

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
DECEMBER 19, 2024

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The Leeward Planning Commission met in regular session on Thursday, December 19, 2024, at 1:00 p.m. in the West Hawai‘i Civic Center, Council Chambers, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i, with Chair Barbara DeFranco presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Vice Chair Mahina Paishon-Duarte, Commissioner Dean Au, Commissioner Clement “CJ” Kanuha III, Commissioner Donna “Kinuko” Noborikawa, Commissioner Armando Rodriguez, and Barbara DeFranco (Chairperson).

COMMISSIONERS ABSENT AND EXCUSED: Commissioner Michael Dela Cruz

ALSO PRESENT: Suzanna Tiapula, Esq. (Deputy Corporation Counsel to the Commission) Jean Campbell, Esq. (Deputy Corporation Counsel to the Planning Department), Jeffrey Darrow (Acting Planning Director), Michelle Ahn (Acting Deputy Director) and Planning Department staff.

Approximately thirty-nine members of the public were present in the audience.

A quorum was present. Chair Barbara DeFranco called the meeting to order at 1:04 p.m. and introduced the Commissioners. Staff introductions were made. *[SEE YOUTUBE TIMESTAMP 03:02]*

Chair Barbara DeFranco asked each Commissioner to confirm they had the opportunity to review all materials, including written public testimony, related to the applications being reviewed today. Commissioners confirmed that they had an opportunity to review the application materials. *[SEE YOUTUBE TIMESTAMP 04:46]*

Chair Barbara DeFranco called the agenda out of order and went into “Statements from the Public on Agenda Items”. *[SEE YOUTUBE TIMESTAMP 05:18]*

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 1:05 p.m. the Commission took up this item with approximately forty-one members of the audience in the Council Chambers. Chair Barbara DeFranco stated she will be limiting

testimony to 3 minutes per testifier for each agenda item. Chair DeFranco explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. *[SEE YOUTUBE TIMESTAMP 06:04]*

Two individuals provided testimony in-person at 1:05 p.m.:

- 1) Rebecca Melendez – *[SEE YOUTUBE TIMESTAMP 08:23]*
- 2) Michelle Melendez – *[SEE YOUTUBE TIMESTAMP 14:04]*

Eight individuals provided testimony on Zoom at 1:19 p.m.:

- 1) Naomi Melamed – *[SEE YOUTUBE TIMESTAMP 19:26]*
- 2) Debra Greene – *[SEE YOUTUBE TIMESTAMP 23:41]*
- 3) Janice Palma-Glennie – *[SEE YOUTUBE TIMESTAMP 27:19]*
- 4) April Lee – *[SEE YOUTUBE TIMESTAMP 30:42]*
- 5) Simmy McMichael – *[SEE YOUTUBE TIMESTAMP 35:08]*

Chair Barbara DeFranco asked the commissioners if there were any questions for the testifiers. *[SEE YOUTUBE TIMESTAMP 38:26]* Vice Chair Mahina Paishon-Duarte asked testifier Simmy McMichael to expand on comments about a Hawaiian legal court's analysis regarding burials in a lava tube or cave. *[SEE YOUTUBE TIMESTAMP 38:33]* McMichael explained that the Archaeological Impact Statement (AIS) noted the existence of a lava tube but lacked proper archaeological study. She criticized the failure to follow proper protocols and emphasized her belief that there are Hawaiian burials in the area, which hold spiritual significance (mana). McMichael expressed concern about the construction planned over the site, highlighting its historical and spiritual importance, especially for Queen Emma and the royal centers along Alii Drive. She called for preserving the entire Alii Drive area as a cultural landscape, arguing that it was historically significant to royalty and should be protected. *[SEE YOUTUBE TIMESTAMP 39:01]*

- 6) Cindy Freitas – *[SEE YOUTUBE TIMESTAMP 42:33]*
- 7) Clare Loprinzi – *[SEE YOUTUBE TIMESTAMP 52:25]*

Chair Barbara DeFranco asked the commissioners if there were any questions for the testifiers. *[SEE YOUTUBE TIMESTAMP 01:03:47]* Vice Chair Mahina Paishon-Duarte thanked the testifier for her testimony and meaningful comments advocating for cultural access and Native Hawaiian rights. She also pointed out that there were Keiki (children) in the audience, emphasizing that Native voices can speak for themselves while present in person. *[SEE YOUTUBE TIMESTAMP 01:03:50]*

- 8) Holeka Inaba – *[SEE YOUTUBE TIMESTAMP 01:05:14]*

Chair Barbara DeFranco asked the commissioners if there were any questions for the testifiers. *[SEE YOUTUBE TIMESTAMP 01:07:30]* No questions.

Chair Barbara DeFranco went back to “Approval of Minutes” *[SEE YOUTUBE TIMESTAMP 01:07:59]*

APPROVAL OF MINUTES

At 2:07 p.m., the Commission reviewed the minutes from the November 21, 2024, Regular Leeward Planning Commission and Special meeting. The approval of the minutes was deferred to the next commission hearing in January. *[SEE YOUTUBE TIMESTAMP 01:07:59]*

RECESS 2:08 P.M. to 2:19 P.M. *[SEE YOUTUBE TIMESTAMP 01:08:22]*

Chair Barbara DeFranco reconvened the meeting at 2:19 p.m. *[SEE YOUTUBE TIMESTAMP 01:19:37]*

UNFINISHED BUSINESS

1. APPLICANT: KONA HAWAII DEVELOPMENT, LLC (PL-SMA-2023-000038)

Application for a Special Management Area Use Permit to develop a 100-room hotel and related improvements using a partially completed foundation structure on a 1.76-acre parcel situated in the Special Management Area. The subject parcel is located at 75-5868 Ali'i Drive, approximately 370 feet southwest of its intersection with Walua Road, Portion of Pua'a 3rd – Wai'aha 2nd, North Kona, Hawai'i, TMK: (3) 7-5-018:011.

The Commission took this item up at 2:19 p.m. with thirty-six members of the audience. *[SEE YOUTUBE TIMESTAMP 01:19:52]*

Commissioner Dean Au clarified that he works for an organization that submitted email testimony on December 17th, which he was unaware of. He stated that he does not closely work with the individual who submitted the testimony and assured that it would not influence his decision-making. *[SEE YOUTUBE TIMESTAMP 01:20:46]*

Alex Roy gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 01:21:32]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 01:30:14]*

Commissioner Donna “Kinuko” Noborikawa inquired about the severity of an encroachment into a 20-foot setback and a future 10-foot right of way mentioned in the documents. Mr. Roy explained that the encroachment is related to side and rear yard setbacks, which are common for zoning variances, and due to the existing foundation. Noborikawa sought clarification on the extent of the encroachment, asking if it was one foot or more, and Alex Roy confirmed it did not cross property lines but encroached into the setback. Noborikawa then asked when the foundation was built, and Roy suggested it was likely between 2008 and 2010. Noborikawa also asked if there would be an inspection to ensure the foundation remains functional, to which Roy confirmed that during the building permit phase, the Department of Public Works would require a foundation certification and review. *[SEE YOUTUBE TIMESTAMP 01:30:24]* Commissioner Dean Au thanked Alex Roy for his presentation and asked for more details about the mediation outcome, particularly regarding the three public parking spaces. Alex Roy explained that the mediation emphasized the applicant's need to comply with all current laws and codes, especially

community noise control, which was a major concern. The applicant also agreed to establish three new free public parking spaces in the Shoreline Management Area (SMA). Additionally, the applicant will develop an emergency response plan for the proposed hotel, in collaboration with civil defense and the fire department, covering evacuation, shelter-in-place, and disaster preparedness. These agreements were incorporated as conditions in the SMA, while other unrelated items were not included. *[SEE YOUTUBE TIMESTAMP 01:32:53]* Commissioner Armando Rodriguez raised concerns about whether the water and sewer infrastructure could handle the additional burden of the proposed project. Alex Roy confirmed that the sewer system is sufficient, but there were concerns about the water supply. He explained that for large structures like this, water calculations would need to be done, and the Department of Water Supply would allocate the necessary amount of water. Although estimates have been submitted, the calculations were difficult to complete due to the lack of current activity at the site. However, it was confirmed that both water and sewer are available for the project. *[SEE YOUTUBE TIMESTAMP 01:35:28]* Vice Chair Mahina Paishon-Duarte asked Alex Roy two questions regarding parking: the method for calculating the number of stalls, and who would bear the maintenance costs for these stalls. Alex Roy explained that he wasn't involved in the mediation and suggested the applicant might address why three parking spaces were chosen. He noted that there wasn't much space available, as shown in the diagram. However, he believed the applicant would be responsible for maintaining the three parking spaces, with signage indicating they are for public shoreline access. *[SEE YOUTUBE TIMESTAMP 01:36:23]* Acting Director Jeffrey Darrow confirmed that the applicant is required to provide and maintain three public parking stalls, as agreed during mediation. He also mentioned that the applicant had not yet specified the exact amount needed for the setback variance, but they acknowledged encroachments in the 20-foot front yard setback. Darrow noted that the structure was built around 2007 or 2008. Additionally, he informed the commissioners that the applicant's representative had emailed a correction regarding Exhibit 3 in the amended addendum, which needed to reflect the most current ADA ramp design. The updated exhibit will be sent to the commissioners shortly. *[SEE YOUTUBE TIMESTAMP 01:37:27]*

There were no further questions.

Applicant Representative Sidney Fuke, Planning Consultant, along with Applicant, BJ Patel, Vice President gave a presentation *[SEE YOUTUBE TIMESTAMP 01:40:24]*

Acting Director Jeffrey Darrow thanked Sidney for keeping the presentation simple. Chair Barbara DeFranco expressed appreciation for the depth of Sidney's explanation, noting that it was helpful in understanding the SMA process and the steps that will need to be taken later if the project proceeds. *[SEE YOUTUBE TIMESTAMP 02:01:12]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representative and Applicant. *[SEE YOUTUBE TIMESTAMP 02:01:38]*

Commissioner Donna “Kinuko” Noborikawa asked for clarification about a dining room and food preparation area on the third floor, questioning whether it was commercial or for tenant use. Sidney Fuke explained that it's like breakfast areas in hotels, available for guests. BJ Patel confirmed it was a breakfast prep area, not a public or room-specific space. Noborikawa then inquired about delivery truck access and whether it would affect parking or be blocking the

street. Sidney Fuke assured her there are designated delivery zones on the property that will comply with zoning code, addressing concerns about trucks blocking Kahakai Street. *[SEE YOUTUBE TIMESTAMP 02:01:45]* Commissioner Armando Rodriguez expressed concern about using the existing foundation, drawing from his experience in the Army Corps of Engineers. He explained that moisture can cause steel in concrete to rust and expand, which could potentially damage a nearly 20-year-old foundation. While he acknowledged it would be reviewed, he wanted to highlight the potential issue. *[SEE YOUTUBE TIMESTAMP 02:03:24]* Commissioner Clement “CJ” Kanuha III asked about the timeline for the project from groundbreaking to completion, expressing concern about avoiding an eyesore. BJ Patel responded that after receiving SMA approval, they expect to complete necessary approvals by May next year, with construction likely starting in 2025. He estimated the project would take about 24 months to complete. *[SEE YOUTUBE TIMESTAMP 02:04:05]* Vice Chair Mahina Paishon-Duarte inquired about the timeline for the project's profitability and its estimated economic impact on local residents. Applicant BJ Patel responded that similar Marriott Residence Inn projects typically reach stable occupancy within 90 to 120 days, possibly sooner in Hawai‘i due to strong occupancy rates. He emphasized the project's goal of creating jobs, contributing to the tax base, and integrating into the community. Vice Chair Mahina Paishon-Duarte followed up, seeking specific job creation estimates during construction and operation, emphasizing the importance of commitments to hiring local vendors and workers. Applicant BJ Patel clarified that the project would exclusively use local labor rather than importing workers from the mainland. While he couldn't provide exact job numbers at the moment, he assured that a detailed employment plan could be submitted in the future. *[SEE YOUTUBE TIMESTAMP 02:05:21]* Commissioner Armando Rodriguez asked Deputy Planning Director Jeffrey Darrow whether underground parking was common on Ali‘i Drive, given its proximity to the shore. Deputy Planning Director Jeffrey Darrow responded that most hotels in the area have outdoor parking, though a recent project included underground parking as part of a mediation agreement to reduce building height for visual impact. He emphasized that regardless of parking type, applicants must manage stormwater drainage on-site. He also noted that another existing structure, likely a condominium, is located just makai (seaward) of the proposed project. *[SEE YOUTUBE TIMESTAMP 02:08:45]*

Chair Barbara DeFranco opened the floor for public testimony on this agenda item, reminding the audience that they had three minutes to speak and should do so respectfully. There were thirty-four members of the public. *[SEE YOUTUBE TIMESTAMP 02:10:55]*

Two individuals provided testimony in-person at 3:10 p.m.:

- 1) Pete Van – *[SEE YOUTUBE TIMESTAMP 02:12:14]*
- 2) Lamaku Mikahala Roy– *[SEE YOUTUBE TIMESTAMP 02:16:23]*

One individual provided testimony on Zoom at 3:20 p.m.:

- 1) Jana Cook – *[SEE YOUTUBE TIMESTAMP 02:20:24]*

Chair Barbara DeFranco asked the commission if they had any questions for the testifiers. *[SEE YOUTUBE TIMESTAMP 02:23:32]* No questions or comments.

Chair Barbara DeFranco asked the applicant to respond to any of the testifier’s concerns. *[SEE YOUTUBE TIMESTAMP 02:23:36]*

Applicant Representative Sidney Fuke emphasized that the structural stability of the project must be thoroughly vetted, similar to the process required for building permits, including engineering reports. He noted that the developer would not take on liability for an unsafe structure. Sidney Fuke also clarified that the original plan already included subterranean parking, which will be properly evaluated. He highlighted that since this is the developer's first project in Hawai'i, they aim to collaborate closely with the local construction industry and labor organizations, hoping for future successful projects. *[SEE YOUTUBE TIMESTAMP 02:23:52]* Commissioner Dean Au sought clarification on whether memorandum of agreement sections A and B were signed during the contested cases. *[SEE YOUTUBE TIMESTAMP 02:25:23]* Commissioner Armando Rodriguez asked if the project was limited to 1,000 gallons of water per day. Applicant Representative Sidney Fuke clarified that the Water Department had allocated 22,000 gallons per day for the project. He explained that the Planning Department would review plans to ensure compliance and that exceeding the allocation could result in permit violations, requiring amendments or possible revocation. Commissioner Armando Rodriguez reiterated his concern about the water supply, but Deputy Corporation Counsel Suzanna Tiapula confirmed that the correct allocation was 22,000 gallons per day and that the question had already been addressed. *[SEE YOUTUBE TIMESTAMP 02:25:44]*

Action: Commissioner Kanuha moved that the application for Special Management Area Use Permit for Docket No. PL-SMA-2023-000038 be approved based on the Planning Director's recommendation which shall be adopted. Commissioner Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 02:27:55]* Acting Director Jeffrey Darrow requested that the Planning Department update Exhibit 3 in the addendum for clarity. Commissioner Clement "CJ" Kanuha III confirmed that Exhibit 3 had been provided and was already on record. *[SEE YOUTUBE TIMESTAMP 02:28:22]* Vice Chair Mahina Paishon-Duarte asked Acting Director Jeffrey Darrow whether the current proposal was the same as a previous application and if he had fully reviewed it. Acting Director Jeffrey Darrow responded that he had been involved with the project since 1998 and had seen it come before the commission multiple times. He confirmed that it had always been supported due to its proper location and zoning, with the only requirement for review being its location within the SMA. He expressed approval of the recommendation and was pleased that the parties had resolved their differences. Vice Chair Mahina Paishon-Duarte clarified that she asked the question to ensure transparency for the public. *[SEE YOUTUBE TIMESTAMP 02:28:54]* Commissioner Dean Au expressed support for the motion, stating that the development aligns with SMA permit policies, the general plan, community plans, and zoning codes. He highlighted the need for revitalization along Ali'i Drive, noting that many local hotels are decades old. Au shared his excitement for the project's potential benefits, including job creation and tourism growth. He also mentioned safety concerns related to homelessness in the area and emphasized the importance of improving the experience for both residents and visitors. While acknowledging that one project alone won't transform the area, he believes that with community and landowner support, Ali'i Drive can regain its former vibrancy. *[SEE YOUTUBE TIMESTAMP 02:30:39]* Vice Chair Mahina Paishon-Duarte acknowledged the project's potential but expressed concerns about its economic benefits for local residents. She emphasized the significant public opposition and stated that she could not ignore the volume of testimony against the project. Given the project's long-term impact on the Kona community, she suggested delaying approval until the general plan update is completed. She clarified that this is not an attempt to stall the project indefinitely but rather a way to ensure it

aligns with the community's long-term vision. *[SEE YOUTUBE TIMESTAMP 02:32:30]* Commissioner Armando Rodriguez voiced concerns about the project's water supply, questioning whether there is enough to support such a large structure. He also raised issues with using existing foundations and the risks of constructing a large underground parking facility in a tsunami-prone area, calling it a potential disaster. *[SEE YOUTUBE TIMESTAMP 02:32:30]* Commissioner Dean Au reminded his fellow commissioners that the SMA permit is not the final approval for the project, as it must still go through the Department of Public Works and comply with state laws and regulations. He noted that the project's financial and logistical feasibility is still uncertain and emphasized that any issues, such as water supply or cultural sensitivities would need to be addressed during the process. He acknowledged these concerns but pointed out that the project might not ultimately move forward if it fails to meet all necessary requirements. *[SEE YOUTUBE TIMESTAMP 02:34:40]* Commissioner Clement "CJ" Kanuha III agreed with Commissioner Dean Au, emphasizing that this is just the first step in a long approval process. He reassured Commissioner Rodriguez that concerns like underground parking and variances would be addressed through multiple regulatory steps. He noted that underground parking is already common in the neighborhood and expressed confidence that the project would need to meet many requirements before moving forward. *[SEE YOUTUBE TIMESTAMP 02:35:35]* Chair Barbara DeFranco expressed strong support for approving the SMA permit, stating that the project has met all necessary conditions. She acknowledged that while further approvals are required from various departments, their role is solely to evaluate the SMA permit. She highlighted the project's benefits, including job creation for local residents and efforts to address community concerns through mediation. Chair Barbara DeFranco also noted that the site has remained unused and deteriorating for years, and she believes the project will revitalize the area. Given these factors, she voiced her personal support for moving forward. *[SEE YOUTUBE TIMESTAMP 02:36:18]* Acting Planning Director Jeffrey Darrow clarified that the general plan update, including the land use chapter, is being addressed that evening. He noted that the area's designation remains "Resort" in both the current and updated general plan, meaning the project aligns with zoning regulations. He emphasized that the commission's focus is solely on the SMA permit. Lastly, he acknowledged that the unfinished structure has remained in disrepair for a long time and expressed hope for progress in revitalizing the site. *[SEE YOUTUBE TIMESTAMP 02:38:15]* Vice Chair Mahina Paishon-Duarte acknowledged the valid points made by Acting Director Jeffrey Darrow and fellow commissioners. She emphasized the importance of community engagement in the decision-making process, highlighting that receiving public testimony is a key responsibility of the commission. She reassured that if the project advances, the public will have further opportunities to provide input, including through the County Council and the general plan update process. While recognizing frustrations over the project's long timeline, she stressed the need to carefully consider all facts and community feedback. *[SEE YOUTUBE TIMESTAMP 02:39:44]* A roll call vote was taken, and the motion carried with four ayes (Commissioner Kanuha, Commissioner Noborikawa, Commissioner Au, and Chair DeFranco), two nays (Vice Chair Paishon-Duarte and Commissioner Rodriguez), with one and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:41:08]*

This hearing item ended at 3:40 p.m.

NEW BUSINESS

2. INITIATOR: COUNTY COUNCIL (PL-CCI-2024-000009)

Bill 194, an ordinance amending Chapter 25 (Zoning), Article 1, 2, 4, 5, and 7 of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to telecommunication antennas and towers. The purpose of this amendment is to implement a uniform and comprehensive regulatory framework for the development, siting, installation, and maintenance of telecommunication antennas and telecommunication towers.

The Commission took up this agenda item at 3:42 p.m. There were twenty members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 02:42:07]*

Chair Barbara DeFranco announced that there would be no presentation since the vote was deferred at the previous meeting after a staff presentation. She stated that the meeting would proceed with public testimony, followed by a motion for action. *[SEE YOUTUBE TIMESTAMP 02:42:47]*

One individual provided testimony in-person at 3:43 p.m.:

- 1) Cindy Evans – *[SEE YOUTUBE TIMESTAMP 02:43:40]*

There were no zoom testifiers.

Action: Vice Chair Paishon-Duarte moved that a favorable recommendation be forwarded to the County Council on the proposed amendments to Chapter 25, Article 1, 2, 4, 5, and 7 of the Hawai'i County Code 1983 (2016 Edition, as amended), for Docket No. PL-CCI-2024-000009. Commissioner Au seconded. *[SEE YOUTUBE TIMESTAMP 02:47:06]* Vice Chair Mahina Paishon-Duarte stated that the applicant had addressed all previous questions and expressed her belief that the project would greatly benefit the County of Hawai'i. *[SEE YOUTUBE TIMESTAMP 02:47:56]* Commissioner Dean Au expressed support for the motion but acknowledged having some concerns. He praised the bill for adding regulations that developers dislike because it increases costs and requires more planning and approvals. He noted that cell tower developers generate significant profits and believes the bill helps ensure accountability by requiring them to consider safety, health, and other factors. Commissioner Dean Au pointed out that major telecom companies, like AT&T, oppose the bill, which he sees as a sign that it effectively holds developers to higher standards. *[SEE YOUTUBE TIMESTAMP 02:48:13]* Commissioner Clement "CJ" Kanuha III emphasized the importance of accountability and following legal processes for local projects. He acknowledged the rigorous approval process and thanked Cindy for her hard work, noting that the issue had come before the commission multiple times. *[SEE YOUTUBE TIMESTAMP 02:49:39]* Commissioner Donna "Kinuko" Noborikawa asked Acting Planning Director Jeffrey Darrow how Bill 194 would function if it included provisions outside the zoning code's jurisdiction. Acting Planning Director Jeffrey Darrow explained that while some issues, like fire, electrical, and health concerns, fall under other agencies, the bill will go to the County Council, which may revise or merge it with a similar bill. He acknowledged concerns about health risks from cell towers and the need for further study. He assured that a process will be put in place to involve the appropriate agencies. Commissioner Donna "Kinuko" Noborikawa then asked if approving a code outside zoning jurisdiction could lead to legal challenges that nullify amendments. Acting Planning Director Jeffrey Darrow clarified that the commission is only making a recommendation and that the Council will make the final decision. He reiterated that concerns related to building, fire, health, and flood codes would be reviewed by the appropriate agencies to ensure compliance. *[SEE YOUTUBE*

TIMESTAMP 02:50:07] Commissioner Armando Rodriguez stated his preference for Bill 194, as it goes further in requiring identification of surrounding areas before placing antennas, which he believes is important. *[SEE YOUTUBE TIMESTAMP 02:55:59]* Chair Barbara DeFranco expressed appreciation for the testimony and discussions on the issue. She acknowledged the frustration of not being able to fully address health concerns due to regulatory limitations but was glad the County Council would review the matter further. She emphasized the importance of continued public input and hoped for a final decision that benefits and supports the health of the county. *[SEE YOUTUBE TIMESTAMP 02:56:14]* Commissioner Dean Au highlighted the importance of the Hawai'i County Police Department's testimony, emphasizing that the bill aims to improve community connectivity, especially for safety. He shared concerns about poor cell service in areas like Ocean View, affecting residents, including kūpuna. While acknowledging that the bill still needs adjustments and will likely be revised by the County Council, he stressed that its goal is to ensure cell towers are placed appropriately to enhance services while addressing various concerns. *[SEE YOUTUBE TIMESTAMP 02:57:15]* A roll call vote was taken, and the motion carried with six ayes (Vice Chair Paishon-Duarte, Commissioner Au, Commissioner Kanuha, Commissioner Noborikawa, Commissioner Rodriguez, and Chair DeFranco), with one and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:58:42]*

This hearing item ended at 3:58 p.m.

3. APPLICANT: KULA NEI PARTNERS, LLC. (PL-PUD-2024-000003)

Application for a Planned Unit Development (PUD) for an 8-lot, agricultural subdivision, and a cultural heritage area for 40.421 acres of land. The PUD would allow various exceptions from Chapter 25 (Zoning) of the Hawai'i County Code. The subject property is located on Kukuna Street, directly south of its intersection of Punawele Street within the Kona Acres Subdivision, O'oma 1st – Kohanaiki, North Kona, Hawai'i, TMK: (3) 7-3-007:039.

The Commission took up this agenda item at 4:00p.m. there were twenty one members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 02:59:24]*

Christian Kay gave a presentation. *[SEE YOUTUBE TIMESTAMP 03:00:19]*

Applicant Representative Daryn Arai, and Representative Nohealani Baptista gave a presentation. *[SEE YOUTUBE TIMESTAMP 03:09:28]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representatives. *[SEE YOUTUBE TIMESTAMP 03:16:05]*

Commissioner Donna "Kinuko" Noborikawa sought clarification on whether Malama O'Kekaha represented the group present. Nohealani Baptista explained that while she is not a member, the organization includes both family members and others dedicated to protecting the area's culture and native plants. Commissioner Donna "Kinuko" Noborikawa then confirmed that the lineal descendants are the ones making decisions regarding the archaeological preservation area, to which Baptista affirmed. *[SEE YOUTUBE TIMESTAMP 03:16:14]* Vice Chair Mahina Paishon-Duarte expressed hope that this project could serve as a model for other areas and asked

Nohealani Baptista to elaborate on the decision to redesign and limit development. Nohealani Baptista explained that her father chose to preserve archaeological sites rather than remove or mitigate them, as once they are disturbed, they are lost forever. Additionally, he aimed to restore native plants and remove invasive species, honoring the land's history and their family's deep connection to it. Vice Chair Mahina Paishon-Duarte thanked her for the explanation and expressed hope that future developers would adopt a similar approach to preservation and sustainability. *[SEE YOUTUBE TIMESTAMP 03:16:48]* Applicant Representative Daryn Arai took a moment to recognize Robert Lee, the patriarch of the family, who has been central to the project's vision. He acknowledged Lee's dedication despite the long and challenging process, humorously noting that Lee doesn't seem to be aging. Daryn Arai praised Lee's leadership and the way his entire 'ohana has embraced his vision for preservation and restoration. *[SEE YOUTUBE TIMESTAMP 03:19:13]* Acting Planning Director Jeffrey Darrow expressed gratitude and happiness for witnessing the project's progress. He recalled being involved in 2019 when it was presented to the land use commission and noted how rewarding it is to see the vision become a reality. *[SEE YOUTUBE TIMESTAMP 03:20:11]*

There were no in-person or zoom testifiers for this agenda item. *[SEE YOUTUBE TIMESTAMP 03:20:57]*

Action: Commissioner Kanuha moved the application of Plan Use Development Docket No. PL-PUD-2024-000003 to be approved based on the Planning Director's recommendation which shall be adopted. Vice Chair Mahina Paishon-Duarte seconded. *[SEE YOUTUBE TIMESTAMP 03:21:19]* Commissioner Dean Au acknowledged the uniqueness of the applicant's actions, especially in Kona's expensive community. He commended the applicant and their 'ohana for prioritizing community enhancement over personal gain, expressing appreciation for their efforts. *[SEE YOUTUBE TIMESTAMP 03:21:44]* Commissioner Donna "Kinuko" Noborikawa praised the applicant for their innovative approach, noting that the planned use development allows for creative solutions. She highlighted the dedication of over a third of the property to archaeological preservation as a win-win, balancing cultural preservation with family living. She expressed full support for the project. *[SEE YOUTUBE TIMESTAMP 03:22:20]* Chair Barbara DeFranco expressed full support for the project and gratitude to Acting Planning Director Darrow and the planning department for their support. She noted the project's positive impact and appreciated seeing multiple generations involved. *[SEE YOUTUBE TIMESTAMP 03:23:13]* Vice Chair Mahina Paishon-Duarte expressed gratitude and acknowledged the lineal descendants of the land. She encouraged them to continue their work for their families and future generations, praising them as role models for the community. *[SEE YOUTUBE TIMESTAMP 03:24:26]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Kanuha, Vice Chair Paishon-Duarte, Commissioner Au, Commissioner Noborikawa, Commissioner Rodriguez, and Chair DeFranco), with one and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:25:04]*

This hearing item ended at 4:24 p.m.

4. **APPLICANT: GREG GILLIOM, & KATHLEEN KISSEL (PL-SMA-2024-000066)**
Application for a Special Management Area Use Permit to demolish an existing single-family dwelling and construct a new single-family residence on an approximately 12,294 square foot parcel located within the Special Management Area (SMA). The subject

property is located at 69-1928 Puako Beach Drive, Puako, South Kohala, Hawai‘i, TMK (3) 6-9-006:014.

The Commission took up this agenda item at 4:25 p.m. There were five members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 03:25:53]*

Derek Harbaugh gave a presentation. *[SEE YOUTUBE TIMESTAMP 03:26:41]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Planning Department Staff. Chair Barbara DeFranco asked to review slides showing the neighborhood and the building’s placement on the lot. She inquired whether the new structure would occupy the entire lot, to which Planning Staff Derek Harbaugh clarified that it would not. He explained that while the existing structure had a 20-foot setback, current regulations require a 40-foot setback, along with front and side yard setbacks. Chair Barbara DeFranco then requested to see the architectural drawing of the house, which Harbaugh confirmed by displaying the site plan. *[SEE YOUTUBE TIMESTAMP 03:31:27]* Commissioner Donna “Kinuko” Noborikawa sought clarification on the site plan, confirming that the blue area represented a swimming pool within the footprint of the previous house and that the new house would be set 40 feet from the shoreline. Planning Staff Derek Harbaugh confirmed this. She also inquired about the setbacks, initially referring to them as front yard setbacks, but Harbaugh clarified that they were side yard setbacks. Noborikawa acknowledged the terminology difference and thanked him. *[SEE YOUTUBE TIMESTAMP 03:33:05]* Vice Chair Mahina Paishon-Duarte asked if there was a picture of the existing legally non-conforming seawall. Planning Staff Derek Harbaugh stated that it was not included in the presentation but provided an image of the side of the property. He explained that the main concern had been the observed shoreline near the road stub-out and that the proposed access gate, initially within the shoreline setback, had been moved. Paishon-Duarte then confirmed that all concerns raised by the Planning Department had been addressed, to which Harbaugh affirmed they had. *[SEE YOUTUBE TIMESTAMP 03:33:54]*

Applicant Representative John Pipan, along with Applicants, Greg Gilliom and Kathleen Kissel, and Project Architect Kurt Klein gave a presentation *[SEE YOUTUBE TIMESTAMP 03:35:58]*

Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representative, Applicants, and Project Architect. *[SEE YOUTUBE TIMESTAMP 03:45:18]*

Commissioner Dean Au inquired about community opposition to the project, particularly whether it was presented to the HOA. He acknowledged the applicant’s commitment to beach access and expressed concern that the applicant felt community pushback. Applicant Representative John Pipan explained that the project had evolved through multiple reviews and adjustments in response to community feedback. He stated that plans were shared with the Community Association, but misinformation sometimes arises, with some neighbors framing personal concerns, like view impacts, as public access issues. He emphasized that the project has made efforts to address concerns, such as relocating the driveway and respecting setbacks, while also providing public benefits. *[SEE YOUTUBE TIMESTAMP 03:45:20]*

Commissioner Clement “CJ” Kanuha III asked if the applicant had received feedback from the Department of Water Supply. Applicant Representative John Pipan confirmed, explaining that the existing home had old landscaping and irrigation leaks, which would be addressed in the new construction. Commissioner Clement “CJ” Kanuha III commended the applicant for preserving public access and acknowledged their efforts. He noted that misinformation often circulates in the community and expressed understanding of how negative comments could be hurtful. *[SEE YOUTUBE TIMESTAMP 03:47:24]*

There were no in-person or zoom testifiers for this agenda item. *[SEE YOUTUBE TIMESTAMP 03:48:08]*

Action: Commissioner Au moved that the application for Special Management Area Use Permit for Docket No. PL-SMA-2024-000066 be approved based on the Planning Director’s recommendation which shall be adopted. Commissioner Kanuha seconded. *[SEE YOUTUBE TIMESTAMP 03:48:18]* Vice Chair Mahina Paishon-Duarte thanked the applicants for their efforts in addressing concerns from both the Planning Department and the community, acknowledging their time and dedication to finding solutions. *[SEE YOUTUBE TIMESTAMP 03:48:18]* Commissioner Armando Rodriguez congratulated the applicants and shared a lighthearted personal anecdote about the challenges of building a home, joking that it almost led to a divorce due to constant design changes. *[SEE YOUTUBE TIMESTAMP 03:49:01]* Commissioner Dean Au noted that the applicant inherited the property's issues from the previous owner, who also faced public outrage despite not making changes. He acknowledged the sensitivity around public access and expressed appreciation for the applicant, recognizing their connection to the ocean and the community. *[SEE YOUTUBE TIMESTAMP 03:49:18]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Au, Commissioner Kanuha, Commissioner Noborikawa, Vice Chair Paishon-Duarte, Commissioner Rodriguez and Chair DeFranco) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:50:08]*

This hearing item ended at 4:50 p.m.

ELECTIONS OF OFFICERS

The Commission took up this agenda item at 4:51 p.m. There were five members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 03:51:03]*

Chair Barbara DeFranco moved to nominate Commissioner Dean Au as the new Chair. Vice Chair Mahina Paishon-Duarte seconded the motion. *[SEE YOUTUBE TIMESTAMP 03:51:13]* No discussion. A roll call vote was taken, and the motion carried with six ayes (Chair DeFranco, Commissioner Au, Commissioner Kanuha, Commissioner Noborikawa, Vice Chair Paishon-Duarte, and Commissioner Rodriguez) with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:51:54]*

Chair Barbara DeFranco moved to nominate Commissioner Donna “Kinuko” Noborikawa as the new Vice Chair. Commissioner Kanuha seconded the motion. *[SEE YOUTUBE TIMESTAMP 03:52:35]* Commissioner Dean Au thanked the outgoing chair and vice chair and jokingly expressed sympathy for the incoming chair and vice chair. *[SEE YOUTUBE TIMESTAMP*

03:52:50] A roll call vote was taken, and the motion carried with six ayes (Chair DeFranco, Commissioner Kanuha, Commissioner Au, Commissioner Noborikawa, Vice Chair Paishon-Duarte, and Commissioner Rodriguez) with one absent and excused (Commissioner Dela Cruz). [SEE YOUTUBE TIMESTAMP 03:53:06]

PLANNING DIRECTOR'S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for November 2024. No questions or comments. [SEE YOUTUBE TIMESTAMP 03:53:25]

AGENDA ITEMS FOR THE NEXT MEETING

Commissioner Donna “Kinuko” Noborikawa would like to have a discussion on updating official letterheads to include ‘Ōlelo Hawai‘i alongside English, with a recommendation to the mayor for implementation across departments and commissions. [SEE YOUTUBE TIMESTAMP 03:53:43]

ANNOUNCEMENTS

The Leeward Planning Commission’s next regular meeting scheduled for Thursday, January 16, 2025, has been canceled. The next Leeward Planning Commission regular meeting is scheduled for Thursday, February 20, 2025, at the County Council Chambers in Kona and the public can also testify via Zoom. The date and venue of the meeting are subject to change. [SEE YOUTUBE TIMESTAMP 03:54:30]

ADJOURNMENT

There being no further business, it was moved by Vice Chair Mahina Paishon-Duarte and seconded by Commissioner Donna “Kinuko” Noborikawa that the meeting be adjourned. A voice vote was taken, and the motion was carried with six ayes with one absent and excused (Commissioner Dela Cruz). [SEE YOUTUBE TIMESTAMP 03:55:14]

Chair Barbara DeFranco adjourned the meeting at 4:55 p.m.

Respectfully submitted,



Kelsie Chang (Apr 23, 2025 15:12 HST)

Kelsie Chang
Secretary

ATTEST:


Dean Au (Apr 23, 2025 17:08 HST)

Dean Au, Chairperson
Leeward Planning Commission