

PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
DECEMBER 7, 2007

A regularly advertised hearing on the application of **JINSOO AND RAN HUI IIDA (REZ 07-000073)** was called to order at 9:45 a.m. in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawaii, with First Vice-Chairman C. Kimo Alameda presiding.

PRESENT: William Graham
Kimo Alameda
Takashi Domingo
Shelly Ogata
Alvin Rho
Rene' Siracusa
Rodney Watanabe
Rell Woodward

ABSENT & EXCUSED: Andrew Iwashita

Ivan Torigoe, Deputy Corporation Counsel
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

And approximately 12 people from the public in attendance

APPLICANT: JINSOO AND RAN HUI IIDA (REZ 07-000073)

Change of Zone from Single Family Residential 10,000 square feet (RS-10) to a Neighborhood Commercial 20,000 square feet (CN-20) for 23,559 square feet of land.

The property is located along the west side of Kilauea Avenue, approximately 420 feet south of the Kilauea Avenue – Puainako Street intersection, Waiakea Homestead House Lots, South Hilo, Hawaii, Tax Map Key: 2-2-40:121.

ALAMEDA: Okay, Agenda Item No. 2, I'd like to just turn it over to our staff.
Mr. Darrow?

DARROW: Thank you, Mr. Chair. Again, this is a continued action on this application. At our last hearing a motion was made to send a favorable recommendation to the Hawaii County Council. This was moved by Commissioner Iwashita, at which time he had made standard conditions for the approval. The motion did not pass with three ayes and three noes.

If I can do a brief background for this application for the Commissioners that were not with us at our last hearing. The area of this application is in the South Hilo District. More specifically we're looking at Kilauea Avenue. Why don't I come to the location map. Kilauea Avenue running in a north-south direction. This wide gray line running through the middle of the map in a north-south direction is Kanoelehua. Running parallel with that, we have Kilauea and Kinoole

Streets. Running in an east-west direction, gray lines, we have Puainako Street and Kahaopea Street. At the corner of Puainako and Kilauea you might be aware of Kai Store, as well as the Maebo Noodle Factory. This pink area identified on the corner of Puainako and Kanoelehua is the KTA Shopping Center. The area of the application is identified with a blue dot. Next to the application on the south side we have Klein's Chiropractic. You might be familiar they were approved through a Use Permit some time ago when they allowed for those particular types of uses to be permitted through the Use Permit process.

The applicants in this case, Jinsoo and Ran Hui Iida, are requesting a change of zone from Single Family Residential 10,000 square feet to Neighborhood Commercial 20,000 square feet. The property is identified with a blue line. Kilauea is on the right side of the map. We have an entrance identified in brown. There will be one entrance to the property from Kilauea Avenue. The applicants are requesting this change of zone to be able to operate their beauty salon, in what is called Lani's Beauty Salon, within the existing single family dwelling identified in red. Additionally, they've already done improvements on the property. There are paved accesses as well as parking stalls. There is another structure on the property identified by a No. 1. This was originally constructed as a garage. It is in the process of being permitted as an additional single family dwelling.

Since our last hearing we have received quite a number of correspondence. We have received letters of support from Lisa Pearing, Kyle Pua and Arline Sanborn-Kabasawa. Additionally, we've received a letter from the applicants; and this morning we've received quite a number of letters of support that were submitted by the applicants. They are letters from quite a number of people identified on the first page. Additionally, we have received a portion of the General Plan which was submitted by the applicant's representative.

The Planning Director based on reasons given in the recommendation recommends that an unfavorable recommendation be forwarded to the Hawaii County Council. At our last meeting we did go into a little bit of detail on that; and I'll briefly touch upon that. The main reason is that in regards to this application's location it is not consistent with the General Plan LUPAG Map for this particular change of zone. In most cases we look at the General Plan in a broad-brushed manner. We do not look at it from an exact point of view. But in this particular case, there are several times that we do look at it from a more exact perspective. One of those times is if the General Plan is amended and there are metes and bounds for that amendment or if that particular separation is along an identified roadway. In this particular application the separation is along Kilauea. On the east side of the road we have Medium Density Urban. On the west side of the road we have Low Density Urban with portions of Medium Density Urban. Are there any questions?

ALAMEDA: Commissioner Rho?

RHO: There's a parcel above the blue dot. So do you know who owns that parcel and what they're using it for?

DARROW: These parcels in this particular area are the Maebo Noodle Factory, as well as Kai Store. And there is a portion of Medium -.

RHO: No, no. But the, maybe I said the wrong color. The yellow parcel -.

DARROW: Oh, right here?

RHO: Above the blue dot? I'm assuming that there's a separate parcel.

DARROW: Yes, this one -. I'm sorry, right here.

RHO: So that's being used just for residential?

DARROW: Correct.

RHO: And I might ask the applicants when they come up, but do you know whether or not they're one of the parties who submitted testimony?

DARROW: I'm not sure.

RHO: Okay. And then the parcel below that blue dot is that chiropractor?

DARROW: Correct.

RHO: And then there are all these yellow parcels below that. Any of the parcels also have a business like the chiropractor has with the variance or whatever he got?

DARROW: Not that I'm aware of. This is the only one that I'm aware of, this chiropractic business.

RHO: Thank you.

ALAMEDA: Commissioner Graham?

GRAHAM: Jeff, kind of, maybe it's a little bit of a technical question with the piece of paper we got given to us today by the applicant's representative when it describes from the General Plan Land Use Concepts, you know, what conforms to Low Density Urban. And one of the things that are mentioned here in yellow says "neighborhood and convenience type commercial uses." So the gist of my question is kind of the application is asking for CN-20. So since the designation of the General Plan or LUPAG is Low Density Urban, and Low Density does include neighborhood and convenience type commercial uses, then I'm presuming that CN-20 is an allowed use in the Low Density Urban. But CN-20, that's not being directed towards neighborhood convenience uses as perhaps not -. So the zoning designation in itself is not a problem. It's just the specific use that's being proposed here doesn't properly conform. Is that a correct reading?

HAYASHI: As far as that provision of the General Plan relative to allowing certain neighborhood type of commercial uses or personal services type of uses, that may be permitted within the Low Density Urban category. Basically the intent was to allow certain types of neighborhood facilities or neighborhood stores such as Wiki-Wiki on Kawaiilani Street or Ainaola Cash and Carry up on Ainaola Drive, to allow these types of uses within area that's basically residential to cater to and service these residential communities. As far as this

particular use, basically what we're looking we're looking at, although the use is for barber shop or a beauty shop basically what we're looking at is an expansion of the existing Commercial areas along a heavily traversed road. And basically I think this would be a good case of allowing strip commercial developments along these roadways that are not generally proposed for Medium Density Urban type of developments, unlike for instance the Waiakea Houselots where we are recommending these types of uses or zoning where these areas are already designated for Medium Density Urban development.

ALAMEDA: Follow-up?

GRAHAM: Yeah, Norman, so, again, just trying to be a little more precise with my question, so if it were something like a Wiki-Wiki Mart that was to be used by the neighborhood residents you could recommend approval. But in that case they would also be applying for a zoning similar to this, a CN, Neighborhood Commercial zoning, and you could recommend approval for that zoning if it was for the use that conforms to what you just said. Is that correct?

HAYASHI: That's correct.

GRAHAM: Thank you.

ALAMEDA: Further questions before I ask the applicant or representative to come forward? Mr. Darrow, anything else to add before I ask the representative to come forward?

DARROW: Not from our side. Thank you.

ALAMEDA: Okay. Okay, can I ask the applicant or representative to please come forward. Good morning. Please raise your right hand. Do you swear or affirm to tell the truth now before the Hawaii County Planning Commissioner?

FUKE: I do.

ALAMEDA: Thank you. Sir, could you please state your name and address for the record.

FUKE: Good morning, Mr. Chairman, Members of the Commission. My name is Sidney Fuke. Happy Holidays. My business address is just across the street. It's 100 Pauahi Street. Perhaps maybe it's in the spirit of giving, I'm here giving my support to the applicant, more as a personal favor.

ALAMEDA: Okay. Ma'am?

R. IIDA: I'm Lani, 11 Hoohoaloha Street.

ALAMEDA: Thank you, Lani. Okay, Mr. Fuke, you've had a chance to look over the minutes and the County's recommendation. Any thoughts?

FUKE: Yes, regrettably, you know, we differ. You know, from a professional perspective I differ with the recommendation of the Planning Director in this particular instance.

I just kind of like to want to make several points, you know, for the Commissioners' consideration.

I think we all know that planning and land use is not an exact science. It's not like math or chemistry or something like that. It's really, there are a lot of subjective decisions along the way. And thus it's understandable why the Commission differs many times from the Planning Director, or even within the Commission itself there are varying points of view. And if planning and land use were purely black and white then there really would not be a need for a Planning Commission, or let alone any appellate process. Specifically if you look at one of the points that the Director's recommendation refers to is the LUPAG Map. Several things, I think, needs to be considered relative to the LUPAG Map itself. One is that by very definition the LUPAG is an acronym for Land Use Pattern Allocation Guide Map and the critical term in that whole acronym is really guide. It's not a zoning map per se. And because it's guide, it's designed to be reasonably flexible just to provide the **decision maker** with some idea or some guide as far as like which direction certain areas within the community should grow and which should not. Likewise, because it's a guide and subject to interpretation you can have your own interpretation, the Planning Director can have his own interpretation in terms of what its designation is. And ultimately in zoning situations the one interpretation that ultimately counts, of course, is the County Council, cause they're the ones that ultimately makes the determination on whether the interpretation that you render or the Planning Director renders is one that they agree with.

But notwithstanding the fact that it's a guide or not a guide, I think that, you know, as Commissioner Graham pointed out like, you know, I passed that excerpt. If you look at that excerpt it's clear that whether you call it in a Medium Density or call it in a Low Density area, the fact still remains that certain types of commercial uses could be considered, not shall be considered, but could be considered within a Low Density area. So I think that the whole issue of whether it's a Medium Density or Low Density designation on the LUPAG Map, you know, basically becomes a moot point relative to what they're proposing to have operating.

So if you look then, you know, you get away from the map question and then you just look at the whole issue of, well, the kinds of things that normally the Planning Commission or the Planning Department reviews in all applications of this nature, they look at infrastructure, you know like does it create a burden to the community, is there a traffic problem, is there like a water problem, are there wastewater issues? And in this particular situation I would probably conclude that given what they're proposing for this site here, no. If you look at traffic, I think traffic may be one of the more, I think the staff kind of pointed out that one of the things that they were kind of concerned about is potential traffic impact by having more commercial uses along that area. Well, that is true. But I think that if you travel along that area what is a major mitigating factor along that section of Kilauea Avenue as opposed to looking at Lanikaula or Kekuanaoa, you know, you have three lanes and you have a center lane in that area which is a dedicated turning lane, you know, unlike those other streets. The application you just considered, for example, because you have a dedicated turning lane in that area it does not necessarily impede the flow of north and south traffic movements along Kilauea Avenue. The other kinds of issues, of course, you look at is like, well, are there any on-site environmental issues, are there archaeological concerns, are there drainage issues associated with the property, is there like a significant or endangered plant species on the property? And the answer to that question is no. The property has been historically used as a residence for over 50 years. There's no flooding, inspite of all of the rain that we've had over here.

Then you also look again like, well, letting the community, I think this is one of Commissioner Rho's question, well, let the community weigh in on it, what do the neighbors say? And as evidenced by the petition, the petition reflects support by not necessarily only adjoining property owners, but it also reflects those who are residents, and a good number of them are not. But it also reflects support from a number of businesses. If you look at the petition, you see representatives from KTA, representatives from the Puainako Town Center, you see the adjoining property owner which is commercially used, Dr. Klein's Chiropractic, you see the owner from Kai Store, they are all supportive of this project. And also you have adjoining neighbors who are presently using their property in a residential manner also supporting the project.

The other question, I guess, is like, well, you know, there is this pattern question. You know like will it unnecessarily create a strip type of project by approving this zoning? And I think that from my perspective it's no. I think that if you look on the ground condition versus looking at the map, sure if you look at the map there is like all yellow on both sides of the property. But that's not reality. The reality is on the Puna side of the property there's a commercial use, that's Dr. Klein. And on the Hilo side one lot away, there's a quasi industrial use, and that's the Maebo Noodle Factory which burned down and rebuilt to an even larger structure. So I don't see necessarily that you have really a situation where it will continue the pattern of further stripping of commercial uses along this area. I consider this more in-fill.

The other thing finally is like, you know, looking at the use itself and petty much what Commissioner Siracusa was raising on the other application the use that they have or they're proposing is a relatively benign use. It's almost equivalent to a home occupation concept. And they could shoehorn their way in. They could say like, well, I'm going to, she's going to just do her stuff there and maybe sneak in one or two employees and thereby get around that. But, you know, that's not the way that they want to operate. They want to be honest. You know, and so they don't want to fudge it. So they're coming in before you just saying that I want to do this beauty salon and I may have up to three or four employees, and I don't want to not violate the law, I just want to do it all up front.

I think that, finally, I agree to some extent with what Commissioner Siracusa was saying that, you know, it's too bad that sometimes that when you look at zoning decisions, you know, we tend to be so preoccupied with just the map. You know, we don't want to create a map situation where it strings out commercial uses. But at the same time, you know, if we can broaden the concept of how decisions are made and look at it more in terms of how like other jurisdictions handle zoning, and that's more like what they call performance conditions, performance zoning; and they do that -. In the way when you guys handle like special permits and use permits, you're looking at it purely as a performance zoning. And in that regard like if the nomenclature is a problem, whether you call it CN or RCX, then I would like to suggest as to what the applicant had suggested earlier, that you put a condition that would basically amount to having this decision amount to like a performance zoning. And one of the conditions that they had suggested which I would like to kind of repeat today is to say specifically that as represented by the applicant the site shall be restricted to personal services, residential and residential-related uses as described in the commercial neighborhood district, Section 25-5-101. Any other uses would be subject to an amendment of this condition. Restrictive covenants in the deed of the subject property shall give notice of this restriction." If you have this kind of condition then it's

clear that what they're proposing to do will essentially be what's happening on the property. So it's not like tomorrow if they want to sell the property they want to put up a gas station or like a Wiki-Wiki Mart operation that they can unilaterally do that. They would not be able to do that without coming back before this Commission and the County Council and having that condition lifted, and at which time the community and the Commission and the public, broader public, would be in a position to weigh in on it. So I would like to make that suggestion and hopefully the Commission can favorably consider this application.

ALAMEDA: Very good. Questions? Commissioner Siracusa.

SIRACUSA: Yes. Thank you, Sidney, for offering up that wording and that possible condition because I have been sort of going back and forth in my mind about this one. On the one hand, you know, the one blue dot in the sea of yellow, and my concerns about strip malls and how, then what happens between the blue dot and the pink square that would be in-filled; and in-fill can keep going forever, you know. On the other hand, it is what we, when we're talking about reducing traffic and neighborhoods and everything, we're talking about putting the kind of services like a beauty parlor so that people and the residents can just walk to there and not have to use their cars. And I think that I would be willing to support this with a condition the way you spelled it out and -. Otherwise I would tend away from supporting it because that's part of my big concern, is that, and always is with these types of things, is that people might start off with something very nice, and she's a nice person and she has a lot of friends and people who support her, and yet things happen in life, we all know that. Things happen in life, the unexpected should be expected. Then she may have to sell the property, something may happen and she has to leave and somebody else buys it, it's already zoned commercial. We know it, you know, we know it happens there; and anything can go up which may be totally inappropriate, but then we have no recourse. So I think that if we have an opportunity to have recourse now and be proactive on this, I think we should grab it. And I hope that you, did you write down that or can you -?

FUKE: It's actually contained in the letter that I think the applicant had submitted to the Commission dated November 10th. I only -.

SIRACUSA: Okay, so we can just refer to that -.

FUKE: Except that I did add another, it could have been a superfluous condition, sentence, but I just added "any other uses would be subject to an amendment of this condition," just to make it explicit that, and have that condition be made part of any CC&Rs or deed covenants so that any future buyer would be well aware that if they want to have a use other than what's, you know, personal services use, they would have to seek an amendment

SIRACUSA: Okay. I like that. And if somebody makes, decides to make the motion to support this I hope that they will make it with, referring to Sidney's stated condition; and then I would be able to support it.

ALAMEDA: Thank you, Commissioner Siracusa. Other questions? Commissioner Watanabe?

WATANABE: Yeah. Mr. Fuke, assuming that there was support for this, there are other conditions that need to be stated as well; and I'm not sure that we're prepared to have all the conditions prepared. But I do, you know, there was a recommendation from the Department of Public Works that the entire frontage, I believe, be improved on Kilauea Avenue. And I'd like to make it clear that that would, if any of this went through, that would be one of the conditions. It is rather a significant sum of money for a project of this scale, and I'm wondering if they're still committed to doing that.

FUKE: I've had, you know, your staff had kind of informed me of that comment made by the Department of Public Works. I discussed it with the applicant; and like in the situation with the previous applicant should they tear down and rebuild, construct a new building on the property, then from a financing perspective they will be in a position to roll in the cost of the off-site infrastructure improvements, together with the basic building. And then so to that extent that condition would be acceptable. However, at this point in time all they're doing is just doing interior renovation to the existing structure. So they would not be looking at any type of external type of financing to it.

WATANABE: So you're proposing deferral till new construction or an expansion of the business operation?

FUKE: Correct, yes.

ALAMEDA: Commissioner Woodward, go ahead.

WOODWARD: I might bring your attention to the minutes from the last meeting.

FUKE: I remember.

WOODWARD: Okay, where Commissioner Iwashita set forth a number of conditions that are outlined here on page 14 of the -.

WATANABE: In the minutes.

WOODWARD: Exhibit C, yeah.

WATANABE: Yeah. I remember that, and I also had some comment about, you know, the evacuation plan and stuff like that.

WOODWARD: Right, right. Okay.

WATANABE: So I'm quite familiar with that. To be honest with you, I'm still kind of conflicted though.

ALAMEDA: Let me ask, I'm curious, I know the Department, you know, may want to weigh in on this. And so I could ask Mr. Darrow, has the Department, if we were to consider a favorable recommendation would the Department want to weigh in on conditions as well, in addition to Commissioner Iwashita's original conditions in the minutes? Mr. Hayashi.

HAYASHI: We haven't had a chance to speak with the Director, but I'm sure he would like to keep his recommendation that was presented to you.

ALAMEDA: Okay. Commissioner Watanabe?

WATANABE: I have another question for either one of you, either Mr. Fuke since you were formerly a Planning Director, as well as Corporation Counsel, and it appears that the adjoining properties have commercial uses. Apparently these commercial uses were allowed previously by special permit, so they're still zoned residential. Am I correct that?

FUKE: The property on the Puna side, Dr. Klein, was granted a use permit. And the Zoning Code was subsequently amended to not allow medical or medical-related facilities *visa vi* the use permit process. But that my understanding is, Dr. Klein's is considered a legitimate non-conforming given that it was given a use permit. The property on the Hilo side of the property is currently used residentially.

WATANABE: Okay. And that's the Maebo Noodle Factory?

FUKE: No, there's another property beyond that, there's an intervening property. So if you start from the intersection of -.

WATANABE: Okay, so the in-fill could be expanded to another lot on top of this one?

FUKE: The in-fill would be like on the Kai Store side, correct.

WATANABE: Yeah.

FUKE: Yeah, it would be right next to Kai Store.

WATANABE: Okay. And my follow-up question to that would be, okay, if for example Dr. Klein has a special use permit that is grandfathered in, should something happen, God forbid, where he elected to move away, would that then nullify the use permit and that revert back to residential?

FUKE: The basic zoning would still be residential. So he was able to allow, you know, that site is capable of supporting a doctor's office. So whoever wants to come in and continue the same type of services would be able to do that. But not to have it utilized for maybe like a service station or 7-Eleven, no, not without going through the zone change.

WATANABE: And with regard to the Maebo Factory, is that the same situation?

FUKE: The Maebo Noodle Factory is zoned Commercial Neighborhood. But, again, you know, like that kind of little bit boggles my mind because Commercial Neighborhood, I think that use kind of borders an Industrial; but, nevertheless, it was there for a number of years and so it could have been grandfathered.

ALAMEDA: Let me ask, Mr. Hayashi, do you concur with the discussion so far from the Department's standpoint?

HAYASHI: As far as the existing situation there?

ALAMEDA: Correct.

HAYASHI: Yes, I do.

ALAMEDA: Okay.

HAYASHI: I just wanted to also let you know that while the Planning Director is recommending denial if the Commission decides to recommend approval of the proposed rezoning the Department can assist you in preparing the proposed conditions of approval.

ALAMEDA: Okay. Thank you. Mr. Domingo?

DOMINGO: Thank you, Mr. Chairman. In deference to Commissioner Siracusa, you know, as I note there has been no opposition to this rezoning. And as you look at the trend in the development of, and rezoning of commercial properties that's extending out further on the northern part of the existing zoned properties, the one thing that we see is that there's a street that's dividing the residential and the existing mixed uses of commercial zoning and other uses. You know, I can go either way; but I prefer not to have a condition that would just limit them to that particular use to which they're doing right now. You know, when you look at a commercial zoning and a specific zoning you know already what can be permitted. But in the event, I don't foresee any or know of any plans that they would upon acquisition of the rezoning just decide to change their plans and sell it as a commercial property. But in view of the fact there are mixed uses right now, I would prefer just, if we're going to give them and entertain a zoning, that they're requesting for, as suggested I would be able to feel justified in granting it to them. And I think as explained the issue of the LUPAG Map is very flexible and it can be interpreted to go either way. And in this case, you know, the Department had decided to say, no, it's outside of that part where they feel that the applied zoning is prohibited. So that's where my opposition was in the last time when I voted on the application.

ALAMEDA: Okay, all right.

DOMINGO: Thank you.

ALAMEDA: You're welcome. Thank you, Commissioner Domingo. Commissioner Watanabe, you have any other thoughts?

WATANABE: Yeah, the reason I'm conflicted is I respect both opinions and I realize that it's a guide. Okay, in the previous application, you know, we've been talking about Houselots area, Manono Street, etc. And in my mind 30 years ago this is exactly how it started. You know, one exception here, one exception there and then pretty soon we littered the roadway with various exceptions. And then we said, well, it has gone so far now that we may as well amend the General Plan and make this all commercial and this is the main road so now we're going to do that, you know, just like how we designated Manono and Kekuanaoa, etc. I'm not certain that that's the route we'd like to go down at this point in this particular area. I think we're going to create a Houselots here to some degree.

On the other hand from my perspective I think because we have another 30 days, I believe we have another meeting that we could address this at, that we should have the Planning Department reconsider if the limited usage that has been proposed by the applicant and their representative, if that would sit well with the Planning Director and if then the Planning Department could come up with some, you know, revised conditions, or if they still feel that, you know, they want to draw a solid line right there and just make a stand here. That's only my personal opinion.

ALAMEDA: Okay. That sounds like the Department did think about it; and as Mr. Hayashi pointed out if we were to move into the favorable arena that they will be ready to submit a few recommendations. So I'd like to settle it here as soon as possible rather than postpone it again. Commissioner Ogata.

OGATA: I have a question. Can you refresh my memory or go over what improvements have already been made to the property thus far? Cause I think somebody mentioned the parking stalls were put in and stuff like that.

FUKE: She just confirmed that it's just the parking area.

ALAMEDA: Commissioner Domingo.

DOMINGO: Thank you very much. Again, you know, with respect to Commissioner Watanabe's comments, and I respect that very much, and I to a certain degree may have had some similar kinds of concerns in the past. But as I look at the growth of this island taking place, we find that the very thing that we're expressing concern about happened in the past with regards to one use going into a particular area and then gradually similar uses or similar types of uses coming in, we find after years that that particular area has changed with regards to the land uses in there. You know, I think it's something that we experience as part of the growth and development of our island. Now for instance look at Queen Kaahumanu Highway, you know, when they first completed that project there were hardly any hotels or visitor destinations; but now look at what has happened. In fact, just looking briefly at the West Hawaii paper, you know, with the further anticipated growth that's going to take place, you know, with the homes and other resort development -. So, you know, I look at this place and this particular application and, you know, I ask what is Hilo to be in years to come? Along with residential properties it will surely be other commercial uses that would be needed that are in demand now and that will be in demand in the future. So I think what we're doing here or following is a common process as we view development here on the island, and in other places for that matter.

FUKE: Mr. Chair?

ALAMEDA: Mr. Fuke, go ahead.

FUKE: I just kind of wanted to make several other points in response to, you know, the comments rendered to date by the Commissioners. I think that, you know, I can understand one of the concerns being like what Commissioner Watanabe raised about like so if you approve this then, you know, there's a potential for properties further along the street heading out towards Puna and all that stuff would be, you know, further commercialized and all that stuff. Well, you know, that is true. You know, there's no question about it. But it's the

whole question about like precedent. You know, and I don't necessarily believe that, you know, because if approve one area or one parcel then you're legally obligated to approve all of the other properties. Because if you take that notion, then if you have a Resort zoned property along the Bayfront or whatever have you, then it stands to reason that the whole island is going to be one zone, I mean, if you take the precedent notion. I think that decision makers like yourselves or the Council, you know, were given this responsibility to think independently and look at the facts, and then kind of make a decision accordingly.

The other thing is like from a planning perspective, you know, notwithstanding the so-called precedent issue is that, you know, the whole concept of zoning that we have on this island is predicated on a segregation of land uses. That's why you have like commercial uses here, you have industrial uses and residential uses, and, you know, you can't have that co-mingling. And in regards to that, it also was predicated upon the automobile. You know, you had to drive every place to get to that -. Today on the other hand we're kind of like almost philosophically becoming more like full circle. And to say like, you know, the days that we used to have like plantation communities where people could walk to commercial areas or walk to your parks, so on and so forth, you know, creating walkable communities, that's, you know, the kind of trend that we're trying to get back on, you know, not the trend towards having everything become like a Los Angeles type, very automobile dominated. And if you look at the way the City of Hilo has grown, we've become very automobile dominated. And so my personal philosophy is that, well, I think that having -. You know., like the General Plan is correct, we should allow consideration for some type of commercial uses within a residential area; but if we do, we've got to be mindful about what the impact it has on the neighbors. And if you can provide appropriate mitigation, then I think you've got the problem solved. You create walkable communities. And I think this is, to me, the kind of, what his request is really all about. Tied in with that that's why it goes back -. I appreciate what Commissioner Domingo is saying that, you know, give the developer, give the applicant the maximum land use flexibility. But if you're trying to really foster walkable communities, being mindful of an area that's in transition, then maybe you ought to have a condition like this. And so that's why we're saying that, you know, this is a condition that it's as represented by the applicant. The applicant wants to, he's saying that believe me, trust me. And so we're not saying that just put it unilaterally, we want it.

ALAMEDA: Okay. Commissioner Ogata?

OGATA: On that note, then wouldn't it make sense to complete the frontage requirements, improvements, so that it would be more walkable and that people from the neighborhood could walk, you know, safer to the salon.

FUKE: I agree with you. The only problem, however, becomes one of financing because they're just starting off right now. And so if you tear down a building and -. You know, from a financing perspective you want to take out a loan. So when you take out a loan then you'd be able to roll in the cost of \$100,000 to \$150,000 of curb, gutter, sidewalk improvements fronting it. But if on the other hand all you're going to do is just kind of do some interior renovation, you know, to the property then it's not going to cost you that much. So that's why, you know, the condition which was considered for the other application, something along that line, is really workable; but it's still restricted to personal services type. So at some point in time, you know, if, I hope that her business becomes successful if the project is approved, you

know, then she may want to tear down and rebuild; and then at which point in time it would be financially very feasible for her to make the improvements.

ALAMEDA: Any other questions before I ask the applicant's representative to sit down? Okay, thank you. You may be seated. All right, Commissioners, we have no testimony; but I would like to encourage, just to get the ball rolling, a motion, either way. And we can take as long as we need for discussion. But I think it will get us closer to our end goal. So I'll leave it up to you.

SIRACUSA: Mr. Chairman?

ALAMEDA: Commissioner Siracusa.

SIRACUSA: I'm trying to find the right template here. Okay, I move, in the matter of Jinsoo and Ran Hui Iida, Change of Zone Application REZ 07-000073, I move that a favorable recommendation be forwarded to the County Council based on the conditions and reasons discussed in the hearing today, including the condition suggested by applicant's representative Sidney Fuke, and with recommendations that the Department will add for a favorable recommendation.

DOMINGO: Second the motion.

ALAMEDA: Okay. So you know this is probably going to be a working motion cause there are a lot of conditions, and we haven't heard the conditions made by the Department yet. So motion made by Commissioner Siracusa, seconded by Commissioner Domingo. Mr. Hayashi?

HAYASHI: Yes, Mr. Chair. In anticipation of that particular motion that was made and by reading the transcript and looking at what Commissioner Iwashita had recommended at the last meeting we had come up with some proposed conditions for your consideration.

ALAMEDA: Great.

HAYASHI: And we do have a condition which could be replaced with the applicant's representative's proposed conditions relative to the restriction on the type of use on the property.

ALAMEDA: Okay.

HAYASHI: So I'll pass this out for your use.

ALAMEDA: Mr. Hayashi, would it be appropriate to give that also to the applicant for their review?

HAYASHI: Yes.

ALAMEDA: Mr. Torigoe, I'd like to take a five-minute recess for the Commission to review this particular document, as well as the applicant. Is that appropriate?

TORIGOE: Yes.

ALAMEDA: Okay, any objections to the five-minute recess?

DOMINGO: No objections.

ALAMEDA: Seeing none, five minutes.

RECESSED The Chair called a short recess at 10:30 a.m.

RECONVENED The meeting reconvened at 10:40 a.m.

ALAMEDA: Will the Hawaii County Planning Commission now come to order. Thank you for the recess. I wanted to give us some time to review the conditions, cause there's a lot, and also I wanted to give the applicant some time. So if there's no objections, I'd like to ask the applicant who has already come forward to respond to the conditions. Are there any objections? Seeing none, Mr. Fuke.

FUKE: Okay. First of all, I'd like to thank the staff for being very proactive in coming up with something like this. I appreciate it very much. It simplifies matters. The conditions overall are acceptable.

We understand that proposed Condition D would be substituted by the language that I had suggested earlier.

And relative to the curb, gutter, and sidewalk requirement that's Condition G, you know, hearing what Commissioner Ogata had to say and discussing it further with the applicant, because it provides like a five-year window within which those improvements have to be made, that would be acceptable. They'll work within their means and save, you know, do a curb, gutter and sidewalk fund and try to have it completed within the five-year period. So that condition is acceptable.

Relative to Condition H, what we'd like to suggest is that the last sentence be changed to say like "These improvements to Kilauea Avenue shall be completed," etc. Cause if it says like "All of the roadway improvements," then it could imply that the curb, gutter and sidewalk improvements also have to be in. So it kind of contradicts Condition G. So -.

And finally we don't know whether Condition Q relating to the submittal of an annual progress report is still like a standard requirement or like in a project of this nature is necessary. And if it's not, then we would respectfully request that that condition be deleted.

ALAMEDA: Okay.

FUKE: Thank you very much.

WATANABE: Well -.

ALAMEDA: Very good. Commissioner Watanabe?

WATANABE: Could you clarify for me, okay, Condition H, the revisions to Condition H, was -?

FUKE: Just delete "All of the roadway" and just say, "These improvements," cause it makes specific reference to Condition H only.

WATANABE: Kilauea Avenue completed prior to, okay. Now the other revision you were talking about was an annual progress report. But maybe the annual progress report is something that we want because -.

FUKE: That's fine.

WATANABE: If we're deferring the roadway improvements and you're referring to this five-year effective date that they're agreeing to on Condition G then maybe that's -.

FUKE: That's fine.

WATANABE: Okay. But then I have one more which, forgive me, Condition D, because as worded Condition D seems to be conflicting to me where all uses limited to conversion of the existing single family dwelling, so that comes out -.

FUKE: Yeah, so we're suggesting that the language that I had suggested earlier which would be like "As represented by the applicant the site shall be restricted to personal services, residential and residential-related uses as described in the CN District, Section 25-5-102. Any other uses would be subject to an amendment of this condition. Restrictive covenants in the deed of the subject property shall give notice of this restriction."

ALAMEDA: Commissioner Watanabe, follow-up?

WATANABE: My follow-up would be with staff. I noted that we have a condition here, I circled it somewhere, oh, O, emergency response plan. Is that necessary for this scale, given the location also?

HAYASHI: This is basically a standard condition that we use. It's up to you whether you want to -.

WATANABE: Oh, it's a standard, excuse then. I stand corrected.

ALAMEDA: I have to follow-up on that. Is it a big plan? I mean is it like a document, or is it a one pager, or -?

HAYASHI: I'm not too sure exactly what the Civil Defense Agency would recommend but it's not -. Something like this it won't be a huge document. It probably could be one or two pages.

ALAMEDA: Okay. Any other questions? Commissioner Siracusa.

SIRACUSA: Yes. This is a process question. Since these proactive changes by the Department and Sidney's comments have come through after my motion, do we have to go back and -? Can I just amend the motion and have the seconder agree to that amendment, or do we want to cancel the motion and start from scratch? Ivan?

ALAMEDA: Mr. Torigoe?

TORIGOE: It sounds like, your original intent was to include the recommendations of what the Planning Department would have anyway. So if you just want to clarify that, you know, for the record, the conditions that have been proposed by the Planning Department as amended on the record, it would be the recommendations that you wanted to have attached to this motion, you could do that. Or if you feel like it would be cleaner, just for you to go back and start all over, that's okay, too.

SIRACUSA: Yeah, well, -.

ALAMEDA: Not yet, but -.

SIRACUSA: The change to Condition D to incorporate what Sidney said, but I had already said that. And then that minor change to Condition H, "These improvements," instead of "All of the roadway improvements."

ALAMEDA: Okay, and there might be, I just want to make sure that Commissioner Watanabe has all of his thoughts on the table, because we may have to have additional revisions. Mr. Hayashi, go ahead.

HAYASHI: I just want to put it on the record that these conditions are not being proposed by the Planning Department. These were prepared in anticipation that the Commission was going to, again, come up with a favorable recommendation which did not pass at the last meeting.

ALAMEDA: Right.

WATANABE: Yeah, we understand.

SIRACUSA: Yeah, we understand that and we do appreciate the fact that the Department was proactive enough to come up with the alternative to save time and all of that. It helps a lot. Thank you, Norman.

ALAMEDA: That's right. You saved us a good 45 minutes. I appreciate it. Commissioner Watanabe?

WATANABE: I, you know, these address a lot of things that have been discussed. But I think we should have whoever seconded the motion agree with the revisions or conditions.

ALAMEDA: Okay, Commissioner Domingo, you agree with the revisions?

DOMINGO: Yes. I agree with the revisions.

ALAMEDA: Very good. Let me remind the Commissioners, we have a motion on the table by Commissioner Siracusa with the related conditions as discussed. We have a second by Commissioner Domingo. Is there a discussion? Commissioner Watanabe?

WATANABE: Given the current conditions and the, I still have some reservations. But given the current conditions and the proximity of this particular property to the intersection as well as the restrictions that will be contained within the deed, I think I can support this motion with some reservations.

ALAMEDA: Any other comments or questions before I ask for a roll? Seeing none, Mr. Darrow?

DARROW: Thank you, Mr. Chairman. The motion before us is to send a favorable recommendation to the Hawaii County Council. This is with conditions prepared by the Planning Commission with a revised Condition D, substituting the applicant's condition for the condition listed, as well as revised Condition H substituting the wording "all of the roadway for these." With that, I'll take the motion. Commissioner Siracusa?

SIRACUSA: Aye.

DARROW: Commissioner Domingo?

DOMINGO: Aye.

DARROW: Commissioner Ogata?

OGATA: Aye.

DARROW: Commissioner Rho?

RHO: Aye.

DARROW: Commissioner Watanabe?

WATANABE: Aye.

DARROW: Commissioner Woodward?

WOODWARD: Aye.

DARROW: Commissioner Graham?

GRAHAM: Aye.

DARROW: And Mr. Chairman?

ALAMEDA: Aye.

DARROW: The motion passes eight to zero.

ALAMEDA: Thank you.

The discussions ended at 10:49 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary