



WAILUA - KAPA'A  
NEIGHBORHOOD  
ASSOCIATION

October 27, 2014

Kaua'i County Planning Commission  
4444 Rice Street, Suite A-473  
Lihu'e, HI 96766

RE: Coconut Beach Development LLC, Waipouli – Project Design Review (TMK 4-3-2:15, 16 and 20)  
SMA (U)-2006-4, PDU-2006-6, and Z-IV-2006-9

Aloha Chair Kimura and Commissioners:

We had hoped that the Planning Director would recommend "denial of any action on this item until all the issues are resolved". Although some clarifications were received just yesterday by the department, we ask Commissioners to defer approval until the developer submits revised documentation for the public record.

Design review is important and the public was very vocal during the SMA permit process to ensure it became a condition of permit approval. In August 2006 testimony was submitted from over 200 residents opposed to this 20-acre project in the Special Management Area -- which avoided an Environmental Assessment. Although the entitlements are now in place, design review must thoroughly and accurately address specific on-site conditions:

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| <p>k. Obtain design review and approval of the project by the Planning Commission, to include architectural, grading and fill, drainage, landscaping, green building strategies, possible buildings being scaled back and pedestrian connectivity.</p> |
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The Wailua-Kapaa Neighborhood Association's (W-KNA) review of the project submittals has revealed substantial concerns.

Fill, Drainage and Runoff.

The site experiences significant ponding and mass fill was permitted in order to elevate the ground more than one-story high! The project may impact drainage patterns to the detriment of adjoining parcels. Sign-off by the County Engineering Division on a conceptual drainage plan is inadequate. Design review should not be approved until more detailed information is provided to Commissioners and the public.



Lot Coverage - Directors Report Supplement #1.

Respectfully, it is inaccurate to state that "The lot size was reduced *due to the coastal erosion* as reflected in the recent shoreline certification dated June 17, 2014". I have been onsite with DLNR staff during each of the shoreline surveys for this property. Most recently, there was evidence that the high wash of the waves reached further mauka than the 2005 shoreline, which was primarily based on vegetation line evidence, not debris from the high wash of the waves. Yes, lot coverage was reduced but coastal erosion was not an issue -- the criteria was expanded, and we would like to see the record corrected.

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### Unit Count and Building Heights.

Keep in mind that the number of units and square footage was never substantially reduced during the application process. The 2014 plan reduction in unit count to 329 condos is merely a 14-unit reduction. Improved transition zones with reduced building heights is good, but overall, most residents find 4-stories objectionable.

### View Protection Requirements.

The project design affords minimal opportunity to retain important viewplanes to the ocean and mauka views of Nounou Mountain (the Sleeping Giant). Even the consulting architect admitted when describing the building mass, that several of the makai-to-mauka views were “challenged”.

This project proves how easy it is to avoid preservation of important coastal and mauka views, as shown in their Beach-Side and Street-Side perspective renderings. Considering guidelines in the General Plan and Coastal Zone Management Act guidelines to “protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources”, we would like the applicant to demonstrate improved compliance.

Think about why the Open District was designated along this stretch of coastline -- in part, it was to facilitate views. Nounou Mountain and the coastline are significant features in the landscape that provide a source of community pride and identity.



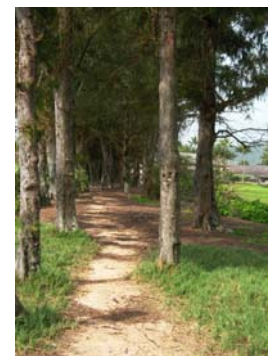
### Open District Depicted Inaccurately on Maps.

The Open District has a depth of 100 feet inland from the certificated shoreline. However the Site Plan Phasing map and other maps, does not delineate the Open District boundary (the dark dashed line) as measured from the Certified Shoreline. Can this confusion be explained?

### Landscape Master Plan ( Condition 4e).

The **Arborist Report** and **Tree Identification and Location Map** have significant errors regarding the trees in the Open District along the coastline.

- a) It fails to identify the trees located on public property versus those on private property. Delineating the Certified Shoreline on the Tree Location Map would correct this omission.
- b) There are numbered metal tags are affixed to every tree and shrub on the property. Of those numbered 1 to 80, there are 62 trees are located on public property (in TMK Lot 5, the 10-acre parcel to the south).
- c) Condition 4e states that the “masterplan shall identify the removal and retention of any existing landscaping and trees on the property”. The Tree Risk Assessment documentation appears incomplete. Is the “Comments” column where every tree deemed for “removal” is notated?
- d) The trees to be “retained” need to be represented on the Landscape Plan.
- e) The plan calls for topping the ironwood grove. In the 1950 aerial photograph submitted by the developer, the ironwood grove is clearly visible and it contains a shaded footpath enjoyed by walkers for decades. Topping is not acceptable practice for mature ironwood trees according to other arborists and doing so will not enhance the visual environment.



We ask that the corrected documentation be available for the Commissioners and the public to review.

### The Multi-Use Path Alignment.

- On all the project maps, the Path appears in the Open District without any disclaimer that the alignment is proposed. It is a County project that still requires SMA compliance, a certified shoreline

and setback determinations. Therefore, any visual representation of the Path by the developer needs to state that the alignment is subject to change.

- The Path is the only structure allowed within the Open District and unfortunately it is sited only 40' feet from the certified shoreline despite having 100-feet in which to meander.

We ask that the maps be corrected to include the disclaimer about Path's unresolved alignment.

#### Change in Project Phasing Plan (Condition 3h).

The phasing proposed now is substantially different than previously approved. The Site & Phasing Plan shows Guestroom Wing E exclusively, as Phase 1 -- just one building of the 13-building complex. Where is the documentation that explains why the scope of Phase 1 was reduced so dramatically?

#### Cultural Preserve Areas.

The mitigating measures originally planned to protect the Hawaiian burial sites may be inadequate. The preserve area structure is just 40' from the shoreline. How unfortunate, if the *iwi kupuna* needed to be moved a second time due to coastal erosion (see Public Use & Preservation Area Enlargement Plan).

#### Green Building Strategies (part of Condition 3k).

We have not seen project documentation that describes green building strategies. Consistent with Kaua'i's energy sustainability goals, this resort should incorporate solar power and other green strategies.

#### Irrigation - Condition 17.

The Irrigation System map seems to show an irrigation line located on the beach, makai of the certified shoreline. Can staff explain whether shoreline setback rules permit this? Also, the original text for Condition 17 is altered when cited in the 2014 Annual Report. Why does the condition of permit approval language change and was this authorized?

**June 2007:** No potable water shall be used for landscaping irrigation, except during construction and start up period.

**2014 Annual Report:** The Applicant shall use reasonable efforts to reduce water consumption and to store as much rain and runoff water as reasonably possible in order to minimize the quantity of potable water used for irrigation purposes at the project.

#### BarBQ Pits & Picnic Tables - Condition #19

How did this condition of permit approval become modified over time from 2007 to 2012 to 2014?

**June 2007:** As represented, applicant shall permit public use of its barbeque pits and picnic tables.

**2012 Annual Report:** Coconut Beach will install two or three charcoal fired barbeque grills near the beach on the north side of the Property for public use. Grills located elsewhere on the Property will be reserved for use by development's owners.

**2014 Annual Report:** Applicant shall construct and permit the public to use two barbeque pits and picnic tables near the beach area at a location selected by the Applicant. The public shall not be permitted to use other barbeques or picnic areas which are intended for use solely by guests and owners of the proposed development.

Certainly more time is needed for the Developer to make corrections and allow sufficient time for review. We are not trying to stop the project, we simply ask that the design review be effective. A project of this size is challenging and a deferral would give Commissioners and the public a reasonable opportunity to review the submittals. Thank you for your consideration.



Rayne Regush, Chair

On behalf of the W-KNA Board of Directors