

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

HEARING TRANSCRIPT
DECEMBER 7, 2023

A regularly advertised hearing on the application of **GOLD COAST SP LLC (PL-SMA-2023-000040)** was heard at 10:59 a.m. in the County of Hawai‘i Council Chambers in Hilo, 25 Aupuni Street, Hilo, Hawai‘i with Chair Dennis Lin presiding.

COMMISSIONERS PRESENT: Dennis Lin, Lauren Balog, John C. Cross, Louis Danielle III, and Wayne De Luz.

COMMISSIONER EXCUSED: Chantel Perrin

ALSO PRESENT: Suzanna Tiapula, Esq. (Counsel for the Commission), Jean Campbell, Esq. (Counsel for the Planning Department), Jeffrey W. Darrow (Deputy Planning Director), Jessica Andrews (Planner), Alex Roy (Planner), Christian Kay (Planner), Tracie-Lee Camero (Zoom Host), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary).

And one member from the public were in attendance.

APPLICANT: GOLD COAST SP LLC (PL-SMA-2023-000040)

Application for a Special Management Area Use Permit to allow for the development of a 2-story, 3,934 square-foot single-family residence and related improvements on 23,958 square feet of land situated on a shoreline parcel within the Special Management Area. The subject property is located at 15-1107 Ala Heiau Rd. approximately 580 feet southeast of its intersection with Maku‘u Drive, Block “II” Kea‘au, Puna, Hawai‘i, TMK: (3) 1-5-031:062.

Secretary’s Note: [indecipherable] indicates that there were technical and/or internet difficulties, which made the conversation inaudible.

LIN: Staff, is there any testimony for this agenda item number 2?

ANDREWS: Sorry, there’s nobody in person, —

LIN: Okay.

ANDREWS: — I don’t know about on Zoom.

LIN: Okay, is there anybody on Zoom, Tracie?

CAMERO: There’s nobody registered on Zoom right now.

LIN: Okay, thank you. At this point we will close public testimony. So, agenda item number 2 is applicant Gold Coast SP, LLC, PL-SMA-2023-000040. Application for a

Special Management Area Use Permit to allow for the development of a two (2) story, 3,934 square-foot single-family residence and related improvements on 23,958 square feet of land situated on a shoreline parcel within the Special Management Area. The subject property is located at 15-1107 Ala Heiau Road approximately 580 feet southwest of its intersection of Maku'u Drive, southeast, oh, southeast of its intersection with Maku'u Drive, Block II, Kea'au, Puna, Hawai'i, TMK: (3) 1-5-031 parcel number 62.

Deputy Director Darrow has a quick announcement.

DARROW: Thank you, Mr. Chair. Good morning members of the Windward Planning Commission. My name is Jeff Darrow, currently acting as Planning Director for this particular application. We wanted to make a statement in regards to applications in which our current Planning Director Zendo Kern is conflicted, and this was based on a ruling from the Board of Ethics, and these are applications in which our Planning Director had previously represented a particular project or applications that are submitted by Land Planning Hawai'i which was partly his previous company. In this particular application this Gold Coast was submitted by Land Planning Hawai'i. So, I will be acting as Planning Director. Moving forward there's been some conflicts when reports come out and there are references to the Deputy Planning Director's well as the Planning Director. Moving forward we are going to take out the reference to Deputy Planning Director and just continue to use it as Planning Director. I will be in those applications our current Planning Director is not involved at all. I take all decisions, I review, I make any recommendations for those particular applications. So, even in this application you'll see a few conflicts on that matter. Moving forward we just want to verify that we're going to keep it consistently with that. Hopefully, that's clear. We did consult with our Corporation Counsel as well as the Chair of Council on this and they both agree. Thank you.

LIN: Thank you, Planning Director. So, now we will move on to staff presentation. Alex, please go ahead.

ROY: Good morning, Commissioners. Today, I'm going to be talking about Special Management Area Use Permit application SMA-23-040 for the applicant Gold Coast SP, LLC. Here's a location map. As you can see it's at the makai end of Hawaiian Paradise Park on the I guess the farthest west or southern side of the shoreline in this area. So, just outside of Kea'au. The applicant is requesting approval to construct a two (2)-story 3,934 square foot single family residence. Includes five (5) bedrooms, three (3) bathrooms, a rec room, storage room, covered lanai, and a 2-car garage. The project will be setback approximately 180-feet from the shoreline. Water will be provided via an on-site private well, with wastewater being managed by a DOH or Department of Health approved individual wastewater system. So, pretty standard single-family residence develop.

Here's a view of the County zoning map. The subject parcel outlined in red. As we can see, it's at the end of Ala Heiau Road and the entire area including the park parcel to the south is zoned Agricultural-1 acre. State Land Use. The predominant State Land Use in this area is Ag but as you can see a number of parcels in this subdivision are listed as Conservation. At one time the entire coastal area was within the Conservation District but over time has been taken out via

Land Use Commission approvals and now is within the Ag. So, our subject parcel is in the Ag State Land Use Zoning District.

The LUPAG or the General Plan Map shows this entire area along the coastline as Open with the areas mauka of Ala Heiau within the Rural designation of the GP. Here's an aerial photograph from the ocean looking towards the property. I outlined in the red dash. You can see these lots are pretty well-developed. They're small, thin lots right along the shoreline. The shoreline in this area as you can see from this picture is a low bench fractured basalt rock and in this case the applicant has cited the development at the back of the property which the Planning Department is very happy with. So, here's an aerial photograph of the entire area kind of giving you an overview of the existing development, the shoreline and then down along if my cursor will work. Right along here is the entrance to the park where during my site visit, I noted a lot of the public was going down there. So, it's easily accessible and heavily used. There is another shoreline access point at the other end of Ala Heiau Road so there are numerous ways to get along the shoreline and fishing is the big predominant use in this area.

I kind of turn the plan a little bit to make it fit on the map. So, here we see a site plan, a general site plan of the proposed development. On your left-hand side of the screen is the road, on the right-hand side of the screen is the ocean. I demarcated the approximate 40-foot shoreline setback. So we see that the property and the development of the home is held back 180 feet again; the Planning Department is really happy that this applicant has choose to move as far back from the shoreline as possible. Thus mitigating any hazards related to coastal development. It also puts them out of the flood zone, the VE Flood Zone so that's good too. The individual wastewater system is allowed to be closer as long as it's within greater than 50 feet. So, in this case not an issue and then you'll see a small driveway and then the well and then we can assume of course there will be landscaping and other related improvements that are typical for single-family dwellings. But in this case, they've held way back from the certified from the shoreline and then outside of the shoreline setback area.

Here's just a profile. So, the top is the front so this is what you would see from the road and the bottom the rear elevation is what you would see from the ocean. So, pretty standard 2-story home with the open lanai and garage. The full set of plans everybody should have gotten in their application packet. Here I visited the site. Took a photograph, I crawled in a little bit it was pretty overgrown, but I was able to get in a few feet and kind of just give you an idea. I noted a couple Polynesian introduced trees, a lot of non-natives so, but nothing outstanding floral fauna surveys didn't really provide anything outstanding. This whole area been developed and was graded in the past for the development. At this point pretty standard overgrown vegetation and the trees line kind of the property lines.

Here's a view of the property entrance roughly on the left-hand side that white fence is the other property, is the property line. You can almost make out the sign, I should have gotten a picture of that but on the left-hand side would be the property entrance and this is an unpaved portion of Ala Heiau Road and then you could see a vehicle driving down towards the public access. Which is not as pretty close, it's only a few hundred feet away. Then here's looking at the other direction towards the intersection with Maku'u and Ala Heiau. Again, the subject property is on the right. You can see pretty overgrown but there's some Polynesian introduced and a few small

native trees there in showing that site. And just for reference I wanted to add a picture of the intersection of Ala Heiau. So, our subject property would be forward in along Ala Heiau Road on the left and this is the intersection with the main Maku'u Drive. So this is the property just to kind of give you some reference.

So, at this time, the Acting Director's recommendation for PL-SMA-2023-000040 is approval with the stated conditions and I can take questions of course.

LIN: Okay, thank you Alex. Any questions from the Commissioners for staff? Okay, seeing none. We'll move on. Can I ask the applicant or their representative to please come forward. Mr. Pipan, I believe that the applicant is actually on Zoom, correct? Okay.

CHUBA: Hi, I'm Dr. Chuba and I'd like to introduce myself if you'd like.

LIN: Okay, just real quick. I have to swear you in first. So, maybe if you can get the screen off and we'll get everybody sworn in. There we go, okay. If could please raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

PIPAN: I do.

LIN: Okay, before anybody speaks, please speak directly into to your microphones, state your name, the area that you reside in and whom you represent and if you could confirm if you've received the background and recommendation reports from the Planning Department and if you agree to these proposed conditions.

PIPAN: Aloha, I'll start off. Aloha, Chair Lin, Windward Planning Commissioners. John Pipan, Land Planning Hawai'i, here representing Dr. Paul Chuba, the applicant. He is a MD Ph. D, residing in Michigan currently. He is the Medical Director and Chief of the Radiation Oncology Department at St. John Macomb Oakland Hospital et cetera and so forth and he can explain a little bit more of his background. But he intends to retire and reside on the property full-time in just a couple more few years from now.

LIN: Can you confirm that you've received the background and recommendation reports?

PIPAN: Yes, we have received the reports. We appreciate the hard work that's gone into reviewing this project and drafting these conditions. We have no qualms; we agree with all the proposed conditions as stated.

LIN: Okay, thank you Mr. Pipan and then the applicant, you can go ahead.

CHUBA: Hi. I just like to introduce myself briefly. I want to thank the Commission for having a hearing for this for me and especially letting me attend by Zoom. As

John said I'm a doctor in Michigan, I'm a Radiation Oncologist so that being said I do radiation treatments for cancer patients. I'm 64 so I probably have a few years left to my career. I'm hoping that I could do some work, probably part-time work in Hilo or elsewhere in the Hawaiian Islands as a radiation doctor. I've applied for my Hawai'i license, and I'm excited I think it's the most beautiful property and I'll stop there. Thank you.

LIN: Okay, thank you. Questions Commissioners for either the applicant or the representative? Okay, seeing none. Is there a motion on this application?

CAMERO: Chair, I apologize.

LIN: Oh.

CAMERO: There is a last-minute testifier, Chrystal Schiszler that has just joined the Zoom.

LIN: And this is for this agenda item?

CAMERO: Yes, she had registered that it was for this agenda item. Chrystal can you please turn your screen and unmute yourself?

SCHISZLER: Um' yes, hold on a second. Thank you, guys.

LIN: Okay. Could you please raise your right hand, I would have to swear you in.

SCHISZLER: Yes.

LIN: Do you swear or affirm to tell the truth on this matter now before the Windward Planning Commission?

SCHISZLER: Yes. Yes, sir.

LIN: Okay. You have 3 minutes.

SCHISZLER: Okay, thank you so much. Yes, I just have some concerns about possible burials in that area. I was born and raised here and have had many Hawaiian friends and right nearby I don't know about the property that's currently being, what's happening right now with that property. I'm familiar with where that property is but nearby properties there are burials known to be there so, I'm just concerned about that, and I just wanted to express that to the applicant. You know, I'm sure these properties are treated just like another property. It's up to the homeowner to notify the County if burials are found but, I kind of wanted to give a heads up to him and let him know that there are sensitive cultural areas and to be especially careful. I'm sure this permit will probably be granted, and I understand that and it's fine, but I just want him to be aware of the burials in that area. Especially to be careful when developing the area, maybe to do as little of development as possible to the land itself. It's kind of a heads up and it's

up to him of course but I just wanted to let him consider that and be aware of that in that area.
Thank you.

LIN: Thank you for your testimony. Oh!

PIPAN: I'm happy to assist —

LIN: Go ahead Mr. Pipan.

PIPAN: — yeah, thank you for the opportunity. The entire HPP area including this property was previously cleared when the subdivision when the infrastructure was established. We have aerial photographs in our application report showing the subject having been cleared. We have confirmation from the State Historic Preservation Division (SHPD) that no historic properties are going to be affected and we also have the Condition 12 about accidental or inadvertent discovery of previously unidentified sites. All work would stop and SHPD would be contacted for the correct process to be followed.

LIN: Thank you, Mr. Pipan. Any comment from the applicant?

CHUBA: Sure. Thank you. Um' Crystal I really appreciate your sentiment and I feel that we should be protecting that site. If we were to encounter anything like that, I would certainly take that to heart.

SCHISZLER: Thank you, sir.

LIN: Okay, thank you. Um' last call for any testimony. Okay, seeing none. Testimony is officially ended. Okay. So, now is there a motion on this application?

DE LUZ: I move that application for Special Management Area (SMA) Use Permit Docket No. PL-SMA-2023-000040 be approved based on the Planning Director's recommendation which shall be adopted.

LIN: Okay, it's been moved by Commissioner De Luz. Is there a second?

DANIELE: I will second that.

LIN: Okay, seconded by Vice Chair Daniele. Any discussion on the motion? Seeing no discussion, staff, is there a roll call vote?

ROY: Commissioner De Luz?

DE LUZ: Aye.

ROY: Commissioner Daniele?

DANIELE: Aye.

ROY: Oh, sorry, Vice Chair, I'm so sorry. Commissioner Balog?

BALOG: Aye.

ROY: Commissioner Cross?

CROSS: Aye.

ROY: That's right, that's it and then Chair Lin?

LIN: Aye.

ROY: Motion carries five to zero approved.

LIN: Okay and you'll be notified in writing of the Commission's decision.

PIPAN: Happy holidays in this season of gratitude. I just want to say I'm very grateful for the work that you Commissioners do. It often goes unnoticed, but we do notice, and we appreciate the time and care that you dedicate to this process. So, thank you.

LIN: Thank you and Dr. Chuba, we hope that you can practice here in Hawai'i because your services are very much needed. Congratulations.

CHUBA: I look forward to this very much and I want to thank the Commission, echo John's sentiments.

LIN: Thank you. Yeah, you're all good Dr. Chuba. Thank you.

CHUBA: Outstanding, take care. Mahalo.

LIN: Mahalo.

The item ended at 11:19 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Feb 2, 2024 12:32 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission