

PLANNING COMMISSION  
COUNTY OF HAWAI'I

HEARING TRANSCRIPT  
DECEMBER 7, 2007

A regularly advertised hearing on the application of **DIEN-JUNG LIN NEKOBA (REZ-000071)** was called to order at 9:05 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: C. Kimo Alameda  
William Graham  
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: DIEN-JUNG LIN NEKOBA (REZ 07-000071)**

Change of Zone from Single-Family Residential 10,000 square feet (RS-10) to Neighborhood Commercial 10,000 square feet (CN-10) for approximately 39,771 square feet of land. The property is located along the south side of Kekuanaoa Street, between Manono Street and Hinano Street, Waiakea House Lots, Waiakea, South Hilo, Hawaii, TMK: 2-2-36:25 and 26.

ALAMEDA: Good morning everyone. Okay, Agenda Item No. 1, I'll turn it over to Mr. Darrow. Go ahead.

DARROW: Thank you, Mr. Chairman. Good morning, Members of the Planning Commission. This is a continued action on this application. If I could give a brief background for those Commissioners that weren't present at the last hearing.

At our last hearing there was motion made to send a favorable recommendation to the Hawaii County Council with revised Condition D and a new Condition E. Subsequent to that meeting we have passed out a revised, those conditions that have been revised. So those should be with you folks at this time. The motion did not pass with four ayes and two noes. So at this time this will be a continued action on this matter.

If I can direct the Planning Commission's attention to the location map, the area of this application is within the South Hilo district. More specifically we are looking at Kekuaaoa Street, Hinano Street, as well as Manono Street. For reference, Big Island Candies is located on the corner of Kekuaaoa and Hinano Street in the area of this application. This application consists of two parcels. Total square footage is 39,771 square feet. The parcel on the corner of Manono and Kekuaaoa, we have a parcel that is 19,607 square feet in size which consists of an existing two-story dwelling which is identified in yellow. On Parcel 2 which is on the corner of Kekuaaoa and Hinano Street we have a parcel that is 20,164 square feet in size with a one-story dwelling, which is also identified in yellow.

The applicant in this case, Dien-Jung Lin Nekoba, is requesting a change of zone from Single Family Residential 10,000 square feet to Neighborhood Commercial 10,000 square feet. The reason for this request is to be able to allow the continued use for her tour operation which is called Green Travel and Tours, Inc.

At our last meeting we discussed the possibility of allowing sort of a bus baseyard on this property; and it was determined that the storage of buses on the property with the new zoning would not be allowed. So at this point they're looking to have their office space and to be able to conduct their operation from their offices within the existing structures. The applicants at this time store the buses on another site in an Industrial area.

We did have comments from the Department of Public Works asking for improvements along the Hinano Street, curbs, gutters and sidewalks, as well as, they did not want the hedge on the corner of Manono and Kekuaaoa to go above a height of three feet. Additionally, they wanted no left turn signs placed at each entrance on Kekuaaoa Street.

The Planning Director is recommending that the Planning Commission send a favorable recommendation to the Hawaii County Council. Additionally this morning, we have received a letter of response from the applicants addressing Conditions D, E and F; and that should be passed out to the Commissioners. Are there any questions?

ALAMEDA: Fellow Commissioners? Commissioner Siracusa.

SIRACUSA: So there will be no left-hand turns coming out of the property onto Kekuaaoa. But how about, say, people traveling in the direction away from the airport, crossing a lane of traffic to make left turns into the property? Will that be allowed?

DARROW: I believe that was the intention of the no left-turn signage. That would not allow left turns to come into the property from Kekuaaoa.

SIRACUSA: Oh, so it's not, but anyone leaving the property could make left turns coming out?

DARROW: I believe they could. The objective is so that it won't stop traffic on Kekuaaoa.

SIRACUSA: By crossing a lane of traffic?

DARROW: Correct.

SIRACUSA: But the same thing would happen if somebody was coming out of the parcel and making a left turn onto Kekuanaoa.

DARROW: It could happen. It could be that they just wait for it to be open and then they take a left; but it's my understanding that the left turn sign is on -.

WATANABE: Mr. Chairman?

ALAMEDA: Commissioner Watanabe?

WATANABE: I think, I understand what you're saying Ms. Siracusa. But if they're attempting to make a left-turn off of their parcel, they're only blocking traffic within their parcel, so it's not a big issue. What Public Works is attempting to do is make sure the flow of traffic is smooth along Kekuanaoa. Does that make sense? In other words you could have a vehicle stopped at the exit and attempting to make a left-turn onto Kekuanaoa to head away from the airport, but it wouldn't be impeding any traffic there because they're still on their own parcel.

SIRACUSA: Yeah, but the minute they crossed over an extra lane of traffic they would be, that's what I meant.

ALAMEDA: Any other questions, Fellow Commissioners? All right, I guess we can mull it over and think about it. Could I ask the applicant or its representative to please come forward. Good morning, Mr. Lim.

LIM: Good morning, Mr. Chairman.

ALAMEDA: Please raise your right hand. Do you swear or affirm to tell the truth now before the Hawaii County Planning Commission?

LIM: I do.

ALAMEDA: Thank you. So you've heard the discussion a little bit.

LIM: Yes.

ALAMEDA: You've got the recommendation. Any other thoughts?

LIM: Sure. With me today is Ms. Dien Nekoba in the green, Mr. Jung Kai Nekoba who was here last time, along with Sue LeeLoy from our office. You know, following the meeting at the last Planning Commission hearing we heard concerns by Theresa McCrary and Jeffrey Joseph who are the homeowners located just to the bottom of the drawing on the Manono Street side of the subject property, and they're long-time residents. So we decided that, you know, it was a good idea to meet with them. So we've met with them following that hearing and what, I guess, the results of some of those talks are on the one-page handout that we've

provided to you this morning; and the top of it says Dien Jung Lin Nekoba, REZ 07-000071. But these include the Planning Director's new proposed conditions.

The Ramsayered amendments that we've made to Condition D are just to make that paragraph internally consistent such that either the consolidation of the Parcels 25 and 26 or the establishment of cross-easements to permit traffic circulation between the two parcels would occur upon construction of a new building. I think that was the idea that we were trying to reach at.

Proposed new Condition E is the Planning Director's recommendation where because of the CN-10 zoning they didn't want us to subdivide it into more than the existing two lots; and we're agreeable with that condition. The proposed and revised Condition E is that we would provide, this was our request, that we would provide the curb, gutter, sidewalk improvements along the frontage of Hinano Street, which is on the right side of the drawing there, upon the construction of any new dwellings, I mean, excuse me, new buildings on Parcel 26. We felt that until the new buildings would be implemented that there would be no sense in putting curbs, gutters, sidewalks on the existing property.

Then the last condition that we're calling the proposed new condition based upon the discussions with the adjacent property owners is that, their main concern, I think, expressed at the last hearing was that the proposed impacts by the commercial uses would impact upon their dwelling and their proposed residence that they'll be building later on. So we met with them on the conditions that we were proposing, and then we've given them a copy to review. I think Mrs. McCrary is here today to testify also. It states that the applicant shall provide a solid wall not to exceed 6 feet in height as a buffer along the common boundary of these parcels, 126 and the McCrary and Jeffrey Joseph parcel. I think that they're in agreement with that. She also mentioned today that because of the deposit of gravel on the Nekoba Parcel 26 adjacent to their property they're experiencing a little bit more water runoff. We believe that the construction of the solid rockwall or solid wall, or whatever they do, will address the drainage issue and will make sure that it channels the water back out towards the roadway. And I think that they also talked about preserving a couple of trees along their boundary; and to the extent that the Nekobas, I think the Nekobas have agree to that. I don't know exactly now which trees they are but I think the parties understand which trees. So maybe having Ms. McCrary come up to talk would help, too.

ALAMEDA: Sure. She'll testify. We have her name here so she'll be coming up shortly. Commissioners, any questions for our applicant's representative, Mr. Lim? Commissioner Watanabe.

WATANABE: Mr. Lim, we've received also newly worded conditions or revised Conditions D, E and F from the Planning Department. Have you had a chance to review those?

LIM: Yes.

WATANABE: I believe essentially they say the same thing that your proposed condition says with the exception of the new condition for the 6-foot wall. Are you in agreement with that?

LIM: I think the Condition D is kind of like a wording change, and you can see it on our sheet in the Ramsayer format. Condition E we're agreeing with. Condition F the change is the timing change. We would construct the curb, gutter, sidewalks when we do the new buildings and not right now. I don't think the Planning Director agrees with that proposal but we think it's reasonable. And then the new one, of course, with the neighbors is the rockwall, the solid wall. Whether it's rock or concrete, it will be a solid wall of some sort.

GRAHAM: I -.

WOODWARD: Mr. Chairman?

ALAMEDA: Let me go to Commissioner Graham and then I'll get you, Commissioner Woodward. Commissioner Graham?

GRAHAM: Yes. Mr. Lim, on the application we read that the specific intention here is to provide office space, parking for employees, and place for 8-10 passenger vans. How many employees are you expecting to be in that office space?

LIM: At the present time we have three and I think that the proposed employees, depends on the business but I think that they would probably go up to maybe six or so. What we've done is we've moved, as part of the earlier violations and the concerns by Ms. McCrary they've moved all of their parking, I mean their tour vans, the big buses off the property. I think one of the big issues was, you know, they'll be woken up at night and then the morning by the backing up beepers of those big buses. So those are all off the property. We've got a new industrial property that we store those vehicles on.

GRAHAM: So we're talking about six employees, is that what you're saying?

LIM: At least for the short-term. This is kind of a long-term issue for them. They haven't determined what they're going to do in the future. But I think that the near-term growth is between three to six employees, possibly more.

GRAHAM: Thank you.

ALAMEDA: Commissioner Woodward.

WOODWARD: Mr. Lim, I congratulate you on the fact that you have managed to take part of the trouble out of our hands, and you've dealt with the problems; and that's very important to us. The people that are applying have dealt with the property owners who have objected; and if that objection has been taken care of, then I think you've done a very good job.

ALAMEDA: Thank you. Any other questions? Commissioner Siracusa.

SIRACUSA: Yes. Although one of the objections of Ms. McCrary was about the large vans and the beeping noise when they back up and the fumes from them, that does not seem to be

addressed in any of the conditions about this property shall not be used as a baseyard or something like that.

LIM: Those are, it's kind of a statement of the existing law and we've already been cited for that. So the Nekobas are well aware of that. They can't have it. It would be a zoning violation.

SIRACUSA: Okay. So you're saying it's not necessary to put that in as a condition?

LIM: I would think not. It's basically a statement of the existing law.

ALAMEDA: Follow-up?

SIRACUSA: I would like to ask Mr. Torigoe if he concurs with that evaluation.

ALAMEDA: Mr. Torigoe?

TORIGOE: Yeah, I think that's right. If the Zoning Code is quite clear that that's not allowed then it's not necessary to put it in this condition.

ALAMEDA: Thank you, Commissioner Siracusa for bringing that up. It's a good thought. Any other comments before I turn it over to testimony? Okay. Mr. Lim, you have anything else?

LIM: No, thank you. I'll listen to the testimony and come back.

ALAMEDA: Okay, thank you for your time. We do have Theresa McCrary, McCrary?

MCCRARY: McCrary.

ALAMEDA: McCrary. Please come forward. Theresa, can you raise your right hand. Do you swear or affirm to tell the truth now before the Hawaii County Planning Commission?

MCCRARY: I do.

ALAMEDA: Thank you. So I know you've been listening to the discussion. So what are your thoughts?

MCCRARY: Well, basically -.

HAYASHI: Would you use the mike, please.

ALAMEDA: Oh, sorry, microphone. And one more thing, one more thing, name and address.

MCCRARY: Oh, I'm sorry. Theresa N. McCrary, 630 Hinano Street, Hilo, Hawaii.

ALAMEDA: Okay.

MCCRARY: Basically from what we're understanding, and I'll parrot that in just a moment, we basically are removing our objections. Our main objection, which I know you all heard loud and clear last time was buses. And as I really got involved and learned about this, the buses apparently are not the issue; and I apologize for not having understood that. There will be no buses on that property and no backing beepers and that sort of thing; and I've been assured of that. And I think that apparently is in the laws.

I just want to make sure and, well, I would like you all to make sure because these are a lot of new things for me to have to learn here, that as you're going through all of this that however this property is subdivided, because I'm not real sure which way it's going to go here, that we just don't want to, and I know, we don't want a strip mall appearance, okay. And I know the idea here is of one piece of property or two pieces of property, and I think that needs to be addressed.

There are also, we brought up the problem, the situation of the drainage. It's not a huge issue but I know that, and we have had problems with drainage. We haven't had a lot of ground, where the water just stands on the ground. We haven't had a lot of rain here recently where the water just stays there like it was a few years ago. But when we get heavy rains, it has, it does come off of that property. Now we've got more gravel out there. Now will the rockwall take care of that? Probably so, but I just want somebody to, you know, in all this to really look out for that. We, years ago before Ms. Nekoba bought that property, without complaining or anything else, if you'll look on our back end of our property there as it abuts on the Manono side of the property, you'll notice that we've got a 3-foot ditch on the back of our property, which is sort of unusual in that area, but a 3-foot ditch. And then there's also about a one-foot ditch going down the back, in the center of the back half of our property where water, our water and their water, runs to come off. So we already had a problem which we never complained about, never asked anybody to work with, because we've got a ditch there. But we would like that, to make sure that's okay there. And then that's really about it.

How the traffic patterns go and all that, I don't know all these things. You all know that this is a short small piece of property there that could be dangerous. I'm sure you will do as you should on that. I believe that's addressed all my concerns. The fact that they're leaving that old orange tree is a real plus, that old orange tree. And that's all I really had to say.

ALAMEDA: Okay. Fellow Commissioners, any questions for Ms. McCrary?

MCCRARY: With the stipulation, I mean, I'm agreeing with everything that they've got on the paper here.

ALAMEDA: Okay.

MCCRARY: Okay?

ALAMEDA: Great. Compromise can be beautiful. Thank you.

MCCRARY: Thank you very much.

ALAMEDA: Thank you for your time. Okay, Mr. Lim. Oh, you had a question?

WOODWARD: No, I didn't really have a question. I just wanted to say we appreciate your input and it has definitely affected the way this project will be handled. So we do appreciate public input.

ALAMEDA: Yes.

WOODWARD: Thank you very much.

ALAMEDA: Very good. Mr. Lim?

LIM: I'd like to thank Ms. McCrary for working with us on this matter. I think it has helped all the parties' relationships and we'll try our best to, in the construction of that rockwall or the solid wall to mitigate the drainage issues. So we'd ask for your support.

ALAMEDA: Commissioners, any final questions before we ask for a motion? Commissioner, great, Commissioner Graham? You had a question?

GRAHAM: Yeah, I just want to get a sense of what's likely to be on the ground there in a couple of years if this goes through. I mean you've got those two buildings. That's a very long, you know, fairly sizable parcel, and you're talking about three to six employees. So there's a lot of terrain there that's going to be used for something. And part of that I guess is parking these 8- to 10-passenger vans.

LIM: No, not really.

GRAHAM: But can you tell me what it's all going to be like?

LIM: I think what you'll see probably for the next near-term, I would say next three to five years, maybe just what you see there today. You know, they don't have any current plans to develop. And the main idea is to get the zoning to enable them to run their commercial tour business. Any storage of vehicles is not going to be allowed, you know, the tour vehicles. I think there are only two vans at the most that go on the property; and those are their personal vans that they use both for personal use and sometimes for tour uses. So they'll probably keep, the house that's on Parcel 26 which is the one on the right-hand side, the Hinano Street side, is currently being rented for some years by a tenant. They'll probably keep the tenant in there for a while. So in terms of the next few years, you probably won't see any change. That's kind of why we were suggesting pushing back the curb, gutter, sidewalk improvements until they built a new building there.

GRAHAM: I see. And to follow-up, when you say basically they want to run the business, does run the business just mean they have a little office, people park, they come in and they work on their computers and on the phone, and that's to run the business, or something else going on, too?

LIM: Probably pretty much that. We could use it now for office and storage uses, and those types of things.

GRAHAM: Okay, thank you.

ALAMEDA: Very good. Commissioner Watanabe.

WATANABE: Mr. Lim, could you elaborate for me on this Condition F with regard to, you know, the curb and gutters on Hinano Street. Was the Planning Director in agreement or opposed to that?

LIM: The Planning Director was opposed to delaying the installation of the curb, gutter, sidewalk. So if you see our proposed Condition F, the underlined portion is the portion that we put in -.

WATANABE: Right, right.

LIM: Just to try to tie it to the construction of any new dwellings, any new buildings.

WATANABE: Oh, okay. I appreciate your honesty in that. But in addition you did indicate that in all likelihood the tenant who is currently renting that facility, which I assume is a single family dwelling, will remain there and that condition will probably remain the same for the next three to five years?

LIM: That's true, that's our expectation.

WATANABE: Thank you.

ALAMEDA: Any further questions? Commissioner Siracusa.

SIRACUSA: Yeah, I have a little bit of a concern about the floating property line between the two parcels, that you wanted to leave the option open, that when you did subdivide you'd be able to shift it one way or the other somehow, depending on what the plans were. And as we all know even though the application says they will retain the structures there's no requirement to do so. As a matter of fact, the conditions allow for possible construction of increased density housing on the parcel. So I'm sort of, I always feel like, you know, with these change of zone applications that we're looking at one thing which may sound okay and yet down the line anything horrendous could happen and we're stuck with it. I really wish that we could just do, you know, special permits instead of zone changes on these kinds of parcels. I wish we weren't limited to Ag parcels for that because it ties our hands a lot. And for me in a lot of cases it means that whereas if it was a special permit kind of thing I would say, okay, let's go for it. You know, we can always renew it in five years, blah, blah. But a change of zone is pretty much carved in stone; and that gives me pause and that makes me consider a lot more, you know, to err on the side of being conservative.

ALAMEDA: Thank you, Commissioner Siracusa. Any further questions for -?  
Commissioner Watanabe.

WATANABE: I have one final question, Mr. Lim. You know, the current Condition E which says "No Left Turn" sign shall be installed at each of the two existing driveways, your understanding concurs with Jeff's understanding, Jeff Darrow's understanding, that it implies no left-turns from Kekuanaoa? You're in agreement on that?

LIM: That's what we thought it meant, yes.

WATANABE: Okay, thank you.

ALAMEDA: Seeing no further questions, Mr. Lim, any final comments?

LIM: Just that we believe it's in compliance with the General Plan for the area and we'd ask for your support.

ALAMEDA: Okay. All right. I'm ready to entertain a motion. Commissioner Watanabe.

WATANABE: I'd like to move that a favorable recommendation be forwarded to the County Council for Change of Zone Application REZ 07-000071 based on the Director's recommendations and including the Planning Department's proposed new revised Condition D, and also the new Condition E which limits these to two parcels, two lots, and new Condition F which was proposed by the applicant's representative whereby construction of any new buildings would predicate the full improvements to the entire frontage on Hinano Street, and a new Condition G whereby the applicant shall provide a solid wall not to exceed six feet in height as a buffer along the common boundary of TMK (3) 2-2-36: 26 and TMK (3) 2-2-36: 149.

ALAMEDA: Is there a second?

DOMINGO: Second.

ALAMEDA: Motion made by Commissioner Watanabe, seconded by Commissioner Domingo. Discussion? I'd like to just remind the Commissioners, and the applicant, and the testifier, this is a recommendation that we're making to the County Council. And so, Commissioner Siracusa, I know that your concerns will probably be the similar concerns up at the County Council. So we'll see how it all goes. Any discussion, Commissioner Watanabe, Domingo -? Seeing no further discussion, roll. Jeff?

DARROW: If I can ask Commissioner Watanabe for clarification?

ALAMEDA: Sure.

DARROW: On the Condition D -.

WATANABE: That would be exactly as we just received, yeah, the newly revised on this yellow sheet -.

DARROW: The yellow sheet.

WATANABE: That the Planning Department provided.

DARROW: Okay. And then the Condition F?

WATANABE: Condition E would be the same.

DARROW: Okay.

WATANABE: Condition F I think the only revision there, and I realize the Director was opposed to this, but it seems reasonable that we would only require full improvements to the frontage of Hinano Street upon construction of any new buildings on Parcel 26, especially in light of it being used as a single family residence right now. So I, in that regard I concur with the applicant's representative. And, of course, the new Condition G was the agreement that they have reached between the neighbors so that there would be a common wall no greater than six feet in height.

DARROW: Thank you.

ALAMEDA: Mr. Darrow?

DARROW: Okay, we have a motion before us to send a favorable recommendation to the Hawaii County Council with amendments, the Planning Department's revised Condition D and the new Condition E, as well as the applicant's revised Conditions F and a new Condition G having to do with the construction of a rockwall along the common boundary of the listed TMKs. With that I'll take the roll. Commissioner Watanabe?

WATANABE: Aye.

DARROW: Commissioner Domingo?

DOMINGO: Aye.

DARROW: Commissioner Ogata?

OGATA: Aye.

DARROW: Commissioner Rho?

RHO: Aye.

DARROW: Commissioner Siracusa?

SIRACUSA: Nay.

DARROW: Commissioner Woodward?

WOODWARD: Aye.

DARROW: Commissioner Graham?

GRAHAM: No.

DARROW: And Mr. Chair?

ALAMEDA: Aye.

DARROW: The motion passes six to two.

LIM: On behalf of the Nekoba family, thank you very much.

ALAMEDA: Thank you.

The discussion ended at 9:36 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawaii Secretary