and applicant to make this development a welcome addition to the neighborhood, providing a high-quality experience for their own guests and the existing properties which will need to co-exist with aloha spirit.

Mahalo,



Jana Cook
Hale Kona Kai

Written Public Testimony to Leeward Planning Commission (PL-SMA-2023-000038)

From: Jan Dodge (info@konamazing.com)

To: lcptestimony@hawaiicounty.gov

Date: Wednesday, January 3, 2024 at 06:25 PM CST

Testimony by, and on the behalf of Richard and Janice Dodge, owners of Hale Kona Kai Condominium unit 208, located at 75-5870 Kahakai Rd Kailua-Kona, HI 96740

To: Leeward Planning Commission, regarding the public hearing scheduled January 18, 2024

Attn: Alex Roy, Sidney Fuke and Barbara DeFranco

We, Richard and Janice Dodge, request a **SUSPENSION** of the recommendation to approve application PL-SMA-2023-000038 as submitted. The reasons for our request are as follows:

Erroneous Hotel Capacity and Incorrect Zoning

- While stated as a 100-unit hotel development, the 51 Type-C units have three entry doors. This allows the option for the hotel to implement a "lock-off" rental, creating a 151-unit hotel. This is a significant intensification of use from the previously approved 48 condominiums and should trigger more significant scrutiny for environmental impacts. Most importantly, we stress that the current Zoning would have to be changed to have a hotel of more than 102 rooms.

Lack of a Traffic Study

- There have been **NO TRAFFIC STUDIES CONDUCTED**. In 2018 it was deemed unnecessary, when it was a 48-unit condominium complex. Now this is 151 hotel units, with stairs which lead to Kahakai Road AND the entrance of Hale Kona Kai parking lot. With the additional pedestrians on Kahakai Road, additional vehicular traffic, and the traffic in and out of the hotel, a study should be required to determine the traffic flow and needed mitigation.

Inadequate Pedestrian Consideration

- The plan calls for a 7-foot sidewalk all around the building to accommodate "pedestrian traffic". This appears to eliminate the public parking that currently exists for those seeking beach access or guest parking on Kahakai Road, makai of the project. There are no other sidewalks for pedestrians to use all along Kahakai Road north of the turn, so pedestrians will still be using the traffic lanes – there will just be **MUCH MORE** pedestrian traffic once they are past the sidewalks.

Substandard Plan for Parking

- There are 143 parking spaces. At 80% occupancy, that is 120 rentals in the hotel and most will have a rental car. Several spaces will be dedicated to hotel reception for temporary parking, handicap stalls, compact cars, and maybe a hotel shuttle. This parking is completely inadequate for 151 hotel units plus parking for the staff on site to work and maintain the property. This will impact parking throughout the Kahakai neighborhood for residents, guests, workers and those seeking ocean access.

Lack of Architectural Drawing Elevations

- The height of the building is only described from the Ali'i side of the building as being 40 feet, under the 45' maximum. Along Kahakai Road, the impact of adding 40 feet of structure on top of the 20 feet of existing retaining wall and a parking structure, at an elevation that slopes downhill from the Ali'i Drive elevation, will create a building that towers over AND creates a canyon of Kahakai Road. The projected images from the west side of the development are absent from the original report and only in line drawing in the background report. Some of the included images still show a landscape barrier in what is the existing office building of C.J. Kimberly Realty.

Respectfully,

Richard and Janice Dodge

75-5870 Kahakai Rd
Hale Kona Kai Condominiums, unit 208
Kailua-Kona, HI 96740
(360) 499-4330

From: [Maki Morinoue](#)
To: [LPCtestimony](#)
Subject: Written Testimony
Date: Wednesday, February 28, 2024 9:28:48 AM

Aloha Leeward Planning Commissioners

I am a kama'aina of Holualoa ahupua'a and I am STRONGLY OPPOSING Agenda items #3 & #4.

I have been testifying for a few years now, watching how things are getting passed through LPC and County Council. Also, the change in leadership in 2020 and the impact Zendo Kern has caused is a direct link to his conflict of interests with his former company, Zendo Kern and Associates, now known under the same leadership sans Zendo, Land Planning Hawai'i, LLC. Zendo re-released and undermined the Hawai'i State constitutional right for our lineal descendants who pushed our community concerns into contested hearing cases, stopping ALL DEVELOPMENT along Ali'i Drive until proper evacuation routes and sewage issues were managed. We are STILL overcapacity and unfit for development.

After years of local community demands with epic failure to evacuate residents of Kailua-Kona, especially Ali'i Drive, and Kuakini, WE ARE STILL OVERCAPACITY AND NOT CATASTROPHICALLY PREPARED. We continue to echo the Police chief, who testified after experiencing several tsunami evacuations came to a complete standstill in traffic after actively evacuating residents and told people to get out of their cars and run for the hills.

There were NO siren warnings. Sounds familiar? Lahaina is a dark, unfortunate warning, as we have warned County and Leeward Planning for decades.

We are overcapacity, our sewage treatment plant is under litigations under the Clean Water Act, over tourism, water use restrictions, grossly lack open space cultural landscape, and we have created an over luxury-oriented offshore investors investments playground, including our parking lots they make money off this land.

NO EVACUATION ROUTES, NO four-lane roads put in on Kuakini, overly gated up communities on the Mauka areas since the 1990s, and coral reef impacted and in terrible conditions. WE ARE NOT FIT TO BUILD. Instead, I demand a moratorium on luxury developments in Kona and a moratorium on hotels and vacation rentals for offshore investors.

We continue to stress local communities by having to attend oral testimonies on the same issues regarding developmental activities and rezonings because our majority leadership cannot seem to vote in the right direction. Today marks an opportunity to start listening to community warnings. Lahaina disasters are man-made disasters. It is preventable, and it starts here in this room and with our County Council leadership.

Mahalo
Maki Morinoue
Holualoa, HI
96725

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Maki Morinoue

Share your ALOHA
"Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "Aloha,"

From: [Motter Snell](#)
To: [LPCtestimony](#)
Subject: Oppose agenda item 3 and 4
Date: Wednesday, February 28, 2024 2:39:43 PM

We need evacuation routes in case of emergency. We must widen Kuakini to four lanes. I oppose approving new developments, item 3 and four until we have better infrastructure in place. Thank you.

Motter Anne Snell , Holualoa 96725

Sent from my iPad

From: [Motter Snell](#)
To: [LPCtestimony](#)
Subject: No Kuakini 4 lanes
Date: Wednesday, February 28, 2024 2:37:08 PM

I respectfully oppose widening Kuakini to 4 lanes.
Sincerely, Motter Anne Snell
Holualoa 96725

Sent from my iPad

From: [NORIKO MORISAKI](#)
To: [LPCtestimony](#)
Subject: February 29 Leeward Planning Commission PL-SMA-2023-000036 & 000038
Date: Wednesday, February 28, 2024 9:57:03 AM

Aloha,

I would like to submit my testimony **opposing** the development in North Kona, PL-SMA-2023-000036 and PL-SMA-2023-000038.

We are over capacity, have unfit sewage treatment centers in litigation, over tourism, water use restrictions, lacking cultural open spaces.

We need focus on serving and protecting the community with better planning of evacuation routes and cultural landscape opportunities.

Mahalo for your attention.

Noriko Morisaki Donna
nomorisaki@gmail.com

From: [Debbie H](#)
To: [LPCtestimony](#)
Subject: Kona Hawaii Development LLC request for 100 room hotel on 1.76 acres
Date: Thursday, February 29, 2024 6:10:45 AM
Attachments: [Screenshot 2024-02-29 at 7.32.02 AM.png](#)

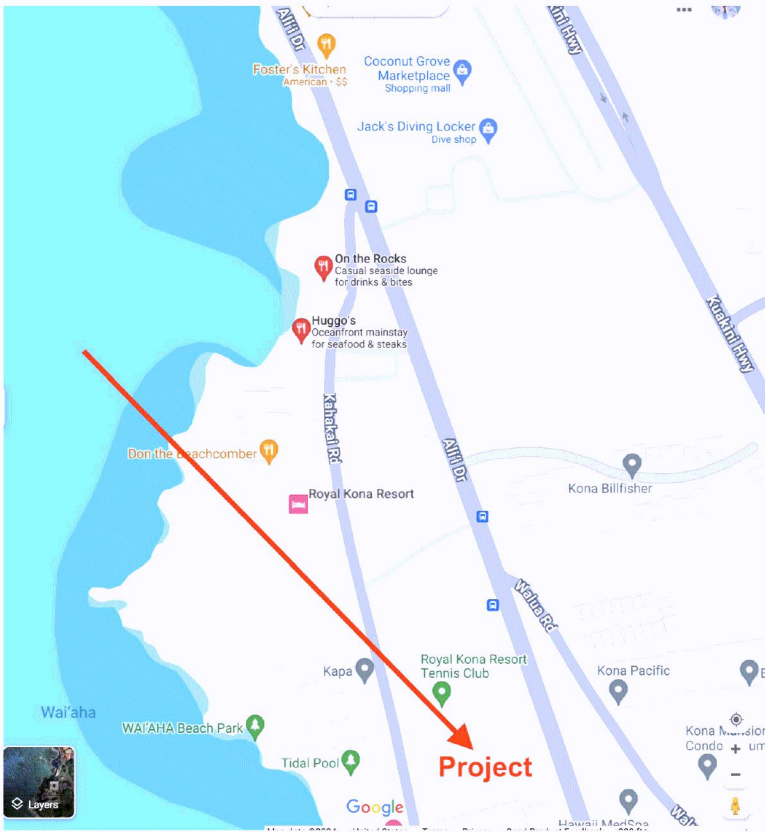
Aloha Commissioners-

Please say NO to another extension on this outdated project! Please require the developers to go back to the drawing board and resubmit plans that are appropriate for the infrastructure available (roads, water, sewer), current density and usage of the area. This is just a bad idea! A fifth 5-year extension sets a bad precedent for this process with endless extensions. This third world eyesore has been in place for at least 20 years in the heart of the tourist zone and flipped by multiple developers. Developers should be required to provide increased roads for increased traffic, more parking, ample water and sewers at their expense. Big island taxpayers should NOT have to foot the bill. In addition, PLEASE require them to tear down the existing eyesore of old cement and rebar.

This is a BAD idea in this area that is presently too densely populated, because:

1. Is a 100-room hotel really needed in this area? NO. Is Royal Kona full? NO!
2. A 100-room hotel will greatly increase walking and driving in this already overcrowded area. Where Walua Road meets Ali'i Drive and where the 1-lane road, Kahakai provides access to both Huggo's restaurants, and several condo projects that also require parking. Too much is already going on in this overcrowded area. See map below.
3. This project is right next to the Royal Kona Resort tennis courts and across the 1-lane road Kahakai from the resort and other condo projects. There is not enough parking for these properties and the tennis courts.
4. This process of multiple 5 year extensions is not working. How does this serve Big Island residents by allowing yet another developer to come back to "extend" their plans for a 5th extension so they can just sell it to yet another developer?
5. There are no roads to serve increased traffic for a 100 room hotel.
6. A developer should be required to pay to increase road widths in the area and leading up to the area. This should be a requirement of plan approval.
7. It's hard to drive in the area and park now for the Royal Kona Resort area and all the shops and restaurants.
8. The Kealakehe sewer plant is already overloaded and sewer lines in the area are old and potentially leaking.
9. Where will the additional water come from?

PLEASE require that the Kona Hawaii Development, LLC to resubmit plans that bring this project from 1998 and 4 extensions in compliance with current conditions in this area. PLEASE require that the developers clean up this eyesore with rebar sticking up and chipping weathered cement. What a third-world eyesore!



With aloha,

Debbie Hecht. Kailua- Kona resident

(808) 989-3222

Website: Thoughts and Theories: www.debbiehecht.com