

LEEWARD PLANNING COMMISSION
COUNTY OF HAWAI‘I

MINUTES
MAY 15, 2025

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The Leeward Planning Commission met in regular session on May 15, 2025, 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 Dean Au presiding. This meeting was streamed live on YouTube.

COMMISSIONERS PRESENT: Vice Chair Donna “Kinuko” Noborikawa, Commissioner Alexandria “Lexie” Ayers, Commissioner Rebecca “Kawehi” Inaba, Commissioner Clement “CJ” Kanuha III, Commissioner Armando Rodriguez, and Dean Au (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 (Planning Director), and Planning Department staff.

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

The meeting was called to order at 9:31 a.m. by Chair Dean Au with a quorum present. Commissioners and staff were introduced. Attendees were reminded to silence cell phones, and directions to restrooms and the sign-up process for public testimony were provided. *[SEE YOUTUBE TIMESTAMP 0:15]*

Chair Dean Au 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 2:15]*

APPROVAL OF MINUTES

At 9:34 a.m., the Commission reviewed the minutes from February 20, 2025, General Plan Special Meeting Minutes, February 24, 2025, General Plan Special Meeting Minutes and Executive Minutes, April 17, 2025, Minutes, and April 17, 2025, Transcripts Exhibit A, B, and C. *[SEE YOUTUBE TIMESTAMP 2:45]* Vice Chair Donna “Kinuko” Noborikawa requested the following changes to the February 24, 2025, General Plan Special Meeting Minutes, on page 9 in

the bottom half at the timestamp 4:12:31 timestamp, correct Shalon in the spelling of Shalon International to Chalon. On page 10, at the timestamp 4:26:34, correct the phrase Kala field system to Kohala field system. [SEE YOUTUBE TIMESTAMP 3:21] Vice Chair Donna “Kinuko” Noborikawa moved, and Commissioner Clement “CJ” Kanuha III seconded that the minutes be approved as amended. A voice vote was taken, and the motion carried with six ayes (Vice Chair Noborikawa, Commissioner Kanuha, Commissioner Rodriguez, Commissioner Inaba, Commissioner Ayers, and Chair Au), with one excused (Commissioner Dela Cruz). [SEE YOUTUBE TIMESTAMP 5:04]

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

At 9:37 a.m. the Commission took up this item with approximately ten members of the audience in the Council Chambers. [SEE YOUTUBE TIMESTAMP 06:06]

Chair Dean Au announced that public testimony would begin, starting with in-person speakers followed by Zoom participants. He welcomed comments on any agenda item and reminded in-person speakers to use the microphone, while Zoom participants should stay muted with video off until called. Chair Dean Au emphasized that this is an in-person meeting, with Zoom and YouTube access provided as courtesy, and the meeting may proceed even if those connections fail. He requested that all testimony be respectful, with no personal attacks or disruptions, and noted that each speaker is limited to three minutes to ensure that everyone has a chance to be heard. [SEE YOUTUBE TIMESTAMP 06:10]

Chair Dean Au asked if there were any in-person testifiers. [SEE YOUTUBE TIMESTAMP 07:08]

Two individuals provided testimony in-person at 9:37 a.m.:

- 1) Rebecca Melendez – [SEE YOUTUBE TIMESTAMP 07:52]
- 2) Simmy McMichael – [SEE YOUTUBE TIMESTAMP 12:09]

Chair Dean Au asked if there were any testifiers on Zoom. [SEE YOUTUBE TIMESTAMP 18:26]

Two individuals provided testimony on Zoom at 9:51 a.m.:

- 1) Cindy Freitas – [SEE YOUTUBE TIMESTAMP 09:44]
- 2) Clare Loprinzi – [SEE YOUTUBE TIMESTAMP 28:58]

Staff member Maija Jackson stated there was one more in-person testifier. [SEE YOUTUBE TIMESTAMP 35:17]

One individual provided testimony in-person at 10:07 a.m.:

- 1) Mikahala Roy – [SEE YOUTUBE TIMESTAMP 37:43]

Statements from the public concluded at 10:19 a.m. [SEE YOUTUBE TIMESTAMP 48:51]

***RECESS FROM 10:20 A.M. to 10:27 A.M.* [SEE YOUTUBE TIMESTAMP 49:21]**

Chair Dean Au called the meeting back to order at 10:27 a.m. *[SEE YOUTUBE TIMESTAMP 55:29]*

NEW BUSINESS

1. APPLICANT: BOAZ LLC (PL-SMA-2025-000072)

Application for Special Management Area Use Permit to construct a four (4) story, thirty-four (34) unit condominium building with a pool and related improvements on a 1.195-acre shoreline parcel within the Special Management Area. The subject property is located on the makai side of Ali'i Drive, approximately 0.75 miles south of Lunapule Road, Puapua'a 2nd, North Kona, Hawai'i, TMK: (3) 7-5-020:021.

2. APPLICANT: BOAZ LLC (FORMERLY KOA VENTURES LLC) (SMA 437)

Request to revoke Special Management Area Use Permit No. 437, which was approved on October 3, 2003, by the Planning Commission to allow the development of a four (4) story, 32-unit condominium building and related improvements on a 1.195-acre shoreline parcel within the Special Management Area. The subject property is located on the makai side of Ali'i Drive, approximately 0.75 miles south of Lunapule Road, Puapua'a 2nd, North Kona, Hawai'i, TMK: (3) 7-5-020:021.

The Commission took up both agenda items at 10:27 a.m. but indicated each would be associated with separate actions. There were nine members of the public in the audience. *[SEE YOUTUBE TIMESTAMP 55:56]*

Alex Roy gave the staff presentation for item #1. *[SEE YOUTUBE TIMESTAMP 57:39]*

Chair Dean Au opened the floor to allow the Commission to ask questions. *SEE YOUTUBE TIMESTAMP 01:05:30]*

Alex Roy gave the staff presentation for item #2. *[SEE YOUTUBE TIMESTAMP 01:10:52]*

Chair Dean Au opened the floor to allow the Commission to ask questions. *[SEE YOUTUBE TIMESTAMP 01:12:58]*

Applicant Representative John Pipan, Administrator, and Applicant Warren Israelson gave a presentation *[SEE YOUTUBE TIMESTAMP 01:17:57]*

Chair Dean Au opened the floor to allow the Commission to ask questions. *[SEE YOUTUBE TIMESTAMP 01:29:17]*

Chair Dean Au asked if there was any public testimony for these items. *[SEE YOUTUBE TIMESTAMP 01:51:18]*

One individual provided testimony in-person at 11:23 a.m.:

- 1) J. Berg – *[SEE YOUTUBE TIMESTAMP 01:52:11]*

One individual provided testimony on Zoom at 11:25 a.m.:

- 1) Stephen Poludniak – [SEE YOUTUBE TIMESTAMP 01:54:46]

Public testimony for these items closed.

Action for PL-SMA-2025-000072: Vice Chair Noborikawa moved that the application for Special Management Area Use Permit Docket No. PL-SMA-2025-000072 be approved based on the Planning Director’s recommendation, along with the amendment to condition number 12 which shall be adopted. Commissioner Inaba seconded. [SEE YOUTUBE TIMESTAMP 01:57:16] Vice Chair Donna “Kinuko” Noborikawa stated that, based on what she heard, the project aligns with the objectives and policies of the Special Management Area (SMA) and Hawai‘i Revised Statute 205A. She noted that the applicant is voluntarily offering traffic mitigation and concluded that the project meets the conditions for granting the SMA use permit. [SEE YOUTUBE TIMESTAMP 01:58:10] Commissioner Clement “CJ” Kanuha III raised concerns about the lack of clearly stated BMPs for the project, particularly regarding shoreline work, dust, and runoff mitigation, which are typically required in Special Management Area (SMA) projects. Planning Staff Alex Roy clarified that the Department of Health sets up many of those BMPs (e.g., dust and noise), and the only SMA-specific BMP included staking out the 40-foot shoreline setback to prevent accidental development encroachment. Alex Roy added that compliance with Chapters 10 and 27 addresses run off, and other required BMPs would be determined by relevant permitting agencies. Commissioner Clement “CJ” Kanuha III acknowledged the explanation and thanked Roy. [SEE YOUTUBE TIMESTAMP 01:58:55] Chair Dean Au addressed concerns raised by Mr. Poludniak, who had submitted 25 questions. He explained that, like Commissioner Kanuha’s question, those issues would be handled during the construction phase by the Department of Public Works as part of the permitting process. He expressed hope that this explanation answered Mr. Poludniak’s concerns. [SEE YOUTUBE TIMESTAMP 02:01:11] Planning Director Jeffrey Darrow explained that while the Planning Department oversees the SMA aspect, construction-related issues like noise, dust, and grading are handled through the building permit process, which includes strict protocols and compliance with Chapters 10 and 27. Measures such as dust barriers and shoreline protections are enforced, especially to prevent activity within the 40-foot setback. He emphasized that most of these regulations fall under other agencies. Commissioner Clement “CJ” Kanuha III agreed, noting that the BMPs tied to those conditions help address community concerns, and he raised the issue because those BMPs weren’t clearly presented during public testimony. [SEE YOUTUBE TIMESTAMP 02:01:41] Commissioner Armando Rodriguez expressed concern about the lack of detailed information on water usage for the project, particularly given the current 10% voluntary water restriction. He noted the absence of specifics such as the pool size and total water consumption, making it difficult for him to make a fair decision that balances the needs of both the applicant and the community. He emphasized that water is a shared and limited resource and referenced previous approved projects with similar concerns. Chair Dean Au acknowledged Commissioner Rodriguez’s concerns, highlighting that while the project meets all formal requirements on paper, the commission’s role is to consider broader community impacts. He urged commissioners to reflect on public testimony, which was largely against the project, and think about how the decision affects the community. Commissioner Armando Rodriguez responded by reiterating the importance of water resource management, especially on an island. He suggested that project proposals should include clear data on water usage and consider scaling down if necessary, so both the commission and the public can make informed

evaluations. *[SEE YOUTUBE TIMESTAMP 02:03:18]* Chair Dean Au emphasized the importance of considering the entire community, which includes both local residents and visitors. He noted that visitors also need places to stay and thrive. He expressed support for the motion, believing that it addresses concerns from locals, visitors, and nearby neighbors. He concluded by acknowledging that each commissioner offers a unique perspective and encourages thoughtful consideration of all sides. *[SEE YOUTUBE TIMESTAMP 02:06:31]*

****RECESS FROM 11:38 A.M. to 11:47 A.M.* [SEE YOUTUBE TIMESTAMP 02:07:07]***

Chair Dean Au called the meeting back to order at 11:47 a.m. to continue discussion. *[SEE YOUTUBE TIMESTAMP 02:16:03]*

Vice Chair Donna “Kinuko” Noborikawa resumed the discussion by expressing community concerns to Planning Director Jeffrey Darrow about the outdated nature of the archaeological inventory surveys and environmental assessments. *[SEE YOUTUBE TIMESTAMP 02:16:18]* Vice Chair Donna “Kinuko” Noborikawa began by proposing an amendment to her motion, expressing concern about the age of certain documents. Planning Director Jeffrey Darrow clarified that the project in question did not require an Environmental Assessment (EA) or Environmental Impact Statement (EIS) because it did not trigger any conditions outlined under Hawaii Revised Statutes Chapter 343-5. He explained that the Archaeological Inventory Survey (AIS) was already conducted and reviewed by the State Historic Preservation Division (SHPD), which issued a finding of no effect. Planning Director Jeffrey Darrow also described the current process involving HICRIS, an online system for submitting applications to SHPD, noting that no comments were received from SHPD on this project. Vice Chair Donna “Kinuko” Noborikawa asked Planning Director Jeffrey Darrow to elaborate on the triggers for requiring an EA. Planning Director Jeffrey Darrow listed the nine statutory triggers, including use of state or county lands, conservation land, shoreline areas, historic sites, amendments to county general plans, construction of helicopter facilities, and certain wastewater treatment units. He confirmed that none of these applied to the project in question. Despite the project not triggering an EA, Vice Chair Donna “Kinuko” Noborikawa acknowledged community concerns and asked if anything could be done to address them. John Pipan responded that protective condition 19, a standard clause, was already in place to ensure construction halts if any archaeological or cultural remains are discovered during work. This requires notification to SHPD and archaeological clearance before resuming. Vice Chair Donna “Kinuko” Noborikawa also raised questions about shoreline protection. Darrow confirmed that while the project is primarily evaluated under SMA (Special Management Area) guidelines, other agencies like Public Works and the Department of Health oversee construction BMPs. He emphasized that construction must avoid the 40-foot shoreline buffer zone. Noborikawa concluded by stating the regulatory oversight appears comprehensive. *[SEE YOUTUBE TIMESTAMP 02:16:40]* Planning Director Jeffrey Darrow explained that water availability is a recurring issue in the SMA permit process. The planning department relies on input from the Department of Water Supply to determine if a project has adequate water. In this case, the department confirmed that sufficient water is available for the project and raised no objections. However, Planning Director Jeffrey Darrow noted that the Department of Water Supply serves only limited areas of the island and evaluates water availability on a property-by-property basis. They assign water commitments to specific properties rather than assessing regional supply. Additionally, the department is encouraging water conservation by suggesting catchment systems and drought-tolerant landscaping in their demand letters. Typically, detailed water usage calculations are submitted by

the applicant after project approval. *[SEE YOUTUBE TIMESTAMP 02:27:12]* John Pipan stated that the application includes voluntary best management practices for water use, such as native landscaping, rain sensors on irrigation systems, and efficient irrigation methods. He emphasized the applicant's proactive approach to conserving water and using it wisely. *[SEE YOUTUBE TIMESTAMP 02:30:30]* Commissioner Armando Rodriguez expressed concern about the lack of detailed, specific plans in project applications, particularly regarding water use and features like pools or catchment systems. He felt more concrete information would help the commission make better decisions, rather than relying on general intentions. Planning Director Jeffrey Darrow responded that the application submitted was specific to the proposed project and was reviewed by the Department of Water Supply, which confirmed that it could provide sufficient water. *[SEE YOUTUBE TIMESTAMP 02:31:13]*

Amended Action for PL-SMA-2025-000072: Commissioner Inaba moved to amend the main motion by adding requirements for additional parking spaces to support shoreline access. Three requests are, one adding a minimum of three additional parking stalls exclusively for shoreline access looking at Mauka of the development were feasible and this would bring the number of public stalls to six. Two, clearly identifying and with signage on all shoreline parking stalls to avoid confusion with residential or guest stalls. Three, ensuring long-term public use of these stalls through appropriate documentation signage and enforcement measures. Commissioner Ayers seconded. *[SEE YOUTUBE TIMESTAMP 02:34:24]* Commissioner Rebecca "Kawehi" Inaba explained her amended motion was based on concern that the three proposed parking stalls were insufficient for public shoreline access in a heavily used coastal area. She advocated for dedicating additional stalls solely for public use to ensure continued access. John Pipan asked whether the added stalls could be shared with condominium visitors, but Commissioner Rebecca "Kawehi" Inaba clarified they should be reserved for public shoreline access only. Chair Dean Au and Planning Director Jeffrey Darrow both supported the amendment, with Planning Director Jeffrey Darrow noting the need to revise the easement conditions to reflect six dedicated public access stalls. After a brief consultation, John Pipan confirmed the applicant agreed to the amendment, provided the updated conditions clearly reflect the changes. *[SEE YOUTUBE TIMESTAMP 02:35:40]* Commissioner Alexandria "Lexie" Ayers emphasized the importance of ensuring that shoreline access improvements benefit not just the property owners or residents, but the general public as originally intended, especially in light of community testimony. *[SEE YOUTUBE TIMESTAMP 02:40:24]*

A roll call vote was taken for the motion to amend the main motion, and the motion carried with six ayes (Commissioner Inaba, Commissioner Ayers, Commissioner Kanuha, Vice Chair Noborikawa, Commissioner Rodriguez, and Chair Au), with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:42:50]*

A roll call vote was taken for the main motion, and the motion carried with five ayes (Vice Chair Noborikawa, Commissioner Inaba, Commissioner Ayers, Commissioner Kanuha, and Chair Au), one nay (Commissioner Rodriguez), with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:44:02]*

Action for SMA 437: Commissioner Kanuha moved that the application for Special Management Area Use Permit Docket No. SMA 437 be revoked based on the Planning Director's recommendation. Vice Chair Noborikawa seconded. *[SEE YOUTUBE TIMESTAMP 02:44:56]* A

roll call vote was taken, and the motion carried with six ayes (Commissioner Kanuha, Vice Chair Noborikawa, Commissioner Ayers, Commissioner Inaba, Commissioner Rodriguez, and Chair Au), with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 02:45:41]*

3. APPLICANT: DAVID EBENAL (PL-SMA-2025-000076)

Application for a Special Management Area Use Permit to construct a two (2) story, 4,942-square foot single-family residence that includes four (4) bedrooms, four and a half (4.5) bathrooms, two (2) single car garages, a lanai, a 12-foot by 22-foot spa, and related improvements on a 0.345-acre shoreline parcel within the Special Management Area. The subject property is located within the Lanihau Point Subdivision of Kona Bay Estates at 75-5436 Kona Bay Drive, approximately 0.7 miles from the intersection of Kona Bay Drive and Kuakini Highway, Kailua Airport, North Kona, Hawai‘i, TMK: (3) 7-5-005:094.

At 12:17 p.m. the Commission took up this item with approximately three members of the audience in the Council Chambers. *[SEE YOUTUBE TIMESTAMP 02:46:17]*

Alex Roy gave the staff presentation. *[SEE YOUTUBE TIMESTAMP 02:47:51]*

Chair Dean Au opened the floor to allow the Commission to ask questions. No questions. *[SEE YOUTUBE TIMESTAMP 02:54:56]*

RECESS FROM 12:26 P.M. to 12:35 P.M. *[SEE YOUTUBE TIMESTAMP 02:55:07]*

Chair Dean Au called the meeting back to order at 10:27 a.m. *[SEE YOUTUBE TIMESTAMP 03:04:04]*

Applicant Helena Nicholson and Winton Nicholson gave a presentation. *[SEE YOUTUBE TIMESTAMP 03:04:20]*

Chair Dean Au opened the floor to allow the Commission to ask questions. *[SEE YOUTUBE TIMESTAMP 03:05:30]*

Chair Dean Au asked if there was any public testimony for this item. There were no in-person or zoom testifiers. *[SEE YOUTUBE TIMESTAMP 03:09:23]*

Action: Commissioner Kanuha moved that the application for Special Management Area Use Permit Docket No. PL-SMA-2025-000076 be approved based on the Planning Director’s recommendation which shall be adopted. Commissioner Inaba seconded. *[SEE YOUTUBE TIMESTAMP 03:09:48]* Chair Dean Au opened the floor for discussion. There was no discussion to be made. *[SEE YOUTUBE TIMESTAMP 03:10:18]* A roll call vote was taken, and the motion carried with six ayes (Commissioner Kanuha, Commissioner Inaba, Commissioner Ayers, Vice Chair Noborikawa, Commissioner Rodriguez, and Chair Au), with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:10:38]*

Chair Dean Au went out of order on the agenda. *[SEE YOUTUBE TIMESTAMP 03:11:15]*

AGENDA ITEMS FOR THE NEXT MEETING

Planning Staff Maija Jackson announced that there are no items scheduled for the June Leeward Planning Commission agenda. As a result, and with agreement from Vice Chair Donna “Kinuko” Noborikawa, the June meeting will be canceled. The previously deferred ‘Ōlelo discussion will be moved to the July meeting. Additionally, Planning Staff Maija Jackson noted that the Hawai‘i State Legislature passed House Bill 732, which, if signed by the governor, would raise the valuation threshold for requiring an SMA (Special Management Area) major permit from \$500,000 to \$750,000, potentially reducing the number of SMA major permit applications the commission will receive. *[SEE YOUTUBE TIMESTAMP 03:11:26]*

ANNOUNCEMENTS

The next Leeward Planning Commission regular meeting is scheduled for Thursday, July 17, 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 03:11:26]*

PLANNING DIRECTOR’S REPORT

Report on Special Management Area (SMA) determinations and minor permits issued by the Planning Director for April 2025. *[SEE YOUTUBE TIMESTAMP 03:12:45]*

Chair Dean Au asked the fellow commissioners if they had any questions on the SMA report for staff. No questions. *[SEE YOUTUBE TIMESTAMP 03:13:18]*

ADJOURNMENT

There being no further business, it was moved by Vice Chair Noborikawa and seconded by Commissioner Kanuha that the meeting be adjourned. *[SEE YOUTUBE TIMESTAMP 03:13:45]*
A voice vote was taken, and the motion was carried with six ayes with one absent and excused (Commissioner Dela Cruz). *[SEE YOUTUBE TIMESTAMP 03:13:54]*

Chair Dean Au adjourned the meeting at 12:45 p.m.

Respectfully submitted,

Kelsie Chang

Kelsie Chang (Aug 25, 2025 14:58:07 HST)

Kelsie Chang
Secretary

ATTEST:

Dean Au

Dean Au (Aug 25, 2025 17:38:07 HST)

Dean Au, Chairperson
Leeward Planning Commission