

WINDWARD PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
JANUARY 6, 2023

A regularly advertised hearing on the application of **MATTHEW AND ERIC WUNG (PL-REZ-2022-000030)** was called to order at 9:20 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, Gilbert Aguinaldo, John C. Cross, Louis Danielle III, and Wayne De Luz

ABSENT AND EXCUSED: Lauren Balog

ALSO PRESENT: Sinclair Salas-Ferguson Esq. (Counsel for the Commission), Suzanna Tiapula, Esq. (Counsel for the Planning Department), Jeffrey Darrow (Deputy Planning Director), Tracie-Lee Camero (Planner), Christian Kay (Planner), Janice Hata (Zoom Host), Maija Jackson Planning Program Manager), and Melissa Dacayanan-Salvador (Windward Planning Commission Secretary)

And three members from the public in attendance.

APPLICANT: MATTHEW AND ERIC WUNG (PL-REZ-2022-000030)

Application for a Change of Zone from an Agricultural-3 acre (A-3a) zoning district to a Single Family Residential-15,000 square feet (RS-15) zoning district for 3.1285 acres of land. The subject property is located at 862 West Kawailani Street, approximately 1,000 feet west of its intersection with Komohana Street, Waiākea, South Hilo, Hawai'i, TMK: (3) 2-4-003:035.

LIN: Okay, moving on to Item #4. Applicant is Matthew and Eric Wung, application PL-REZ-2022-000030. Application for a Change of Zone from an Agricultural-3 acre zoning district to a Single Family Residential-15,000 square feet (RS-15) zoning district for 3.1285 acres of land. The subject property is located at 862 West Kawailani Street, approximately 1,000 west of its intersection on Komohana Street, Waiākea, South Hilo, Hawai'i, TMK: (3) 2-4-003:parcel number 35. Is there any public testimony at this time for this, anybody on Zoom, Janice?

HATA: I have no Zoom testifiers.

LIN: Okay, if none, then we will move on to staff presentation. Christian?

KAY: Thank you Mr. Chair, good morning to you and members of the Windward Planning Commission and a Happy New Year. As the Chair stated this is a Change

of Zone application. The subject property filled in red here is located in the South Hilo District of Hawai'i island. More specifically in the Waiākea House Lots. For reference, we've got West Kawaiāni Street running generally left to right to through the slide and this is in the vicinity of the Hilo Life Care Center. Oh, sorry.

The applicant is requesting a Change of Zone from an Agricultural 3-acre to a Single-Family Residential-15,000 square foot zoning district for approximately 3.1285 acres of land. The Change of Zone request will allow the applicants to pursue the subdivision of the property into 5 lots ranging in size from 20,080 square feet to 45,363 square feet. According to the applicants, lots will be designated to each of the two owners and the remaining 3 lots will be owned by the applicants as part of their plan of distribution.

Here is the zoning map for the subject property and surrounding areas. Again, the subject property is outlined here in red. The current zoning is Agricultural-3 acres zoning in the area, generally is Single-Family Residential to the east here is similarly Single-Family Residential-15,000 square feet as indicated in the beige color across Kawaiāni Street as indicated in the yellow color is Single-Family Residential-10,000 square feet. The State Land Use designation for the subject property and surrounding areas is largely Urban as indicated by the pink color and there is some Agricultural in the area as well to the west. The General Plan Land Use Pattern Allocation Guide map designates the subject property and much of the surrounding area as Low Density Urban. There is some Rural to the west of the subject property as indicated in the mustard color and some University Use to the north as indicated in the purple color.

Here are a couple of aerial photographs of the subject property. The upper left here is more zoomed out and it shows the subject property relative to surrounding uses. Again, much of the surrounding area is made up of Single-Family residences and with the Hilo Life Care Center here to the west. And on the lower right is a more zoomed in view. The subject property currently is developed with a Single-Family dwelling, 2 garages and some agricultural structures. Outside of the built structures is the remainder of the property is vacant and sometimes used for grazing purposes.

Here is the applicant's proposed subdivision map. Again, for reference we've got West Kawaiāni Street running toward the bottom of the map. The subject property is currently accessed via a driveway coming off of West Kawaiāni Street and will continue to be as proposed for this Lot 1. The remaining 4 lots will be accessed off of a stub out from South Kumuāina Place, which is a county road.

Here is a view of the subject property from West Kawaiāni Street looking north. Here are some views of West Kawaiāni Street. Upper left is looking west with the subject property on the right-hand side and the lower right is a view of West Kawaiāni Street looking east with the subject property on the left-hand side. And here is a photo of the subject property from South Kumuāina Place looking west. And this again will be via the access point for the upper 4 lots.

The Planning Director is recommending that the Planning Commission forward a favorable recommendation to the County Council. With that I'm happy to answer any questions the Commission may have at the appropriate time.

LIN: Thank you Christian. Any questions so far for staff? Okay, if not, we'll move on to the applicant's presentation. Will the applicant or the applicant's representative please come forward.

TWO MALES FROM AUDIENCE WENT TO THE TESTIFIER TABLE

LIN: Okay. Please raise your right hand. Do you swear or affirm to tell the truth on the matter now before the Windward Planning Commission?

TWO MALES AT TESTIFIER TABLE: I do, I do.

LIN: Okay, please speak directly into your microphones, state your name, the area you reside in and whom you represent.

YEH: Thank you. First of all, my name is Thomas Yeh, I am the attorney for the applicant. I reside in Hilo, Hawaii.

WUNG: My name is Matthew Wung, I'm the applicant and I also reside in Hilo, Hawai'i.

YEH: Then, also in the room is Eric Wung, who is Matt's brother and applicant. Thank you.

LIN: Have you received the background and recommendation reports from the Planning Department, and do you agree with the recommendations including the proposed conditions?

WUNG: Yes, we have and yes, we do.

LIN: Thank you.

YEH: Correct, thank you Mr. Chair. Yeah, I guess the only, it's not an objection, but, just from a practical perspective. There's this road widening improvement section —

LIN: My apologies, Mr. Yeh. Could you speak more directly into the microphone.

YEH: My apologies. So, there's a road widening improvement condition which is generally fine but if you look at the rest of the frontage, really the shoulders basically will stay the same. Except for this one section. Road widening reserve is probably more appropriate but, cause the really difficult part is, you know is, as Matt was telling me this morning. I think they'll going to have to move a water line and a meter as a result of that. But that's the only reservation that I have but other than that we wanted to thank staff for putting together a complete and satisfactory set of conditions, and really appreciate it. One of the things I wanted to point out

though is, this is truly family. Because if you look at properties to the north of this subject property as well as to the west. His grandmother lives to the west, his uncle and father lives to the north and then little more to the northwest is another one of their cousins. So, they really managed to keep this property in the family over decades basically. So, really appreciate your consideration in this zoning application. Thank you.

WUNG: Thank you.

YEH: Other than that, nothing further unless there are any questions.

LIN: Maybe Deputy Jeff Darrow, if you could comment on Mr. Yeh's comment regarding the road widening and the reserve comments.

DARROW: Sure Mr. Chairman, thank you. Jeff Darrow Deputy Planning Director. Looking at the actual map of the area. It appears that this future road widening setback comes along Kawaihewa. So, it's not just affecting the applicant's property, it's affecting all the properties along Kawaihewa and it's a road reserve. If in the future the Department of Public Works wants to widen Kawaihewa Street, they will be able to because of this future road widening setback that has been placed. The concern is, is that if we don't put that in and the applicants build according to the setbacks off the current road, and they come in with a future road widening in the future. The structures can find themselves pretty close to the roadway as well as being in the new proposed setbacks. So, it's just appropriate planning and again usually we're alerted to the fact both on our maps of the City of Hilo Zone Map that's been placed on our tax maps, as well as information from the Department of Public Works. Thank you.

YEH: Just to comment.

LIN: Go ahead Mr. Yeh.

YEH: Mr. Darrow, I got no objections to the road widening setback. It's really more the improvements that are required prior to subdivision approval. So, that's the main kicker at this point. But I think we're willing to eat that cost. But just thinking about it too.

LIN: Thank you. My comment would be there's been a lot of discussion regarding time. So, is five years sufficient for your client to fulfill all these conditions within this request?

WUNG: I think so.

YEH: I believe so, I believe so. Yes, and there is still I believe a clause allowing the Planning Director to provide an additional extension should it be needed. So, I think we're okay with that. Thank you.

LIN: Commissioners, any other questions or comments for the applicant or the staff? Okay, seeing none, oh Mr. Darrow.

DARROW: Again, I understand the concern. It is expensive. Normally, like you'll see these future road widening setbacks along on our maps across the board even on properties that aren't coming for higher density. But when they do come in for higher density, we look to other agencies to provide direction and in this particular case on Exhibit 10. The Department of Public Works did give us that particular direction to provide these improvements for the future road widening setback. Thank you.

LIN: Thank you Mr. Darrow. Any other comments? Hearing none, is there a motion on this item?

DE LUZ: I'll make a motion. I move that a favorable recommendation be forwarded to the County Council on the application for Change of Zone, on Docket No. 2022-000030, based on the Planning Director's recommendation, which shall be adopted.

AGUINALDO: I second.

LIN: Thank you. It's been moved by Commissioner De Luz and seconded by Commissioner Aguinaldo for a favorable recommendation to the County Council on this matter. Is there any discussion on this motion? Okay, seeing none. Staff, roll call vote please.

KAY: Okay, thank you Mr. Chair. Commissioner De Luz?

DE LUZ: Aye.

KAY: Commissioner Aguinaldo?

AGUINALDO: Aye.

KAY: Commissioner Cross?

CROSS: Aye.

KAY: Commissioner Daniele?

DANIELE: Aye.

KAY: And Chair Lin?

LIN: Aye.

KAY: Thank you Mr. Chair, motion carries with five aye votes.

LIN: Thank you very much.

YEH: Thank you really appreciate it.

WUNG: Thank you.

DE LUZ: Good luck guys.

WUNG: Thank you.

The item ended at 9:33 a.m.

Respectfully submitted,

Melissa Dacayanan-Salvador
Melissa Dacayanan-Salvador (Feb 2, 2023 14:05 HST)

Melissa Dacayanan-Salvador, Secretary
Windward Planning Commission