

a m

**APPLICATION FOR:
SPECIAL MANAGEMENT AREA USE PERMIT,
PROJECT DEVELOPMENT USE PERMIT AND
CLASS IV ZONING PERMIT**



CVS / LONG'S PHARMACY @ COCONUT PLANTATION.
TMK4-3-07: 29 & 30
WAILUA, KAUAI, HAWAII

APRIL 24, 2013

PROJECT TEAM

1. DEVELOPER/PROJECT MANAGER
CONTACT PERSON:
PAT COWAN (619) 606 1474
KZDEVCO, LP
18818 TELLER AVE., STE. 100
IRVINE, CA. 92612
2. ARCHITECT OF RECORD
CONTACT PERSON:
CYNTHIA M. WORK: (808) 523 9636
ARCHITECTS HAWAII, LTD.
733 BISHOP ST., STE. 3100
HONOLULU, HI 96813
3. AUTHORIZED AGENT:
CONTACT PERSON:
AVERY YOUN: (808) 246 9414
AY ARCHITECT, LLC
4-1525 KUHIO HIGHWAY
KAPAA, HAWAII 96746
4. CIVIL ENGINEER
CONTACT PERSON:
BARRY TOYOTA: (808) 946 2277
WILSON, OKAMOTO ASSOC.
1907 S. BERETANIA ST.
HONOLULU, HI 96826
5. LANDSCAPE ARCHITECT
CONTACT PERSON
SHELLI A. McCELVEY
(808) 521 2908
McCELVEY ASSOC., INC.
442 ULUNIU ST., STE. A
KAILUA, HI 96734
6. ARBORIST
CONTACT PERSON:
JERRY NISHEK: (808) 245 7747
KAUAI NURSERY & LANDSCAPING,
INC.
3-1550 KA'UMUALII HWY.
LIHUE, HI 96766
7. ARCHAEOLOGIST
CONTACT PERSON:
HALLET H. HAMMATT, PH.D
PH. (808) 262 9972
CULTURAL SURVEYS HI, INC.
P.O. BOX 114
KAILUA, HI 96734
8. SURVEYOR
CONTACT PERSON:
DENNIS ESAKI: (808) 246 0625
ESAKI SURVEYING, INC.
1610 HALEUKANA ST.
LIHUE, HI 96766

LIST OF EXHIBITS

EXHIBIT 1: SURVEY

EXHIBIT 2: CONCEPTUAL PLANS

T-1: TITLE PAGE

L-1: CONCEPTUAL LANDSCAPE PLAN

A-1: CONCEPTUAL SITE PLAN

A-2: CONCEPTUAL FLOOR PLAN

A-3: CONCEPTUAL BUILDING SECTIONS

A-4: CONCEPTUAL BUILDING ELEVATIONS

A-5: FRONT ENTRY VIEW FROM ALEKA LOOP

A-6: FRONT ENTRY VIEW FROM KUHIO HIGHWAY

A-7: REAR BUILDING VIEW FROM KUHIO HIGHWAY

A-8: REAR BUILDING VIEW FROM ALEKA LOOP

EXHIBIT 3: ARBORIST REPORT

A. EVALUATION OF COCONUT PALM INDIVIDUALS

**B. POSSIBLE LOCATIONS FORRELOCATED OR NEW
COCONUT PALM INDIVIDUALS**

EXHIBIT 4: ARCHAEOLOGICAL REPORT

EXHIBIT 5: DRAINAGE REPORT

EXHIBIT 6: SIGNAGE

EXHIBIT 7: TRAFFIC IMPACT ANALYSIS REPORT

**APPLICATION FOR SPECIAL MANAGEMENT AREA USE PERMIT,
PROJECT DEVELOPMENT USE PERMIT AND CLASS IV ZONING PERMIT
FOR:**

THE DEVELOPMENT OF A LONG'S PHARMACY STORE WITHIN THE COCONUT PLANTATION RESORT AT WAILUA, KAUAI, HAWAII, CONTAINING A BUILDING FOOTPRINT OF 23,008 SQ. FT. WITH 97 PARKING STALLS, LOCATED ON TMK's: 4-3-07: PARCEL 29 (2.056 AC.) AND PARCEL 30 (1.515 AC.) CONTAINING AN OVERALL AREA OF 3.571 ACRES.

I: PROJECT: The purpose of these applications is to accommodate the development of a Long's retail store to include a sales area, pharmacy with drive-thru window, receiving area, and loading dock, and a storage area located on a mezzanine level above the receiving area. The building is proposed within a footprint of approximately 23,000 square feet with a total of 97 parking stalls provided.

The development will take place on lands with two (2) different zoning districts that will have an average total lot coverage of 56.14%; the Project Development Use Permit is being applied for to deviate from and exceed the maximum 50% allowable lot coverage standard. ✓

II. LOCATION: Within the Coconut Plantation Resort area at Wailua, Waipouli, Kauai, approximately ¼ mile southwest of the Waipouli Town Center Shopping Center, directly south of the intersection of Kuhio Highway and Aleka Loop, and immediately northwest of the Marriott Courtyard Hotel, further identified as: TMK:4-3-07: par. 29 (2.056 ac.) and par. 30 (1.515 ac.) containing an overall area of 3.571 acres. NOTE: Both parcels will be consolidated prior to development. ✓

III: OWNER / APPLICANT:

OWNER:

Niu Pia Land Company, Ltd.
Pioneer Plaza, Suite 1640
900 Fort St. Mall
Honolulu, HI 96813

APPLICANT:

KZDEVCO, LP
18818 teller ave., ste. 100
IRVINE, CA. 92612

Contact Person/ Project Manager:
Pat Cowan (619) 606 1474

APPLICANT:

KZDEVCO, LP

18818 Teller Ave., Ste. 100

IRVINE, CA. 92612

Contact Person/ Project Manager:

Pat Cowan (619) 606 1474

IV. AUTHORIZED AGENT:

Avery Youn, Architect

4-1525 Kuhio Highway

Kapaa, Hi. 96746

PH. (808) 246 9414

e-mail: averyyoun@gmail.com

V. ZONING:

County Zoning: Resort Residential (RR-20): 2.6 Ac.

Open District (O): 0.97 Ac.

General Plan: Resort

State Land Use Classification: Urban District

VI. ESTIMATED CONSTRUCTION VALUE/PROJECT TIMETABLE:

Construction Value: \$7,000,000.00

Project Timetable: The development timetable is estimated to take approximately 18 months, with building permit applications anticipated to be filed in the 3rd quarter of 2013, and construction beginning at the end of 2013/early 2014. Completion of the project would be in the 4th quarter of 2014.

VII. PERMITS REQUIRED:

A. Special Management Area Use Permit: The project development cost exceeds \$500,000.00, therefore requiring a major Special Management Area Use Permit. The property itself does not immediately abut the shoreline and is approximately 750 feet away, separated from it by the parcel that contains the Marriott Courtyard Hotel.

B. Project Development Use Permit: To deviate from the 10% maximum lot coverage within the Open zone and allow the average lot coverage to be at 12.35%, or 2.35% over the requirement. The lot coverage for the entire site is at 57.7% which is less than the 90% allowable for commercial development within the RR-20 Zoning District.

C. Class IV Zoning Permit: A procedural requirement to accompany the Project Development Use Permit Application and because the 3.571 acre parcel qualifies for more than twenty-five (25) dwelling units.

VIII: GENERAL DESCRIPTION OF THE PROJECTS TECHNICAL, ECONOMIC, SOCIAL AND ENVIRONMENTAL CHARACTERISTICS:

A. TECHNICAL:

1. SITE DESCRIPTION:

The 3.571 acre site consists of two parcels, 29 and 30, both of which are proposed to be consolidated into a single parcel prior to development. The site borders Kuhio Highway on the northwest, the Marriott Courtyard Hotel is located directly southeast across Aleka Loop, and the Plantation Hale condominium is situated immediately southwest on the adjacent parcel. The Site Plan shown on Exhibit 2, Sheet A-1, is overlaid on an existing site survey, and shows the building location, parking area, drive-thru, loading docks and access points. This site is relatively flat, however it is located in a low lying area that is not in the flood zone and is designated as "Zone X" on the FIRM map. Based on the survey (Exhibit 1) the existing ground elevations vary from 5' to 6' above MSL throughout the site, with its low point being at 4' MSL at the drainage swale along Kuhio Highway.

The site is also part of a larger coconut grove which includes this site, the larger lot across Kuhio Highway, a vacant 11 acre lot to the northwest and the lot that contains the Marriott Courtyard Hotel. The subject lot contains approximately 88 mature and 16 seedling coconut trees which are protected by the Exceptional Tree Ordinance No. 240.

2. DESCRIPTION OF VICINITY

This site is part of the Coconut Plantation Resort approximately situated on the Wailua-Kapaa boundary. The resort itself contains the Marriott Courtyard Hotel, the Beachboy Vacation Resort, the Islander Hotel, the Kauai Sands Hotel, the Coconut Plantation Marketplace and the Plantation Hale Condominium. Also within the resort area are three (3) vacant hotel sites, all of which have approved projects. The Coconut Plantation Holdings site is located across Aleka Loop and has been approved for 192 units. Two other lots, located along the shoreline and adjacent to the Marriott Courtyard, have an approved project totalling 343 units, and is known as the Coconut Beach Development.

To the northeast is the Waipouli Commercial area which contains the Waipouli Town Center, the Safeway Shopping Center and many smaller strip commercial type businesses such as restaurants, retail shops, fast food outlets, specialty businesses, etc. A few condos within 1/4 to 1/3 of a mile exist along this strip, including the Waipouli Resort, Mokihana Lodge, Kauai Kailani and Kapaa Shores.

3. PROJECT DESCRIPTION:

a. FLOOR AREA:

The proposed building lower level footprint covers 23,008 s.f., and

consists of the following spaces:

Retail Area	15,030 s.f.
Pharmacy	1,290 s.f.
Restrooms/halls/employee lounge	1,073 s.f.
Front Entry	240 s.f.
Offices	340 s.f.
Receiving/Loading	5,035 s.f.
	23,008 s.f.
<u>Mezzanine Storage</u>	<u>8,244 s.f.</u>
TOTAL GROSS FLOOR AREA:	31,252 S.F.

b. PARKING REQUIREMENTS:

Retail Area / Pharmacy/Restrms/		
Halls/ Emp. Lounge/ Entry:	17,393 s.f. @ 1 stall/300 s.f.	= 58 stalls
Offices:	340 s.f. @ 1 stall/200 s.f.	= 1.7 stalls
Receiving/Loading :	5,035 s.f. @ 1 stall/500 s.f.	= 10 stalls
<u>Mezzanine Storage:</u>	<u>8,244 s.f. @ 1 stall/500 s.f.</u>	<u>= 16.5 stalls</u>

86.2 Stalls Or 87 Required

Based on the area proposed, 87 parking stalls are required for the retail building and an additional 3.3 for employees, however 10 employee stalls are proposed to match the previous retail project approved in 1992, which conditioned that one (1) stall be provided per employee per shift, thus 97 stalls are proposed. Of these, four (4) will be ADA accessible stalls.

c. NO. EMPLOYEES/EMPLOYEE PARKING: 10 full time and 25 part-time employees, with an average of ten (10) employees on any one shift.

Employee Parking Required @ 1 stall/3 emp. = 3.3 stalls(10 stalls provided)

TOTAL PARKING STALLS PROVIDED: 97 STALLS

d. SETBACK REQUIREMENTS:

There are two (2) sets of guidelines that applies to this project, the Coconut Plantation at Waipouli Architectural Guidelines and the CZO. The setback requirements for Resort District (RR-20) established by Article 4, Sec. 8-4.5(d), refer to the standards for development in the Commercial District(C) as delineated in the following chart.

	Coconut Plantation Arch. Guidelines	CZO	ACTUAL
<u>Kuhio Highway:</u>	100'	--	100'
<u>Aleka Loop</u>	50'	--	75' - 300'

Bldg. Setbacks:

<u>Front:</u>	75'	10'	300' from Aleka Loop
<u>Side:</u>	25'	5' or ½ wall ht.	75' from Aleka Loop
<u>Rear:</u>	N.A.	10'	75' from Plantation Hale

The actual setbacks delineated in the above chart clearly indicate that the proposed project exceeds the minimum setback requirements of both the Coconut Plantation at Waipouli Architectural Guidelines and the CZO.

e. LOT COVERAGE:

The site consists of two different zoning districts; Resort Residential (RR-20), the lot coverage requirements of which cannot exceed 50%, and Open (O) Districts (O), the lot coverage requirements of which cannot exceed 10%. However, similar to the setback requirements in Sec. E above, the lot coverage standards for development in the Commercial District(CG), as established by Article 4, Sec. 8-4.5(d), is applicable to this project.

<u>ZONE</u>	<u>AREA</u>	<u>50%</u>	<u>10%</u>
RR-20 Zone:	2.6 Ac. or 113,270 s.f.	56,635 s.f.	
Open Zone:	0.97 Ac. or 42,281 s.f.		4,228 s.f.
TOTAL LOT AREA:	3.571 Ac. or 155,552 s.f.	77,776 s.f.	

PROPOSED LOT COVERAGE:

RR-20 Zone:	84,530 s.f. or 72.95%
Open Zone:	5,221 s.f. or 12.35% (2.35% over)
TOTAL LOT COVERAGE:	89,751 s.f. or 57.7%

Commercial Zone: Lot coverage allowable is 90% or 139,997 s.f. Based on the above calculations, the total lot coverage proposed for the building, driveways, sidewalks and parking is at 89,751 s.f. or 57.7%, which is way under the maximum 90% allowable. Because the maximum lot coverage requirement of 10% is exceeded in the Open zone by 2.35%, the Project Development Use Permit is being requested to allow the deviation since it can be demonstrated that the encroachment into the Open zone is part of an overall integrated design that takes into account drainage/ponding issues and preservation of the integrity of the coconut grove, as required by the Exceptional Tree Ordinance.

f. HOURS OF OPERATION

10:00 a.m. to 10:00 p.m., with the option to remain open 24/7 should there be market demand.

g. BUILDING DESCRIPTION

Site:

Two (2) access to the site are proposed from Aleka Loop only. The layout of the proposed building and parking is restricted by the Open zone strip along Kuhio Highway, the existing planting pattern of the mature coconut trees and the existing drainage swale/detention basin along Kuhio Highway that needs to be maintained. Therefore the building had to be situated on the southwest portion of the site, along Aleka Loop and the Plantation Hale Suites, this location of which also had the least number of trees that would be displaced. The parking lot is situated on the northeast corner of the lot, with some of the mature trees remaining where possible in planting strips between parking stalls.

A pharmacy drive-thru is proposed along the Kuhio Highway side of the building, with a portion of this driveway overlapping the Open zone, thus causing the lot coverage to be at 12.26%. A loading dock area and driveway is located to the rear of the building on the Plantation Hale side.

Height:

Parapets are on all sides of the building roof, with gabled parapets appearing on the front and Kuhio Highway sides of the building. The average parapet height is at 26'-8" for most of the building, with the maximum height proposed at the highest parapet is 28' - 8", located at the drive-thru section along Kuhio Highway.

Building Design and Color:

The design of the building reflects the western façade storefront style that is prevalent within the Kapaa town core and Special Planning Areas A and B of the Kapaa-Wailua Development Plan. Canopies occur on three (3) sides of the building that covers the entry, exterior walkways and the drive-thru section. Plywood board and batten siding is proposed for the walls and ribbed metal roofing at the canopies. An optional wall treatment can be of a rockwall wainscot approximately 4 feet high with stucco finish siding above.

Plantation style colors are proposed, using a reddish/terra cotta for the canopy roofs, a hunter green for the exterior walls and white for wall, window and door trims.

4. PROJECT DEVELOPMENT USE PERMIT DESCRIPTION

Certain significant site characteristics affect the design and layout of this project. Firstly, the low lying area and the drainage swale along Kuhio Highway is subject to ponding during periods of heavy rain. The swale along Kuhio Highway is part of the overall drainage system for the Coconut Plantation Resort and offsite runoff collects in this area also.

Secondly, the site contains a portion of the mature coconut grove that is protected by the Exceptional Tree Ordinance, and preservation issues, along with the age of the trees, the survival rate if relocated, are all

concerns that must be addressed during design of this project.

The Project Development Use Permit establishes the process for comprehensive site planning to achieve an optimum design solution that allows diversification in the relationships of the proposed uses, buildings, parking, open spaces, drainage requirements, ponding basins, exceptional tree preservation, etc., and to allow review of a proposal for a 12.35% lot coverage in the Open zone instead of the maximum allowable of 10%.

a. Drainage Report (Exhibit 5):

The Report addresses the drainage requirements for the project and points out the need to provide detention basins on-site to accommodate site development runoff. The existing site generates 5.59 cfs of runoff and the proposal is estimated to generate 11.63 cfs. The existing site and the drainage swale along Kuhio Highway capture runoff from the highway and adjacent lots. Three(3) additional detention basins, with a capacity of 89,300 cubic feet, are proposed to capture the existing storage area displaced by the project (51,300 cubic feet) and the increased runoff (10,450 cubic feet) generated by the project. The report concludes that there is available space at the site to provide the three (3) proposed detention ponds at-grade.

Detention ponds are located between the project and Plantation Hale and on the northeast side of the property along Aleka Loop, amongst the mature coconut trees. Although the detention basins will take up a large are, the positive side is that it will preserve both open space and the exceptional trees, keeping the "grove" look that has prevailed there for over 100 years.

b. Arborist Report (Exhibit 3):

The attached report describes the history and condition of the existing mature coconut trees on the site. Planted in 1911 and currently 80' to 100' tall, the trees are over 100 years old. Of the total 103 trees that existed on site, 82 seem to be the original planting and 5 appear to be 8-15 yrs. old. Recently 16 dead trees were removed and replaced with seedlings. In addition, 10 individual trees are showing signs of demise due to age, poor appearance of spear, yellowing, burning of leaves, etc., and should be removed. Of the original population at this site, 82 remain, 79 has been lost over time and 21 younger palms have been planted to replace some of those lost.

The proposed building and parking lot will displace a total of 54 coconut trees and 49 will remain. However, of the 54 that will be displaced, 8 must be removed due to its age and poor appearance, 17 can be relocated since these are seedlings and/or less than 20 feet tall, leaving 37 original trees that need relocation or replacement. To maintain the

integrity of preserving the “grove-like” effect, Exhibit B of the Arborists Report identifies 42 relocation sites of which the above trees can be relocated and/or replaced, and an additional 12 new trees will be planted to match the number of trees that existed prior to redevelopment. The two existing rows along Kuhio Highway will remain and the 25 trees that are missing in those two rows will be replaced. Another row will be planted along Aleka Loop to maintain the grove effect.

There is a concern on relocating of the older, mature trees since its remaining life is limited and its survival cannot be guaranteed after relocation. A replanting program is inevitable with the current condition of the older trees. Thus an alternate proposal will be to replace all of the 100 yr. old trees with new 20 feet high trees and transplanted seedlings throughout the project, which would create an even height and assuring a longer lifespan for the trees. This option however, would have to be resolved with the Arborist Committee.

c. PROJECT DEVELOPMENT JUSTIFICATION:

As discussed above, the on-site coconut grove is protected by the Exceptional Tree Ordinance and as much open areas on the site are needed to allow for relocation and replacement of the trees that would be displaced.

Moreover, the necessity to address drainage issues by needing to retain on-site, existing runoff from these and adjacent parcels, and post development runoff from the project, will require additional open areas to provide adequate drainage detention basins.

These two major factors limit the space available to provide adequate building floor area and parking spaces required and a minor deviation from the lot coverage requirements within the Open zoned portion of the property would allow for a more comprehensive, overall site plan design that addresses the two major factors above. In this case, the preservation of the coconut grove and the retention of drainage on the property have a significant impact to the overall design of the project. Other criteria to consider is that the Coconut Plantation Design Guidelines require greater setbacks as delineated in 3.D above than the minimum requirements of the CZO.

Thus to accommodate the project within this site and be able to provide the open spaces required for tree preservation, retention basins and building setbacks, the project development process provides the applicant the diversification needed to integrate the open space needs with the various building, parking and landscape requirements.

The proposed project must create an environment of sustained

desirability and stability and must be compatible to the character of the surrounding neighborhood. The desire to maintain the coconut grove and meet drainage requirements are measures to be implemented by the applicant to preserve the character of the site by allowing more open spaces for tree relocation and runoff retention.

Therefore, the deviation of 2.35% over the lot coverage requirements within the Open zoned portion of this property to accommodate preservation of the coconut grove and meet drainage requirements is considered minor, with the end result being more open space in that the overall lot coverage of 57.7%, is a lot less than the allowable lot coverage of 90%, as permitted by Article 4, Sec. 8-4.5(d) of the CZO, for commercial development in the RR-20 zone.

B. ECONOMIC:

The project will provide 10 full and 25 part-time employees. The property has been vacant for approximately forty (40) years, since it was zoned and developed in the early 70's. Two (2) previous projects were approved at this site, the first being a restaurant in the early 80's, and the second being a shopping center in 1992. Both projects were never developed. This project, should it succeed will provide not only long-term employment as mentioned above, but short term building construction work as well as off-site utility installations (e.g., water, sewer, power connections, etc.) and roadway intersection improvements if required. Secondary benefits occur to other local businesses that supply materials and provide sub-contractor and maintenance services.

Being that the property remained undeveloped for at least 40 years, allowing a permitted commercial use at this site in accordance with the CZO would result in an increase in the real property assessment value and revenues for the County.

C. SOCIAL:

The provision of a pharmacy at this location will replace the existing establishment located in the Safeway Shopping Center a ¼ mile to the northwest. The existing store services both local residents and visitors alike and provides a much needed service to the island. The new location is closer to the resort district, becoming more accessible to visitors at the Marriott Courtyard, Plantation Hale Suites, Kauai Coast Resort, Islander on the Beach and the Kauai Sands Hotel.

A project such as, which is a relocation of an existing business, will not generate the need for additional services by State or County agencies. Police and Fire protection will be the same, and County water and sewer services will be offset by installation fees, facilities reserve charges, environmental impact assessment fees, etc., and improvement costs that may be required.

D. DESCRIPTION OF ENVIRONMENTAL CHARACTERISTICS:

1. Topography:

The site is relatively flat, being 5' to 6' above MSL, with its lowest point being at 4'MSL at the bottom of the existing drainage swale along Kuhio Highway.

2. Drainage:

Explained in VIII.A.4.a above, drainage and ponding requirements will be provided on-site through the use of detention basins within the coconut grove portions of the site.

3. Flora/Fauna

The site has always been maintained and kept clear of overgrown vegetation. It contains the coconut grove with the ground primarily covered with crab grass and sprigs of guinea grass at spot locations. On the border with Plantation Hale, a tall hau hedge exists, with sections of naupaka, Christmas berry and coconut palms. The coconut palms themselves are reaching the end of their life cycle, with 16 dead trees just recently removed and another 10 recommended by the Arborist Report to be removed due to poor health or in the process of dying.

No known endangered species of flora or fauna, or isolated habitat was found or observed on the site.

4. Rainfall

Average annual rainfall at this location ranges from 40 to 50 inches per year. During periods of heavy rainfall, runoff sometimes accumulates on the site, and the drainage study does take this occurrence into consideration in the design of the detention ponds proposed on site.

5. Flood Hazard:

FEMA Flood Insurance Rate Map indicates that the site is in "Zone X", and is outside of the 100-year flood zone. Recognizing that the area does pond occasionally during periods of intense rainfall, the finish floor elevation of the proposed building has been raised approximately 2 feet above existing grade.

6. Archaeological and Historic Resources

Exhibit 4 is the Archaeology Report prepared by Cultural Surveys Hawai'i, Inc., which concluded that no historic properties were identified in both the field inspection and subsurface testing. Mitigation recommendation is as follows: "In the unlikely event that human skeletal remains or other significant finds are encountered, all work in the immediate vicinity should stop and the State Historic Preservation Division should be promptly notified.

7. Visual Resources

Clear views to the ocean from Kuhio Highway are interrupted by the

coconut trees, the 4-story Marriott Courtyard Hotel, and a row of mature ironwoods growing along its southwest boundary from Aleka Loop towards the ocean.

8. Noise

Only noise anticipated would be short term during construction. The retail operation itself does not generate noise; the hours of operation intended are from 10:00 a.m. to 10:00 p.m., with the option to remain open 24/7.

Ambient noise at night from refrigeration/chill equipment and air conditioning systems will be addressed through screening and sound proofing, with these being located away from the Plantation Hale Suites.

Delivery truck traffic can be controlled to limit noise issues to Plantation Hale, by restricting times of delivery to occur after 8:00 a.m. in the morning.

9. Visual

The design of the building was modeled after the “western facade” style that is prevalent in Kapaa and many, if not all, the older towns on Kauai. Because of the ambience and character that is projected by the existing coconut grove, a strong, monumental design was avoided in favor of a more subdued style that would reflect the historic features of other buildings in the surrounding communities. The highest point of the building at the top of the parapet is 28’-8”.

A green wall façade, red/terra cotta roof canopies and white door, window and accent trims (See Color Scheme, Exhibit 6), were chosen to complement the coconut grove colors.

The provision of at least 25 more coconut trees along Kuhio Highway should enhance the color scheme and restore more foliage to complement the historic coconut grove.

9. Traffic (Exhibit 7)

At this location, Kuhio Highway continually backs up in both the Lihue and Kapa’a directions on a daily basis, with the intersection at Aleka Loop presently being the beginning point where traffic begins to stop or slow down. There will be an increase in traffic created by this project at the Aleka Loop/Kuhio Highway intersection, which may require some improvements such as extensions to storage lanes, acceleration and deceleration lanes. Many drivers, to avoid being caught in the slow traffic, will turn into Aleka Loop, drive through the resort area, and exit back onto Kuhio Highway further down the road.

The bottleneck that causes the traffic backup occurs south of the Coconut Plantation Resort, towards Wailua, by traffic lights into Wailua Houselots (Haleilio Road) and Wailua Hmstds. (Kaumo’o Road). The provision of a Kapa’a Bypass Road northwest of Kuhio Highway has removed some of the traffic burden at this location, however during peak traffic hours,

backup still occurs in front of the project site.

(See Traffic Study for mitigation measures)

IX: PROBABLE IMPACTS AND MITIGATIVE MEASURES

A. SHORT TERM IMPACT

1. Construction Noise and Dust:

Upon completion of this project, the retail services provided in this facility do not generate noise, however, temporary noise will be produced during construction.

Implementing of best management grading practices, provision of filter berms, dust screens, and effective watering of roads and open areas will assist in minimizing dust problems.

2. Employment:

A positive impact would be that the project will provide both temporary and long term employment. On the construction end, a general contractor will provide temporary construction jobs for at least 25 people and would require 15-20 subcontractors who in turn would employ at least 100 additional workers during the construction period.

2. Traffic:

In addition, should improvements be required at the Kuhio Highway/Aleka Loop intersection, the temporary construction there will cause increased congestion and slowdown of traffic. These conditions should improve once the intersection upgrades are in place and construction complete.

B. LONG TERM IMPACTS

A positive note is that the development of a Long's Pharmacy at this location means that the merchandise provided will continue to be available to Kauai customers within the same market area, being that the new locations is approximately 1/3 of a mile away from the existing store.

Traffic:

Irrespective of all other issues, traffic on Kuhio Highway will be the major concern for any development at this site. Although this project, nor the Coconut Plantation Resort is the main cause of this problem, the merging of the Kapaa Bypass road into Kuhio Highway west of this project, plus the two traffic lights at Haleilio Road and Kuamoo Roads, and being that the Wailua stretch of Highway is the only single corridor roadway to get between Lihue and Kapaa for the entire island, together, all contribute to the present congestion.

Resolution of this traffic problem is way beyond the realm of this project and is definitely a long term project, requiring coordinated efforts between Federal, State and County agencies for funding and

backup still occurs in front of the project.
(See Traffic Study for mitigation measures)

IX: ENVIRONMENTAL FINDINGS AND DETERMINATIONS:

A. SIGNIFICANCE CRITERIA:

1. *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource:*
The proposed project will not cause any irrevocable loss of natural or cultural resources since it will be established within an existing resort area and is a permitted use within the RR-20 zone; View planes are not impacted and there will be no blockage of mauka or ocean views from the highway.
As previously noted, no significant archaeological or historical sites are known to exist on or near this site.
2. *Curtails the range of beneficial uses of the environment;*
This project will not affect any other proposed or future uses planned for adjacent properties in the neighborhood. The Plantation Hale Suites to the south is heavily screened by existing landscaping.
3. *Substantially affects the economic or social welfare of the community or state;*
No substantial effects anticipated other than the provision of a small number of additional employees.
4. *Substantially affects public health;*
None anticipated. During the construction period there will be minor impacts to air quality and noise levels. Sprinkling, berms and dust fences will be implemented during construction to minimize impacts. After completion of the construction work, impacts from normal retail operations of the store should be minimal.
5. *Involves substantial secondary impacts, such as population changes or effects on Public facilities;*
There will be no impacts on population or the need for additional public facilities or services since this is a relocation of an existing retail outlet.
6. *Involves a substantial degradation of environmental quality;*
None anticipated.
7. *Substantially affects a rare, threatened or endangered species or its habitat;*
No endangered plant or animal species were observed or known to exist at this site.

8. *Detrimentially affects air or water quality or ambient noise levels*
No air or water quality issues anticipated since mitigative measures described in item 4 above will be implemented and all runoff will be contained on-site. Air conditioning and mechanical equipment will be setback and shielded to minimize noise impacts to the adjacent Plantation Hale Resort units.
9. *Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone areas, geologically hazardous land, estuary, freshwater, or coastal areas;*
The proposed project is separated from the shoreline by a the Marriott Courtyard Hotel and is not in the flood zone.
10. *Substantially affects scenic vistas and view planes identified in county or state plans or studies;*
The site is not identified in any plans as a scenic vista or within a scenic view corridor.
11. *Requires substantial energy consumption.*
No extensive increase in power requirements anticipated from this project. Building construction plans will meet energy efficient standards.
12. *May have a major effect on the quality of the environment or affect the economic or social welfare of the area;*
See VIII: B and C above.
13. *Would possibly be contrary to the policies and guidelines of the Rules and Regulations, the County's General Plan, Development Plans, and Zoning and Subdivision Ordinances;*
Project is in compliance with all of the above. The Project Development Use Permit process will be used to allow greater lot coverage in the Open zone.

B. EVALUATION OF THE PROPOSED DEVELOPMENT RELATIVE TO THE OBJECTIVES AND POLICIES AS CONTAINED IN CH. 205A, HRS AND SEC. 3.0 OF THE SPECIAL MANAGEMENT AREA (SMA) RULES AND REGULATIONS:

Recreational Resources:

1. The project will not adversely affect coastal resources uniquely suited for recreational activities that cannot be provided in other areas since its not located on the shoreline aqnd does not contain any unique significant recreational features.
2. The project will not require replacement of coastal resources having significant recreational value since none exist at this site.

3. The nearest parks are the Wailua River State Park and the Lydgate Park, both located approximately ½ mile south of the site, and includes Wailua Beach, the Wailua River, the City of Refuge, Opaeka'a Falls and several Heiaus (Ala Kukui, Hikina A Kala, Malae, Holoku'u and Opaeka'a), all sites of which will not be affected by this project.
4. No public to the shoreline is needed or will be affected.
5. Public access will not be required from or through this project.
6. The project is a retail facility that will service local residents and visitors alike, and will not encourage expanded use of County, State or Federal recreational lands.
7. The project will not generate point or non-point sources of pollution. All existing and proposed development runoff will be designed to be contained on-site.

Historical Resources:

1. The project is not located within a Federal, State or County designated historical, cultural district.
2. The site is vacant and is not listed or nominated to the Hawaii or National Register of Historic Places.
3. The site has been previously surveyed by an archaeologist and an updated survey is attached as Exhibit 4.
4. The Archaeology Report has been submitted to the State Historic Preservation Office.
5. The report did not reveal any significant archaeological or cultural features.
6. There are no Hawaiian fishponds on site. The nearest fishpond is at the Former Coco Palms Hotel approximately ½ mile south.
7. The nearest historic settlement area is at the Wailua area, which include burial grounds, heiaus, city of refuge and a fishpond. Burials in this vicinity have been found along sites closer to the ocean , but none on this site.

Scenic and Open Space Resources:

1. The coconut grove, protected by the Exceptional Tree Ordinance, is a valued scenic resource within the SMA and will be protected and enhanced by this project in accordance to the Ordinance requirements.

2. Shoreline open space and scenic resources will not be affected.
3. Alteration to natural landforms and views to the ocean will not be adversely affected.
4. The conceptual design of the project attempts to blend the predominant architectural character of the Kapaa-Wailua area with the coconut grove. Design enhancements can be made to further blend the design into the coconut grove and character of the resort district.
5. The proposed development will be visible from Kuhio Highway towards the shoreline, however the shoreline is not clearly visible since it is obstructed by the Courtyard Marriott Hotel, a tall ironwood tree hedge south of it, the Plantation Hale Resort and mature landscaping on its boundary with this site.
6. The shoreline setback area is not an issue at this site.

Coastal Ecosystems:

1. No endangered species of flora and fauna are known to exist at this site.
2. The proposed development will not adversely affect valuable coastal ecosystems of significant biological or economic importance.
3. The project will not disrupt or degrade coastal water ecosystems through stream diversions, channelization or similar types of land and water uses.
4. The project will involve the provision of detention basins for on and off-site runoff. Sewage disposal will be accommodated at the County's Wailua Sewage Treatment Plant.
5. There are not wetlands on or near the project site.
6. There are no natural area reserves, wildlife refuges or sanctuaries on or near the site.

Economic Uses:

1. The project does not involve a harbor or port.
2. The project is situated within the Coconut Plantation Resort Area, with a hotel to the east, multi-family condo to the south, and three(3) vacant resort sites across Aleka Loop, one on the north side of the Marriott and two on the south side.
3. No agricultural lands are involved in this project.

4. No commercial fishing is involved in this project.
5. Energy production is not proposed at this time. The height and thickness of the coconut trees does not warrant the efficient use of photovoltaic systems.

Coastal Hazards:

1. The project site is not within the VE zone or potential flood hazard area and designated "Zone X" on the FIRM maps, and therefore complies with the Flood Insurance Program.
2. Shoreline erosion is not an issue at this site, nor is the need to construct seawalls or revetments.

C. PROJECT ASSESSMENT

1. EVALUATION OF IMPACTS AND MITIGATIVE MEASURES

SHORT TERM IMPACT

a. Construction Noise and Dust:

Upon completion of this project, the retail services provided in this facility do not generate noise, however, temporary noise will be produced during construction.

Implementing of best management grading practices, provision of filter berms, dust screens, and effective watering of roads and open areas will assist in minimizing dust problems.

b. Employment:

A positive impact would be that the project will provide both temporary and long term employment. On the construction end, a general contractor will provide temporary construction jobs for at least 25 people and would require 15-20 subcontractors who in turn would employ at least 60 additional workers during the construction period.

c. Traffic:

In addition, should improvements be required at the Kuhio Highway/Aleka Loop intersection, the temporary construction there will cause increased congestion and slowdown of traffic. These conditions should improve once the intersection upgrades are in place and construction complete.

2. LONG TERM IMPACTS

A positive note is that the development of a Long's Pharmacy at this location means that the merchandise provided will continue to be available to Kauai customers within the same market area, being that the new locations is approximately 1/3 of a mile away from the existing store.

a. Traffic:

Irrespective of all other issues, traffic on Kuhio Highway will be the major

concern for any development at this site. Existing and proposed traffic in and out of Aleka Loop is not critical relative to traffic counts and those lanes are not at or nearing capacity. The major traffic volume occurs on Kuhio Highway and not generated by the Coconut Plantation Resort or this project; the merging of the Kapaa Bypass road into Kuhio Highway west of this project, plus the two traffic lights at Haleilio Road and Kuamoo Roads, and being that the Wailua stretch of Highway is the only single corridor roadway to get between Lihue and Kapaa for the entire island, together, all contribute to the present congestion on Kuhio Highway.

Resolution of this traffic problem is way beyond the scope or realm of this project and will definitely take several more years before any improvements are made, requiring coordinated efforts between Federal, State and County agencies for funding and implementation. Although discussed and in the planning stages for many years, construction funding for highway improvements fronting this portion of Kuhio Highway has not been appropriated or encumbered as yet. A four-lane improvement from the Kuamoo Road intersection fronting Wailua Beach to the Kapaa Bypass Road is planned and funded, and construction at that location will be implemented first, which upon completion should reduce some of the traffic backup fronting the subject site.

3. EVALUATION OF THE PROPOSED DEVELOPMENT RELATIVE TO SEC. 4.0 OF THE SMA RULES AND REGULATIONS IN ACCORDANCE WITH THE FOLLOWING ASPECTS:

- a. Substantial adverse environmental or ecological effects are not anticipated nor will it be generated from this project.
- b. The project is consistent and in compliance with the goals and objectives of Ch. 205A, HRS, and Sec. 3.0 of the SMA Rules and Regulations, more so because it is not located along the shoreline nor does it impact any coastal resources or activities.
- c. The project is consistent and in compliance with the General Plan, Development Plan and Comprehensive Zoning Ordinance in that it is a permitted use within the Residential District (RR-20) zone.

X: JUSTIFICATION :

- A. The project complies with the Kauai General Plan, Kapaa-Wailua Development Plan and is designated as a "Permitted Use" within the Residential Resort (RR-20) District of the CZO.
- B. The project meets the lot coverage requirements for development of commercial projects within the Residential District (RR-20) in that a 90%

lot coverage is allowed.

C. Through the Project Development Use Permit process, the slight overage of the lot coverage within the Open zone can be allowed, in that there are unique circumstances applicable to the property to justify the deviation, these being the preservation of the coconut grove and the need to provide detention basins on site for drainage purposes, both of which puts limitations on normal development of the property. If these factors were not site constraints, all lot coverage requirements could have been complied with.

D. There are no rare, threatened or endangered plants or animal species or habitats, or historic or archaeological sites properties on or near the project.

E. Traffic impacts are not caused by traffic generated by the Coconut Plantation Resort or this project, but from Kuhio Highway. The cause of major traffic volume on Kuhio Highway is generated by the street lights to the south at Halelio Road and Kuamoo Road, the street lights to the north at the Waipouli Town Center and Safeway Shopping Centers, and the fact that the single Wailua corridor is the only way to get between Kapaa and Lihue. Long term solutions will require Federal, State and County involvement and coordination. Impacts from any additional traffic generated from this project can be addressed through State and County coordination and may result in intersection improvements at Aleka Loop and Kuhio Highway.

F. Coconut Grove – Preservation of the character and ambience of the coconut grove and the relocation/replacement/ replanting of trees will be coordinated with the Planning Department and Arborists Committee, and will be done in compliance with the Exceptional Tree Ordinance.

G. Parking will be available to accommodate the proposed project on-site, with careful consideration given towards preservation of the coconut grove.

H. The project will not burden public agencies for additional government services.

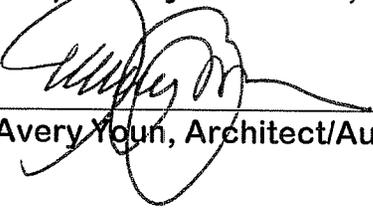
XI: CONCLUSION:

Based in the foregoing discussion, it can be concluded that the proposed action is justifiable and will not have an adverse effect on the social ecological and cultural resources in the area, and can be properly integrated within the surrounding community, Additionally, it can be further concluded that the justifications provided herein fulfills the legal requirement and intent of the Kauai General Plan, Kapaa-Wailua Development Plan and the Comprehensive

Zoning Ordinance, including the requirements to allow a greater lot coverage in the Open zone through the Project Development Use Permit process, and therefore, allow the approval of the requested permits.

Therefore, we hereby submit these applications for building setback to the Kauai Planning Commission for review and approval, based on the above description, assessment, evaluation and justification provided.

Respectfully Submitted,



Avery Youn, Architect/Authorized Agent

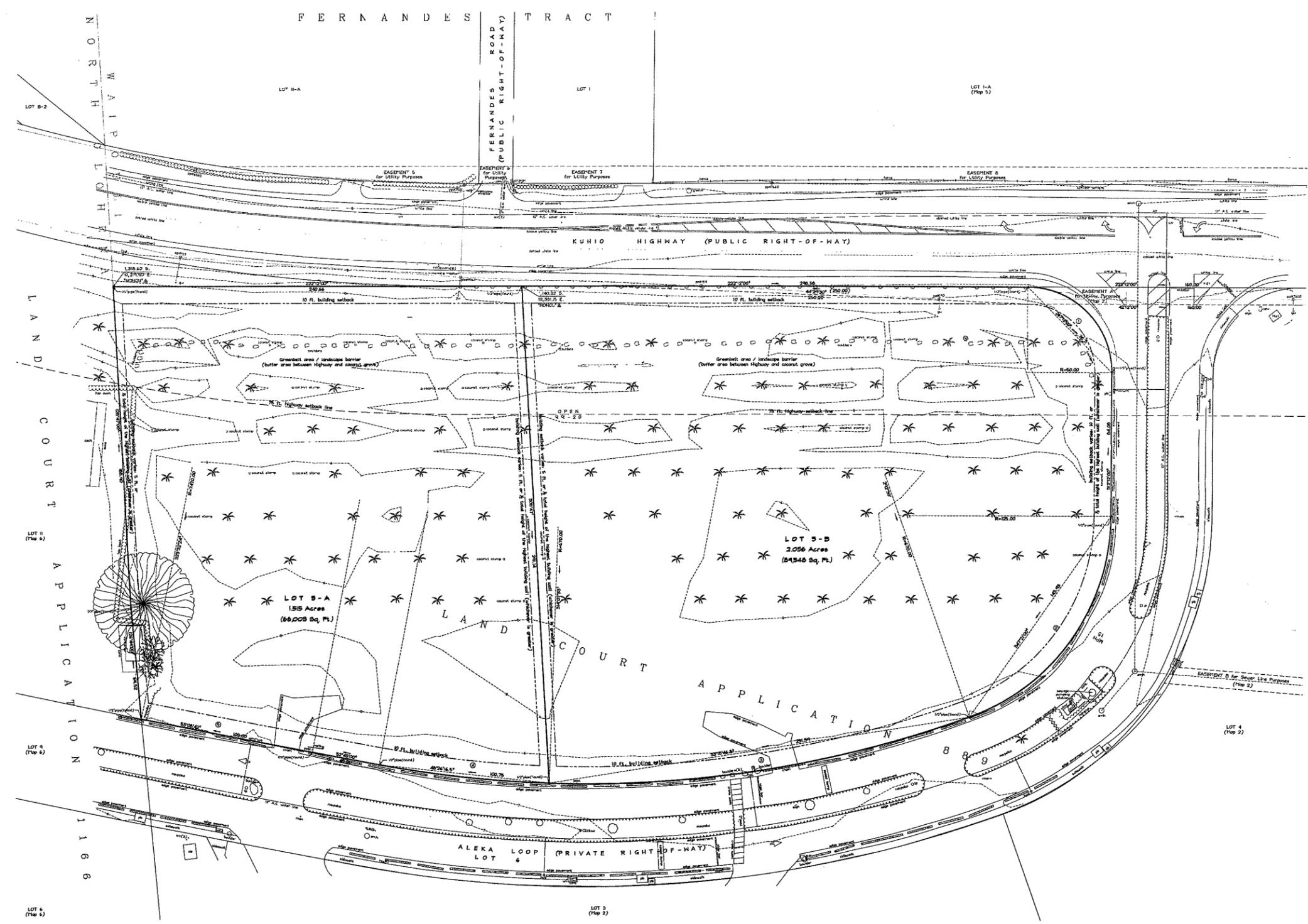
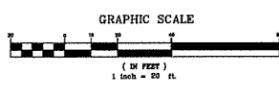


EXHIBIT 1 SITE SURVEY



LEGEND

---	Fence Line	gherh	Ground Telecommunications Planhole
---	Property Line	wh	Sewer Flank
---	Easement Line	hic	Utility Box (EUC)
---	Water Line	hc	Utility Box (HTEL)
---	Overhead Electric Line	catv	Utility Box (CATV)
---	Hood Barrier	um	Water Meter
---	Hedge	uv	Water Valve
---	Banquette	tr	Transformer
---	Show Tree	lp	Light Post
---	Coconut Tree	pp	Power Pole
---	Plumeria Tree	gr	Gay Wire
---	Christmas Berry Tree	hyd	Hydrant
---	Sign	man	Manhole
---	Manhole	hb	House BB
---	Galvanized Steel	con	Concrete
---	A.C. Asbestos Cement	pb	Utility Pole

PRELIMINARY TOPOGRAPHIC
MAP SHOWING LOTS 5-A AND 5-B
OF LD. CT. APP. 889 (AMENDED)
AS SHOWN ON MAP 3
WAIPOULI, KAWAIIHAW, KAUAI, HAWAII
TMK: (4) 4-3-07: 29 AND 30

