

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
OCTOBER 17, 2024

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The Leeward Planning Commission met in regular session on Thursday, October 17, 2024, at 9:30 a.m. in the West Hawai‘i Civic Center, Council Chambers, Building A, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai‘i, with Chairperson Barbara DeFranco presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Dean Au, Michael Dela Cruz, Donna “Kinuko” Noborikawa, Armando Rodriguez, and Barbara DeFranco (Chairperson).

COMMISSIONERS ABSENT AND EXCUSED: Vice Chair Mahina Paishon-Duarte and Clement “CJ” Kanuha III.

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

Approximately four members of the public were present in the audience.

A quorum was present. Chairperson Barbara DeFranco called the meeting to order at 9:40 a.m. and introduced the Commissioners. Staff introductions were made. [SEE YOUTUBE *TIMESTAMP 01:14*]

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 02:26*]

APPROVAL OF MINUTES

At 9:42 a.m. the Commission took up the minutes of the September 19, 2024, Leeward Planning Commission meeting. No corrections were offered. Commissioner Dela Cruz moved, and Commissioner Noborikawa seconded that the minutes be approved as submitted. A voice vote was taken, and the motion carried with five ayes, two absent and excused. [SEE YOUTUBE *TIMESTAMP 03:22*]

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:43 a.m. the Commission took up this item with approximately three members of the audience in the Council Chambers. Chairperson Barbara DeFranco stated she will be limiting testimony to 3 minutes per testifier for each agenda item. Chairperson DeFranco explained the procedure for testifying and Planning Commission Rule 1-5 regarding decorum. *[SEE YOUTUBE TIMESTAMP 04:13]*

There were no in-person or zoom testifiers. *[SEE YOUTUBE TIMESTAMP 05:14]*

ADMINISTRATIVE MATTERS

Coastal Zone Management (CZM) and Special Management Area (SMA) training by the State Office of Planning and Sustainable Development (OPSD) and Planning Department staff. *[SEE YOUTUBE TIMESTAMP 05:38]*

State Office of Planning and Sustainable Development (OPSD) staff Debra Mendes, Acting Program Manager and Shichao Li, Senior Planner gave a presentation *[SEE YOUTUBE TIMESTAMP 06:55]*.

Due to technical difficulties with the OPSD presentation, Deputy Director Jeffrey Darrow provided a brief explanation about the importance of reviewing Special Management Area (SMA) permits. He clarified that the authority to approve or deny these permits primarily rests with the Planning Commissions, as granted by Chapter 205, HRS 205a. While certain administrative actions are delegated to the Department, most SMA permits require Planning Commission review before development can proceed. Darrow emphasized that commissioners need to understand their role in this process, as it differs from approving zoning changes or use permits, which have specific, strict requirements to be followed by both the commission and the department. *[SEE YOUTUBE TIMESTAMP 08:43]*

Presentation was resumed. *[SEE YOUTUBE TIMESTAMP 11:29]*

The floor was then opened to allow the Commission to ask questions of the OPSD staff. *[SEE EXHIBIT 1 – PowerPoint Presentation, EXHIBIT 2 – Cumulative Effects/Impacts Assessment Guidance in Special Management Area Permitting April 2022]* *[SEE YOUTUBE TIMESTAMP 0:57:29]* Planning Department staff Alex Roy gave a presentation on Cumulative Impacts. *[SEE YOUTUBE TIMESTAMP 1:16:13]* *[SEE EXHIBIT 3 – Cumulative Impacts and the Special Management Area Planning Commission Rules 8, 9, and 11 (2024) Notes from the Planning Department]* The floor was then opened to allow the Commission to ask questions of the Planning Department staff.

Chair Barbara DeFranco called a recess at 11:41 a.m. *[SEE YOUTUBE TIMESTAMP 2:01:47]* and the meeting was reconvened at 11:55 a.m. *[SEE YOUTUBE TIMESTAMP 2:15:00]*

UNFINISHED BUSINESS

The Commission took this item up at 11:55 a.m. with three members of the audience but it was deferred at the request of the applicant. *[SEE YOUTUBE TIMESTAMP 2:15:15]*

There was no public testimony. *[SEE YOUTUBE TIMESTAMP 2:16:12]*

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.

NEW BUSINESS

The Commission took up both agenda items at 11:56 a.m. but indicated each would be associated with separate actions. There were three members of the public present in the audience. *[SEE YOUTUBE TIMESTAMP 2:16:25]*

2. **APPLICANT: VANESSA PEARSON (PL-SMA-2024-000062)**

Application for a Special Management Area Use Permit to construct a two (2) story, 5,200 square foot single-family residence with six bedrooms and six bathrooms, and related improvements on a 13,781 square foot shoreline parcel within the Special Management Area. The subject property is located in Kona Bay Estates on the makai side of Kona Bay Drive, approximately 2,000 feet west of the intersection of Kona Bay Drive and Kaiwi Street, Kailua Airport, North Kona, Hawai'i, TMK: (3) 7-5-005:040.

3. **APPLICANT: VANESSA PEARSON (PL-USE-2024-000027)**

Application for a Use Permit to operate a 5-bedroom bed and breakfast establishment within a proposed dwelling on a 13,781 square foot parcel in the Single-Family Residential – 15,000 square foot (RS-15) zoning district. The subject property is located in Kona Bay Estates on the makai side of Kona Bay Drive, approximately 2,000 feet west of the intersection of Kona Bay Drive and Kaiwi Street, Kailua Airport, North Kona, Hawai'i, TMK: (3) 7-5-005:040.

Alex Roy gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 2:19:03]* Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Planning Department Staff. *[SEE YOUTUBE TIMESTAMP 2:26:59]*

Commissioner Noborikawa raised a question about a background report, specifically asking where the 3.2-foot sea level rise exposure and passive flooding areas were located on the property, as she didn't see any markings on the PowerPoint presentation. Planning staff member Alex Roy explained that while there may be inundations in that area, the wall itself marks the shoreline, and that sea level rise will eventually have an impact in the future. *[SEE YOUTUBE TIMESTAMP 2:27:01]*

Deputy Corporation Counsel Suzanna Tiapula asked the Commissioners and Staff to speak one at a time because the meeting is being recorded. *[SEE YOUTUBE TIMESTAMP 2:28:18]*

Commissioner Noborikawa noted a discrepancy in the background report, which mentioned no archaeological survey had been done, while the applicant's submittal referenced surveys from 1979 and 1981. She asked if this meant no surveys had been conducted since 1981. Planning staff Alex Roy clarified that no new survey was required for this application because prior development—specifically the subdivision, grading, road construction, and wall—had already been reviewed by SHPD (State Historic Preservation Division) at that time. Roy explained that SHPD had conducted an intensive investigation during the initial development and indicated they did not need to review it again, as most impacts to the shoreline occurred during that earlier development. *[SEE YOUTUBE TIMESTAMP 2:28:45]*

Commissioner Noborikawa asked about the Kona CDP figure showing native vegetation near the subject property and an aerial photo indicating a body of water on an adjacent property. She inquired whether this was accurate and if the pool shown on the map was close enough to the subject property to be a concern for the proposal. Planning staff Alex Roy clarified that there are pools and other resources to the north, part of a recreational area, but these are not located on or near the subject parcel. He reassured that the project would not impact any ponds, as they are not on or adjacent to the property in question. *[SEE YOUTUBE TIMESTAMP 2:30:25]*

Commissioner Au inquired about public access, noting that there are two beach accesses about two lots away from the subject parcel, and asked if the sea wall would count as beach access. Planning staff Alex Roy confirmed that it would. Au further asked if the entire sea wall along the bay would be considered public access, and Roy confirmed that it is. He explained that the wall includes a 2-foot-wide pedestrian access and a 20-foot-wide beach pedestrian access in front of it, and that the subdivision map designates the entire length of the wall as a public access point. *[SEE YOUTUBE TIMESTAMP 2:32:57]*

Deputy Planning Director Jeffrey Darrow added that there are multiple mauka and makai public accesses in the subdivision, with parking available at the park. Access to the subdivision is through the park, but vehicular access is not permitted. *[SEE YOUTUBE TIMESTAMP 2:35:32]*

Commissioner Dela Cruz observed that the property is private with only one entryway and asked if residents had ever raised concerns about having an additional exit for evacuation purposes. Planning staff Alex Roy responded that this is something the consultant could address, but he mentioned that no concerns about evacuation had been raised. *[SEE YOUTUBE TIMESTAMP 2:36:53]*

Applicant Representative John Pipan, Administrator, along with applicant Vanessa Pearson (via Zoom) gave a presentation. *[SEE YOUTUBE TIMESTAMP 2:42:54]* Chair Barbara DeFranco opened the floor to allow the Commission to ask questions of the Applicant Representative and Applicant. *[SEE YOUTUBE TIMESTAMP 2:49:36]*

Chair Barbara DeFranco then asked the Commissioners if there was a motion for an action on this item. *[SEE YOUTUBE TIMESTAMP 2:59:42]*

Action on PL-SMA-2024-000062: Commissioner Au moved that the application for Special Management Area Use Permit for Docket No. PL-SMA-2024-000062 be approved based on the

Planning Director's recommendation which shall be adopted. Commissioner Dela Cruz seconded. *[SEE YOUTUBE TIMESTAMP 2:59:45]* Commissioner Au shared his perspective, noting that he lives in a condo with a homeowner's association (HOA) and finds the presence of the wall unique. He remarked that having the wall extend through every beach shoreline property is significant and expressed appreciation for the HOA's requirement that landowners maintain it. *[SEE YOUTUBE TIMESTAMP 3:00:20]* A roll call vote was taken, and the motion carried with five ayes (Commissioner Au, Commissioner Dela Cruz, Commissioner Noborikawa, Commissioner Rodriguez and Chair Barbara DeFranco) with two absent and excused (Commissioner Kanuha and Vice Chair Mahina Paishon-Duarte). *[SEE YOUTUBE TIMESTAMP 3:02:26]*

Action on PL-USE-2024-000027: Commissioner Au moved that the application for Use Permit Docket No. PL-USE-2024-000027 be approved based on the Planning Director's recommendation which shall be adopted. Commissioner Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 3:03:01]* In discussion, Commissioner Au commented that he thinks this use is very appropriate for this area and he supports the motion. *[SEE YOUTUBE TIMESTAMP 3:03:28]* A roll call vote was taken, and the motion carried with five ayes (Commissioner Au, Commissioner Noborikawa, Commissioner Dela Cruz, Commissioner Rodriguez and Chair Barbara DeFranco) with two absent and excused (Commissioner Kanuha and Vice Chair Mahina Paishon-Duarte). *[SEE YOUTUBE TIMESTAMP 3:09:19]*

This hearing item ended at 12:48 p.m.

The Commission took this item up at 12:48 p.m. with four members of the public present in the audience but it was deferred at the request of the applicant. *[SEE YOUTUBE TIMESTAM 3:10:23]*

4. APPLICANT: HAWI NANI LLC (PL-SLU-2024-000010)

Application for a State Land Use District Boundary Amendment from Agricultural to Urban for a 14.629-acre portion of a larger 33.655-acre parcel of land. The subject property is located on Hawi Road, approximately 630 feet north (makai) of its intersection with Akoni Pule Highway, Portions of Pāhoa to Kahei, North Kohala, Hawai'i, TMK: (3) 5-5-008:076 (por.)

Chair Barbara DeFranco opened the floor to allow public testimony. There were no in-person or zoom testifiers. *[SEE YOUTUBE TIMESTAMP 3:11:57]*

This hearing item ended at 12:52 p.m.

PLANNING DIRECTOR'S REPORT

Report on Hawai'i County Council Resolution No. 203-23 adopting the County of Hawai'i Integrated Climate Action Plan. No questions or comments. *[SEE YOUTUBE TIMESTAMP 3:12:23]*

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for September 2024. No questions or comments. *[SEE YOUTUBE TIMESTAMP 3:12:47]*

AGENDA ITEMS FOR THE NEXT MEETING

The Commissioners did not provide any input on agenda items for the next meeting. *[SEE YOUTUBE TIMESTAMP 3:13:03]*

ANNOUNCEMENTS

The Leeward Planning Commission's next regular meeting is scheduled for Thursday, November 21, 2024, 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 3:13:15]* Planning Staff Maija Jackson announced that there will be a Special Meeting in the morning to discuss the General Plan, scheduled from 9:30 a.m. to 11:30 a.m. The regular meeting will begin at noon, following a lunch break, and nine items are tentatively scheduled for discussion during the regular meeting. Tentatively scheduled a special meeting the next day to continue hearing the General Plan. *[SEE YOUTUBE TIMESTAMP 3:13:36]*

ADJOURNMENT

There being no further business, it was moved by Commissioner Au and seconded by Commissioner Dela Cruz that the meeting be adjourned. A voice vote was taken, and the motion was carried with five ayes with two absent and excused. *[SEE YOUTUBE TIMESTAMP 3:14:26]*

Chairperson Barbara DeFranco adjourned the meeting at 12:55 p.m.

Respectfully submitted,



Kelsie Chang (Nov 26, 2024 13:57 HST)

Kelsie Chang
Secretary

ATTEST:



Barbara DeFranco (Nov 26, 2024 20:05 HST)

Barbara DeFranco, Chairperson
Leeward Planning Commission