

BOARD OF APPEALS
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
DECEMBER 12, 2008

The following is public testimony provided by **JEFF MELROSE** regarding the appeal of **DAVID OWENS (BOA 08-000072)** at 10:10 a.m., in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel
David Drury
Charlene Hart
Peter Hendricks
Karen Maedo
Kim Tavares

Renee Schoen, Counsel to the Board
Alice Kawaha, Staff to the Board

PETITIONER: DAVID OWENS (BOA 08-000072) - Petition for Variance from the Building Code requirements relating to doors, fire wall, and projection and clearance. The subject property is bordered by Keawe Street, Mamo Street and Kilauea Street, adjacent to the Garden Exchange commercial building, Downtown Hilo, South Hilo, Hawai'i, TMK: (3) 2-3-11:16.

MELROSE: Good morning. My name is Jeff Melrose, M-e-l-r-o-s-e. I currently chair the Downtown Improvement Association's Government Affairs and Planning Committee. And I'm here with Sam Pulu'ole who's the Executive Director of the Downtown Improvement Association. So we're going to take this kind of opportunity to explore concepts with you folks.

The issues that are on your table today are not unlike other issues in Downtown where people who are trying to invest want to keep the old buildings the way they are. Mr. Owens took on a building that I think from anybody's external view would just kind of wonder why he even tried to do it to begin with. Rosie's Bar was a terrible old building. And, in fact, the building right across the street, which was the old Mamo Hotel that KTA owns, is going to come down in the next couple of weeks, probably beginning in February. It will just be demolished because there's no way to, it's not in KTA's interest to try and hold that old building in its current place. But David took on a challenge, and a challenge that I think many of us just kind of stood back and awed at. That kind of spirit is the kind of spirit that it takes to really make Downtown flourish, and it takes small investors trying to do that. So there have been a whole series of back and forths for that building. And I don't really want to get into the details of the, you know, the conflicting issues between the landowner and the County's Building Department because there's certainly truth on both sides of that conversation.

The thing that I'm more interested in today is the role of the Board of Appeals and the ability of the Board of Appeals to be a mitigating measure or a problem-solving resource. We really don't have another recourse on Building Code issues and I'm not sure that that's necessarily the kinds of issues that you always tend to focus on. One of the key ones for us is the awning and the extension of awning. And the Building Code does say that you have to end the awning some distance, I think it's about 30 inches or 32 inches, from the edge of the street. The prior awning went out to the edge of the street, just as the adjoining building's awnings goes out to the end of the street, just as most buildings downtown have an awning to create that covered walkway. That's kind of the character of Downtown.

So under the Hawaii Redevelopment Authority there were design guidelines and rules that were adopted by the County and introduced and utilized for, to try and guide and encourage the investment in Downtown, to continue that awning coverage out to the edge of the street. HRA is no longer in place. Rule 6 is something which were the design guidelines for HRA, which are, I would say, in limbo to some degree. The County has kind of picked them up and said, yes, we'll continue to oversee that. But those are County Planning Department issues and not Building Code issues. So we have a body of rules that were adopted by HRA, kind of hanai by the County, currently by the Planning Department, that have guidelines for what we'd like to see happen as it relates to awnings specifically, that they get out to the edge of the street and we have a covered walkway. And then you have the Building Code which is really a much more generic body of rules and regulations that conflict. So our hope is to learn partly from this conversation and for future conversations with the Building Department administration about how do we find ways to mitigate the difference between Building Codes and the reality of Downtown. We're really interested in trying to find ways so that we can encourage and empower people to invest in their own buildings and not end up with something that isn't in keeping with the broader surroundings of Downtown.

So as it relates specifically to the awning, I want to address that specifically. I think it's important that we not -, you know, they were taken down, they went out to the edge. The adjoining property goes out to the edge of the street. And we'd like to continue that connection. That's an important one. The other issues I think are relevant and they're part of a much bigger conversation we need to have. But I'm interested in knowing partly by watching this conversation today what the role of the Board of Appeals wants to play in that process and whether every time we have an issue like this that conflicts between Rule 6 or our design general guidelines and the Building Code whether you guys want to be and should be the arbiter in that process, or if there is some other way to streamline this process for the benefit of on-going investment in Downtown. So any thoughts or questions I'm glad to answer them. Again, Sam Pulu'ole is here as Executive Director of DIA, too.

GIMPEL: Thank you.

The statement concluded at 10:16 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai'i Secretary