

**MAUI PLANNING COMMISSION  
REGULAR MEETING  
APRIL 28, 2009**

**Approved: July 14, 2009**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Vice Chairperson Bruce U`u at approximately 8:31 a.m., Tuesday, April 28, 2009, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Mr. Bruce U`u: We now open up for public testimony. The Commission will take testimony for those individuals who cannot be present when the agenda is taken up by the Commission. Testimony will also be taken up when the agenda item is taken up by the Commission. If you testify now, you will not be allowed to testify when the agenda item comes up before the Commission. You will be allowed a maximum of three minutes to present your testimony. Is there anyone who would want to give testimony? We got a list? Seeing none, public testimony is now closed. And we're gonna turn it over to Director Hunt to read out the first item.

**B. PUBLIC HEARINGS (Action to be taken after each public hearing.)**

- 1. STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION requesting a Special Management Area Use Permit for the proposed heliport improvements at the Kahului Airport at TMK: 3-8-001: 019 (portion), Kahului, Island of Maui. (SM1 2008/0021). Improvements include demolishing an existing 86-foot by 80-foot by 24-foot helicopter hangar building and replacing it with an 86-foot by 80-foot by 24-foot building and related improvements to the southwest of the existing hangar. Additionally, a paved parking lot, containing 74 standard parking stalls and a separate parking area with three (3) ADA accessible stalls are proposed. (D. Dias)**

Mr. Jeffrey Hunt read the agenda item into the record.

Mr. Danny Dias: Good morning, Chair U`u, Members of the Commission. I'll keep this very brief and let the applicant do the bulk of the presentation. Very briefly, as the Director stated, this project involves construction of a new hangar and construction of a parking lot to replace the parking lot that's gonna be built upon. The project need is basically right now, the heliport doesn't meet the FAA's current safety standards. If you're familiar with the airport, what you'll – what you've probably noticed that this hangar sort of sits – you know, it's kind of in the corner and it's very close to the runway. So there's sort of a safety concern there.

And the one other thing I wanted to point out is I made a mistake in my report where I talk about infrastructure and public facilities and services. Under Drainage, it states, "The project will result in an increase of impermeable surface due to construction of the new parking lot." That parking lot is actually gonna use permeable asphalt and so that was a mistake in the report. And that's why if you're wondering this project will actually result in a decrease in runoff, that's why that parking lot is going to be permeable surface. So with that, I'll turn it over to Karlynn Kawahara of Munekiyo and Hiraga.

Mr. U`u: Karlynn, how long will your presentation be?

Ms. Karlynn Fukuda: It's approximately, ten minutes.

Mr. U`u: Thank you.

Ms. Fukuda: Good morning, Chair and Members of the Maui Planning Commission. My name is Karlynn Fukuda, and I am with Munekiyo and Hiraga, Inc. We are before you today to present the proposed heliport improvements at the Kahului Airport.

Joining me today are Jean Matsushige of DOT Airports, the applicant; Kahului Airport Manager, Marvin Moniz; and Dave Shimabuku of Mitsunaga and Associates.

The proposed project as the Director and Planner stated involves the demolition and replacement of a helicopter hangar at the Kahului Airport. This is an outline of the overall Parcel 19 which is the airport property, and this dot here shows the approximate location of the heliport.

This aerial photo provides you with the reference for the location of the existing helicopter site which is represented by no. 1, the hangar site. No. 2 is the approximate location of where the new hangar will be located. No. 3 is the location of the existing helicopter hangars at the Kahului Airport. No. 4 is the approximate location of where the replacement parking lot will occur. And No. 5 is the existing Kahului Airport terminal building, just to provide you with some reference.

The demolition and replacement of the helicopter hangar is being proposed to comply with Federal Aviation Administrative safety standards. As I previously noted, the replacement hangar will be of the same size and will be constructed in a new area, as well as a replacement parking lot which is being displaced by the hangar. Additionally, three ADA accessible stalls will be provided; landscaping for the parking lot and near the replacement hangar; as well as a new access path from the replacement parking lot to the heliport hangars per the suggestion of the Urban Design Review Board.

The project is proposed to increase the flight distance between jet aircraft and helicopter aircraft at the airport. Additionally, there will be a minor reduction in existing runoff through the use of porous pavement. Dave Shimabuku, the project civil engineer, will provide further details on this in our presentation.

I'd like to just go back to this aerial photo and give you a brief explanation as to what the safety standards are. As you can see here, this is the main runway for the Kahului Airport, and this is the location of the hangar that needs to be demolished. The reason why it needs to be demolished is the distance between – when helicopters come into this hangar here, it needs to take a circular route. It's not where it just comes in straight. But the helicopters land in a circular route this way, which puts it in too close to the jet aircraft landing or taking off on the runway, and that's the reason why basically, this hangar needs to be demolished.

I would like to note that this project is being funded by airport revenue funds, and that the State DOT will just be providing the lessee with a shell building. Any additional improvements such as painting or signage would be the responsibility of the tenant.

At this time, I'd like to turn the presentation over to Dave Shimabuku to provide an overview of the drainage plan, landscape plan, and access path.

Mr. Dave Shimabuku: Good morning, everyone. So just to go over what Karlynn mentioned, so the first area of work is the demolition of the existing hangar. Right now, I'll just show you the – the existing hangar line is right here. Most or all of the other hangars are along this line with the heliport parking here. The hangar we are demolishing is isolated out here by itself. And the existing – I mean, yeah, the runway is up on the top of the paper. The – because of the demolition of this hangar, I should say, because of the construction of the new hangar, the existing parking lot here will be cut off, which is the entrance comes through the main road right through where the new hangar will be. So as a result of that, we will have to relocate all the parking to a new area where we're putting it out here. This is additional accessible stalls we're adding into the existing parking lot. And one other minor—we're providing just an access road around to get into the heliport area around the new hangar. That's basically the whole entire project as far as actual work. We added this one A.C. walkway along the existing road per the Urban Design request. It will be right along the existing roadway gate entrance here. We are providing landscaping, trees, as well as brush fronting the hangar as well as, as required around the parking lot.

And finally, the drainage will follow basically the existing pattern of the existing ground now. This area generally flows out into a ditch along the main road, and comes down into a lined ditch, and travels all the way out to the ocean. Over here, this area, the drainage pattern drains off south into this – I guess it's just a drainage pit area that's being used for stockpiling and whatnot, but there's no exit point for the water to get to any channel or stream. It's just a dead spot. The main Hana Highway is out here. I'm sorry, Haleakala Highway is out here. So it's just a dead area – I mean, a dead-end area as far as drainage.

This is where we'll have the porous paving on the entire parking lot to provide – to make sure that we do have a – equal or less runoff increase from existing conditions. And that's basically the whole project. Thank you.

Mr. U`u: Are you done?

Mr. Shimabuku: Yeah.

Mr. U`u: Thank you. Go ahead.

Ms. Fukuda: Okay, just to finish up my presentation, you know, as Dave said, to orient you to this map, this map shows – I'm gonna be showing you quickly six photos of the existing heliport location. The runway and the Kahului Airport terminal buildings are up here. Here's the portion of Old Haleakala Highway, which eventually intersects with Hana Highway here. So this is a photo. This is the hangar that will be demolished. This is the hangar that's in the way right now. This is the existing employee parking lot which will be displaced because this is the location of where the replacement hangar will be going. This is that dead-end drainage area that Dave just referred to basically, sheet flows across that way. This is a photo of the entry access. Old Haleakala Highway is here. So you take Lelekiio Place to get into the heliport. This is a photo of the other existing heliport buildings and additional parking that's currently provided at the heliport. The ADA accessible stalls that will be added are located approximately here. This is a photo taken from the

hangar that would be demolished looking at the other hangars. So it's kind of a north view. And this is a photo of looking from those hangars towards the helicopter hangar that will be demolished. And that concludes our presentation. We're available to answer any questions you may have. Thank you.

Mr. U'u: Questions for the applicant? Commissioner Guard?

Mr. John Guard: Thank you. Mainly on the drainage, the sheet flow that you're just proposing, is it gonna go into a basin or is it just gonna sheet flow into the actual drainage culvert that goes under the runway?

Ms. Fukuda: Okay, I'm gonna let Dave respond to that.

Mr. Shimabuku: I'm sorry, if I heard you right, it does— So for this area, this is a grass ditch along the roadway that it'll sheet flow into— Well, we do have a ditch that we're gonna create here also, sorry, a grass ditch. But also here, the existing is a grass ditch. It flows – open swale up until approximately, maybe 50 feet more. I'm sorry, I don't know the exact number, but down – a little down way, and then it turns into a lined ditch. But for about a couple hundred feet, it's a grass ditch for this area.

Mr. Guard: And it goes east? It doesn't go west? 'Cause west there's a huge box culvert.

Mr. Shimabuku: On this side, right?

Mr. Guard: Right.

Mr. Shimabuku: Yeah. No, I believe this system is – goes under the runway, and it continues out to the north side of the main terminal building.

Mr. Guard: Okay. So I guess my question is, is that gonna be filtered water because the UPS building or the new building that just came through from DOT was a – on the north side of the runway, and they had the same – the water – there's plenty of space for the water to go, but they agreed to at least filter it 'cause of the reef system out there. So this one goes east, and then north towards Camp I more, correct? It would go under the runway and then come out right on the east side of Kanaha Park?

Mr. Shimabuku: That's correct.

Mr. Guard: So is that water gonna be filtered in any way?

Mr. Shimabuku: Well, the one from our – well, we have grass swales we're putting in as well as the permeable A.C. pavement so—

Mr. Guard: Okay, so whatever water does go, is there anyway to put in the filters because that's what we're trying to get that? And we figured if government could set the example, it would be better.

Mr. Shimabuku: Well, actually permeable concrete is–

Mr. Guard: Is just gonna go straight down?

Mr. Shimabuku: The same thing.

Mr. Guard: Okay.

Mr. Shimabuku: Yeah. So that's a filter. I mean–

Mr. Guard: So no greater impact.

Mr. Shimabuku: Yeah, yeah, correct.

Mr. Guard: Okay, so you're not using that actual drainage swale at all?

Mr. Shimabuku: Using that as a filter?

Mr. Guard: No, not as a filter.

Mr. Shimabuku: As a flow?

Mr. Guard: Since it's permeable, you shouldn't be using–

Mr. Shimabuku: Well, no, the permeable system is not intended to contain one hundred percent. It's more a filter system to allow it to go through the pavement structure. And then if it does drain out, it will drain out. But the permeable pavement itself serves as a filter system for the first flush.

Mr. Guard: . . . (inaudible) . . .

Mr. Shimabuku: Exactly, yeah. That is the intent. I mean, but eventually with rain and whatnot. We're not saying that – we're not designing it where it's gonna be a hundred percent withheld completely onsite. It's just to create a condition where it's existing – the existing flow. But that permeable surface I believe is one of the good – is one of the, you know, good filters that allows the first flush especially, to kind of go down into the system.

Mr. Guard: Because a lot of the parking lots that we've been seeing are putting in those filter boxes to get all the petroleum products, the first round. Is that Camp 1 reef? I don't know. In the Maui Island Plan was shown as one of the best reefs we have on Maui, so any water that we have going out there would be better to have nothing in it. I know it's a long ways away, but–

Mr. Shimabuku: Right now, we have the– Excuse me, the pavement system doesn't have a box filter, per se.

Mr. Guard: There's no filter.

Mr. Shimabuku: Yeah. The system we have is more of a percolation intent. So I would–

Mr. Guard: Okay. Thank you.

Mr. U`u: Questions for the applicant? Commissioner Hiranaga?

Mr. Kent Hiranaga: Just as a followup question: so can you design the drainage system so that anything exceeding the – or any water that would enter the ocean would be treated prior to reaching the ocean with filters?

Mr. Shimabuku: Is there – I'm sorry, as far as the level of treatment, is there a particular amount you would be looking for as far as I guess quantifying what would be removed? 'Cause I guess with the level of the parking I guess that would be probably on the parking lot with the filter of the permeable surface, we felt was adequate. Plus, the – there is – because there is a grass swale for a long length before it hits any kind of a concrete structure where there will not be any filter through the grassing or the infiltration, is there a particular level that you are familiar with or–?

Mr. Hiranaga: My understanding is that the drainage system is supposed to be – or the surface runoff is based on a 50-year, one hour storm. Is that correct?

Mr. Shimabuku: Ten-year, one hour.

Mr. Hiranaga: I thought it was under a hundred acres, it's 50-year, one hour.

Mr. Shimabuku: If you're designing – well, typically, if you're designing for a culvert or a bridge crossing, to that effect, but if it's more of a particular site, it's a ten-year, one hour storm.

Mr. Hiranaga: Okay, based on that criteria, you're reducing the existing surface runoff based upon your design with the porous surface, but that does not preclude water – existing surface runoff. When you say existing surface runoff, is that based upon the porous or non-porous surface?

Mr. Shimabuku: No, existing runoff is what would probably be coming off the site right now as it is right now without any – prior to constructing, so the grass area out there now. It's undeveloped and whatnot.

Mr. Hiranaga: So you're not comparing it to the current condition where you have the paved parking lot?

Mr. Shimabuku: No, no, we're comparing it to the condition that is out there right now, which is what – which is – because it is all grass and whatnot, it's the lowest volume, or we should say, rate, for the design. So we're making sure that whatever – you know, if it rains out right now, we will match that existing condition. Yes, we're not comparing it to the non-porous pavement.

Mr. Hiranaga: So at a ten-hour, one hour storm with the current condition which is grass, does any water enter the ocean?

Mr. Shimabuku: I honestly can't say, but I would guess, possibly. Because of the distance, when we did our layout, we ran it to the – to match the existing condition as far as the total distance. Oh, you've never seen it? Oh, that area? Okay, so, yeah, I guess, they haven't – Airports has not seen

that where it went out, I guess.

Mr. Hiranaga: But can you, from a civil engineering perspective, determine whether water in a ten-year, one hour storm coming off the existing conditions enters the ocean?

Mr. Shimabuku: That specific water from our site? That would be a little difficult I think because of the conditions of the existing channel that is grassed. So we do have some infiltration. I guess I could say is the entire distance from where we are inputting our water to the ocean is concrete all the way, then it would be highly likely that it would definitely contribute to the ocean. But because the system that we go through all the way through the – to the ocean has grassed area, there is some infiltration and whatnot. So I can imagine that in a dry season if there's a ten-year rain, no water would actually leave the system. And then if it's in a wet season where the ground is already a little wet or whatnot, it would potentially go out there. But I think in general, it would be hard to say because it's not concreted the entire distance.

Mr. Hiranaga: I guess what Commissioner Guard and I are trying to get to is our goal is to try and prevent surface runoff that's created by manmade improvements to reach the ocean untreated in order to protect the quality of the ocean waters and the marine ecosystem. And I know that you are meeting the code requirements, which is the bare minimum, but we're trying to go beyond that because we recognize that any time untreated freshwater enters the ocean, it degrades the marine life itself. Any time you're in the SMA area, you're creating surface runoff beyond the natural condition, we're trying to get the applicant to treat that water so untreated water does not enter the ocean, because that area is, you know, a large recreational area. There's marine life. People go, you know, looking for tako, and fishing, and you know, so we're trying to bring the reef back.

Mr. Shimabuku: Yeah, yeah, I understand, I understand the point. I'm trying to figure out as far as being able to quantify how you would – or what would be acceptable, you know, because typically, porous pavement is a really good first flush filter because its intent is to let the water go straight down first. Now, how I can quantify that, there's really no – we don't have any records of that. That's kind of the problem. You can put – say – let's say you have a condition where you can put a filter fabric like a boom similar to what you use in a water when there's an oil spill. But if you put that say across an open channel or swale, then it's a visible thing that shows a potential filter, right? But as far as quantifying if that's better than say the porous pavement which is just bringing the water into the ground immediately, there is no – I can't say that there's a . . . (inaudible) . . . with a comparison of the two.

Mr. U'u: Commissioner Mardfin?

Mr. Ward Mardfin: I'm in part trying to get to the same thing. What's the elevation at the point where you're going to build the hangar? And my next question will be, what's the depth of the water table?

Mr. Shimabuku: I don't think the water table is within 15 feet or so. When we did the borings there was no evidence of water table. I'm sorry. Let me – before I talk, let me–

Mr. Mardfin: If it's more than 20 feet, the answer will be sufficient.

Mr. Shimabuku: Yeah, I'm sorry, I can't directly remember the elevations in the area, but yeah. I'm

sorry.

Mr. Mardfin: It's above 20 feet?

Mr. Shimabuku: I believe so as far as the overall location.

Mr. U`u: Commissioner Shibuya?

Mr. Warren Shibuya: I'm just trying to— I side with Commissioner Guard and Hiranaga in the sense of drainage. I lack the topographical map display. So it's very difficult to address what Commissioner Hiranaga is asking for. At least some mitigation, some means in which we can trap the petroleum products that is coming off both around the hangar, existing commercial helicopter pad, as well as you're talking also the permeable parking lot that is being proposed. What I see here in this report is that you're showing us maybe three fingers on my right hand, but you're not showing me my left hand, my entire left hand. And the entire left hand says we need other issues, and I'll get to my other issues later. But where is this water? What's the flow rate? What's the topographical layout in this area so we can be assured that the petroleum catchment and filter box is installed or at least provided for, and that this grass swale is adequate, it's wide enough, and has a gentle slope that would allow for permeation of the water?

Mr. Shimabuku: Okay. Let me try and answer. So you know regarding the outlet for the new hangar area which we'll call it, No. 2 Area, this area does go into a pit area here that has no — any outlet structure or anything to any stream or drainage system that eventually goes out to the ocean. So we felt that this area was very adequate to handle the water, and it will not leave the property basically, which is ideally the best condition. So this area that we are — we're working on 1 and 2 we feel is covered by being contained within that pit area. The parking lot area, Marvin, I'm sorry, I'm not familiar with the entire run of the system.

Mr. U`u: Could you please speak into the mic., please?

Mr. Shimabuku: I'm sorry, yeah. Yeah, I'm sorry, as far as when we designed the parking lot, our intent was to provide the reduction — or equal or reduction in the flow amount from the design that we're — the parking lot that we're building. And in previous projects where we do have petroleum removal and whatnot, you know, we've had where we've installed filters within the drain inlet say of a — like a filter material or a filter box on the bottom or something to that effect. When we decided to put in the permeable pavement, we felt that that actually did more than any of those because one, it is — does not require as much maintenance as far as removal and replacement of the filter. And the whole intent of the permeable is to just keep it in place into the ground to seep into the ground. As far as the flow pattern beyond the immediate area of our property, I don't know, I'm sorry. When we laid out the parking lot, our design was to keep the existing condition as is. So beyond where we touched, if we provided the existing condition, then we felt that there was no adverse impact to the system beyond that point.

Mr. Shibuya: This is where my concern is. In line with Commissioner Guard and Hiranaga's concerns, there is no catchment system, or is there a catchment on the existing apron?

Mr. Shimabuku: On the existing apron?



Mr. Shibuya: That's correct?

Mr. Shimabuku: Oh, I'm sorry, yeah, we're not doing any work on there, but–

Mr. Shibuya: But you're doing right adjacent and next to it.

Mr. Shimabuku: We would have to find out on that. I'm sorry.

Mr. Shibuya: Because if you don't have any mitigation or efforts there, that apron is not permeable. And if you have intentions of resurfacing it with a permeable type of material, then I'd like to ask when can we expect that? Or if it does not have any mitigation efforts to taking the drain water runoff from the existing apron which is not permeable, and it fronts this new development, then I'd like to have some – at least some commitment that you will add a petroleum filter box because there's quite a bit of aircraft as I see the landing areas here on the chart. There's quite a bit of opportunities for spills.

Mr. Shimabuku: Okay. If I'm understanding you right, we are not replacing any existing pavement. It's all new pavement on grass ground. So as far as existing heliport structure, we are not gonna be touching that. We're not replacing impervious pavement with pervious or permeable pavement.

Mr. Shibuya: I understand. I understand, but you are not considering where the water runoff is going, and what was acceptable long time ago is not acceptable today.

Mr. U`u: Karlynn?

Ms. Fukuda: Mr. Shibuya, in speaking with State DOT, the Airports, Kahului Airport is currently undergoing a master plan revision. They're updating the master plan that was previously approved. Now, in speaking with Mr. Matsushige, the intent – after that master plan is updated is to do – because there was a master drainage plan that was done for the airport. So once this updated master plan is done, an updated master plan for drainage, for the overall airport is intended by State DOT.

Mr. Shibuya: See, my concern is, why can't you address this portion of it since you are gonna do construction here? Why complete everything and then later on dig it up and redo everything?

Ms. Fukuda: Well, and I guess I wanted to get clarification on your statement because currently where the hangar is, it's impermeable surface, and where the new hangar will be built is impermeable surface. So there's really no difference in the drainage conditions, I guess, from what – from demolition and the replacement of the hangar.

Mr. Shibuya: And that practice has been accepted because of the standards provided earlier. Today, the standards are different. So I'm asking for mitigation, some kind of means in which you capture that runoff water from an inadequate type system and standards applied earlier to today's standards.

Ms. Fukuda: Which, you know, I think we have heard – the State DOT has heard the comments of you as well as your fellow Commissioners. Unfortunately, in this scope of work that DOT had

provided, that was not in the original scope of work, and we are working with limited funds. And certainly, that's a comment and consideration that the State DOT can make for future projects.

Mr. Shibuya: Commissioner U`u, Chairperson, I think I'll rest, because I think we made the point.

Mr. U`u: Thank you. Commissioner Guard?

Mr. Guard: This one's an easy one. On the pervious concrete, in the past we've heard other developers say it's too difficult because there's no one maintain it because it either fills in with dust, and then slowly becomes impermeable. Is there a different product out there now that's easier to maintain that'll last a few years? I mean, we're dealing I think to the east with the trade winds is all pretty much abandoned cane fields right now, correct? I mean, that's the drainage system you're talking about using is probably an old cane ditch that's now abandoned.

Ms. Fukuda: I don't know if it's an old cane ditch.

Mr. Guard: Because it's above the elevation of the runway, right, if memory serves me? The parking lot, yeah? Well, anyway, back to the pervious concrete, is there a problem if it fills up with dust, or nine months of the year, and then we get one big rain come November?

Mr. Shimabuku: Now, as far as I'm familiar with the pervious concrete, it does require maintenance. I've heard from six to one year, and I'm not sure if it's extended out to say, two years, but it does require cleaning regularly as far as—

Mr. Guard: There's not that many parking lots that are using it yet, so I don't know if there's gonna be a contractor out there that even knows how to do it or is gonna do it. I mean, Oahu might have more guys than Maui does, but that's over the few years that I've been on the Commission. Maybe Bruce has heard it longer that, oh, we don't wanna do it because there's no one to take care of it. So are you guys prepared to get someone to—?

Mr. Shimabuku: Correct, I understand. I'll try to — make a note and follow up on that.

Mr. Guard: So then I would just — after Commissioner Shibuya had a few questions for you, if we know the general direction of the sheet flow towards that drainage ditch, could we just put in two basins to catch "X" amount of water? I don't know, 10% that would have filter fabrics? Put two little catch basins boring some holes down? It would catch most of the petrol chemicals as they went off. Get them first. And as it filled up, and then sheet flowed over into the drainage ditch, you'd be catching at least the first round of water, whatever, didn't go straight down that typically that's like on a street, right? It's that first one is the danger zone because that's what's slippery from all the oil. And then after a good pounding of rain, that's cleaner water that would then sheet flow over into the drainage ditch. Easy.

Mr. Shimabuku: It can be done, but the question I'm kinda trying to ask is, you know the pervious pavement, I guess in my mind it's a really good filter. So by the time it hits the edge of the parking lot, I think it's mostly gonna seep in. And so the water coming off will be—

Mr. Guard: Pretty clean.

Mr. Shimabuku: Yes. Yeah, that's the way I look at the pervious, because it's made to go straight into the soil so then the majority of the – especially the first flush, it'll be just going straight down.

Mr. U`u: So you're saying it takes the place of the catch basin?

Mr. Shimabuku: Yeah, yeah, exactly. Yes, like if you were to ask me what is a better-the filter on a basin or a permeable pavement as an owner, I think I would rather have the permeable pavement because the whole site is a filter versus just one drainage ditch. You know when you guys make reference to the filter box, I would imagine it's a receiving drainage inlet, right? At one point you put like a berm – I mean, not a berm, a boom type of material that absorbs oil. So as far as the effectiveness of that versus a filter – I mean, the permeable pavement, I can't quantify it, but I can picture that the permeable pavement is probably a better option because then I would say– Initially when we looked at it, we looked at actually putting in a drainage inlet system and not putting in permeable pavement, which we can do, but we felt that maybe the permeable pavement is a better option.

Mr. U`u: How much square foot is your permeable pavement that you guys proposing to do?

Mr. Shimabuku: It's roughly – we're trying to lay out the parking lot, but it's roughly the whole parking lot. So the–

Mr. U`u: Dimensions, any dimensions offhand, rough estimate? Because your catch basin would be 6x4 – 8x4 will be your catch basin.

Mr. Shimabuku: Yeah, yeah, the whole site is about–

Mr. U`u: Eighty feet by–?

Mr. Shimabuku: Yeah, it's about 200x100-plus. The average parking lot is–

Mr. U`u: So what I foresee is I see a massive catch basin rather than the old standard catch basin which is 4 feet by 6 feet.

Mr. Shimabuku: Correct, yeah.

Mr. U`u: And this would be – it wouldn't have to channel a catch basin unlike your surface because it'll be a hundred percent catchable on this surface.

Mr. Shimabuku: Correct, correct, exactly. It would be the whole site. And when I say the whole site, there may be locations that may not be as necessary say the top point of the parking lot, but the areas that where the water does flow through, we'll put it so exactly I would compare it similarly to that. You got a catch basin, and on top of the catch basin, it's 6x8, but actually the filter area is just the edge, right? But if you have a permeable pavement, the whole site will be taking in that water. As he always mentions, too, that initial flush is the one that you wanna catch, right, which is gonna take most of all that oil and whatnot.

Mr. U`u: And after that, the sheet flow would sheet flow into the grass swale which is an excess of

300 feet?

Mr. Shimabuku: Yeah, approximate, yeah, exactly. So I guess I would say if we put in the drainage filter boxes, then maybe – you know, I don't know how it goes, the permeable will take out – we put regular A.C., and create a system where we would have the drainage inlet boxes with the filters on it on the edges to catch the water before it does go into the–

Mr. U`u: Probably be cheaper, too, yeah?

Mr. Shimabuku: Yeah.

Mr. U`u: Moving on. Commissioner Shibuya?

Mr. Shibuya: I still am troubled with this in the sense that one of the statements in this report mentioned that there'll be no maintenance. And yet as we're talking about it, I wanna relate and share some things. I just came back from Japan. I talked to some concrete asphalt type material that's very permeable and I asked about maintenance. And they said they have to maintain. They have to take the petroleum products off because if they don't, then it just clogs up the filter. And the filtering system is the permeability, the ability to soak the water through, and that's what they want. Also, I don't know the thickness of this, but their thickness is much thicker than the regular concrete road or the regular asphalt road because it's an asphalt concrete mixture.

Mr. Shimabuku: Correct, it is thicker.

Mr. Shibuya: That's correct.

Mr. Shimabuku: Yeah, we have that. It's part of our design to provide– It's actually– It's a recommendation of our geotech that determines the thickness design which we follow, which is thicker than typical concrete, asphalt concrete, yes.

Mr. Shibuya: That is correct, and they do maintain it.

Mr. Shimabuku: Correct, yeah.

Mr. Shibuya: But if you're gonna state in the report that there's no maintenance, then I've got an issue.

Mr. Shimabuku: Okay, I'm sorry, I–

Mr. U`u: Question: is the State willing to maintain or hire a subcontractor to maintain that surface? And if it is, be ready to put it in a form of a condition.

Mr. Shimabuku: I think it's acceptable to the State as far as maintaining that pervious pavement.

Mr. U`u: Commissioner Guard?

Mr. Guard: Do you know what's involved with maintaining? Like what do they do on Oahu?

Mr. Shimabuku: It's kind of a flushing and a vacuuming of the surface as far as— It's like a blasting as well as—

Mr. Guard: . . . (inaudible) . . .

Mr. Shimabuku: Yeah, exactly.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: If this – what we're talking about now happens, would it be the responsibility of the State or would it be the responsibility of the lessee?

Mr. Shimabuku: The State would be ownership – would have ownership of the parking lot.

Mr. Mardfin: And so they'll do the maintenance of the parking?

Mr. Shimabuku: Correct.

Mr. Mardfin: And do they have that budgeted?

Mr. Shimabuku: It would be budgeted as needed when the project is completed. They can agree to a condition on that.

Mr. U`u: Commissioner Shibuya?

Mr. Shibuya: So I can understand earlier, just going back to the actual existing apron area, any runoff over there, you're gonna be providing any necessary mitigation or capturing of this petroleum product runoffs?

Mr. Shimabuku: As part of this project?

Mr. Shibuya: No.

Mr. Shimabuku: Oh, in the future when they do a future plan, correct.

Mr. Shibuya: That's correct. It's gonna be taken care of.

Mr. Shimabuku: It'll be taken care of as part of an overall review of the drainage system for the entire airport.

Mr. Shibuya: That's my number one concern actually, because it's a larger surface area, and there's more sheet runoff in that area, and also it's exposed to more petroleum products than this parking lot that we're talking about.

Mr. Shimabuku: That's correct.

Mr. Shibuya: Thank you.

Mr. Shimabuku: Sorry, one question, since it was brought up about the filter boxes where you put in a drain inlet and a filter, which is what I think you guys are familiar with, can I have it – would you be – would you have any objection if we move to that? You know, put in a regular pavement, and put the structures of the drain that you guys are familiar with where we have a filter system?

Mr. U`u: Commissioner Guard?

Mr. Guard: I think if it went back that way, what's happened for most people in the SMA is they've caught of all – they took the pre-existing runoff which is just grass not being fertilized, nothing. Now, you put in a parking lot, so you're taking the difference, and then typically they've added 20% to that, 10 to 20%. So you've actually lessened the amount of runoff as if it had been just that pasture or abandoned cane field.

Mr. Shimabuku: Okay, so you take the existing condition–?

Mr. Guard: Instead of just like we're not increasing the sheet flow at all. They're actually reducing the sheet flow.

Mr. Shimabuku: By way of the drainage?

Mr. Guard: By just increasing the drainage is what I believe, if memory serves me, that's what happened with previous potential projects.

Mr. Shimabuku: Oh, okay, so sorry. We're talking about two subjects. There's the filtering of the water.

Mr. Guard: If you go back to just the standard concrete and filter, it hasn't been just, oh, there's no net increase. There's actually been a net decrease.

Mr. Shimabuku: In the flow?

Mr. Guard: In the flow.

Mr. Shimabuku: In addition to the filtering berm in the box?

Mr. Guard: Yeah, I mean, like when it does rain, we're trying to keep it from being a problem. We can't keep our head in the sand. All of those outlets, the ocean goes brown right there. So anything we can do to help, we should try to. That's a pretty popular beach on the North Shore. It's one of the few large sites for Director Hunt to go windsurfing, and he wants to do it in clean water. And on Oahu, I mean, is the permeable concrete – that's the new way that everyone's going?

Mr. Shimabuku: Yeah, a lot of new projects are–

Mr. Guard: And a lot of contractors are out there doing the maintenance on these?

Mr. Shimabuku: Well, it's been – I've actually spoken to a couple that have – that service the

pervious surfaces.

Mr. Guard: Then in the long run, I guess it's still cheaper to do that than to do the big drainage culverts?

Mr. Shimabuku: Drainage culverts? No, no, if we go the other way, the way you guys were mentioning about the 4x6 boxes, I think it'll be cheaper.

Mr. Guard: Cheaper than the pervious concrete.

Mr. Shimabuku: So because of the questions you asked, I'm thinking maybe we should explore that, too, as far as because of the maintenance and whatnot you mentioned as far as on Maui. But I can imagine that it'll—

Mr. Guard: You guys should bring the machine over here.

Mr. Shimabuku: Yeah, because it's gonna be coming as a pretty common structure.

Mr. Guard: That's what I think would – I would like to see that.

Mr. U`u: Same here. Any more questions? Commissioner Sablas?

Ms. Lori Sablas: Is there any place on Maui, anywhere else on Maui that this surface is already on place that we could track the success record?

Mr. Shimabuku: I'm sorry, I'm not familiar if there is any here. In our office, we do have, but as far as Maui, I could find out from the suppliers.

Ms. Sablas: Does staff know?

Mr. U`u: I know of some projects that were going to do the impervious surface, and it never went forward because of the economy. So we were looking about to see how it would work on Maui, but off the top of my head, no, I don't.

Ms. Sablas: In other words, what they're proposing is something new that hopefully addresses a lot of the concerns we have.

Mr. U`u: Correct. It's something new they're asking for.

Ms. Sablas: But it really hasn't been really – we don't have a track record of on our island, but we do have on Oahu, is what I'm understanding?

Mr. Shimabuku: Yeah, as well as the Mainland and all over. Yes, it's been around a while.

Ms. Sablas: It's bench marking, you know. If other areas have used it successfully, and it works, how do we – isn't it wise to follow that type of example?

Mr. U`u: I agree. Director Hunt?

Mr. Hunt: In response to Commissioner Sablas' question, I believe Maui Land and Pine actually has a test surface parking lot that they recently established and they're monitoring it. We haven't had a lot of success with developers doing this because of the reason stated. But couple questions: how much surface runoff actually occurs? I mean, how pervious is it? I suppose that depends on the rain and the maintenance, but is there a way to describe – on an average rain, is stuff gonna be running off, or is it all just sinking through?

Mr. Shimabuku: Okay, the way we do it for our design is when you calculate the drainage runoff, there's a coefficient that we assign to say grass, bushes, rocky ground, as well as say, concrete. So concrete on a standard parking lot is just .9 as a guide, .90. For grass, it's .55, typically, .5. So when you do the multiplier, it's essentially, half the number. So when – for Honolulu, when we do calculations using pervious, we don't use the .9 for when we build a new parking lot. If we use standard A.C., we use .9. If we use pervious concrete, we use .5. So it's equivalent to grass. So it's like asking, oh, how much water does runoff off of the grass right now? You know, initially, it'll be nothing. And then once it kinda saturates, it'll start flowing off. But that's a good – that's the best comparison as far as quantitatively I can–

Mr. Hunt: Thank you. That was a good explanation.

Mr. U`u: Thank you. That was good.

Mr. Hunt: I would encourage you to continue with the pervious surface rather than exploring with the alternative. We've had a number of requests with other developers, and we've gotten a lot of push backs saying, well, it's not feasible, it's high maintenance, etc. I would encourage you to continue on with that and suggest that perhaps this is more of the wave of the future. And so as opposed to some of the concerns that's been expressed, I want to express thanks for coming forward with a pervious surface, and at least giving it a chance. And finally for the record, I own five surfboards and zero windsurfer boards.

Mr. U`u: Well, I own one. Any more questions for the applicant? Commissioner Shibuya?

Mr. Shibuya: I just wanted to – because of this relocation of the hangar, you're actually destroying or demolishing one, and then actually building a new one. What changes do you expect in terms of the flight pattern now for the helicopters? How will they come in?

Mr. Shimabuku: Okay, I'll take a crack at it, and, Jean, correct me if I'm wrong. Right now, what's happening is the landing for the helicopter is right about here. The fixed winged planes come in from here down here. So because of this hangar, the helicopters have to come in from around the hangar, the hangar we're gonna demolish, and land here. Because of that pattern the helicopter has to take, it's perpendicular to the runway for the fixed wing. The fixed wing gets a warning signal automatically whether there's no danger or not. Because we take out this hangar, the helicopters are able to come in at this angle or even I should say, parallel to the runway. And that's the main concern of the FAA requirement because – just because the helicopter has to come in around this hangar, the angle – the fixed winged planes, the airplanes, have a warning system that predicts potential impact of two – or another – a helicopter in the air. So whether it's – the pilot sees it or not, the system comes on and it's a warning that needs to be addressed. So that's the concern about that. So because of that, I would say that removing this hangar will allow the helicopters to



come in more directly and not having to go toward the runway.

Mr. Shibuya: Okay. In line with the realignment and actually providing a better access, what areas on Maui have you investigated or are looking at in establishing a small aircraft, fixed wing and rotary wing type aircraft airport?

Mr. Shimabuku: I'm sorry.

Mr. Shibuya: The reason why I'm asking that question is that we're adding more things, more missions, more to an already saturated airport. We seem to be doing the same thing with the harbor. We add things but we don't expand the capability. We don't provide for safety. If you establish another small airport somewhere in the Central area, where would you locate it, and has that been considered?

Ms. Fukuda: The indication that I'm getting from State DOT Airports is that that has not been considered at this time: an additional, you know, new airport. And that's a comment that we can take back, and again, be looking at. There are several considerations. I know when Kapalua West Maui Airport was being considered, there were a lot of community discussions about the development of that airport. So it's a long term planning process, but I think State DOT has heard the comment, and we can consider that in the future.

Mr. Shibuya: All right, right now, we have cargo as well as lots of large passenger carriers. In addition to that, you have your fixed wing. And give you an example of the problem: when they had the golf tournament at Kapalua, the Mercedes Tournament, that entire apron where the helicopters are were filled, filled with small aircraft, jet as well as prop aircraft all along that area. That, to me, signals an inadequacy of the airport. And that needs to be addressed.

Mr. U'u: Fortunately, some of them went bankrupt, so that's a bright side. I'm kidding.

Mr. Shibuya: Thank you. I have another one in terms of debris. That's a windy area. The jet aircraft don't take too highly of – they don't find flying debris as a friendly thing, not like people getting married, you throw rice. The aircraft don't like birds. And they don't like flying plastic bags or things of this nature much less metal pieces that may be thrown around. What kind of mitigations have been put in place? Are there fences? What's actually being provided?

Ms. Fukuda: I'll actually take the first response to that and if – from DOT Airports would like to expand, but there is a perimeter fence. And a lot of that has occurred because since September 11 with Homeland Security, TSA has gone through and worked with DOT Airports to provide security fencing. So part of this project is to replace the existing security fencing for the heliport to accommodate the new hangar location. As far as the bird situation, that is a concern for DOT Airports. That's also a concern from FAA given the recent accidents that have occurred between birds and aircrafts. And so they are moving towards I think standards or regulations as far as open bodies of water near the airport location. So that's a concern in terms of drainage. We wanna make sure that those are limited as much as possible. As far as just interestingly with the parking lot, the reason why if you notice in the recommendations, the kou tree is spec'd is because when we went to Urban Design Review Board, they realized it was a windy area, and the landscape architects recommended kou because they felt that it was less trash-generating than other types

of trees. So that's why the DOT was happy to go ahead and accommodate that request.

Mr. Shibuya: And the perimeter fence?

Ms. Fukuda: So there is a perimeter fence that is maintained by State DOT. And I believe that is a requirement of TSA for Homeland Security as well.

Mr. Shibuya: Right, that would be on the flight line security, or will that include the parking area too?

Ms. Fukuda: This new parking area that's proposed?

Mr. Shibuya: Yes.

Ms. Fukuda: No, I do not believe that there will be a perimeter fence for that parking lot, but there is an entry gate right now at the heliport entrance.

Mr. U'u: Any more questions?

Mr. Shibuya: I just have a dust control. What types of mitigations do you have for dust control during the construction? And how is – what is your construction phasing? What comes first? Are you developing the parking lot? Or are you developing the new hangar and then demolishing? Or are you demolishing and then building? What comes first?

Ms. Fukuda: Ideally, it will be the parking lot first because that's in an undeveloped area right now, and it would provide for replacement parking for the employees because they're gonna be displaced. So I think that would be the first phase is the parking lot first. And then the demolition probably of the hangar, and then the construction of the new hangar. That's the tentative timeframe.

Mr. Shibuya: So for a time period, the tenants will have no hangar?

Ms. Fukuda: Right. So State DOT will work out I think with the lessee on that. And maybe that will change, but I know that the parking lot – oh, I'm sorry, the hangar will be built first before the demolition, but the parking lot will be first.

Mr. Shibuya: Okay, and the next one is what criteria did you use to obtain three ADA accessible stalls?

Ms. Fukuda: I'll let Dave respond to that.

Mr. Shimabuku: It's transferred from the existing parking lot that we're removing as well as the existing lot that we're putting it in to make sure we're in compliance with the code.

Mr. Shibuya: It seems kind of manini that's why. I'm just saying, only three, my gosh.

Mr. Shimabuku: I think there's existing along the entire stretch of the parking lot that we're not touching. There's two every two or three bays or so along the entire frontage. So the existing –

the ADA is the amount of stalls that we're just complying . . . (inaudible) . . . But, yes, along this whole stretch, because of the different owners, they spread it all out. So you only see three here, three here, three here, but all the way across, there's ADA parking stalls.

Mr. Shibuya: Okay, thank you.

Mr. U'u: Commissioner Mardfin?

Mr. Mardfin: I have several questions, but I'll just follow up on this. Are you going to be carrying up parking? I know you're gonna remove the old hangar. You're gonna be carrying up parking?

Ms. Fukuda: No.

Mr. Mardfin: So basically, this permeable concrete parking is in addition to the existing parking, so you're expanding parking?

Ms. Fukuda: No. We're gonna be displacing the existing parking lot with the hangar, the new hangar that's – the replacement hangar that's gonna be built.

Mr. Mardfin: And it entirely fills it?

Ms. Fukuda: Right.

Mr. Mardfin: So it's not gonna be dug up or disposed of?

Ms. Fukuda: No.

Mr. Mardfin: The existing hangar area, you're gonna have to dig that up?

Ms. Fukuda: I think we're just gonna leave that as flat surface. There's no reason to dig it up. It's part of the existing apron area.

Mr. Mardfin: You said this was because of the new FAA regulations. When do they come into effect, roughly?

Ms. Fukuda: Oh, I'm sorry. It's not new. It's been–

Mr. Shimabuku: It's not a new regulation. It's been an ongoing concern that FAA noted back in – late '90s, a report came out.

Mr. Mardfin: So we've been a decade of sort of improper–

Mr. Shimabuku: Yes, I mean, it's not a direct violation, but it's a recommendation, in a sense, but coming from the FAA, it is a requirement. I think you get what I'm saying is that it was noted a while ago that because of the way the–

Mr. Mardfin: And it's taken us a decade to address it, basically?

Mr. Shimabuku: Yes.

Mr. Mardfin: My next question: I wanna understand how this is operating in practice. I understand that it's the State that owns the land and owns the hangar. And it's being leased to – the report said a – one helicopter company, tour company? And it's only one company that uses this whole thing, this heliport?

Ms. Fukuda: For the hangar. The hangar building is just leased to one person, one lessee. So if you see here in this photo, there's these individual hangar buildings. So the replacement hangar building would be leased to one person.

Mr. Mardfin: And how many hangar buildings are there, roughly? I don't need exact.

Ms. Fukuda: Maybe ten.

Mr. Mardfin: Okay, and so only one of them needs to be relocated? The others are fine?

Ms. Fukuda: Right, if you noticed here on the site plan, for whatever reason back in the '70s, this one hangar was built out here, but all the rest were built here.

Mr. Mardfin: Okay. And what's the company that leases that from the State?

Ms. Fukuda: I believe it's Hopman Enterprises.

Mr. Mardfin: Have there been any complaints about their tour operations?

Ms. Fukuda: Not that we're aware of.

Mr. Mardfin: None? Nobody complains about they fly too low over Kipahulu, or Haleakala, or anything like that?

Ms. Fukuda: Not that we're aware of.

Mr. Mardfin: How would we know whether there were complaints? Would they file it with DOT?

Mr. U`u: Commissioner Mardfin, I think we're getting away from the agenda item.

Mr. Mardfin: Mr. Chairman, I don't think we are because we're taking this down to provide them with another hangar. And if they have earned violations, then we shouldn't provide them with another hangar. We should just eliminate it.

Mr. U`u: I agree to your point and it was made clear, and it was made clear that they're unsure of it. So that was your answer.

Mr. Mardfin: Well, I asked how we would know.

Ms. Fukuda: My guess is maybe they would file – you know, complaints could be filed with the

Federal Aviation Administration or with Kahului Airports, with DOT themselves. And – I mean, this is a–

Mr. Mardfin: Okay.

Mr. U`u: Any more questions for the applicant? Commissioner Shibuya?

Mr. Shibuya: I'm just looking in terms of landscaping. Looking at the plans, it looks very bare landscaping except for the parking area where you have those trees. The surrounding area, what's the possibility of – well, it's always possible, but what's the very good probability of having R-1 water used for landscaping in this area, and to make it more inviting especially entering into the parking lot area? Here you are trying to welcome the customers in so that they can avail themselves or use some of the services, helicopter services, small aircraft services, and you just don't make it as beautiful and inviting. And I would like to see some effort to landscape that area.

Ms. Fukuda: Commissioner Shibuya, as far as the R-1 water option, right now that's really not an option because there is no existing infrastructure in the area to service or to provide R-1 water from the Wailuku/Kahului Wastewater Treatment Plant. To bring that line over to the airport is beyond the scope of this project and even I think the funds that DOT can actually use their monies for. Certainly, if the County or somebody else brought in the line closer, that's an option that the Airports could look at.

As far as providing additional landscaping, the landscaping for the parking lot meets code. The landscaping that's provided near the hangar building basically matches what's there with the other hangar buildings, I think if you notice. So in this other photo, I mean, there is some landscaping fronting the other buildings. So that's why that landscaping is proposed. We can certainly take your comment into consideration, but again, we're limited on the budget, I think, as far as what other–

Mr. Shibuya: I would like to have that concern at least elevated and also reported that this opportunity to make it more attractive especially in the entranceway to the main terminal, aircraft terminal, can be using R-1 water. Maui's entryway has more passengers and yet is the ugliest entryway compared to Hilo, Kona, and Kauai, and it's shameful in that respect.

Ms. Fukuda: I do have some good news for you on that respect. As far as the airport is concerned, the main terminal, the Airports is providing, and I think the rest of the Commissioners can probably tell you, a beautiful entryway into Kahului Airport. And unfortunately, that was a project that was presented prior to you coming on board, but that is part of—and it got approved in February I believe of this year—the Kahului Airport Access Road. And so I don't think I'm exaggerating by saying there's – it's gonna be a tree-lined street that enters the airport. There'll even be a water feature at the central intersection point between cars entering and cars exiting. So the State DOT, that was one of the projects that they took great pride in.

Mr. Shibuya: Understand. And because many of the passengers because of the high volume passenger terminal also, you also have people looking out the window waiting for the aircraft, and they look across the runway, and they see all this junk pile of stuff. It needs to be more attractive. The view plane, you can see Haleakala. You can see the cane fields, but you see this ugly stuff

across the runway. Somehow we need to beautify it or at least vegetate it a little bit more.

Ms. Fukuda: Yeah, but, you know, there's a fine balance I guess that DOT's working with in relation to your earlier comment about the concern for debris, but we've heard your comment and we'll take that into consideration. So thank you.

Mr. U`u: Commissioner Guard?

Mr. Guard: I wanna thank the applicant for explaining the pervious concrete a little better. I think the maintenance part is really gonna take away a lot of the petrol chemicals during the year in between rains. And I'd be willing to make a motion if you wanna open up for public testimony.

Mr. U`u: Any more questions for the applicant? Commissioner Hiranaga?

Mr. Hiranaga: I hate to belabor the drainage issue, but I can't – I still can't comprehend what's happening. Basically the new heliport will be built on the existing parking lot?

Ms. Fukuda: Correct.

Mr. Hiranaga: And the old parking lot or the old heliport will be demolished, and that hard surface will remain, and the water created from those areas will flow into a drainage basin that has no outlet?

Ms. Fukuda: That's my understanding.

Mr. Hiranaga: And now there's a proposed parking lot with permeable surface that flows into a grass ditch, and it eventually links up to a concrete lined ditch that empties into the ocean?

Ms. Fukuda: That's my understanding of Mr. Shimabuku's response earlier.

Mr. Hiranaga: So the existing surface runoff of the proposed new parking lot which is currently grass is 1.86 cfs?

Ms. Fukuda: I will let Dave respond to that?

Mr. Shimabuku: I'm sorry, I don't have the drainage report with me, but – oh, I do have it. 1.72 proposed. Existing is 1.86.

Mr. Hiranaga: Right, and the proposed with the permeable surface if 1.72 would be the surface runoff?

Mr. Shimabuku: Correct.

Mr. Hiranaga: So is there a way to filter that – well, can't you calculate – of that 1.72 that enters the grass drainage ditch, what permeability of that area of the ditch would be to determine if excess water will actually enter the concrete lined ditch? You can calculate the area of the grass ditch. Of that 1.72 of untreated surface water, how much would be absorbed by that grass ditch? Can you calculate that?

Mr. Shimabuku: It's possible. It's possible. The question is— Other things feed into that ditch, not only our site so—

Mr. Hiranaga: Yeah, but just looking at your site. I mean, I don't — I'm talking about the 1.72 that's leaving the new parking lot, right? It enters the—

Mr. Shimabuku: How much of that if there was no other water going into it?

Mr. Hiranaga: Right. We're looking of contribution for this. I'm not gonna try and get you to redesign the entire parking lot based on this site, project, but this project, you put the permeable surface, so you've reduced the surface runoff by .14 cfs.

Mr. Shimabuku: As well as the filtering. So it's not untreated, I would say. I wouldn't call it untreated coming off the surface.

Mr. Hiranaga: You mean the water's running through the grass?

Mr. Shimabuku: No, it's going through the pavement.

Mr. Hiranaga: Oh, and then it—?

Mr. Shimabuku: Then it goes through.

Mr. Hiranaga: So it never just flows off the surface off the ground?

Mr. Shimabuku: No, okay, oh, so, yeah, I don't know if I gave an explanation of pervious pavement. The way this—

Mr. Hiranaga: All the water goes through the—?

Mr. Shimabuku: It's kinda like — I would relay it back to my example of just say if you have grass at your house. If it's a dry season, a lot of the water will go straight through the ground, right? When you first water your lawn, it's just gonna go straight down. No discharge. After a while, your ground is gonna get saturated similar to the ground around the pavement. Eventually, it's gonna go off. But in drainage design, we call it the first flush which has the most chemicals and whatnot. That, we would like to hope and think in a dry season it'll go straight down first. So it's not untreated coming off the pavement. If you have impervious, standard A.C., you could probably say it's just flow off. But if—

Mr. Hiranaga: So what you're saying is you have this pervious surface.

Mr. Shimabuku: Pervious surface, yes.

Mr. Hiranaga: And when it first rains, all the water will go through the system and be filtered?

Mr. Shimabuku: Into the ground, correct.

Mr. Hiranaga: And that water will flow below the pervious surface and enter the ditch?

Mr. Shimabuku: No, it'll go into the ground. Just like if you have a cesspool, it never gonna surface. It's gonna be in the ground. Once it's in the ground, it's in the ground.

Mr. Hiranaga: So at what point does the 1.72 surface—?

Mr. Shimabuku: Surface come off? That's — it's more of a design number because we cannot — if we could use — you know how I mentioned the C value of — A.C. is — if we use the coefficient say, one being the worst case scenario, it's just like a sheet of plastic where every single drop will go off the property? A.C. and concrete are .9. grass is about .55. If we could use zero for our C which it can be done, I guess, but we use it as a — we equate pervious pavement to grass. So, I mean, if you just think about if it rains on a lawn, at what point the water is actually gonna flow off the grass? Probably after about an hour's rain or so, something to the effect where the whole ground gets saturated with water. So then you actually see a flow of water off the — or if you leave your sprinkler on too long, or it'll — the first 15, 20 minutes, half an hour will be — no sign of water flowing into — off the property into the gutter on the roadside, right? But after, if you leave it on after an hour, it'll flow off and you'll see a flow through the grass to the gutter. But for the first half an hour or whatever, it's not gonna.

Mr. Hiranaga: Okay, last question: as we hit the saturation point, there's no opportunity for the petroleum products to back flow up to the surface?

Mr. Shimabuku: I can't say there's no opportunity. I am not exactly — I have not looked into that question. We can look into that: what is the effect of the system if it's a backup, is what you're saying, type of—

Mr. Hiranaga: Yeah, like petroleum products tend to float on the surface of water. So I'm just wondering if the oils sitting there in the pervious area and the ground saturated, does the oil start floating back to the top, and then get carried off?

Mr. Shimabuku: I guess in the worst case scenario, I would have to say yes. If a hundred-year storm comes, potentially, but every other typical design will have the same effect, I think.

Mr. Hiranaga: So oil or petroleum products is absorbed at the same rate as water into the ground, or does it get absorbed at a slower rate? Because it floats on water, does that mean—? I'm just trying to understand the design. I mean, if the water is being — the petroleum goes below the surface but it's stuck between the pervious surface and the ground.

Mr. Shimabuku: I guess you could relate it to if pour oil on grass, then eventually if the grass saturates, the oil will probably come back out also, right? I can't answer that on a scientific, but I'm just picturing it more of if you spill oil on the ground, nine times out of ten, it'll probably just absorb into the ground. If you keep wetting that area, it'll probably start to come back up and surface. So I can't say it'll never come up, but I would say on the most part, barring that, or if you have a big storm, or a hundred-year storm, or something that's drastic, I would imagine it'll happen across all over typically what happens when you have a storm where everything will come up. But as far as on the typical design and whatnot, it'll—



Mr. U`u: Commissioner Guard?

Mr. Hiranaga: Thank you.

Mr. Guard: The maintenance would actually act as a filter for those products, right? Like if we do a semiannual maintenance and clean off the surface, that's gonna take a lot of the oil with it.

Mr. Shimabuku: I would imagine, but I think maintenance is more for–

Mr. Guard: Just getting the dirt out.

Mr. Shimabuku: Yeah, exactly. You mentioned about clogging and whatever. So, but it'll – what that does is by taking out the dirt and rock or whatever, it'll allow more infiltration. So that first flush will just drop out a lot quicker, I guess, you could say.

Mr. U`u: Any more questions? Commissioner Mardfin?

Mr. Mardfin: This is probably for Danny. Danny, in Exhibit 23 of this, there's a letter from the Division of Aquatics Resources Maui, DLNR, and – from Skippy Hao. I don't know to read the whole thing or not, but he – his first sentence, "I strongly recommend reducing the mostly impervious surface area." You said that's been done. We're going with a pervious surface area, so that's taken care of.

Mr. Dias: Correct.

Mr. Mardfin: He talks about vegetation areas, retention basins, a possibility of a rock or xeriscape garden. Is that being done?

Mr. Dias: As stated earlier, the area surrounding the parking lot – because basically, it's the parking lot that's in question. That's the only runoff that will potentially end up in the ditch that goes to the ocean. The use of vegetation areas, I take that as the grassy area around that can sort of be sufficient for that. Retention basins, I assume you folks aren't gonna do anything about that. And a rock or a xeriscape garden, you know, there's not a xeriscape garden within the parking lot, but there is some landscaping, and so that sort of provides for some–

Mr. Mardfin: So basically if Skippy were to be here, he'd be – it would be acceptable to him the way that this is being dealt with probably?

Mr. Dias: I believe it would be, if he heard the explanation.

Mr. Mardfin: And the next paragraph, he's talking about the o`opu, ama`ama, aholehole, and owama. I think he's saying he doesn't see this along the shoreline, if I'm reading it properly. And he talked about being – water being allowed to pond and vegetation being allowed to grow. The response from Munekiyo and Hiraga was that DOT doesn't like the idea of ponding water because of the bird aspect.

Mr. Dias: Yeah, sometimes we get contradicting comments. And one of the comments that we've

gotten from the Department of Fish and Wildlife from the State was that they don't like ponding because that attracts certain native birds like the Hawaiian Stilt and so forth, and then that increases the chances of it getting hit by a plane. So they prefer no ponding so that those birds stay towards Kanaha and not–

Mr. Mardfin: So bottom line is Exhibit 23 has been addressed. They're not gonna do the ponding because of danger to the aircraft. And the other concerns have been taken care of through mitigation and the permeable surface.

Mr. Dias: Correct.

Mr. Mardfin: Thank you very much.

Mr. U`u: Commissioner Shibuya?

Mr. Shibuya: Just a last one here, the new hangar has water that's gonna be sheeting off of the rooftop. And has there been consideration for having that water put into cisterns and use that water to water the landscape or grassy areas around that area?

Ms. Fukuda: Commissioner Shibuya, that has not been considered. I know that that's an option that other projects are considering, but again, at this point, DOT is basically providing a like-for-like exchange. They're providing the applicant with – or the lessee, I'm sorry, with a shell building. So if that's something that the lessee decides that they want to do, then that's something that they could do, but at this point in time, it's not under consideration.

Mr. Shibuya: So the structure is actually the lessee's structure and not the State's structure?

Ms. Fukuda: It's the State's structure. There'll be a lease to the operator to operate, but if they want any additional kind of improvements done such as painting or putting up signage or whatever, that's the responsibility of the lessee.

Mr. Shibuya: So now your water that's coming off the roof, where does it go?

Ms. Fukuda: It's – you know, basically again it's being – it's going into that dead-end area that Mr. Shimabuku pointed out earlier. Again, it's basically – I don't know if I'd say negative runoff, but it was an existing paved surface already because that was a parking lot. So the drainage pattern, as we understand, is not changing because it was previously, impervious surface anyway.

Mr. U`u: Any more questions? Seeing none, we'll like to open it up for public testimony. Anybody in the audience wanna give public testimony? Seeing none, public testimony is now closed. We'd like to welcome Danny with staff recommendation.

Mr. Dias: Thank you, Chair. Just a couple changes to the conditions. If you could turn to the last page, Condition no. 18, the applicant indicated that they would like us to add – the first sentence reads, "That the applicant shall construct the concrete path," what they want to do is add, "concrete or asphalt," just so that they have the option between the two. So that would be the first change. And then second, given the comments that we received during this meeting, the staff would like to

add a Condition no. 19 that reads, "That the proposed 74-stall parking lot be regularly maintained in order to insure the permeability of the parking lot surface." So a condition that the applicant regularly maintain the parking lot. With that, the Department of Planning recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation subject to 19 conditions prepared for the April 28<sup>th</sup>, 2009 meeting as its findings of fact, conclusion of law, and decision and order.

Mr. Guard: So moved.

Ms. Domingo: Second.

Mr. U`u: It's moved by J. B., Commissioner Guard, second by Donna Domingo. Any discussion? Commissioner Mardfin?

Mr. Mardfin: I should've asked this earlier. I think – I forget who did it now, but somebody recommended that this painted some color. What was the outcome of that suggestion?

Mr. U`u: I think it's in one of the conditions.

Mr. Dias: Oh, the UDRB had a recommendation and it is– Hold on.

Mr. Mardfin: I don't remember who did it. I'm sorry.

Mr. Dias: It's Condition no. 18, "That the applicant shall construct the concrete or asphalt path, or paint a walkway between the entrance road to provide a designated area for pedestrian traffic between the parking lot and hangar area of the heliport." And can you show that slide, please? And the applicant is going to–

Mr. Mardfin: Were they suggesting that the concrete or asphalt be painted?

Mr. Dias: The way I got it was either do a path, or take the road that they're going to build and paint it so that there's a pedestrian area along the road, but the applicant is gonna – you folks are actually gonna put in a path, right? Okay.

Mr. Shimabuku: They just want to stripe it as a – not necessarily fully paint it. Just stripe it to designate it as a walkway along the side of the road if we do not put it way off the road. So when we put it along the side of the existing roadway, we will stripe the area similar to–

Mr. Mardfin: So they weren't doing it for aesthetic reasons to make it look less stark?

Mr. Shimabuku: I think it's more for safety.

Mr. Mardfin: Okay.

Mr. U`u: Any more discussion? Call for the vote. All those in favor? All those opposed?

**It was moved by Mr. Guard, seconded by Ms. Domingo, then**

**VOTED: To Approve the Special Management Area Use Permit as Recommended with Amendments Made by Staff.  
(Assenting - J. Guard, D. Domingo, K. Hiranaga, W. Mardfin, W. Shibuya, L. Sablas)  
(Excused - W. Hedani, J. Starr)**

Mr. U`u: Motion passes. Thank you.

Mr. Dias: Thank you.

Ms. Fukuda: Thank you very much.

Mr. Hunt: For the record, I had that as unanimous.

Mr. U`u: At this time, we're gonna take a ten-minute recess. We will be back here at 10:10.

(A recess was taken at 10:05 a.m., and the meeting reconvened at 10:17 a.m.)

Mr. U`u: The 2009 Maui Planning Commission is now back in order.

Mr. Hunt: Your next item actually involves three different items. And in talking to the Chair, if we could take all three of them together, which would require us to move up Communication Item C-1, along with these other two items, we can just deal with them all at the same time even though they're separated on the agenda.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: I move that we address all three together.

Ms. Sablas: Second.

Mr. U`u: It was a motion by Mardfin and second by Commissioner Sablas. Do we have a vote? All those in favor? All those opposed?

**It was moved by Mr. Mardfin, seconded by Ms. Sablas, then**

**VOTED: To Move Up Item C-1 in Order for It to be Taken Up Together With Items B-2 and B-3.  
(Assenting - W. Mardfin, L. Sablas, K. Hiranaga, J. Guard, D. Domingo, W. Shibuya)  
(Excused - W. Hedani, J. Starr)**

Mr. Hunt: We will record that as unanimous in favor.

Mr. U`u: I've also been asked if we could possibly take public testimony prior. Would that be okay with the Commission? Would that be okay with Director Hunt?

Mr. Hunt: It's the Commission's will. Generally speaking, we like to lay out the facts of the case, and let people respond to that so they're not asking questions or responding to things that could be addressed in the presentation, but it's up to you folks. We do need to introduce them. I need to read the items into the record, and then from there, you can take it as you wish.

Mr. U'u: Commissioner Hiranaga?

Mr. Hiranaga: May I suggest that the staff do their – and the applicant do their presentation first? And before we open it up to the Commission for questions, then open the public hearing?

Mr. U'u: Okay, okay. Having heard that, I'll turn it over to the Director for the next agenda item.

Mr. Hunt: I'll read all three items for the record.

## **B. PUBLIC HEARINGS**

2. **MR. EDWARD THIELK of MANA FOODS requesting a Special Management Area Use Permit for the Mana Foods Store Addition at 47 Baldwin Avenue at TMK: 2-6-005: 002 and the construction of eight (8) parking stalls at 81 Baldwin Avenue (Maui Dharma Center site) at TMK: 2-6-006: 020, Paia, Island of Maui. Improvements include repair and renovation to the existing health food store. After-the-fact improvements include additional retail space, offices, refrigeration & freezer rooms and a storage warehouse. Proposed improvements include repair & replacement of existing siding and a 375 square foot expansion of the vitamin room. (SM1 2004/0024) (L. Callentine)**
3. **MR. EDWARD THIELK of MANA FOODS requesting a Conditional Permit for the Mana Foods Store Addition in order to use eight (8) parking stalls in the Residential District at 81 Baldwin Avenue (Maui Dharma Center site), TMK: 2-6-006: 030 to help satisfy the additional parking requirement for the Mana Food Store expansion at 49 Baldwin Avenue, TMK: 2-6-005: 002, Paia, Island of Maui. (CP 2004/0011) (L. Callentine)**

## **C. COMMUNICATIONS**

1. **EDWARD D. THIELK of MANA FOODS requesting an Offsite Parking Approval in order to utilize eight (8) parking stalls at the Maui Dharma Center site in the R-1 Residential District at 81 Baldwin Avenue, TMK: 2-6-006: 030, Paia, Island of Maui in order to help satisfy the parking requirement for the Mana Foods Expansion project and related improvements in the B-CT Country Town Business District at 49 Baldwin Avenue, TMK: 2-6-005: 002, Paia, Island of Maui. (OSP 2005/0003) (L. Callentine)**

Mr. Hunt read the agenda items into the record.

Mr. U'u: Just for clarity, Livit, hang on one second, if I'm not mistaken, we're not voting on the

special management area or the off-site parking approval because prior to that, the Council has to take up the conditional permit prior to voting on the three agenda items. So we're just voting on one or – approval of one which would be the conditional permit which moves on to the County Council, and you guys will be back for the SMA and the off-site parking?

Ms. Livit Callentine: Actually, yes, thank you, Mr. Chair. The conditional permit must be approved by Council prior to taking action on the special management area permit or the off-site parking permit. And so our recommendation today is that you defer action on those two items in order to recommend approval of the conditional permit to the Council.

Mr. U'u: Okay, thank you, Livit. Go ahead.

Ms. Callentine: Good morning, Commissioners. And nice to see you again. Seems like it's been a while. So I wanted to just point out that I've placed an addendum report in front of you this morning which addressed additional items that had come into the Department after the first initial report was written. And also, I would like to clarify that the description of the special management area permit shown in item – as Item B-2 on your agenda does not actually include the construction of eight parking stalls at 81 Baldwin Avenue. We anticipate that the applicant will either amend the special management area permit application prior to your taking action on it, or will come in for a separate SMA assessment application. So just to clarify that agenda item.

So your purpose today is to review an application for a special management area use permit for an after-the-fact and proposed revisions to the Mana Foods Retail Health Food Store. You will be reviewing a conditional use permit and off-site parking approval for the use of eight parking stalls located on a lot owned by the Dharma Center. The applications were filed by Chris Hart and Partners on behalf of Edward D. Thielk, owner of the Mana Foods' parcel. Your purpose today is also to consider the recommendation by the Planning Department that you recommend approval of the conditional permit to the Maui County Council and with standard conditions of approval which had been provided in your recommendation report.

I just want to point out that land use designations – there's two different parcels we're looking at. And I believe on your agenda, the agenda lists the Mana Foods' parcel as being the address of 47 Baldwin. Our real property tax lists it as 49 Baldwin Avenue. So it's the same parcel. I'm not quite certain where the 47 came in, but I'm sure that if need be, Chris Hart and Partners would be happy to explain that discrepancy.

As far as land use, the parcel on which the conditional permit will be acted – upon which it will be acted, at 81 Baldwin Avenue is zoned R-1 residential. And parking or off-site parking is not a permitted or a special use in the R-1 residential district. That is why a conditional permit is required. So as far as land use designations, I simply wanted to point out that one for brevity that it is a – that's what is the trigger for the conditional permit.

I'll summarize the scope of work, and then I'll ask the Chris Hart and Partners' consultants to Mana Foods follow my introduction with a few slides which will clarify, and then they will answer any questions you may have. Also, with us today are representatives from Mana Foods, Theresa and Edward Thielk.

The scope of the project then is as follows: the SMA use application for 49 Baldwin Avenue is for after-the-fact approval of approximately, 9,800 square feet which is a retail – expansion of a retail space, conversion of a second floor to an office, and expansion of storage space. Proposed improvements include expansion of the existing vitamin room, construction of a masonry wall for privacy on the rear northeast property line to screen the residential uses on the adjoining parcels from the commercial use going on within Mana Foods. It's also for repair and replacement of the existing siding, windows, trim, and other design related improvements in compliance with Paia-Haiku Country Town Design Guidelines.

In addition, proposed improvements include, and you may want to refer to Exhibit A of your addendum report, the drainage improvements shown on C-3, Sheet C-3. Drainage improvements proposed include two onsite drainage inlets with subsurface drainage systems that will store runoff and allow it to percolate it into the substrata. One inlet will collect runoff from the northern portion of the roof on the northern corner of the property, while the other one will handle runoff generated by the southwestern portion of the roof. And the runoff from the southwest portion of the roof and the awning– I'm sorry. I made a mistake here. The other will handle runoff generated by the remainder of the site less the southwestern portion of the roof and awning fronting Baldwin Avenue which will be allowed to flow into the street as it currently does. Once again, I point you to Exhibit A, Sheet C-3 to see the details on the drainage system. There is no net increase in runoff. Any increase will be handled by these two drainage inlets and subsurface systems.

The second item is the off-site parking approval and this is for eight parking stalls at 81 Baldwin Avenue. And just to let you know that on March 23, 2006, the Board of Variances and Appeals approved a request to reduce the number of off-street parking spaces provided from 17, which is the required, down to eight, and to provide one loading zone at the Mana Foods' parcel. The off-site parking lot is less than 400 square feet from the Mana Foods' parcel which is a requirement of the off-site parking ordinance. And Mana Foods does have a lease agreement with the Dharma Center which is shown as Exhibit 17 of your initial report. There is no – currently no customer parking or any parking other than one loading zone provided on the Mana site. And there is a County of Maui parking lot directly adjacent to the Mana Food site, but it doesn't qualify them for off-street parking because it's less than the required 150 stalls in order to qualify them for parking. So it's only 48 stalls, but of course, it is available for use by the customers of Mana Foods. Additionally, the Dharma Center lot is also located in the special management area. And as I mentioned, it will require review either as an amendment to this SMA or as a separate SMA permit application.

So the conditional use permit is required, as I mentioned, because of the lot being zoned R-1. And conditional permits are meant to provide you with the opportunity to consider establishing uses that were not specifically permitted within a given use zone where the proposed use is similar, related, or compatible to those permitted uses, and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. This project did not involve any actions which trigger compliance with Chapter 343. So there is no environmental assessment included or required.

The Department has received approximately 20 letters in support of the project, and several of those come from local farmers and providers in the area who are supportive of the continuation of the Mana Foods project. At this time– Oh, I will say that the project does comply with all the State

and County General Plans, with the zoning, with the Paia-Haiku Community Plan, with Chapter 205A, with the Special Management Area Rules of the Maui Planning Commission, and with Maui County Code Title 19, Chapter 40. All agency concerns that you've read about in your report will be addressed either at the time of the grading or building permit. And I would like to at this time turn the mic. over to Chris Hart and Partners for a brief— How long? Ten minutes? Okay. It depends on who you ask.

Mr. U'u: Any questions for Staff Planner Livit? Seeing none, thank you.

Mr. Chris Hart: Thank you, Livit. My name is Chris Hart, Chris Hart and Partners. And as Livit indicated, this is a request by Mana Foods. And they're basically, applications for a special management area use permit. Basically, we've gone through country town design review, off-site parking and conditional permit for our parking. Before we turn out the lights, I'd like to introduce Ed Thielk who is basically the president, and Theresa Thielk who is the administrator, and Brian Esplen who is the project manager for this project, and also Raymond Cabebe who is going to actually be presenting the project power point. Before we do that, I'd like to just make some opening remarks.

The Mana Foods project business has actually been in place on Baldwin Avenue since 1984. And it started out as a very small business and then it gradually grew and took over Robert Matsuoka's T.V. store. I used to go every day and pick up my mail at the Paia Post Office, so I've seen it grow. I don't do that now, but— And then the High Tech Surf Shop moved across the street, and it expanded into the High Tech Surf Shop. And it was during a period of time when Paia was basically just revitalizing. In the late '70s, early '80s, there were a lot of vacant buildings in Paia. Some of you remember that. And Mana Foods basically started out as an organic food store and just grew in terms of its popularity in terms of the products that were being provided and the type of service that was being provided to the community. And obviously, through the expansion, there were renovations that were made. And essentially in some cases were documented in terms of building permits, in some cases, not.

When we became involved in the process, we took it on as a challenge. And we worked with Ed and Theresa over the years. In March of 2006, we were able to obtain a variance for the parking even though we're right next door to a parking lot which is 45 stalls. It's a County parking lot. We basically can't take advantage of that in terms of by ordinance, so we had to get a variance. And then — so we — basically, the Dharma Center had some parking so we were able to essentially get eight stalls there. And then just in terms of moving through the process, we've also been in contact with Mr. Spee who is across the street. And there's a possibility that more parking can be constructed specifically off-site and leased by the Mana Foods Store, and therefore, sufficient parking will be available within close proximity.

This is a project that is essentially a project that I feel is important to Paia. And it's an example of business people who start essentially with not very much capital, and they essentially have a will to be in business and sacrifice, and provide a lot of good will in the community, and grow, and become popular. And all of a sudden, they find themselves — not all of a sudden, but over a period of time, they find themselves, not necessarily in harmony with the County in terms of the permitting process.



And so this application for a special management area permit is essentially to look at permits, after-the-fact permits, for the property. And also the conditional permit is an issue that we have to undertake because it's the only place that we could find off-site parking. Now, the parking exists at the Dharma Center. And of course, the assumption was that it was permitted, but it isn't permitted. Actually, it's gravel parking. So we're going to approach that in the context of a permit, another SMA permit for that parcel in the future. We would like ultimately to have the Commission agree to that so that it could be a condition of this SMA permit that we have to comply with the SMA permit process and basically obtain a minor permit essentially for paving the parking. We've had a meeting with ZAED. We've talked about ways that we can basically maintain the gravel character by stabilizing the gravel and maybe not paving it because the Dharma Center is not necessarily that interested in having asphalt pavement put on their— So we're gonna work something out with Public Works – oh, I'm sorry, with ZAED and with Public Works so that we meet the requirements of Chapter 19.36, the off-site parking ordinance, but it would be through a minor permit.

With that, I'm gonna turn it over to Raymond. He has just a brief slide presentation, power point presentation, for you to give you a background, but this is a project that really is kind of a rags to riches-type story. I'm not saying that they're rich right now, but they certainly are successful in their business and appreciated by many people in the community. Thank you.

Mr. Raymond Cabebe: Good morning, Commissioners, Vice-Chair U'u. My name is Raymond Cabebe. I'm with Chris Hart and Partners. I'll try to be as brief as possible.

Here's your location map. Paia, of course, is on the north shore of Maui. An area – the Mana Foods Store is an area on Baldwin Avenue, an area called Lower Paia. This is the tax map. As Chris said, Mana Foods was established in 1984. So it's been there at least 25 years in a building that was constructed in 1930. The country town business district was established in 1987. And the design guidelines for Paia-Haiku was adopted in 1989. The applications you have before you, the special management area permit that covers the after-the-fact work, the exterior renovations and the new vitamin room extension. And the UDRB reviewed the project about approximately a year ago, and they had one condition. We'll talk about that in a little bit. Parking, we need an off-site parking permit and also conditional permit as Livit indicated.

This is a Haiku community plan map showing Mana Foods. It's hard to kinda see. It's right about here. And the Dharma Center is located right about here. And you can see the business commercial zoning for Paia – the Paia-Haiku Community Plan. For Maui County zoning, it's country town business. Mana Foods is here. It's R-1 zoning for the Dharma Center over here.

This is an old photograph from the '80s. We don't know exactly when this picture was taken, but you can see the Matsuoka sign here. You have part of the building, Mana Foods, the center part of the building, and then the old – the High Tech Store, the High Tech Windsurf Shop was here. This is also an old photo. This is after Robert Matsuoka – he passed away, and the Mana Foods took over his section of the building. They expanded. This is the High Tech Store. Mana Foods bought it out in 2000 after High Tech moved across the street. These are photos from 2007 showing the frontage of the Mana Foods where they took over the High Tech Store, converted that to part of their store. And on the left side, there's a section where the new vitamin room extension will go, will come out to the street.

These are some of the adjoining properties. The old post office is now the Bank of Hawaii building on the northwest side. And the 45-lot parking lot, County parking lot, on the southeast side. And across the street is the current location of the High Tech Store. There's the Hairbender Salon, a restaurant. This is to kind of give you the character of that area.

The UDRB reviewed it in April 15 of 2008. And they accepted the Pioneer Inn color scheme that we proposed at that time. We'll show you the color elevations of that. The only recommendation they made was a construction of a masonry privacy wall at the rear property line where it borders the residential properties. This is the landscape plan showing pretty much just existing planting. There's no additional planting proposed. It's all hand-watered. There's no irrigation system. Baldwin Avenue's down here, the residential properties in the back.

Okay, this is the site floor plan showing you which areas we're talking about on the building. The existing retail is here. There's 1,932 square feet, and that's permitted. This area in the back here, it's about 5,000 square feet of offices and retail, and also about 3,000 square of storage. It's not permitted. Also, a warehouse here sits here. It's 1,757 square feet. There was a Quonset hut that sat here at one time, and it was replaced by a warehouse. And because the use changed, it was formally used as a residence, and then I think it was also used as a surfboard repair shop at one time. And the use changed to a warehouse, so that basically is not permitted. And that's what the SMA is supposed to cover. And the new vitamin room here, 375 square feet on the front.

These are the elevations showing the Pioneer Inn color scheme that we talked about, the dark green with white trim, and the red roof. And this is the frontage showing you how it was broken up into to kind of look like three separate buildings instead of one, you know, big, huge building. This is the north side of the building on the Bank of Hawaii side. This is the south side of the building bordering the 45-lot parking lot.

The variance as Chris and Livit said, you know, the variance was granted in 2006. Seventeen stalls were required and was reduced to eight stalls, and the eight stalls are provided at the Dharma Center. And Mana Foods has a six-year lease that started 3/31/06. So it goes out to 2012. And the applicant will work with the County to comply with the off-street parking requirements and also the SMA rules. And as Chris indicated, there has been some ongoing efforts to participate in public parking in Paia Town. In this aerial map, it shows you where Mana Foods is in relation to the Dharma Center parking. It's about 250 feet. And the area that we're talking about maybe future parking, this is the Spee Building right here. David Spee owns that building and he's in the process of trying to acquire some property here that A&B owns, and it goes all the way up to the post office. Yeah, it's in escrow right now. This is a photograph of the Dharma Center parcel. You can see the Stupa Shrine there. It's – the Dalai Lama dedicated it in 2007, I believe. And this is the parking that is on their property. The stalls are on the northwest boundary and the stalls are on the northeast boundary. There's six on this side and there's supposed to be two on this side. This is the plan showing the six stalls on one side and the two here.

So in conclusion, the existing use conforms to the State and County land use plans and policies. Mana Foods has not caused any significant environmental impacts to the surrounding area. Public infrastructure is adequate to serve the project. The project meets the criteria for the off-site parking and the conditional permit. The UDRB recommendation for a privacy wall will be complied with. And Mana Foods has not caused any cumulative or significant environmental or ecological effects

on the special management area. So that's why we're here today for your review of these permits. You can't act on them until after the conditional permit is reviewed and approved by the Council. But I guess we can discuss what kind of requirements you would like to have on this project. Thank you.

Mr. U'u: Questions for the applicant? Oh, sorry, now at this time, we're gonna open it for public testimony. Public testimony is a minimum of three minutes, and please state your name – a maximum of three minutes. I was going give you guys a break. In fact, I have a list and I'll read off the list. The first one on the list is Jocelyn Perreira. Please state your name for the record.

Ms. Jocelyn Perreira: Good morning, Vice-Chair U'u, Planning Commission Members. My name is Jocelyn Perreira. I am the Executive Director and the Tri-Isle Main Street Program Coordinator for the Wailuku Main Street Association, Inc., Tri-Isle Main Street Resource Center. The Paia Main Street Association is one of the associate towns under our umbrella. And I have here today from the Paia Main Street Board, Cindy Nakata Hanscam, and Ed is a member of the Board, a more recent member of the Board. We've been involved with this project for a long, long time from the very beginning. And I think as Chris Hart mentioned, when you're a new mom and pop, and you're trying to get your feet on the ground, and you're trying to get things done, sometimes you make little changes and little improvements, and then before long and before you know it, you get a little more popular, you realize you need to be a little more bigger, and then the natural progression comes along.

I do – I'm here today because I wanted to express the tremendous support we have for this project, and the aloha we have for the Thielks, and the tremendous job that they've done. There are challenges in our small towns, sometimes really tremendous ones. And when they need improvements, it becomes how many hurdles can you jump over because they have to meet with so many requirements to come up to, you know, current day standards and so on and so forth. We really need to be cognizant of that and try to help them along. And that's been our role with them for a long time. I passed out one of our original way back when Simone Bosco was the Planner. And she had – we had the project and we reviewed it before it even went to the original Urban Design Review Board. I note that they've complied with everything and we only had one item on the bottom that hasn't been complied with.

We are very pleased and feel assured that this food establishment provides a reliable health food store that is in great demand. Mr. Thielk has worked with Paia Main Street and the Tri-Isle Main Street Resource Center to seek additional parking. And I refer to Councilmember Michael Molina's letter dated February 3<sup>rd</sup> 2006 when meetings of the minds came together to try to see if working with Public Works and Main Street and Mr. Thielk, and we could look for positive solutions especially being that Paia has very limited parking options. We appreciate the willingness of Mr. Thielk to forge private sector partnerships to alleviate Paia's continuing parking problems. We note that it is very fortunate that the discussions that took place early on is all starting to fall in line, and that Mr. Spee has his property in escrow, and he is willing to follow through with the prior agreements that we thought we were going to try to forge with A&B. We think that this project will enhance Paia Town's character and will complement the current efforts, hard-earned efforts, to revitalize Paia Town. And your favorable support of this project is deeply appreciated.

I have to leave so I just want to put in two words of support for Doris Todd's project as well.

Mr. U`u: Go ahead.

Ms. Perreira: Thank you.

Mr. U`u: You wanna bring up Doris Todd now or are you available for questions?

Ms. Perreira: I'm available for questions. I just wanted to make sure I slid that in.

Mr. U`u: Okay. Commissioner Mardfin?

Mr. Mardfin: I just wanted to ask: you said there was one condition not complied with, what was that condition?

Ms. Perreira: That was the continuous canopy that needed to differ in materials and height and the design so that it did not tie all of the buildings together. And some of the treatments that they had on the new design did, as you can see, try to make it look like it was three separate buildings even though it's tied together with one color.

Mr. Mardfin: And that's what you wanted? You wanted it to look like three separate buildings?

Ms. Perreira: Well, in small towns, we like to not – we like to see the scale smaller and not one huge large building.

Mr. Mardfin: I just wanted to understand what it was that you were trying to get. Thank you.

Ms. Perreira: Thank you, sir.

Mr. U`u: Any more questions? Okay, moving on. Next on the list is Elle Cochran. Please state your name. I'm sorry. Next on the list will be Nancy. Please state your name for the record.

Ms. Nancy Miola: Nancy Meola. I did a little shopping this morning on my way here. I don't know if you've all had the opportunity to shop at Mana Foods, but, you know, I think there's an idea about what the store is like. And I wanted to give you my impression of it. I've had a relationship with Mana Foods for over 20 years. It's been in the capacity of a farmer, as a homemaker. Also, I worked with Haiku School for several years so it was going to them asking for things. I've been a Board member of three nonprofits that have benefitted greatly from the support of Mana Foods. And they've also been a client of mine in other ways. So I just wanted to show you a few of the things I picked up today because they do represent and carry over 200 Hawaii vendors: Maui eggs, Kula strawberries.

Mr. U`u: Could you speak into the mic.?

Ms. Meola: Sure. Kalua pork from Maui, Maui salsa, Maui beef, thank you, Hana herbs, Maui coffee, some cleaner made in Hawaii, chemical free, some salt, Kula herb soap, some incredible massage oil, Echinacea, calendar, came in handy. And what does it feature? Surfing Jaws, the north shore. The point I'm trying to make is Mana Foods is such a part of our community, such a vital part of it, and I just can't imagine living where I do on the north shore and Mana Foods not

being there. It's nourished me, my family, my community, and I am so grateful. And I am definitely here in support of Mana Foods. Thank you.

Mr. U`u: Thank you. Any questions for the testifier? Seeing none, thank you. Next is Barry Rivers. Could you please past that around? I'm kidding. I'm kidding. Please state your name for the record.

Mr. Barry Rivers: My name is Barry Rivers. And one thing Nancy didn't get a chance to bring out is this: they've got the beef and everything else you might ever want, Maui beef. In any event, I always wanted to be a cardiologist and I guess I'm getting to play one on T.V. today, but I wanted to talk about the heart a little bit. I've known Ed for 25-plus years way back when, when a handshake was all you needed to grab a few bananas and a papaya, and walk out the door. You can catch up with them tomorrow, and everything was fine. He's been nothing but a trustworthy – I think he and his family and all their staff which is a rainbow of Maui. I mean, any and everybody who works in that place, all ages, all ethnicities. It is the most melting pot place that I know of any island, frankly. And we love having them there. They are the heart of the north shore. They provide its heartbeat. They sell any and everything that keeps around the island healthy. They are an incredible member of the community. They support many, many organizations throughout the island. They have a community bulletin board where people network and create the very sort of ohana that all of us care about and want to be a part of. And I can't even imagine, frankly, what the north shore would be without them. I mean, we really, really all of us so many hundreds and thousands of us love this place, love how they treat us. We need them to be there and we hope that you'll agree to their permits. The one last thing I'd say as it relates to the vitamin room is given the challenges we're all facing right now, we're all gonna need a good vitamin room going forward. Thank you so much.

Mr. U`u: Questions for the testifier? Any questions? Seeing none, thank you. Next on the list is Naila Brown. Please state your name for the record, please.

Ms. Naila Brown: My name is Naila Brown. I'm from Paia, originally from Paia. I was born and raised in Paia. And I was born in the back of my grandpa's store. I lived my life in Paia for almost about 59 years already. And I've worked for Mana Food going on 12 years. And this is the first time I'm here so – to support Mana Food where I work at. I work in the deli where going on 12 years too. And I've seen a lot, you know, from the inside to the outside. And I remember Mana Food before Mana Food built there, it was Matsuoka's T.V. Repair Shop. And I remember a lot more the stores that been Paia stores because I grew there. I've seen.

And when I first started working at Mana Food, it was something that, you know, I thought that would never happen but being because I worked there, I began to like my job. I began to like the people there. I've been treated well. And the job that I do I work in the deli and there's not only the items that Nancy brought out from her bag, but there's also we serve hot dish food that we make there. I not the cooker, but. And there's a lot of people came from all over even from the Mainland. And there were people coming on the Super Ferry to come to Mana Food. And as I been there, I talked to a lot of them, and they kept telling me why don't we have a store like Mana Food, you know, where they came from? And this is why they come every now so often to Mana Food just to buy what they want because of these – they don't have it where they come from.

Mana Food is growing organic natural food whereas people always come. They need to gather. They talk. And I got to talk to all of them. It was kind of stressful at the beginning but I've learned a lot from Mana Food. I've learned that they treat you well. Even trained a lot of people that works there in the deli. And I found that a lot of these people that I trained, they comes back to Mana Food because Mana Food is the only store that, you know, people like to shop because they find all kinds of things there. It's not only because of the food but there is the health-wise, too, like the vitamin room. And I, myself, that, you know, I buy things from the vitamin room too.

And Mana Food has come like the heart of Paia Town. Right now, it is the heart of Paia Town. There's other shops in Paia Town, but with this store, this is the only grocery store we have in Paia.

Mr. U`u: Naila, we need to wrap it up, please. No, no, keep going.

Ms. Brown: But anyway, if you all – you folks never been to Mana Food, you folks should come along and, you know, see how it is. And of course, we have a lot of hot food dish that you folks would come to like.

Mr. U`u: Thank you.

Ms. Brown: Thank you.

Mr. U`u: Any questions for the testifier? Seeing none, thank you. Next on the list is Earchart. Could you please state your name for the record?

Mr. Ryan Earchart: Good morning, my name is Ryan Earchart. Mana Foods is an intricate part of not only Paia, but the whole north shore on the island. I'm one of over a hundred employees at Mana Foods that's been there serving as – in the capacity as the producer manager and buyer for almost six years now. And Mana Foods encourages me as the produce buyer to help support our local farmers and buy local produce. Currently, about 40% of our produce dollars are spent locally here mostly in Maui and as well from the outer islands. We have, you know, say, on any given day 70-plus locally grown items. We deal with a lot of farms. On an average week, I deal with 50 different local farmers. A lot of them are maybe small. Maybe they just have one crop that they grow and not a very big one where they can't deal with a lot of the other wholesalers. And the other big box stores won't buy their products and they don't have an outlet to move those products. And so we deal with not only organic but other conventional farmers as well. And that's what our customers demand and it's good for our community to support those local farms. And we – I'm constantly dealing with our customers and feeling their pulse, and the tourists and the local customers as well in demanding the local produce. And the feedback I get is that we're the place that they can get it. There's really not another outlet where they can get 70 different locally grown produce items. There might be a few items at any other store, but we really consolidate it well. And we take the extra effort to work with the small farms. And as Naila said, we see people from all over the world. And we hear their feedbacks. I have a real sense of pride in working at Mana Foods because I'm constantly hearing customers coming through saying, oh, we heard about you. We came from wherever on the Mainland, or we came from Oahu. People come over on the ferry from Lanai every so often just to stock up and get their essential goods at a good price. And I just am very grateful for all that Mana Foods does for the community, and we appreciate your consideration in this matter. Mahalo.

Mr. U`u: Thank you. Any questions for the testifier? Seeing none, thank you. Next stop is Colleen. Please state your name for the record.

Ms. Colleen Rohozinski: Hi. I'm Colleen Rohozinski. And I considered myself a Lahaina girl until three years ago. I miss Lahaina, but I have a friend there that's a vegetarian there and she would only shop at Mana Foods whenever she could come over to this side. She would go there all the time, and I would go, wow, it's just a little broken down little store in Paia. And when I moved over three years ago, I realized that there's so much there. And it's an incredible working of people, of care, trying to buy consciously, organically. It's very difficult to explain the whole process because there's a lot of people involved. But I go in there and I see people from Lahaina, I see people from Hana that make it a regular stop. And I'm totally impressed with their operation. They know their whole thing. They don't know the planning side. They don't know the traffic's horrible. They clean up the bathrooms. I mean, we're depending on you guys to help make this a local growing business because I – it would break my heart if they couldn't do their thing. I just – I don't necessarily agree with the look because I like the small town like the other lady said, but we definitely need to keep Mana Foods going, and try to help this the best we can. And the scones and the cinnamon rolls will break your mouth. Thank you.

Mr. U`u: Thank you. Any questions? Seeing none, next up on the list is Georgiana Cook. Please state your name for the record.

Ms. Georgiana Cook: My name is Georgiana Cook. And I live and work at the Maui Dharma Center. I am a . . . Our Dharma Center has been mentioned a few times this morning already in reference to parking, which I am not here to speak about, which I will attend those upcoming hearings in the future. But I am here in support of Mana Foods as a good neighbor. We, both of us – both of our entities came to Paia around the same time. And we understand very deeply the difficulties, the challenges, how it is to wish for our organizations to grow, and expand, and serve the public in Paia with all of the various restrictions, the small town atmosphere to maintain that and all of that. So aside from joining all of the voices that have already spoken before me, I want also to say something about the trust, the integrity, the good character of all of the owners and the managers of Mana Foods. This cannot be overlooked or denied that they have worked very, very hard for many years to establish what they have established. They are to be commended for their humble good work, for their contribution to the community. And I just want to really support them in every single way possible to think of all of the challenges and the hardships that they had to go through, also feeling this kind of in the same way and being a public entity putting oneself out in front. Not many people have the courage to do that. And I think that this should be rewarded. So with that, I really appreciate your listening to me this morning, and hope that you will support this project. Thank you very much.

Mr. U`u: Thank you. Questions for the testifier? Commissioner Mardfin?

Mr. Mardfin: Is there any formal ownership arrangement? The same owners of the Dharma Center and Mana Foods? Or is it totally separate and it's an arm's length transaction on the parking or—?

Ms. Cook: We are totally different entities and we have separate ownership. Yes, the Maui Dharma Center and Mana Foods are two separate entities. We have a very professional, mutual, respected relationship.

Mr. Mardfin: Thank you.

Ms. Callentine: Yes, excuse me, Mr. Chair, I was just going to mention that the parking – there is a lease agreement between Mana Foods and the Dharma Center that is shown as Exhibit 17 of your initial report.

Mr. U`u: Anyone else wants to testify in the audience, please do so now. Seeing none, public testimony is now closed. Moving on to questions for the applicant. Are there any questions for the applicant? Commissioner Guard?

Mr. Guard: In respect to parking, is there any opportunity anywhere either at the Dharma Center or onsite to maybe add a few like a bike rack or something? A lot of people come there for one meal a day if we could get them to not drive into Paia. That might be a good one. I know we talked about that with the Paia Town Center, but they'd probably slowed down their ability to do their entire renovation. But that might be a good opportunity for you as a health food store to maybe consider that just as another benefit where eight parking stalls, I know you guys consume a lot of that lot. I mean, that place is packed every time I go in there.

Mr. U`u: Could you please state your name for the record?

Mr. Edward Thielk: Edward Thielk. And I think it's a great idea. Anything we can do to ease the parking situation. When we first started out, parking wasn't an issue because there wasn't much business. It slowly grew and changed, and now we're in a situation where parking is a critical issue. So I'm willing to do anything I can, personally, . . . (inaudible) . . . my business to improve that. Hopefully, David Spee will acquire the property next to the post office, and we'll be able to put in a parking lot in the interim zone or in the interim period of time while he's trying to get his permits to do what he needs to do there.

Mr. U`u: Commissioner Guard?

Mr. Guard: So I guess that could come back as part of the SMA issue, because the conditional permit is all we're really going to move forward today. Is that correct?

Mr. Hunt: Unless the conditional permit was where the parking – I mean, pardon me, if you wanted the bike racks in the parking lot, that would be appropriate to include it in that.

Mr. Guard: Oh, into the Dharma Center lot? Okay, if they were–

Mr. Hunt: I'm not sure where you're going. I'm just–

Mr. Guard: Oh, I was just – I mean, they have some room in front of the store. I mean, the Dharma Center, bikes tend to get pieced out pretty quick, too, so–

Mr. Thielk: I would assume in front of the store would be the best place . . . (inaudible) . . .

Mr. Guard: Okay, okay, we'll keep it as part of that.



Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: On page 11 of the report we got from the Planner, it says at the bottom, "Project Description, overall dimensions of the Mana Foods building is approximately 76 feet by 130 feet." Highest point approximately 25% above existing grade. And then it talks about a 35 height limit for country town business zoning, and a 30-foot height limitation, Paia-Haiku. Are you planning to go up in height or is it gonna stay at the 25 feet?

Mr. Thielk: It's going to stay right where it is now.

Mr. Mardfin: So it doesn't matter which criteria we're using?

Mr. Thielk: No, the height will never change.

Mr. Mardfin: Thank you.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: I have one other. In here on page 32, it referred to 98 workers that you have. Is that full – that couldn't be full-time? That must be a lot of part-timers?

Mr. Thielk: No, they're full-time. Ninety-eight is full-time employees. We have eight part-time employees.

Mr. Mardfin: And where do they park?

Mr. Thielk: They park in the Dharma Center and they park anywhere they can. The parking lot next door to us has become carpooling, bike tours. We find that after around 10:00 in the morning, it's usually full with our employees and employees on Baldwin Avenue. So we're really keen to get the parking lot from Spee above the next to the post office then we can have – my plan is to have all the employees on Baldwin Avenue to park there. And I'll pay for it. I'll insure it. I'll develop it. And all I want them to do is agree to park there. And I'm going to petition the Mayor to make it a two-hour limit in the existing parking lot because what we see there is, people park their cars there all day sometimes, and it becomes full after 10:00 in the morning, and there's nowhere for anybody to park. It's not productive. Meanwhile the private landowners who have parking are guarding their parking very, very astutely. They don't let anybody park there. And we find that that's creating a balkinization of Paia. We don't like it. I certainly take my share of the responsibility for it. I can't say that I created it. I remember last Christmas, Christmas Eve, Paia was closed. The parking lot was empty. We were open. The busiest day of our history. Why? Because there was no other cars around because there was no other activity. So the problem is always activities creeped up in Paia over the years. The only parking lot is next to us, which was – the owner before me sold that to the County. It was part of our property at one time. It was sold to the County as a deal because the County needed a parking lot. I'm ready to do my part when the opportunity comes. Whatever it takes. I'm only hoping that the opportunity comes soon.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: Just a comment: it may get even worse because about six months ago, we approved I think – is it Charley's Restaurant? They were gonna do – pave a parking? I don't remember who it was, but down at the bottom of Baldwin Avenue, there was gonna be some parking that they were gonna pave it and limit access to it and stuff. And so some of the people that park there might be shifting up.

Mr. Thielk: I'm just hoping that if David Spee gets his property, he's gonna get it soon. I'm hoping that the County won't stand in the way to put this temporary parking lot in. I hope what they do is basically get out of the way, let us put it in. We had a meeting with Mike Molina at one point. I offered to pay for everything, the insurance. I just wanted to keep the County out of it and let it be a private parking lot so that we don't have to wait for five years to get it done. We need it now, you know. We need it five years ago. And if I would've known the parking was gonna be as bad it is in Paia, I would've never put in – I would've never replaced the warehouse, the Quonset with a warehouse. I would've left the whole strip open for parking in there, and said, the heck with the loading zone. I put the loading zone in because I thought it was the best thing to do at the time because we needed a secure place that was out of the – off the street, away from everybody, and safe to run around with a forklift and all that, you know. I still sometimes, I still have crazy thoughts of ripping everything out, and putting parking in because we're just so – I'm so – I walk in the store in the afternoon and I see 10, 12 people in there. I could put that parking in that strip if I didn't have the storage. I never realized it was gonna trigger parking to have coolers and storage. I don't know anything about construction. I always thought if you have storage, this is just for people who work there to retrieve the goods that they're stocking. And then when they told me, well, you have to put parking in for all the storage, I was astounded because I had always thought you didn't have to. I'm glad to have the storage, but honestly, if I had to do it again, I'd probably go to Ralph Ikeda and ask him to rent me a warehouse space in the back of his place, and I'd leave that space empty and put parking there. If I take it all out there, I don't know if it seemed possible anymore, you know.

Mr. Mardfin: Thank you very much.

Mr. Thielk: Thank you.

Mr. U'u: Commissioner Sablas?

Ms. Sablas: I commend you on your operation and the community support. It's very heartwarming to see that, and for the number of employees that you have. My question is, what is your hours of operation?

Mr. Thielk: 8:30 in the morning till 8:30 at night.

Ms. Sablas: Okay, so if it's operating at night, why is it that you're not planning any lighting in your parking area for safety reasons?

Mr. Thielk: I would imagine that when we put in the application in that there will be lighting in there for sure of some kind. I haven't been in – making the application so I'm a little bit–

Ms. Sablas: I guess I'm reading, and correct me if I'm wrong, that no lighting or landscaping improvements are proposed. Is that correct?

Mr. Hart: Commissioner Sablas, Chris Hart. Actually, our intention is that for the parking, off-site parking at the Dharma Center, that we would be applying for a separate SMA permit, a minor permit. And in the context of that, we'll have to meet the requirements of Chapter 19.36 which is the Off-street Parking and Loading Ordinance. There is already quite a bit of landscape planting. We talked about that when we met with ZAED, a representative, but obviously, we will meet the requirements. At this time, when this application was submitted, there was an understanding at least which is a mistake on our part that the parking was approved for the Dharma Center, but apparently there was no SMA permit ever granted for it. And so that becomes our responsibility as well as getting the conditional permit, which we will do. And Francis Cerizo is who we met with from ZAED and they're very confident that the improvements that we would be doing could be done for less than \$125,000 so that we could apply for a separate SMA minor permit, which could be processed administratively through the Planning Department, but we first have to get the conditional permit. But we will provide lighting, if it's necessary together with planting.

Ms. Sablas: Thank you.

Mr. U'u: Thank you. Director Hunt?

Mr. Hunt: Edward, did you say that your suggestion was to limit the County parking lot to two hours? Is that the idea?

Mr. Thielk: I'd love to see that because I think that the parking lot use is too long term with cars being there several hours in the day. And this takes up all the parking there, and leaves it – puts a choke hold on it. And it's mostly employees on Baldwin Avenue, carpoolers, and the biking tours.

Mr. Hunt: Okay, I'll try and pass that on.

Mr. Thielk: I'd appreciate. Thank you.

Mr. Hunt: Also, I wanted to talk about the ATF issue. And I'm not here to punish or judge you, but – and I should make it clear, my wife and I support your store. We're some of the people that somebody referenced who drive over from Lahaina just to go to your store, so I really appreciate your store, but just to intellectually talk about the ATF fees, how did we get there? How can we prevent this from happening in the future? And I'm sure part of this is County permitting, but if we don't talk about this, you know, how can we solve it?

Mr. Thielk: Well, from my perspective, you know, I started out with – when I started out, I was 23 years old. I didn't have any money. I didn't have any knowledge of the situation. Paia seemed like a great opportunity. It was empty. It was dying. There was little or no enforcement going on from the County, frankly. And when we did see the County come at some point, they were really not interested in what we were doing. They were more – they would tell me, well, we were called out here on a complaint. We don't wanna bother you. We're just coming out to do our job. And there was a citation issued I think in 1986. In 1991 it was dismissed. At that point, the County just, frankly, just ignored us, which shocked me even to this day. I looked back on it and I could never figure out – Some of the people of the County told me that they thought that we had a – what did they call it? A restraining order and there was no restraining order of any kind. And for the first 15 years we're in business, to be totally honest, we were always close to bankruptcy. So the most

important thing was we were paying our employees first, our distributors second, and third, everybody else. And that's what we did. And frankly, when some of these improvements came about, I always intended, I always intended to have a permit, always, but I knew that if I waited for the permits, I'd be out of business. I knew it. I knew it. And I know it today too. I mean, it's not an excuse, but what do you do when you have guys working to 4:00, 5:00 in the morning every night because you don't have the property? So you have to pull everything out. We were selling so many things. We had to keep things here on the site. So we had nowhere else to put anything. We had nobody to rent a place. So we had a 200 square foot store room. We were pulling everything out at the beginning of the night sometimes to 4:00 or 5:00 in the morning. And our payroll was ballooned because of the inefficiency of our operation. But I had this dream that I would sit there and stew on it. I've always been an impatient person. You know, I mean, It's part of my nature. I just can't stand to see inefficiency. It makes me nuts. And when I say, inefficiency, I mean gross inefficiency to the point where I saw my employees suffering. I saw good people getting discouraged and leaving my operation. And I felt like I was a poor leader. I felt like I was a loser because I wasn't able to provide them with the basic necessities that they needed to operate and to do the job I was asking them to do.

To avoid in the future, I mean, if I was in the County government, and I was trying to . . . (inaudible) . . . the future, I would be more in touch with what's going on in these historic small towns – well, okay, not historic, but small country towns where we have these issues. We have these old, you know, forgive the term, "termite shacks," that need to be converted into a modern use. And the question is, can they be converted? Can these towns still live? Can they have life? And to me, the answer is, absolutely. Can we bring them to life? And if the County would've assisted me, would've worked with me, I felt like I was the – I don't think I have the right term, but I felt like I was the crazy old guy in the closet nobody wanted to deal with in the County. I just felt like I was discarded. That's how I felt like. I wasn't given the time of day from anybody in the County. They would always look at me like, what are you doing here? And I got tired of trying. I got tired of beating my head against the wall. I felt so like the prodigal son. Even to this day, it's really burns me when I think about it because I wanted nothing more than to have a legitimate business. It still to this day makes me crazy. I was raised to be – to have everything – to be very honest about everything. To have everything straight all the time and always obey the law. And I'm not a perfect person by far, you know, but I just felt like I was ignored and left. More just left, just discarded. Discarded is the way I felt. That's the word I felt. I don't know if I answered your question or not.

Mr. U'u: Thank you.

Mr. Hunt: I appreciate your candid comments. I really do.

Mr. Thielk: I'm sorry if it's too candid, but I don't–

Mr. U'u: Commissioner Guard?

Mr. Guard: This might be for the Director. I was kinda wondering the same thing. If they get the SMA permit, is that just kinda whitewashing the ATF issue, or is that just between them and the Building Department? I don't understand what you were trying to get to.

Mr. Hunt: My question was actually trying to understand how this particular situation developed so

then perhaps we could try and alleviate other conditions developing in the future. So it was more of an educational. In terms of the specifics on this situation, your job is to look at the permit before you. And the permit, once it's issued, it would alleviate any alleged violations of noncompliance. The Department is recommending support of all the permits.

Mr. U'u: Commissioner Hiranaga?

Mr. Hiranaga: Just to follow up this after-the-fact discussion, so the County will require the applicant to bring all his structures up to code, including electrical, plumbing? I'm not sure what an after-the-fact permit is.

Mr. U'u: Are you asking Public Works, Commissioner Hiranaga? Public Works?

Mr. Michael Miyamoto: Thank you, Mr. Chair. I'd have to confer with staff, to be honest, because I noticed in our comments on this application, we didn't mention a lot of these permits and everything. So I'd have to confer with staff after. If this moves forward, you know, if they are granted this after-the-fact SMA, we'll move forward on the other compliance issues.

Mr. Hiranaga: That's something they can look into prior to the SMA permit coming back to us, Public Works?

Mr. Hart: Excuse me, Mr. Chair. Chris Hart. Basically, because of the scope of the work, obviously, it doesn't qualify – the work does not qualify as a special management area minor permit in terms of the value and so on. And the – essentially, the determination was made that it would be a major SMA permit that would have to be applied for. But in the context of getting the SMA permit because the parcel is located within the special management area, then they would have to be a follow up application for permits to meet the standards, the Building Code, the Electrical Code, the Plumbing Code standards of the County as part of the completion of the process. The first thing is, the first development permit is essentially the special management area permit. The second part of it would be to actually get whatever other building permits, electrical permits, plumbing permits that are required, and to basically meet the requirements of the Building Code, but that will happen. Essentially, we're here because of the scope of the project, you know. And by virtue of the fact that it does exceed \$125,000, it has to be a major permit.

Mr. Hiranaga: Follow up question.

Mr. U'u: Commissioner Hiranaga?

Mr. Hiranaga: As part of the proposed improvements, will the applicant be installing a fire protection sprinkler system?

Mr. Thielk: A sprinkler system's been recommended, and that's what's in our application.

Mr. Hiranaga: Okay, thank you.

Mr. U'u: Any questions? Any more questions for the applicant? Commissioner Guard?

Mr. Guard: Just in regards to the size of the building and the front, was there any option for at least changing the color or anything to make it look like – or maybe the new vitamin shop looking like its own building to take away part of it?

Mr. Thielk: We've just been going with the recommendation of the Planning Department. And as far as I'm concerned, I'll paint it any color anybody wants as long as everybody can agree.

Mr. Guard: Well, I think it'll look – it looks like the Pioneer Inn right there, and it's a pretty big building.

Mr. Thielk: I actually agree.

Mr. Guard: So I think if even the one store and the two stores would look different – color, anything, the vitamin shop could be its own building. And then you might have to just increase the cinnamon roll baking shift because they're always out of those.

Mr. U'u: Any – Commissioner Hiranaga?

Mr. Hiranaga: Looking at drainage, there's a comment. I know you're putting in some additional drainage improvements, but you said the 1.7 cfs coming off the property will continue to flow into the street. And I'm just wondering where that 1.7 cfs is coming from.

Mr. Hart: Basically it's – in the context of Public Works' policy, it's water that's basically hitting the roofs of the building that are currently constructed. And basically that water is directed toward the street, you know, the roofs that basically shed water onto the street. And, you know, Public Works' policy is that the existing runoff can be allowed to continue, but we have to retain onsite any of the additional runoff created by the construction of the project, and that's what we're doing in this case.

Mr. Hiranaga: So the 1.7 cfs is coming from rooftops?

Mr. Hart: Yes, primarily. It's pretty much the – most of the site is built out.

Mr. U'u: Commissioner Mardfin?

Mr. Mardfin: That – based on the diagram that's – the drawing that's on the screen, it looks like a two-story structure. What's on the second floor?

Mr. Thielk: On the right side, you see the old existing – above High Tech, that is an 800 square foot upstairs. It's always been there. It's been there since–

Mr. Mardfin: What is it? Is it storage?

Mr. Thielk: Right now it's just storage and we also have a break room there for employees. The other side is just a facade. There will be no second story on the other side.

Mr. Mardfin: Okay, thank you.

Mr. U'u: Commissioner Hiranaga?

Mr. Hiranaga: Moving to the parking, why did the Board of Variances grant the reduction of 17 required stalls to eight?

Mr. Thielk: Why did they do that? What was their—?

Mr. Hiranaga: Why did the Board of Variances grant the variance reducing the required parking stalls from 17 to eight?

Mr. Thielk: Well, at the time, I remember Glenn Kunitake was the Chair, and he – based upon our agreement to always keep the loading zone that we have as a loading zone and not turn it to parking. Because it could accommodate the parking that's required or almost accommodate it. He said that he considered it more valuable for us to have a safe loading zone and never to change that. Based upon that, never to build on it, always for it to be open, always for it to be for loading, a secure loading zone on the property off the street. Our trucks back into there and unload with a forklift. Currently, that's how we operate.

Mr. Hiranaga: My question is, why did the BVA grant a variance to reduce the required off-site parking of 17 to eight stalls?

Mr. Thielk: Besides that, besides the Dharma Center, what the Dharma Center has to offer, there is absolutely no other options other than the Spee property that I just mentioned a while ago. And that's – there are no other options. There really – there are not. I've talked to every landowner in the area. There is no other options, currently, within the 400 feet.

Mr. Hiranaga: I don't think you're answering my question.

Ms. Callentine: Commissioner Hiranaga, may I be allowed to address that question?

Mr. U'u: Planner Livit?

Ms. Callentine: The Board of Variances and Appeals has to look at standards and procedures. They use specific standards and procedures. In this case, standards for reviewing comprehensive zoning. In their rules, they are authorized to grant a variance from the provisions of 19.36 for designated number of parking spaces when, and there's three conditions that have to be met. And one is that there is an exceptional, unique or unusual physical geographical condition existing on the subject property which is not generally prevalent in the neighborhood or surrounding area, and the use sought to be authorized by the variance will not alter the essential character of the neighborhood. B, that strict compliance with the applicable provisions of this title would prevent reasonable use of the subject property. And C, the conditions creating the hardship were the result of previous actions by the applicant. So the Board did find all three of those requirements to have been demonstrated by the application for a variance which is why they granted. Now, I don't know why went from 17 to eight.

Mr. Hiranaga: I guess to expand, I guess it says there's 30 stalls on that property. The Dharma Center, there's 30 stalls. So I was just curious why you weren't able to lease 17 stalls.

Ms. Callentine: The Dharma Center lot is gravel, first of all, so there's no striping. So you couldn't count them that way. But as far as the area, I really doubt if you could fit 30 cars on that site.

Mr. Hiranaga: But the staff report says there's 30 stalls. I didn't make it up.

Mr. Thielk: Maybe that was before the temple went up, the Stupa went up.

Mr. U'u: Commissioner Shibuya?

Mr. Shibuya: I was a Board of Variances and Appeals' Member at that time, but I don't speak for the Board of Variances and Appeals. I speak for what I had heard in terms of the findings of fact and how we arrived at our decisions. I can address that in the sense that all of our historical or older towns, communities such as Lahaina, Paia, and maybe even Kula maybe even next, there's Wailuku Town, parking is always a problem. Has been and will continue to be. What we need to do is start looking at ways in which the County perhaps can obtain some properties and/or provide for some – with some partnerships, with some private entities to construct some parking structures, or have shuttles in and out, or through that where the people can probably park in another location and have the shuttles shuttle the individuals, the customers, around. Another one would be in terms of providing mass transit systems with servicing shuttle services to the various historical areas. Haiku would be another one. Makawao Town would be another. All these have the same individual identical type parking problems.

When we looked at this in terms of how to come up with that 17 versus to eight, we looked at the total capacity of it. And it's not the parking lot for all of that individual provider. I mean, it's not only for Mana Foods. It's for all of the people within that area. So you have to make a judgement in terms of – I had to choose in terms of how we arrived at some balance, and divide it because the next problem would be another owner might say, well, you gave them all of it, so where's mine? And so we have to share some what we thought was the most equitable way of distributing the available space there. So the recommendation again, it's very simple. We came up with eight. It was agreeable with all of the Members. The other fact that we still – the Members signed it too. We sent a letter to the Council asking for some relief or some solution where they could start investing in parking structures at all of these country town areas: Makawao, Paia, Lahaina, Kula, Wailuku. Start doing that. So that issue has not been brought up since I left the Board of Variances and Appeals. Does that help?

Mr. Hiranaga: It helps.

Mr. U'u: Thank you, Commissioner Shibuya. Staff Planner Livit?

Ms. Callentine: Commissioner Hiranaga, were you referring to Exhibit 17, the parking lot lease agreement that in the second paragraph states that there are approximately 30 parking spaces on the lot at 81 Baldwin Avenue?

Mr. Hiranaga: Yes, I think that's where I got the number.

Ms. Callentine: Thank you. Staff did not confirm that primarily because there was only a request for eight parking stalls, and we did confirm that those were available, and the variance was granted



for eight stalls.

Mr. U`u: Thank you. Questions? Commissioner Mardfin?

Mr. Mardfin: I think this is for Staff Planner Livit. About six months ago, if my recollection holds, we were dealing with a situation in Lahaina, and I know the Director will remember this, where people were asking for – there was a store there, and they wanted an off-site – count off-site parking. And after a whole lot of questioning, we found that they could double, triple, quadruple, what's next, quintuple, the counting of it because they were using a paid parking area. And they were saying, okay, this store can count these, and then they could go to another store, and another store, and another store. So it was really, in my opinion, a bogus kind of thing. The Director convinced me, sort of, that it was necessary because he didn't want to build new parking structures there. I wasn't pleased with the answer, but I understood the answer at least. Are we double, triple, potentially, double, triple counting here?

Ms. Callentine: The attempt – I'm sorry, the off-site parking agreement contains a condition that a unilateral agreement will be recorded against both the Mana Foods parcel and against the 81 Baldwin Avenue Dharma Center parcel. Those stalls are not to be double leased. I have not yet inquired with the applicant or with the Dharma Center representative whether they have a lease with anyone else, but staff will check on that, and make sure that there's not a double gifting going on.

Mr. Mardfin: Thank you.

Mr. U`u: Commissioner Shibuya?

Mr. Shibuya: Thank you, Commissioner Mardfin. I did not wanna bring up that issue there in Lahaina, but yes, since you brought it up, it's called phantom parking. And that phantom parking is an integrity issue. And that's what the Board of Variances and Appeals – we were very much aware of this. And that's what we wanted to avoid. And so you have a given amount of space, and you have to come up with a judgement as to what's the fairest way of numbers that you can allocate to the various owners and stores in that area. That issue really came to light when we started looking at Tony Roma Ribs. And that was the issue that really broke the camel's back. And we wrote a letter to the County Council. Phantom parking in my mind, and I'm speaking for myself, is actually not really an acceptable solution. Absolutely. And it's an integrity issue with me. And that's not right. We should not be going in that direction. Thank you.

Mr. U`u: Questions? Commissioner Hiranaga?

Mr. Hiranaga: Yeah, one last comment about the parking because I am fairly familiar with the so-called phantom issue parking – phantom parking issue. I guess, can we just ask that you agree to instruct your employees not to use those eight stalls?

Mr. Thielk: Yeah, we can do that. You mean, you wanna let them for public parking is what you're saying?

Mr. Hiranaga: Customer parking.

Mr. Thielk: Yeah, I mean, excuse me, for public parking. Well, wouldn't it be better for them to park there than the parking lot right next to the business?

Mr. Hiranaga: Well, you have no control over the County parking lot, but you do have control over those eight stalls that you're leasing. And the purpose of off-site parking is to provide some parking for your customers. And if they're always filled by employees—

Mr. Thielk: Yeah, and this is why we're so keen to get this parking lot above so we can have our employees park there, and then we won't have this problem. Now, in any way you wanna cut it, there's so many cars there at any given time. If you've been to Paia, there's a big problem. And no matter what we do, if we don't add significantly more parking, the problem's gonna continue, and it's gonna get worse. It's bad for — it's very bad for us. It's the number one complaint we have in our business, the number one complaint, and everybody says it. Even when I come in, in the afternoon, I can't find a space. I understand the problem very, very, very, very well. I don't — I mean, I'll agree to what you're requesting, but I honestly don't agree personally, because I think that if I have ten employees at any given time, and they're parking at the Dharma Center as opposed to the parking lot, I don't frankly see the difference, with all due respect. I mean, I don't mean to—

Mr. Hiranaga: Or you can urge your employees to use other means to come to your store besides automobiles.

Mr. Thielk: We do. We do, vigorously. And we were actually paying people to park down at the other parking lot at the other end of town. Unfortunately, security there is a little bit weak, and some of the cars were being broken into so most people, most employees don't want to park there any more. We had several people parking there. We were actually paying them a stipend to park there every month, but it kinda dissolved when the cars started getting broken into.

Mr. Hiranaga: I guess a question for the Director: when you have these parking requirements based on floor area, there's no differentiation between who uses it? Customers or employees? Or is the intent to provide customer parking?

Mr. Hunt: It usually incorporates both. So you have to park the — generated demand for parking from that use and that would include customers as well as staff.

Mr. Hiranaga: I believe it's one stall for every 500 square feet of every retail space?

Mr. Hunt: I'd have to check on that.

Mr. Hiranaga: But it doesn't require that it be for customers?

Mr. Hunt: I don't believe it's allocated specifically for that.

Mr. Hiranaga: Okay, thank you.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: I think this is for Chris. I'm not sure. Maybe it's Planner Livit. Exhibit 6, is a letter from

the Department of Fire and Public Safety, Fire Prevention Bureau, the last paragraph of which says – well, maybe the last – “The Fire Department has not performed an official inspection of the facility since August 2001. When it was learned they didn’t have a certificate of occupancy, it was assumed the owner would attempt to obtain a certificate of occupancy in a timely fashion, and another inspection would be made.” Blah, blah, blah, blah. “It’s my understanding the business continues to operate with a certificate of occupancy.” Is the intention of the Building Department – of the Planning Department that if we grant these SMAs and stuff that we’ll – I mean, we don’t have to actually have to shut the place down until they get a certificate of occupancy or anything like that?

Mr. Hart: You know, obviously, there’s portions of the project that have received building permits in the past, okay? And, you know, as I indicated because the property is located in the special management area, and the scope of the work requires a major permit, the first development permit is the SMA permit. Then, the building permits would be issued and plumbing permits and electrical permits. And as a result of the inspection process at the end, the applicant would apply for a certificate of occupancy for the building, but we have to go through that process. And you have to understand that it is – this is the grace that we’re asking the Planning Commission and the Planning Department in the context of this project to allow the SMA permit to get issued, and to allow us to go through this process, and to actually make – bring about compliance with regard to the project.

Mr. Mardfin: That makes sense to me. What do we have as a timeframe for when they would probably be eligible for the certificate of occupancy?

Mr. Hart: Well, now that – the first thing is we have to have the Planning Commission hearing on the SMA permit. And hopefully, there’s no intervention and that can be done. And then we have to go through the process of obtaining the conditional use permit. Then, we have to come back to the Planning Department, and the Planning Director would schedule this as a communication item. Its had its hearing already, and then the SMA permit could be granted for the project. Now, work is being done already in the context of processing building permits and so on. So it’s not – that process can’t be completed, though, until after the SMA permit is granted.

Mr. Mardfin: Are we looking at five years?

Mr. Hart: I would hopefully say that, you know, something like this with the goodwill that Mana Foods has that we could probably get through the County Council – like they’re ending the budget process say by, you know, the end of summer, something like that, we could get through, and then we could come back. And then I think once it gets on the Planning Commission agenda, I personally feel that by the end of the year or the first quarter of next year, you know, we should be able to get all the building permits issued.

Mr. Mardfin: And then the building would take how long – get the permits?

Mr. Hart: To get the building permits?

Mr. Mardfin: No, no, no. After you get the building permits, how long will construction take?

Mr. Hart: Go ahead.

Mr. Thielk: Construction at that point will – we would think it's gonna be between six and eight months, from the way it looks. We're gonna do it in phases. For the most of it, a lot of it's done. It's just that there's some critical things that have to be done and the store has to keep running. So we'll have to do it at night and early mornings. But I've been talking to Brian Esplen, our building consultant. We have an outline plan. We're waiting to see what the Building Department says and what other requirements might come. We can't make solid plans right now till we have all of that in front of us. But we feel confident we can complete it in six to eight months.

Mr. Mardfin: So with going through the Council, and coming back to us, and all the rest of the stuff, we're looking at maybe two years rather than five years?

Mr. Thielk: I would think – I would hope it would be done quicker than two years, but on the other hand, you know, you're probably right, yeah.

Mr. Mardfin: Thank you.

Mr. U`u: Commissioner Guard?

Mr. Guard: So, Chair, are we looking at the conditional permit recommendation is the one thing we can do today? Is that correct?

Mr. U`u: Correct. Any questions? Commissioner Shibuya?

Mr. Shibuya: I just wanna confirm here that there were two statements here on the exhibits that we received. One is Ms. Taylor, a professional engineer that says there's a 12-inch waterline in the area. And then there's another one saying that the Mana Foods Store is serviced by an eight-inch and six-inch waterlines. I just wanna make it clear that it is not the 12-inch waterline. Can I confirm that with you? Or is it–? What is it?

Mr. Hart: Commissioner Shibuya, it's an eight-inch line.

Mr. Shibuya: It is one eight-inch line. Okay. Thank you.

Ms. Callentine: The Department – if I could, Mr. Chair, the Department of Water Supply stated that the property was served by one six-inch and one eight-inch waterline, and three fire hydrants along Baldwin Avenue.

Mr. U`u: Thank you. Any questions for the applicant? Seeing none, can we have the recommendation by staff?

Ms. Callentine: In regards to the conditional permit, the Planning Department finds that the proposed use meets the criteria for the issuance of a conditional permit. The parking use is similar, related and compatible to uses in the surrounding areas. Will be in harmony with the area in which it is located, and will not be significantly detrimental to the public interest, convenience or welfare. Regarding the special management area use permit and the off-site parking approval, the conclusions of law will be analyzed after action is taken by the Maui County Council on the conditional permit. The Department recommends that you do recommend to the Maui County

Council approval of the conditional permit and is subject to six standard conditions which are shown in your recommendation report. If you need me to read them, let me know.

Mr. U`u: I don't think we need. Do you have a recommendation about, Commissioner Guard, with the bike rack?

Mr. Guard: I was going to say, can you add that to the SMA side? It's gonna be onsite. Just to make sure it doesn't impede pedestrian traffic. So that might be later but-

Ms. Callentine: Yes, I took note of that request and I conferred very briefly with our Deputy Director of Public Works. And we are both of the opinions that there's not room in front of the store. I'm questioning whether there's actually room on the site where it would be visible.

Mr. Guard: That's why I was wondering if in front of the vitamin shop if it was stepped back. I can't really tell from the two renderings.

Ms. Callentine: It's currently not stepped back. And that was one of the design related comments that the Planning Department gave which is the country town guidelines really are looking for a cohesive front setback. So I'm not sure that we could - that that could be accommodated.

Mr. Guard: For now, I recommend approval to the County Council for the conditional use permit.

Mr. U`u: We have a recommendation by John - Commissioner Guard, seconded by Commissioner Shibuya. And the Director is gonna inform us of what we are approving.

Mr. Hunt: The motion is to recommend approval of the conditional permit to the Council, and then the Council would have the final action on that.

Mr. U`u: Discussion? Seeing none, call for the vote. All those in favor? All those opposed?

**It was moved by Mr. Guard, seconded by Mr. Shibuya, then**

**VOTED: To Approve the Recommendation to Recommend Approval of the Conditional Permit to the County Council.  
(Assenting - J. Guard, W. Shibuya, K. Hiranaga, W. Mardfin, D. Domingo, L. Sablas)  
(Excused - W. Hedani, J. Starr)**

Mr. U`u: Congratulations. Thank you.

Ms. Callentine: Now, do they need to - did you include in that motion, a deferral of the SMA and the OSP? So you need to have motions for those as well.

Mr. Guard: Move to defer SMA and the special use permit.

Mr. Mardfin: Second.

Ms. Callentine: No, not a special use permit.

Mr. Mardfin: SUP, is that what you said?

Ms. Callentine: No, I'm sorry, the off-site parking. I said OSP, off-site parking approval.

Mr. Guard: Oh, OSP.

Mr. Mardfin: Second.

Mr. U`u: We have a motion to defer both items and a second. A motion was made by Jonathan Guard, Commissioner Guard, second by Commissioner Mardfin. All those in favor? All those opposed?

**It was moved by Mr. Guard, seconded by Mr. Mardfin, then**

**VOTED: To Defer the Special Management Area Use Permit and Off-site Parking Approval.  
(Assenting - J. Guard, W. Mardfin, K. Hiranaga, D. Domingo, W. Shibuya, L. Sablas)  
(Excused - W. Hedani, J. Starr)**

Mr. U`u: Thank you.

Mr. Hunt: For the record, we'll record that as unanimous votes for both of those motions.

Mr. U`u: At this time, the Commission is gonna take a lunch recess until one o'clock.

(A lunch recess was called at 11:55 a.m., and the meeting reconvened at 1:00 p.m.)

Mr. U`u: The Planning Commission meeting of April 28, 2009 is now in order. We're gonna turn it over to the Director for the next agenda item.

## **B. PUBLIC HEARINGS**

- 4. DORIS TODD MEMORIAL CHRISTIAN SCHOOL requesting the following as part of the Doris Todd Memorial Christian Day School Long Range Plan for Facilities for 3.432 acres of land situated at 519 Baldwin Avenue, TMK: 2-5-005: 020 (por.), 044, and 052, Paia, Island of Maui : (R. Loudermilk)**
  - a. Community Plan Amendment from SF Single Family to Public/Quasi-Public (CPA 2006/0008)**
  - b. State Land Use District Boundary Reclassification from the Agricultural District to the Urban District (DBA 2005/0004)**
  - c. Change in Zoning from Interim District to Public/Quasi-Public District. (CIZ 2005/0007)**

Mr. Hunt read the agenda item into the record.

Ms. Robyn Loudermilk: Good afternoon. Myself and Raymond Cabebe from Chris Hart and Partners would like to do a power point presentation.

Mr. Cabebe: Good afternoon, Commissioners. Okay, what is before you is the applications for district boundary amendment, community plan amendment, and change in zoning for the Doris Todd Memorial Christian Day School. And I just wanted to give a little bit information about the school. And then we'll go through the applications, and some information about the subdivision that's associated with the reason for why they're going through this change in zoning, and community plan amendment, and district boundary amendment.

The school actually started as a Paia Baptist Christian Day School and was established about 53 years ago by Mrs. Doris Todd and her husband, Edward Todd. After her death in 1965, the school was renamed and the school moved to that present site in 1961. So they've been there about 28 years. And they are a fully licensed school. The school has approximately 145 students that varies year to year, from preschool through eighth grade. And they have a staff of 23, and they begin school at 7:50 to 2:15, Monday through Friday.

They originally applied for these applications in May 2005. At first, they didn't realize they needed – also needed a community plan amendment. So that was done in 2006. And so it went through an environmental process, Chapter 343 process, that required a draft environmental assessment which we submitted in January 2007. It was reviewed by the Planning Commission in June 2008. And there was a FONSI determination, a finding of no significant impact by the Maui Planning Commission on January 2009.

Okay, this project is located in Paia along the north shore of Maui in an area known as Upper Paia. As you can see, it's situated above the old Sugar Mill and below the Paia Elementary School right next to the present Skill Village along Baldwin Avenue.

Now, the reason they're going through this process is that this whole site of the school is leased from A&B, and it's actually over three parcels: Parcels 44, 52, and a portion of Parcel 20. And A&B Hawaii has applied for a subdivision to allow the school to acquire the site. And the final subdivision approval is conditioned on compliance with Section 18.04.030 which requires consistency with land use, with all the land use designations.

This is the subdivision – oh, no, this is the tax map. I'm sorry. And the parcel lies right in here, the small area here. There's a blowup of it. The Parcel 44 and 52, and Parcel 20 is this whole area in here bordered by Holomua Road, Baldwin Avenue, and this old plantation road here. It's about a thousand acres. And the Doris Todd School site sits right in there. This is the subdivision map showing the Parcel 20, and the Parcel 44 and 52 down here. This is a blowup of the site: 3.432 acres.

We have a master plan for the school. And this is the site plan. This is the church building here, the existing church building. It's used also for church services on Sundays. And we also have the school offices in here. It was used at one time for classrooms, but now they've built these classes, these three classroom buildings for I think the kindergarten, first grade, and it goes five, four, all the

way to grade eight up here. And this is the future library/media building that they're looking to build in the future. There's also a pavilion that's another future structure. There's an existing basketball court that sits here.

The applications for the site is all designated agricultural under the State land use district. And they're seeking a change in that to 3.432 acres into urban. The Paia Community Plan is single family. The part that sits outside of Parcel 44 and 52, that's 2.412 acres. They're changing that from single family to public/quasi-public. And that whole area is interim since the district boundary – the State designation is different from the community plan. So that's why it's zoned interim. So that's going from interim into P-1, public/quasi-public.

This is the zoning map. It's been State agriculture since 1963, since the State plan was adopted. In the Paia-Haiku Community Plan, the 1983 version and the 1998 version, it's zoned public/quasi-public and single family. And it's County interim as I stated before. The State land use map is ag. This is the area right here. And we're seeking to change that to urban. And the community plan for this section is already – the Parcels 44 and 52 is already public/quasi-public. So we're seeking just for the section out here, that section there, a change from single family to public/quasi-public. . . . (inaudible) . . . County zoning from interim to public/quasi-public.

This is a 1957 aerial showing the area around where the Doris Todd Memorial Christian School exists today, but it's surrounded by mostly by residential properties, the old plantation camps. I think this is the Store Village, Skill Village on this side, Nashiwa Village up here, . . . (inaudible) . . . Village here. I think Skill Village extended down over here. And there's like Spanish Village and Hawaiian Village on this side. The Old Paia – or not the Old, but Paia School is still there, but it's up here. Holy Rosary is up here. This is what it looks like today. The only residential area left is Skill Village. All the other camps have been converted to sugar cane.

So as far as agricultural resources, the site was never used for commercial sugar cane cultivation, and therefore was not evaluated by Land Study Bureau and the ALISH programs did not consider it for classification, ag classification. So the site does meet standards and criteria to be designated important agricultural lands. And the surrounding lands are community plan single family. Right now I'm going to turn it over Robyn to talk about Act 124.

Ms. Loudermilk: Yeah, Act 124 basically amended the State Land Use Law, Chapter 205 in 2008. And what this Act did was develop a new section within the State Land Use Law under the classification of lands contiguous to State agricultural district lands. This Act requires two mandatory conditions of approval should a reclassification meet the criteria of being contiguous to State agricultural district lands. The State land use district boundary request before you today meets this criteria.

So this is the first condition that's gonna be required for the district boundary amendment. And basically, it's a right to farming-type of provision to insure that the applicant is fully aware that they are surrounded by ag lands that may be in agricultural production, and that the surrounding lands are required to be maintained until converted. And then the second mandatory condition is a notification to perspective developers or purchasers about that provision on the property. So this is something new. I believe this is the first district boundary amendment coming before you since the Act was passed that meets this criteria. So I just wanted to take a few minutes to acquaint you



with this as they are also gonna be conditions of approval for our State land use district boundary amendment. So I'd like to turn it back over to Raymond.

Mr. Cabebe: So this is the draft Maui Island Plan for the proposed General Plan. I'm just showing you that the site is within the urban growth boundaries. It sits right here right next to Skill Village.

So in summary, the applicant is requesting a State land use district boundary amendment from agricultural to urban, and community plan amendment to single family to public/quasi-public just for a portion of that site, and a change in zoning from interim to P-1, public/quasi-public. And these requests is required for consistency for the subdivision to proceed. And in conclusion, the environmental assessment process, there was a FONSI determination by this Body. There were no negative comments that were received after it was published. So we are asking for a recommendation of approval from this Body. Thank you.

Mr. U'u: Questions for the applicant or Robyn?

Ms. Loudermilk: I would just like to add that since the report was signed and distributed, the Department has received four letters in support of the proposed application, and I believe those were provided to you this morning so I just wanted to note that.

Mr. U'u: Thank you. Questions for the applicant? How about we open it up for public testimony? You'll be allowed a maximum of three minutes. Please state your name prior to speaking.

(The following testimony was given previously during the meeting.)

Ms. Jocelyn Perreira: Thank you very, very much. I just wanted to put in a favorable support for the Doris Todd Christian School. They're trying to get their zoning passed so that they can have an expansion to the school. I did and have been discussing this issue with Alexander and Baldwin representatives to make sure that it's not just a situation where they're trying to get the zoning changed and then the school not actually gonna be benefitting. And have received that assurances that that was going to be the case. I hasten to add in tracking this, the Paia area, and watching it carefully, the school is already utilizing some of the property to its benefit. And I know that school is also a very popular entity for not only Paia but whole up Upcountry. And I think some people even come from as far away as Kihei to the school, so they do need to have an expanded campus. So your favorable response on their behalf is appreciated. And thank you for your time and your hard work.

Mr. U'u: Questions for the applicant? Seeing none, thank you.

Ms. Perreira: Mahalo.

(That concludes testimony given previously during the meeting.)

Mr. U'u: And the first one we got on the list is Ryan Hanscam. Don't be shy. He doesn't bite. Okay, the first four. You know, I wish adults was as smart as you guys. State your name for the record.

Mr. Ryan Hanscam: Ryan Hanscam.

Mr. U`u: Go ahead.

Mr. Hanscam: Vice-President U`u and Members of the Planning Commission, my name is Ryan Hanscam, and I'm a seventh grader at Doris Todd Memorial Christian School. I have attended the school since kindergarten. This school has been very influential in my life and in the community. My family's lived in Paia for over 70 years. Many of our family members and friends have attended this school over the years. These people have gone on to very successful careers in areas such as business, law, science, and medicine, and many more thanks in part to Doris Todd. I hope the school can continue serving the community and would appreciate your support in doing so. Thank you.

Mr. U`u: Thank you. Questions for the testifier? We have a question.

Mr. Mardfin: I just wanted – how old did you say you were?

Mr. Hanscam: I'm 12.

Mr. Mardfin: And you're in what grade?

Mr. Hanscam: Seventh.

Mr. Mardfin: Thank you.

Mr. Hanscam: Okay.

Mr. Mardfin: You speak very well.

Mr. U`u: Good job. Thank you. Next testifier, please state your name.

Mr. Jacob Hara: Jacob Hara. Hello, my name is Jacob Hara. I'm in the seventh grade. I have been attending Doris Todd School since preschool. I really enjoy going to Doris Todd. The teachers are very nice and I learn a lot from them. The students are friendly and I feel happy when I'm with them. Last year, the school started a band program and has become my favorite class. Thank you.

Mr. U`u: Questions for the testifier? Seeing none, thank you, Jacob. Next?

Ms. Sarah Aiwohi: Sarah Aiwohi. I am a student at Doris Todd and I'm an eighth grader. I have attended this school since second grade. And I'll be graduating from Doris Todd next year and will be attending Kamehameha School. Doris Todd has helped me increasingly in preparing for high school. And this is one thing that I, along with others, have benefitted from attending this school. Thank you.

Mr. U`u: Thank you. Questions for the testifier?

Mr. Mardfin: I wanna ask this nicely: do you think you're one of the better students in your class, or are you more like an average student in the class?

Ms. Aiwohi: Average student.

Mr. U`u: Thank you.

Mr. Mardfin: Thank you very much.

Mr. U`u: Next testifier?

Ms. Courtney Hamrick: Hi, my name is Courtney Hamrick. I'm in eighth grade and I've been attending Doris Todd since I was in sixth grade. And being at this school has really helped me and I'm going into high school next year. And it's really prepared me especially being in our new classrooms. We're able to do a lot more like especially like with science. We can do more experiments and stuff like that. But, yeah, Doris Todd's a really great school and I hope that you will help us.

Mr. U`u: Thank you. Any questions?

Mr. Mardfin: What's your favorite subject?

Ms. Hamrick: Science.

Mr. Mardfin: We need good scientists these days.

Mr. U`u: Thank you very much.

Ms. Hamrick: Thank you.

Mr. U`u: They did awesome. Next on the list is Ms. Mabel Todd. Please state your name for the record.

Ms. Mabel Todd: My name is Mabel Todd, Vice-Chairperson, Vice-President U`u.

Mr. U`u: Can I vote now? I'm kidding. I'm kidding.

Ms. Todd: You've actually seen a history of our school. I was very privileged to come in 1957. The school had only started the year before. And so now I'm the old grandma there. And I get to give hugs and all those special things. Just you already saw the history, but we're just so thankful. You know, Doris Todd passed away in 1965. She was only 42. And that's why our school is named Doris Todd Memorial. She, as a person, would never want a school named for herself, but she'd gone on to heaven so she didn't have anything to say about it. And we even had high school. We had high school for ten years in the '80s and then dropped back. Now we're currently preschool through eighth grade.

In about the early '90s, we started a building program. And in 2001, we had groundbreaking. And

my husband, Ed Todd, I'm his second wife, Doris was his first wife, Ed Todd was there for the groundbreaking. It was a very exciting day. And in 2002, preschool and kindergarten moved into their new classrooms. It took us till 2006 before every other grade had a classroom, but those classrooms now are debt free. And we are just so thankful for that. And so I wanted to say to you that when you go to Mana Foods to get your cinnamon roll, just drive another mile up and come in and tell Leslie that I promised I would show you around school, give you a little tour. I want you to see our beautiful campus and our buildings. We've just been so blessed. And so we're asking if we can own the land that those beautiful buildings sit on. Thank you very much.

Mr. U`u: Thank you. Questions? Commissioner Mardfin?

Mr. Mardfin: Your students are very articulate, and intelligent, and I think maybe modest. Are they some of your better students or would you say they were average?

Ms. Todd: Yes, I would say maybe they're average to better, but look, all our students are average to better, I think. Yes, yes. You know, one thing we do have is a speech meet every year. So as soon as you're a third grader, you have to perform in the speech meet. That's an incredible thing for young people. I couldn't talk like they can talk when I was a youngster, yes.

Mr. Mardfin: I think they did a wonderful job. And I've been a college professor for many, many years, and a high school teacher for a few years, and I'm very impressed by them. Congratulations.

Ms. Todd: Thank you, sir.

Mr. U`u: Thank you. Next on the list, I can't – it might be spelling or my eyes, but the last name is Winkler. Please state your name for the record.

Mr. Phil Winkler: My name is Phil Winkler. Distinguished Planning Commission, I'm Reverend Phil Winkler, former U.S. Air Force Colonel, fighter pilot, and now, Pastor of the church that meets at Doris Todd School. I've been here on Maui for about 16 years. I came as the field director of . . . (inaudible) . . . Mission in St. Louis, Missouri. My ministry among other things initially included the administration and oversight of the school's missionary teachers and staff. And I have been a member of the board on the school for that entire time. I am familiar with the current land use change proposal before you. My wife and I taught – my wife has taught at Christian schools. I have been on several other boards of Christian schools in the United States on the Mainland prior to moving to Maui. It is my pleasure to share with you some of the – my observations concerning this school, and I think you've seen some with some of our students already.

As you could maybe surmise, the campus is not like most schools being noticeably quieter even in recess. The children are very polite and courteous as they interact with one another. They respect and politely address each teacher as well as every adult that comes on campus. Our students are a good cross section of the Maui society and with that comes many normal problems that families have. As a Pastor dealing with the family dynamics, I know some children have less than ideal situations at home. And I've personally counseled with parents going through difficult divorce situations which causes children to struggle. And it's hard on the children as well as the parents. But I've seen those children being effectively empowered to deal with those extremely difficult parental relationships primarily by their teachers and the staff at Doris Todd School. I know

these same teachers and staff have been instrumental in helping numerous families, and those families that have rebellious children have had those children turn completely around. I've seen those keiki grow and become loving mature students.

Our academic program includes bible memorization, and with that Christian principles are taught with every subject. And I have been privileged to see that those provide sound fundamental skills for dealing with life for these children. The academic goals for excellence for all our students I think has been demonstrated here this morning. It's a matter of fact. That's our record. The students' SAT scores are well above the national norm. The school is now accredited and is always looking to improve the already excellent academic program that exists. I wish to assure you and our future families that we will do everything that we can as board members of the school that the school will be prepared to compete with and provide the required education in the future for all those children with the science oriented and computer dependent society that they will be growing up into.

Mr. U`u: You have to wrap it up, sir.

Mr. Winkler: I have been – it's been a pleasure for me to work with this group. And I consider it a privilege to work with dedicated teachers and staff, and literally hundreds of volunteers that help out at the school. I do ask that you would pass this proposal.

Mr. U`u: Thank you. Questions for the testifier? Commissioner Mardfin?

Mr. Mardfin: A quick one: you said you were accredited. What organization is accrediting?

Mr. Winkler: ACSI is the accrediting – Association of Christian Schools International.

Mr. Mardfin: Okay, you're not accredited by WASC, Western Association of Schools and Colleges?

Mr. Winkler: No.

Mr. Mardfin: Okay.

Mr. U`u: Any questions? Seeing none, thank you. Next up is Cindy Hanscam.

Ms. Cindy Hanscam: Thank you, Vice-Chair U`u and Commission Members for your time today. My name is Cindy Hanscam, formerly Cindy Nakata. And I've lived in Paia cumulatively for over 30 years. And I've helped run the Nakata Store over the last eight years, I guess. I am an alumni of Doris Todd School, and a parent of one former student, and I have two current students there right now. I'm here to ask for your support in the rezoning request.

Doris Todd has had just an enormous impact on my family and the island community as you've heard in its mission to provide quality education while instilling great moral and high values in living. I have personally benefitted from this school, and I'm forever indebted to them for showing me and giving me tools to continue in my daily life and my career. And with the foundation basically laid for me at the school, I've been able to be successful in different career paths and currently I'm an obstetrics nurse at the Maui Memorial Hospital.

I've served as an executive board member of Paia Main Street Organization for – since 2000. And I've worked with Jocelyn Perriera and you did get a chance to hear from her earlier. So I just wanted to make sure that you understand that it is keeping with the Main Street goals of making the town a better place to which to live and to work and to play. Schools promotes along the same lines as the Main Street Organization, the Hawaiian value systems, and I just wanted to kind of rattle off values of kokua, help; laulima, cooperation; kuleana, responsibility; lokahi, harmony; `ike, recognition; ohana, family; pono, to make things right; and aloha, love and affection.

In terms of community planning, Doris Todd has always been considered an integral part of the community. And it's always incorporated in the strategic planning of Paia's long term vision for Paia. It is something that we value in the community, and I can attest to that being a resident and a former business – or current landowner who has business interest in Paia. Having the quality education that Doris Todd provides only makes the town better now and today and forever more. And so I thank you again for your time and thank you in advance for your support.

Mr. U`u: Any questions for Cindy? Seeing none, thank you. Next on the list is Ray Kokubun. Please state your name for the record.

Mr. Raymond Kokubun: Good afternoon, Vice-Chair U`u and Members of the Planning Commission. My name is Raymond Kokubun. And thank you for allowing me to provide testimony on behalf of Doris Todd's School. I'm a retiree of the County. I retired in 2003 after more than 28 years of service in the Department of Personnel Service the last 13 of which was as the Director of Personnel Services. I wanna speak on behalf of the school as – in three parts. One, in regards to a long time resident of the Paia-Kuau area, and the second as a father of three children, and finally, as a board member for the Doris Todd School.

You know, Doris Todd School has been kind of a shining light in Paia. You know, I moved to Paia in 1952 quite a while ago. And in the '60s, if you know your history about Paia, the town was actually dying. Someone from Mana Foods said that. And Paia was – you know, all the mom and pop stores were moving out because it affected – A&B was getting out of the housing business and going to "Dream City." People were moving to Dream City. And during that era, Doris Todd School was starting to grow. It was kind of unusual. You know the town was dying, and the school was there. And in hindsight, it was a good move. It's always been a boon to the community. It has a preschool where people can drop off their kids. It's – you know, I met my wife through the school, so that's another thing, and that's a good thing.

The other thing is that as a father, I've had three children go through Doris Todd School. And I can tell you from personal experience that that school prepares our children very well. I was fortunate to be able to send my kids, my three children, to Seabury Hall, and one of them has graduated. I still have two in Seabury Hall right now. But it prepared them very well, academically. If you look at the school, it – when they go to high school, the kids are usually – the kids usually do very well, and they can usually be found on the honor rolls of the various schools that they attend, the high schools that they attend. It also provides moral integrity and character, I believe, for our children. And our motto is shaping lives to shape the future, and that's what the school does. It does that. It really prepares the kids very well.

Also, as a board member, the school has a bright future, as I see it. We just, as you already heard

from Mabel, the school has completed a building program that's over two million dollars, building classrooms from K through 8, and you know, with the support, generous support of the Hawaii Foundation and the support of the community. And we also are looking to build a computer center/library, you know, is our next step. So it's a bright future. And we also finally, wanna own the land that we sit on. As a board member, I really wanna see that because we've been leasing the land through – you know, and A&B has been very generous to us in leasing the land. But this opportunity with these land changes will allow us to actually purchase the land that we sit on. Finally after 50 years of service to the community, we will actually be able to own our land. So I humbly ask you for your support for the land changes herein. Thank you very much.

Mr. U`u: Thank you. Any questions for the testifier? Seeing none, thank you. Is there any members in the audience who would wish to testify on this agenda item? Please state your name.

Mr. Hart: My name is Chris Hart. I just wanted to say that–

Mr. U`u: Okay, three minutes is up. Kidding.

Mr. Hart: My ex-wife and I lived Haiku. We have four sons, great sons, and all four of them attended at least a portion of their elementary school years at Doris Todd School. And it's really been a really important part of their lives. They have all gone on to college. Not everyone graduated, but most of them did. And I was reflecting that they certainly are upstanding, contributing members of the community here on Maui and where the other two lives. And I fully support Doris Todd School. Thank you.

Mr. U`u: Any questions for Chris Hart. Seeing none, any other members of the audience would like to give testimony? Please state your name for the record.

Ms. Carolyn Moore: My name is Carolyn Moore and I'm the Principal of Doris Todd School. And thank you so much for considering our request. And you asked if the students that we brought were average. I don't think that any of our students are average. I think that they're all very special. And what we do with our children is we try to give them every means we can to succeed in school. And honestly, most of them really strive to be on honor roll and even on Principal's list. And we didn't choose the students who just make it to Principal's list. We chose students that we thought were a fair representation of the school, as well as kids who wouldn't have a problem getting home afterwards from here, to be quite candid with you. And they are very articulate. They are able to talk to adults. And I think that is part of the program that we have at our school that enables them to be able to speak well and to excel in school.

Someone had asked about the accreditation. We are accredited through the Association of Christian Schools International. We are up for re-accreditation in 2011. This would be our second re-accreditation. We are licensed by Hawaii Counsel of Private Schools which recognizes this accreditation. And it's also recognized by the National Council of Accreditation. In fact, ACSI is one of the first ones to be recognized nationally. So it forces us to take a hard look at what we're doing and to involve everyone in school in the process. Are we really doing what we say we're doing? And we want to give our best and we want our students to be able to do their best at school. We want to be an important part of our community.

And along with that, we just received a gift, an unsolicited gift this year to install a photovoltaic system to provide most, if not all, the electricity for these brand-new classrooms. And as we're here today, they're working on the preliminary process of putting down the – what they need to install that. And it, too, will be fully paid for through this donation. And we're very grateful for that. We do request today that you approve the request for these changes so that the school can own the property. It would help us immensely when we go to foundations or donors asking for requests to build this new library/media center that we're hoping to build. So thank you so much for your time today.

Mr. U`u: Thank you. Commissioner Mardfin?

Mr. Mardfin: I apologize for saying, "average." I should've said, "typical."

Ms. Moore: "Typical" is a very good word. Thank you.

Mr. Mardfin: I apologize. As a mathematician, I should know better than to use the word, "average."

Ms. Moore: You know, I asked them on the way down here, a couple – the boys rode with me. And I asked them, you know, who helped you write what you were gonna say today? And they said, well, they did, but then they had their dad look it over. But we didn't coach them. They met together just yesterday. And we kinda said these are kind of things you would need to talk about. And they decided who would talk about whatever and figured it all out. So I'm very proud of them and their abilities.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: Do you run the same hours as the public schools do and the same number of teaching days per year, or is it significantly different?

Ms. Moore: The public schools start the end of July. Our calendar is closer to Seabury Hall's. We start about the middle of August. We run from 7:50 in the morning until 2:15 in the afternoon every day. We don't have an early dismissal on Wednesday. We need every minute we have with them to get through the program. We do have an after-school program where we have less than 20 students who need that after-school care for working parents.

Mr. Mardfin: So you're getting these amazing learning improvements with no more – not much more time at least than the public school system gets.

Ms. Moore: Right. You know, I taught in the public school one time, and not on Maui, or in Hawaii, but on the Mainland, and I know the challenges that public school teachers face with the students that come into their classroom. And I hand it to them for doing a tremendous job under very difficult circumstances. We are able to have more control over what happens in the classroom, and I think that makes the difference for all private schools.

Mr. Mardfin: Thank you very much.

Mr. U`u: Thank you. Commissioner Sablas?



Ms. Sablas: I just have a question out of curiosity. It seems like you're close to the sugarcane fields in the back.

Ms. Moore: Yes, we are.

Ms. Sablas: So what happens? Is there any impact when they burn the cane to the school?

Ms. Moore: A&B has been very gracious to us over the years and HC&S. And they always warn us. They try to schedule the burning during the summer when we are not in session. And they've always done that so that we're not at school. We've been there a few times during work projects when the burning takes place, but we usually have notification it's gonna happen.

Ms. Sablas: Okay, thank you.

Mr. U`u: Thank you. Any questions? Thank you. Director Hunt?

Mr. Hunt: Excuse me, ma'am. What's the teacher to student ratio at your school?

Ms. Moore: It varies, but I would say it's about 15 to one, usually. The middle school has more students than we – we try to keep it 20 or under in the middle school, but we currently have 22 in seventh grade.

Mr. Hunt: Thank you.

Mr. U`u: Thank you. Any other people in the audience who would want to testify? Seeing none, public testimony is now closed. We'll hear the recommendations by Robyn.

Ms. Loudermilk: Commissioners, we have three applications before you, so I'd like to go through the recommendation one at a time. The first would be for the community plan amendment. And the application does comply with the chapter on community plan amendments of the Maui County Code. And that we do recommend that the Commission recommend to the Maui County Council approval of the community plan amendment from single family to public/quasi-public.

Mr. U`u: Do we have a motion?

Mr. Guard: This is for a recommendation for approval?

Ms. Loudermilk: Recommendation for only the community plan amendment.

Mr. Guard: Sure. Recommend approval to the County Council for the community plan amendment.

Mr. U`u: Do we have a second?

Ms. Domingo: Second.

Mr. U`u: Motion made by Commissioner Guard, seconded by Donna Domingo. Any discussion? Seeing none, call to the vote. All those in favor? All those opposed?

**It was moved by Mr. Guard, seconded by Ms. Domingo, then**

**VOTED: To Recommend Approval of the Community Plan Amendment to the County Council.  
(Assenting - J. Guard, D. Domingo, K. Hiranaga, W. Mardfin, W. Shibuya, L. Sablas)  
(Excused - W. Hedani, J. Starr)**

Mr. Hunt: We'll record that as seven in favor, zero opposed.

Ms. Loudermilk: The second recommendation has to do with the land use district boundary amendment. And the Department has determined that the application does comply with the urban district standards. The property is located in an area with urban level of services. It's in proximity to employment and trading centers, and there's availability of basic infrastructure and services. The property has reasonable topography and reasonably free from natural hazards. It is contiguous with existing urban areas, and is located within the proposed urban growth boundaries identified in the General Plan Update Draft Maui Island Plan for Paia Town. Further, portions of the property are already designated public/quasi-public in the Paia-Haiku Community Plan land use map. The property will not contribute to spot urban development. And further, the required infrastructure and services are already available. And lastly, the property does not include lands with the general slope of 20% or more. Based upon those criteria, the Planning Department recommends to the Commission that they recommend to the Maui County Council approval of the State land use district boundary amendment from agricultural to urban subject to the two conditions that were mentioned in the power point presentation. And that concludes the Department's recommendation for the land use district boundary amendment.

Mr. U'u: Commissioner Mardfin?

Mr. Mardfin: I have two sort of related questions. You have an Exhibit 29 in the packet. It's a letter from OHA.

Ms. Loudermilk: Yes.

Mr. Mardfin: And they – I'm interpreting this a little bit, but they seem to be saying why is it that Doris Todd Memorial Christian Day School is going in for this rather than A&B?

Ms. Loudermilk: A&B has authorized Doris Christian. They're doing it in a partnership.

Mr. Mardfin: What is the assurance that A&B will in fact once they get this that they will in fact get the land and there won't be—? I mean, the OHA letter suggests that maybe this is a workaround.

Ms. Loudermilk: It is not a workaround. It is not a workaround. And I'd like to defer to the applicant if they have any— As far as the Department is concerned, it's not a workaround. We do this all the time in terms of if there is a property owner that is not the applicant, and that the property owner intends to sell to the applicant, they come in jointly.

Mr. Mardfin: And they came in jointly on this one?

Ms. Loudermilk: They came in jointly, A&B, yes.

Mr. U`u: Any more discussion? Can we have a motion? Do we have a motion? A recommendation?

Mr. Guard: Recommend approval as stated by Planner Loudermilk.

Mr. U`u: There is a recommendation by Commissioner Guard. Do we have a second?

Mr. Shibuya: Second.

Mr. U`u: We had a second by Commissioner Shibuya. Discussion? Call for the vote. All those in favor? All those opposed.

**It was moved by Mr. Guard, seconded by Mr. Shibuya, then**

**VOTED: To Recommend Approval of the State Land Use District Boundary Amendment to the County Council.  
(Assenting - J. Guard, W. Shibuya, K. Hiranaga, W. Mardfin, D. Domingo, L. Sablas)  
(Excused - W. Hedani, J. Starr)**

Mr. Hunt: We'll mark that seven in favor, zero against.

Ms. Loudermilk: And then lastly, is the change in zoning. And the Department has concluded that the proposed request meets the following criteria for the change in zoning, that it meets the intent of the General Plan, and objectives and policies of the Paia-Haiku Community Plan. Portions of the application is consistent with the existing public/quasi-public designation on the Paia-Haiku Community Plan map, as well as we have the proposed community plan amendment from single family to public/quasi-public for the remaining portion of the property. The application meets the intent of the public/quasi-public zoning district. As indicated earlier for the land use district boundary amendment, there'll be no adverse impacts to the existing infrastructure. The application will positively impact the social, cultural, economic, environmental, and ecological character of the surrounding area. And lastly, the application does not involve the establishment of an agricultural district with the minimum lot size of two acres. And based upon that, the Department recommends to the Commission that they recommend to the Council approval of the change in zoning from interim to public/quasi-public. And then lastly, in consideration of all three applications that the Department recommends that this Commission adopt the Department's report and recommendation prepared for today's meeting as its finding of fact, conclusion of law, and decision and order, and authorize the Director of Planning to transit the written decision and order to the Maui County Council on behalf of the Planning Commission. And that concludes the recommendation.

Mr. Guard: So moved.

Mr. U`u: Moved by Commission Guard. Is there a second?

Mr. Shibuya: Second.

Mr. U`u: Seconded by Commissioner Shibuya. Discussion? Director Hunt?

Mr. Hunt: Robyn, just to be very precise, your last bullet in the middle of page 3, there was a typo "well," and that should be "with." I think you verbally corrected it.

Ms. Loudermilk: Thank you.

Mr. Hunt: So for the record, we'll change that for your findings.

Ms. Loudermilk: Thank you.

Mr. Hunt: Your last bullet in the middle of page 3.

Mr. U`u: Commissioner Shibuya?

Mr. Shibuya: I don't know the regular procedure on this, but let's say all of it is approved by the Council, would there be one TMK, or would this be three separate TMKs with the same zoning?

Ms. Loudermilk: When it goes to the Council, it would still be three separate TMKs.

Mr. Shibuya: And after approval, it could be made into one TMK?

Ms. Loudermilk: Yes. With the approval, then the school and A&B will meet the subdivision standards, and could then proceed subdividing the property out, and then going forward with the re-consolidation to make the three parcels into one.

Mr. Shibuya: Okay, so there's that--

Ms. Loudermilk: They can do that, yes.

Mr. Shibuya: Yes.

Mr. U`u: Any more discussion? Seeing none, call for the vote. All those in favor? All those opposed?

**It was moved by Mr. Guard, seconded by Mr. Shibuya, then**

**VOTED: To Recommend Approval of the Change in Zoning to the County Council.  
(Assenting - J. Guard, W. Shibuya, K. Hiranaga, W. Mardfin, D. Domingo, L. Sablas)  
(Excused - W. Hedani, J. Starr)**

Mr. Hunt: We'll mark that as seven in favor, zero against.

Ms. Loudermilk: Thank you very much.

Mr. U`u: Congratulations. At this time, we're gonna take a ten-minute recess.

(A recess was then taken at 2:26 p.m., and the meeting reconvened at 2:32 p.m.)

Mr. U`u: The meeting is now in order. I'll turn it over to Corporate Counsel, Corp. Counsel.

**5. MR. CRAIG ANDERSON of THE WESTIN MAUI RESORT & SPA requesting a Special Management Area Use Permit in order to renovate the existing lobby and porte cochere and related improvements at the Westin Maui Resort & Spa at TMK: 4-4-008: 019, Kaanapali, Island of Maui. (SM1 2008/0020) (J. Prutch)**

Mr. James Giroux read the agenda item into the record.

Mr. Joe Prutch: Thank you very much, Corp. Counsel, Director, sir. Good afternoon, Vice.

Mr. U`u: Good afternoon.

Mr. Prutch: Members of your cabinet there. You've got an application before you today for the Westin Maui Resort & Spa. The application was submitted to us back in October of 2008 by Munekiyo and Hiranaga. Karlynn Fukuda will be here to make the presentation in a few minutes and on behalf of Craig Anderson of West Maui Resort & Spa – I mean, sorry, Westin Maui Resort & Spa as the applicant.

They're requesting a special management area use permit to construct renovations to the existing West Maui Resort & Spa lobby area and to the porte cochere, including replacing existing landscaping along the entry drive, and with primarily native varieties of plants and shrubs, replacing the existing driveway median with another hard surface, and modifying the island within the driveway circle and the entry porte cochere to promote a better circulation and accommodate kind of like a shade and rain structure for guests as they check in.

This application was submitted to various agencies. They did go before the Maui Urban Design Review Board back in February of 2009. The Maui Urban Design Review Board was favorable to the project. They did make one comment. They suggested that the applicant paint the entry drive walls a darker color, and that was submitted as part of the condition of approval.

Now, the agencies that commented on this project, we had comments from the Department of Public Works. They're included as conditions of approval which I will go over later. The Department of Water Supply commented. They are requesting best management practices for irrigation and planting, and BMPs for – that will be designed to minimize infiltration and runoff during construction. The Department of Health commented that they may have – there might be a possibility of requirements for an NPDES permit and possible construction noise permits. We also got a comment from SHPD, the State Historic Preservation Division. And they generally stated that they were accepting of the monitoring plan, but still wanted their standard conditions for finds, inadvertent finds.

Right now I'd like to turn it over to the applicant to go ahead and present their project to you, and then I will come back with the staff's recommendation and some changes to some of the conditions

that we're proposing. I also want to state that you did get a letter just now that I got as well from Maui Hotel and Lodging Association in support of the project.

Mr. U`u: Thank you. Any questions for Joe? Seeing none, thank you.

Ms. Fukuda: Good afternoon, Chair and Members of the Planning Commission. My name is Karlynn Fukuda and I'm with Munekiyo and Hiraga, Inc. We are before you today to present the proposed porte cochere and lobby renovations at the Westin Maui Hotel. Joining me today are Jim Zaun of Starwood Hotels and Resorts, the applicant; Larry Cunha of WCIT Architecture; Janine Mori or Walters, Kimura, Motoda; Mike Fujita of Wilson Okamoto Corporation; and John Rapacz. Mr. Anderson was planning to be here. Unfortunately, he has fallen ill, so he's not joining – that's why he's not here today to join us.

The Westin Maui Resort and Spa is located within the Kaanapali Resort. You can see here through the aerial map. Access through the site is provided via the Kaanapali Parkway. Briefly, we filed the SMA application for the proposed project in October of 2008. The project was reviewed and recommended for approval by the Urban Design Review Board in February of this year. And last month the project was also approved by the Kaanapali Operators Association. At this time, I would like to turn the presentation over to Larry Cunha who will go over the proposed improvements in more detail.

Mr. Larry Cunha: Thank you and good afternoon. My name is Larry Cunha, WCIT Architecture, and I am the architect for this project. I'll give you a brief project overview.

The project is limited to renovation activities of the lobby area, porte cochere, existing grab and go coffee bar and driveway of the existing Westin Maui Hotel. The project will help revitalize the Westin Maui Hotel to provide a fresh face for the property. No new hotel rooms or restaurants are proposed for this property.

This is the overall site plan showing the limits of the work for the project: Kaanapali Parkway on the righthand side, Pacific Ocean on the lefthand side, existing entry drive as you come up from Kaanapali Parkway, existing porte cochere and lobby area. And the work will extend back to about this area where the existing grab and go coffee bar is right now. This is the photograph of the existing entry drive. You can make out the porte cochere just in the background here. The trees on the side of the entry drive are to remain.

This is the slide of the existing porte cochere. One of the main reasons why we're doing this renovation is the lack of protection from sun and rain for guests at the porte cochere. The roof only extends out a short portion and does not cover the drop-off area at all. Also, there's an existing bag and storage area off to the left here. It's not adequate for a facility of this size and it's not very well protected from the weather, so we'd like to increase that as well. And there's also safety issues where drivers attempting to drive under the existing porte cochere roofs where guests are standing on the side. So it's a little bit dangerous right now especially in rainy weather.

This is a zoning and planning summary. The existing lot area is a little bit under 12 acres or 522,166 square feet. The lot is zoned H-2, and the maximum permitted FAR for this lot is 1.5 or 783,249 square feet. The current FAR is 1.28 or 670,000 square feet. And with the proposed

addition, it would bring the FAR up to 1.3 or 676,632 square feet, so a slight increase over the existing. The lot coverage for H-2, the maximum permitted is 35% or 182,758 square feet. The current lot coverage right now is 23% or 120,340 square feet. The proposed lot coverage is 24% or 126,972. So again, a very slight increase over what's current.

These are two shots of the existing on the lefthand side and the proposed plan on the righthand side. On the existing plan as you come up the driveway, there's a porte cochere area that's uncovered right here. There's a small bag storage here and then you make your way into the hotel at this entry. There's an existing front desk and lobby area in this area. The proposed plan, the driveway stays the same. It's in the same location. We would extend some additional admin. office on the righthand side, additional bag storage on the lefthand side, and a new covered porte cochere that extends out over two lanes of the drive aisle. We'd also look at renovating the interior flooring, the front desk area, the concierge, and renovate the existing food and beverage area that's in this area here. We are also making some changes to the water feature in here. What we're looking at doing is increasing our landscaping inside this water feature. So we'll take out some of the water feature and provide new landscaping, and Janine Mori can kind of walk through what those changes are, and then some small haies for the lobby area.

This is an enlarged plan of the entry area showing the extent of the new bag storage on the left, extended front office space on the right, and the new porte cochere roof that would extend over two lanes of traffic right here, a new front desk, and a new concierge space.

This is a little bit further inside the lobby area. This is the area where we're taking some of the existing hardscape water feature and converting it back into landscape and some new haies for some guest seating areas, and then the renovated food and beverage up in this area. We're also gonna be renovating the existing restrooms providing new fixtures.

This is a rendering of the proposed porte cochere as you come up. On the righthand side, we're looking at a plaster material, and the plaster material across the front of the porte cochere that matches the architecture of the existing hotel. And this shows the extent of the covering over two lanes of drop-off area.

The hotel is currently undergoing – or have undergone – completed energy conservation sustainability initiatives. It is not part of this project, but it's ongoing with the property. For electrical use, they have purchased new centrifugal chillers, retrofit lighting fixtures with CFLs, installed inncom, in-room motion, activated thermostats in all guestrooms, purchased energy efficient A.C. units, and purchased variable speed drive motors for the HVAC and pool. And this reduced the consumption reduction per occupied room by 19%. They received a MECO energy efficiency hall of fame award in 2008 for these conservation measure savings. For diesel fuel, they've purchased new boilers and heat exchangers which have saved 22% per occupied room. For water, they have reduced irrigation by 49% by implementing an every other day irrigation schedule, replanting areas with drought tolerant plants, and implementing targeting and watering areas which have saved an additional 36% per occupied room. And for propane, they've purchased energy efficient pool heaters and kitchen equipment operation on demand, which have saved an additional 15% per occupied room.

Some of their traffic measures, since 2002, the Westin Maui have voluntarily initiated traffic demand

management measures such as participation in the Lahaina shuttle for guests, provision of bus passes for employees, a rental car program at the resort. And they've participated in the Kapalua West Maui Airport shuttle, and the initiation of a carpooling program which has reduced traffic at the hotel by an estimated 15%. The total amount spent is about five million dollars, and they spend \$400,000 per year for the TDM measures.

For this project, the sustainability initiatives would include proposed improvements will see a minor reduction in runoff from project site due to absorption in new landscaping areas. So we're actually increasing landscaped areas and decreasing our hardscape. Existing parking and loading dock areas, storm drainage system will be retrofitted with filter inserts to filter contaminants from runoff. They're doing this voluntarily. And the proposed improvements will reduce existing water usage for the Westin Maui through reduction of the water feature area. By limiting this area, they've saved an estimated 185,000 gallons per year with this proposed design. The proposed landscaped material will be primarily native plants which are more drought tolerant, and the Westin will replace spray irrigation with drip irrigation where possible. And I'd like to bring up Janine Mori. She's the landscape architect to describe the changes here.

Ms. Janine Mori: Good afternoon. My name is Janine Mori of Walters, Kimura, Motoda, the landscape architects for the project. For orientation purposes, Kaanapali Parkway or mauka is on the right of the drawing, and the lobby and porte cochere or makai is on the left. As illustrated in the existing entry road photo presented earlier, monkeypod trees line both sides of the road and most define the landscape character of this area. To provide a stronger entry statement and visual orientation for first-time guests, coconut palms are proposed at the median planter and on both sides of the entry. While the existing monkeypod trees lining the entry road are to remain, the foxtail palms in the narrow median planter are to be relocated. These palms can grow quite tall and the full fronds will detract from the overhead canopy created by the monkeypod trees. Below the monkeypod trees is currently lawn which exposes the full height of the screened walls. Flowering native Hawaiian shrubs such native white hibiscus and native gardenia are proposed to soften the walls and also provide color and fragrance. Gingers are proposed in the parking lot side of the walls to provide a layered landscape and are more suited to the narrow planting areas. The large monkeypod tree at the porte cochere serves as the focal point of the area. Under-story plantings with an emphasis on native Hawaiian and Polynesian introduced plants are proposed such as birdnest fern, `uki`uki, kupukupu, and hapu`u. Rotated shrubs will also be used for accent and color. Coconut palms are proposed on both sides of the entry to frame the porte cochere while landscaping will be used to soften the back of house and bag storage areas.

This slide includes photos of the conceptual landscape plant palette. Again, the emphasis on native Hawaiian and Polynesian introduced plants which are indicated by an asterisk.

Ms. Fukuda: So this concludes our presentation, and we're available to answer any questions you may have. Thank you.

Mr. U`u: Thank you. Questions for the applicant? Commissioner Mardfin?

Mr. Mardfin: This is just a picky thing right now, but on page 6, at the top you talk about the lobby, first paragraph, "The applicant proposes to enhance the existing as well. The renovation will provide additional luggage storage for porters, a larger area for front desk, and a cultural pavilion



area.” You didn’t mention the cultural pavilion area. Can you tell me—? And then it says, “These renovations will help to accommodate the guests and afford additional opportunities to experience a unique Hawaiian setting.” And my picky thing is, what’s unique about it?

Mr. Cunha: The new cultural pavilion is in this area. You know, I think every project has their own unique ways of going about it. We do have some cultural advisors on board that are helping pick out some of the art work and working with the hotel on interactive cultural displays and programs.

Mr. Mardfin: So what’s the dimensions of that building?

Mr. Cunha: That’s about 12 feet by 12 feet. It’s an open air structure. And there’ll be some additional area on the sides for guest overflow.

Mr. Mardfin: And basically you’re gonna have displays of areas, sort of like a mini museum or—?

Mr. Cunha: Yeah, it’ll be a rotating display, or they may have someone coming in doing crafts, or some other interactive things for the guests.

Mr. Mardfin: And are those three or four buildings around it, those the ones you referred to as thatched hales?

Mr. Cunha: Yes. These are seating areas for the guests. Basically, an extension of the lobby where in the morning, they may grab a cup of coffee, and they could sit in these thatched hales near the water feature. Again, these are open sided, open air hales.

Mr. Mardfin: I’m just curious: are you gonna have sprinkler systems installed in them?

Mr. Cunha: We’ll do what’s needed by code.

Mr. Mardfin: Is that an area that you’d serve? Would waiters go out there to bring drinks to the guests?

Mr. Cunha: I don’t think that’s anticipated at this time. Right now, the grab and go is in this area, and there’s an existing seating area back here for guests.

Mr. Mardfin: So then basically a self service area.

Mr. Cunha: Yeah, I don’t think people will be eating very much in this area. There’ll be tables back here for that, but they may grab a drink or a coffee, like I said, and be able to read the paper in the morning.

Mr. Mardfin: Did you say there were going to have feeding areas? Maybe I misheard it.

Mr. Cunha: No, no feeding areas.

Mr. Mardfin: That’s not a fish area.

Mr. Cunha: Well, there are fish and animals in the water right now. That will remain through the renovation.

Mr. Mardfin: But you're not gonna be doing fish feedings there?

Mr. Cunha: I don't think there's any program currently with the hotel that does that.

Mr. Mardfin: Thank you.

Mr. U'u: Commissioner Sablas?

Ms. Sablas: What type of material are you using for the thatched roofing?

Mr. Cunha: Undecided. We may be looking at a synthetic type thatch. Again, it's gonna be as per what we need by code.

Mr. U'u: Any questions for the applicant? Any more? Commissioner Mardfin – I mean, Director Hunt? Commissioner Mardfin?

Mr. Mardfin: I was – Exhibit 9, the Department of Water Supply letter, second paragraph, "The subject parcel served by Kaanapali Water Company," blah, blah. "The project includes expansion of the landscaped area in the lobby and porte cochere, construction of a cultural pavilion and haies, additional toilet and other improvements. A slight increase in demand is anticipated. The precise amount of the increase will depend on actual plant selection." I thought you said there'd be a decrease.

Mr. Cunha: There is a decrease.

Ms. Fukuda: Commissioner Mardfin, if you look at Exhibit 9a, we responded to the Department of Water Supply's comment by noting that there would be actually a slight decrease because of the area of the water feature that will be filled in now and additional landscape will be put in, in that area. So as noted in the presentation, when we looked at the square footage of the area that will now be filled in of the water feature, we're looking at about 185,000 gallons per year that will be saved of water from the filling in of that portion of the water feature.

Mr. Mardfin: Thank you.

Mr. U'u: Director Hunt?

Mr. Hunt: Karlynn, when the guests enter the lobby right now, is there a view all the way through to the ocean or makai?

Mr. Cunha: I can answer that. No, there is not. As they come into the lobby right now, there's a waterfall directly across from the entry. That's probably a – I would guess 20 feet high or so. So you don't get a direct view of the ocean. You see this waterfall.

Mr. Hunt: And that will be this similar situation with the improvements?

Mr. Cunha: Right, we're not touching that waterfall. That will remain.

Mr. Hunt: Thank you.

Mr. U'u: Questions? Seeing none, Staff Planner? Oh, I'm sorry. We will now have – open it up for public testimony. Seeing none, public testimony is now closed. Staff recommendation?

Mr. Prutch: Staff recommendation, the project as proposed and presented to you today does comply with the applicable standards for the special management area. The Planning Department, based on the facts presented in the Department report finds that the proposed action will not have a significant adverse environmental or ecological effect provided mitigation measures are incorporated into the project. The proposed action essentially meets the objectives, policies, and guidelines of the SMA Rules. And the proposed action is consistent with the County zoning and the West Maui Community Plan. The Planning Department does recommend approval of the SMA use permit subject to – and I'd like to say that you have listed – you have 16 standard conditions, nine specific conditions. We're proposing some – the applicant and Public Works have discussed some of the Public Works' conditions, and we're proposing some changes to the conditions. It's mostly grammatical stuff or adding – I'll go through and let you know.

Condition no. 20 talks about the noise created during construction. Essentially, the applicant is proposing, and staff concurs and agrees with this that the second sentence be changed that starts, "To the satisfaction of the State Department of Health," that that be struck and changed to "Should a noise permit be required by the State Department of Health, it shall be obtained before the commencement of work." Essentially, rewording it just so it sounds a little better. It makes a little more sense, a little more streamlined for that one.

No. 21, the applicant is also proposing, and staff agrees with this one, it's a grammatical change I believe, change Condition no. 21 to say, "That the applicant shall consider painting the entry drive walls a dark color, such as a dark green as recommended by the Urban Design Review Board." Essentially it says the same thing just in a different way.

The next two conditions, no. 22 and 23 are Public Works' conditions. And Mike can nod his head over there to let you know that he agrees with these as well. But for no. 22, they simply wanna say, "As applicable," at the beginning of the sentence, "As applicable, that construction plans shall be designed in conformance." And no. 23, the same thing, "As applicable, worksite traffic-control plans" and so on.

Condition no. 24, this was a Public Works' condition as well. After reading and looking at it, we all decided that it's more of a statement and not so much a condition. We're suggesting that to just strike that no. 24 completely. Essentially, Condition no. 8 is the catchall that says that "Full compliance with all governmental requirements shall be rendered."

And in this case, for example, if building permit plans are not sufficient, they will not receive building permit approvals which is essentially kind of what that condition's saying. So that condition has satisfied the Condition no. 8. And the last one, simple saying of removing the word, "type," and exchanging that with the word, "style," so that the proposed thatched hale shall match the style of construction of the hotel. Miyamoto can concur with these, but that's the proposed changes we'd like to amend these conditions to state.

Mr. U`u: Discussion? Seeing none, is there a motion on the floor?

Mr. Guard: Move to approve as recommended by staff.

Mr. U`u: Motion to approve made by Commissioner Guard. Is there a second?

Ms. Domingo: Second.

Mr. U`u: Second by Commissioner Domingo. Discussion? Commissioner Guard?

Mr. Guard: I just want to say I know that they've been working over the years as this hotel with all those – great to see the sustainability initiatives set forth that the few hotels are moving towards.

Mr. U`u: Commissioner Mardfin?

Mr. Mardfin: I'd like to echo that. The one page that you had up there on the power point where you showed your reductions of propane, and electricity, water, and the rest, that helps. That really helps your position.

Mr. U`u: Any more discussion? Seeing none, call for the vote. All those in favor? All those opposed.

**It was moved by Mr. Guard, seconded by Ms. Domingo, then**

**VOTED: To Approve the Special Management Area Use Permit as Recommended.**  
**(Assenting - J. Guard, D. Domingo, K. Hiranaga, W. Mardfin, W. Shibuya, L. Sablas)**  
**(Excused - W. Hedani, J. Starr)**

Mr. Hunt: We'll record that as seven in favor, zero against.

Mr. U`u: Congratulations.

Mr. Prutch: Thank you.

Ms. Fukuda: Thank you very much.

Mr. U`u: We'll have the Director introduce our next agenda item.

Ms. Fukuda: Excuse me, can we ask for a five-minute recess while we change out--sorry--for the next item?

Mr. U`u: We'll take a five-minute recess.

(A recess was then taken at 2:26 p.m., and the meeting reconvened at 2:32 p.m.)

**D. NEW BUSINESS**

- 1. MR. BRENNON MORIOKA, Director of the STATE DEPARTMENT OF TRANSPORTATION requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit and a Shoreline Setback Variance for the Proposed Honoapiilani Highway Shoreline Protection project to provide shoreline protection along a 900 foot stretch of shoreline involving the placement of large boulders ranging in size between 2.3 to 3.8 tons between Launiupoko Point and Hekili Point, TMK: 4-8-003: 006 (por.), Olowalu, Island of Maui. (SM1 2009/0005) (SSV 2009/0001) (T. Abbott)**

**The accepting authority for the Environmental Assessment is the State Department of Transportation.**

**The EA triggers are the use of State funds and work within the shoreline area.**

**The project needs a Special Management Area Use Permit and a Shoreline Setback Variance. The public hearing on these applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.**

Mr. Hunt read the agenda item into the record.

Mr. Thorne Abbott: Good day, Commissioners. Thank you for that introduction, Director Hunt. If anyone speaks, please state your name so that Carolyn can record the minutes easier when you communicate. The applicant is the Department of Transportation, and they are their own accepting authority for this project. You were transmitted the draft EA on the 14<sup>th</sup> of April. It was published in the *OEQC Bulletin* on April 8<sup>th</sup>, and the 30-day comment period ends on May 7<sup>th</sup> 2009. The only comments received after that, they technically don't have to respond to, but typically, we like applicants to respond to those. All you're doing today is making comment on this document as to its sufficiency as an information document. It's not meant to be a decision-making document, just an information document. Munekiyo and Hiranaga is the consulting firm, and I believe they'll have a short presentation for you. And this is basically to install a revetment at one of the many hot – erosion hot spots along the highway there. With that, I'll turn it over to Munekiyo and Hiraga.

Ms. Rowena Dagdag-Andaya: Thank you, Thorne, and good afternoon, Vice-Chair U`u, Planning Director Jeff Hunt, and Members of the Maui Planning Commission. My name is Rowena Dagdag-Andaya, a Planner with the firm of Munekiyo and Hiraga. And I'm here today as part of the project team representing the applicant, the State of Hawaii, Department of Transportation regarding the proposed Honoapiilani Highway Shoreline Protection in Olowalu, Maui. We'd like to thank you, the Maui Planning Commission, for providing us with this opportunity to provide this presentation on the proposed shoreline protection along a portion of Honoapiilani Highway, and to obtain your comments on the draft environmental assessment.

Joining me this afternoon and available for questions are Richard Sato, Mike Ishikawa, and Lori

Fong from Sato and Associates; Elaine Tamaye, Coastal Engineer with EKNA Services, Inc.; Mr. Ed Sniffen and Mr. Ferdinand Cajigal of the State Department of Transportation; and myself, Rowena Dagdag-Andaya and Karlynn Fukuda, Planning Consultants with Munekiyo and Hiraga, Inc. Our other consultants include our Archaeological Consultant, Mr. Michael Dega, and the Cultural Impact Consultant, Mr. Robert Spear, both of Scientific Consultant Services.

In this next slide, we bring to you the project information which is the Honoapiilani Highway shoreline protection in Olowalu, Maui. The applicant, as stated earlier by Thorne Abbott, was the State – or is the State of Hawaii, Department of Transportation. The tax map key is the portion of 4-8-003:006 in Olowalu, Maui. And the type of document that we bring before the Commission for comments is the draft environmental assessment.

The applicable triggers for an environmental assessment or for this particular EA are the use of State conservation district lands, the use of State lands and funds, and also work within the shoreline setback. The approving agency is also the State of Hawaii, Department of Transportation, and the agency determination that we hope to have is the anticipated finding of no significant impact.

The proposed project is located makai of Honoapiilani Highway between Launiupoko Point to the north and Hekili Point to the south. Surrounding uses or surrounding the project area to the east are agricultural lands. The project site is past the Chez Paul Restaurant and the Olowalu General Store, as well as Camp Pecusa. Honoapiilani Highway runs here and the Pacific Ocean towards the west.

And we bring this project before you because Honoapiilani Highway is the only major and viable access road into West Maui from Central, South, and East Maui. Another access road can be used toward the north through Kahakuloa; however, this portion, Honoapiilani Highway, is the only major and viable access road. Honoapiilani Highway also provides a link in the island's transportation system for residents, visitors, and emergency vehicles. Currently, the subject area suffers from chronic erosion due to wave action, and the highway is subject to continuing erosion damage. The proposed action is necessary to maintain the functional integrity of this portion of the highway, and long term plans are currently being studied to relocate the highway further inland.

This first photograph was taken in February of this year and shows the existing conditions of the shoreline abutting Honoapiilani Highway. As you can see the highway is right here. The jersey barriers and the guardrails are right here, and here is the existing shoreline slope. As stated – as I stated earlier, this picture was taken in February, and this work, the emergency work, was done in the area by the State DOT. The State DOT will be here for questions later as to the details of this project area, but they had informed the County of Maui of this proposed action. The photograph shows – well, this is facing north, and the proposed project will be engineered using boulders ranging in size between 2.3 to 3.8 tons to stabilize the shoreline slope. Additionally, the boulders will be underlain with smaller rock, as well as geotextile fabric to prevent any leaching of the backfill through the voids created between the larger stones.

The crest elevation is approximately, eight feet above mean sea level which is level – approximately, level to the existing highway pavement or the elevation of the highway pavement. The crest elevation will be engineered to extend approximately, 12 feet outward and then with an

additional 14 feet out – or 14 feet sloped towards the ocean. Although the boulder slope will reduce runup and overtopping, jersey barriers will be put in place to mitigate any possible damage to the highway from wave overtopping during extreme storm conditions. The project will also provide sufficient shoulder width of approximately, 15 feet between the jersey barriers and the travel lane. And also, I'd want to note that these existing guardrails will be removed as part of the project.

This photograph shows the existing 30-inch drainline that crosses beneath the roadway and outlets toward the ocean. The proposed project will also involve the extension of this drainline.

This is an aerial photograph of the project area of approximately, 900 feet. As I mentioned earlier, there was emergency work done on the shoreline, and it involved about 200 feet. Within the shoreline, our telephone poles from Hawaiian Telcom, there are approximately, three poles, telephone poles, within this project area. I'd like to note that coordination is being undertaken with Hawaiian Telcom regarding the removal of these telephone poles. In fact, Hawaiian Telcom received an SMA minor permit earlier last year for the removal of these telephone poles. So work is being taken for that matter.

We'd like to note that the proposed project will not involve any mortar or concrete. The project involves the use of un-grouted boulder fill that is removable, and the proposed action is preferred since it allows public lateral shoreline access and is consistent with the existing shoreline characteristic of the project area, which is currently rock and cobble beach. It also provides protection to the highway from seasonal surf and waves. And in this project plan again you see work of approximately 900 feet. The existing drainline is in this area here. Honoapiilani Highway right-of-way is between these points and extends here.

Our action items and next steps involve the preparation and filing of the final EA and FONSI with the Office of Environmental Quality Control. We will also be coming back to the Maui Planning Commission for their review of the special management area use permit and the shoreline setback variance application. After that process, we will return or move forward in bringing the conservation district use permit application to the Board of Land and Natural Resources for their review. I'd also like to note that this project also involves a Department of Army permit pursuant to Section 404 of the Clean Water Act as well as the Section 106 Water Quality Certification and a coastal zone management review. And with that, I'd like to thank the Maui Planning Commission for providing us with this opportunity for the presentation, as well as any comments that you have for the draft EA.

Again, I'd like to note that the rest of the project team here to any questions that you have include Richard Sato, Lori Fong, and Mike Ishikawa of Sato and Associates; Elaine Tamaye, Coastal Engineer with EKNA Consultants. And we also have from the State Department of Transportation, Mr. Ed Sniffen and Mr. Ferdinand Cajjal. And again, thank you very much.

Mr. U'u: Thank you, Rowena. Questions for the applicant? Commissioner Mardfin?

Mr. Mardfin: You said that – you gave me a certain size of boulder that you're gonna put in. You gave in terms of weight. And I don't lift these things very much particularly when they're several tons. Can you give it to me in terms of say, the diameter or the radius of a sphere?

Mr. Dagdag-Andaya: You know, let me bring up – I'll bring up Elaine Tamaye to the podium to answer your question regarding the size of the boulders.

Ms. Elaine Tamaye: Hello. My name is Elaine Tamaye. I'm with EKNA Services. The boulders will be about three feet diameter. They're fairly large boulders because we want them to stay in place in case there's a storm that impacts the coastlines hurricanes come by frequently. So they're sized to stay there in the event of a major storm event.

Mr. Mardfin: And where are you acquiring these from?

Ms. Tamaye: That will have to be deferred to the civil engineer.

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: You showed some boulders in the pictures that were recently done. Could you tell us how heavy those are?

Ms. Dagdag-Andaya: I'll bring up Ferdinand Cajjigal of State Highways.

Mr. U`u: Please state your name for the record.

Mr. Ferdinand Cajjigal: My name is Ferdinand Cajjigal. I'm with the State Highways. They're less than what Elaine just mentioned. They're pretty small ones. They're in the range of maybe about 18 inches to two-foot diameter. Something that a . . . (inaudible) . . . can pick up and just–

Mr. Mardfin: So it's gonna be roughly twice the size of this?

Mr. Cajjigal: Around, yeah, yeah.

Mr. Mardfin: And I'm looking at this photo, and it looks like the rocks are all piled up right up on the beach. And my impression was that you were gonna go out to the makai quite a ways. How far out do you plan to go?

Mr. Cajjigal: I heard they was gonna be 12 feet out from where the guardrail is. Twelve feet out and then–

Mr. Mardfin: Under water only 12 feet out?

Ms. Dagdag-Andaya: For the proposed action that we bring forward in the draft EA, as you can see here from the shoulder, this is the existing road here, the shoulder which involves the jersey barrier, and from the jersey barrier, the crest elevation will extend approximately, 12 feet, and then a slope of approximately, 14 feet. And here we have the boulders, and then underlying the boulders are the smaller rocks, as well as geotextile fabric to prevent any leaching.

Mr. Mardfin: What's geotextile fabric?

Ms. Dagdag-Andaya: I'll bring up Mike Ishikawa instead.



Mr. U`u: State your name for the record.

Mr. Mike Ishikawa: Good afternoon. Mike Ishikawa from Sato and Associates. If you want, we can jump back to your previous question about the boulders first or was that answered?

Mr. Mardfin: Whichever way you want.

Mr. Ishikawa: Okay, to answer the question about the boulders, we don't have a source. Obviously, this project will be bid under competitive bidding conditions. And therefore, it would be up to the contractor to determine where he would want to get the boulders or purchase the boulders from. Now, under obviously under bidding conditions, the closest area to the project would be advantageous because of costs. But to answer your question directly, we don't have a specific source.

Mr. Mardfin: But they're likely to come from Maui?

Mr. Ishikawa: I mean, I couldn't answer that, but it would make sense, yes.

Mr. Hiranaga: (Inaudible)

Mr. Ishikawa: Now, about the filter fabric, basically, the fabric is an engineered fabric such as but probably a more tighter woven than the silt screens you see at construction sites. It'll be a woven fabric. And basically the purpose of this fabric would be to keep the . . . (inaudible) . . . from migrating through the big boulders and into the ocean thus keeping the structure more stable.

Mr. Mardfin: And what is this made of?

Mr. Ishikawa: It'd be a poly pro.

Mr. Mardfin: A plastic?

Mr. Ishikawa: Correct, a woven fabric, yes.

Mr. Mardfin: And you talked about jerseys?

Mr. Ishikawa: Jersey barriers. Those are those concrete barriers you see currently out there, for example.

Mr. Mardfin: The ones that look like this?

Mr. Ishikawa: Correct, yes. And the reason for that is because we didn't want to make the crest high above the highway where it would block the views, the jersey barriers are needed to prevent the waves or help block the waves from overtopping and throwing debris back onto the highway.

Mr. Mardfin: And so that's why they're taking out those guardrails because the water can go under them, and so the jersey barrier will in effect, raise the edge of it? Is that correct?

Mr. Ishikawa: Well, the guardrails you see in the picture, they're not effective any more. They're all corroded out. So basically, if we were to leave it in and not put the jersey barrier, you know, basically, it wouldn't function the way guardrails are supposed to function. But to get back to your point, yes, in lieu of the guardrails 'cause the jersey barriers would also act as a guardrail, the— Sorry, I got kinda miss— The jersey barriers are needed to prevent the — or help block the overtopping of the waves. And because the jersey barriers act like a guardrail, we wouldn't need guardrails.

Mr. Mardfin: And so if I were to walk along here, and I'm looking out to sea, first, it'll look like— If I was on the road, would the jersey barrier be right alongside the road, or would they be out to 12 feet?

Mr. Ishikawa: They'd be out the 12 feet on the edge of the shoulder.

Mr. Mardfin: So they're not gonna serve much to— On the edge of the shoulder or the edge of the road?

Mr. Ishikawa: Well, you have your paved travelway, and then you have a 12-foot shoulder. In addition to the travelway itself, the physical travelway of the vehicle, and then the jersey barriers.

Mr. Mardfin: Okay. So if I were to walk — right now, if I walked along the road, I would see those guardrails, and then I'd see a little bit of shoulder, and then I'd see these cobblestones, and then I'd see the ocean. And the way it's going to be, I'd be walking along the road, I'd see 12 feet of fairly — something I could pull off onto.

Mr. Ishikawa: Correct.

Mr. Mardfin: Then I'd see these solid concrete jersey barriers. Then I would look over that, because I couldn't look under it, and I'd see larger rocks than I currently see, and they would kind of go out into the ocean, and what I wouldn't see because they'd be under water is they would go out ten or 12 feet? Is that more or less correct?

Mr. Ishikawa: I believe from the barrier itself it would go out 14 feet, and that would be where it — yes.

Mr. Mardfin: But I wouldn't— You know, some of it's gonna be under water so I'm not gonna see it?

Mr. Ishikawa: Yeah, for the most, during high tides, yes.

Mr. Mardfin: Now, when the— Under normal conditions, you know, tides go up and down. Waves — relatively small waves in this area come along. They're gonna hit the large boulders. It's gonna kind of block the power of the wave and some stuff's gonna go up. It's probably not gonna even go spatter much against the jersey barrier? Is that sort of right?

Mr. Ishikawa: Under normal conditions meaning where there's no high surf?

Mr. Mardfin: Yes.

Mr. Ishikawa: Probably, yes.

Mr. Mardfin: Then if there's high surf, the things are gonna pound in there. These rocks are heavy enough so it's not gonna displace them. It'll still cut the energy a little bit. And it's far enough out so hopefully, it doesn't go above the jersey barrier onto the road?

Mr. Ishikawa: That's the intent.

Mr. Mardfin: But on really bad storm days, that's gonna go over the road, over the barrier?

Ms. Tamaye: (Inaudible)

Mr. Hiranaga: Speak into the mic., please.

Mr. Mardfin: I'm just trying to get a picture in my own mind of what's going on.

Mr. U`u: Please state your name again.

Ms. Tamaye: I'm sorry. Elaine Tamaye. It would have to be a very severe storm event for the waves to come up high enough to overtop the jersey barriers. So infrequent hurricane waves might do it.

Mr. Mardfin: And if it does, when it does, 'cause it will happen sometime particularly with rising sea level, which we're not even taking into account here particularly, it goes up over the jersey, some of it will go up over the jersey barrier, and then what? It'll sink right back down into the ground and—?

Ms. Tamaye: Well, more likely, the scenario will be the waves break against the rock slope. There'll be a lot of water rushing up the slope. There'll be what we call overwash. The water will inundate the jersey barriers, and it'll basically, dissipate over the highway, and across the highway.

Mr. Mardfin: Oh, it'll go across the highway?

Ms. Tamaye: Well, the highway is impervious. The highway won't absorb water, so the water will just runoff the highway into the—

Mr. Mardfin: Is it tilted? Is it flat or is it tilted?

Ms. Tamaye: It's tilted mauka.

Mr. Mardfin: So it'll go up on the other side.

Ms. Tamaye: Go up on the other side.

Mr. Mardfin: Sink back in, presumably without— Is there a chance you could get flooding there that it wouldn't go into the soil fast enough and develop large ponds on the rare occasion that it happens?

Mr. Cajigal: I'm Ferdinand Cajigal again. There is a culvert right underneath there that we just mentioned earlier in the presentation. There's a 30-inch culvert. So if the water goes over, it surface flows towards the mauka, drops into the culvert, and shoots back out into the ocean.

Mr. Mardfin: Okay, thank you very much. I think I understand it.

Mr. U`u: You had something to say, Thorne?

Mr. Abbott: I do, Chair. Thank you. Commissioner Ward, there's a flood zone confirmation form in your packet, page 6, and it says that it's in the V-12 Zone which would be an area where there's wave action. And also the A-4 Zone, the base flood elevation is eight-foot. The height of the revetment would be eight-foot. So they're not building this higher than the base flood elevation. Mind you that the State has pulled on seven different flood events over the last hundred years, so it's not always the most accurate. So I think that might put it in perspective for you.

Mr. Mardfin: This is on page 66?

Mr. Abbott: It's at the beginning of your application, the special management area application.

Mr. Mardfin: Oh, I'm sorry. Thanks.

Mr. U`u: Commissioner Shibuya?

Mr. Shibuya: I just wanted to ask: are there examples of this kind of a mitigation, or some kind of a treatment done to State highways along the coast anywhere in Hawaii? Or is this the first time you're doing it?

Ms. Tamaye: This is a very standard type of mitigation to prevent wave erosion damage. It's a pretty standard revetment design, examples all over the place. The Corps of Engineers uses a similar design for all of their shore protection projects. On Maui, let's see, well, you have short sections of Ukumehame Highway that have similar rock revetment structures already. They're planning to build a similar structure at Launiupoko Park. That's a Corps of Engineers project. Kihei Kalama Park has another Corps of Engineers revetment project. Well, they're very common. It's a very common design.

Mr. Shibuya: Okay. In terms of the material, rather than have a two ton, three ton type rocks that's round or roundish, have you considered tetrapods and why not?

Ms. Tamaye: Concrete armor units are used in cases where the waves - the design wave height is very large, and it's not practical or feasible to use regular stone. And the advantage of those concrete armor units is that they interlock with each other and thereby achieve more stability, and you don't have to have as much weight as you would have for a regular round boulder. But they're expensive to form. They're artificial concrete units. And so they don't blend in very well with the existing environment.

Mr. Shibuya: The concern I have here is that that is a lifeline highway. And there is no other way that emergency vehicles can go. And commerce as well as tourists have a direct impact on this

one highway. Economically, for Honolulu people, no big deal, but for the tourists on Maui who have a flight they've got to catch, and then they have these over rising problems here, you have a traffic problem, then they can't get to their flights. It is a direct impact to Maui as well as all of Hawaii. If this were a second highway, I would have no problem. However, this is the only route. This is the main artery and the only artery. And I would be more concerned in trying to insure this artery maintains and stays open. With the rising sea understanding that we have, it'd be more to our advantage to start using tetrapods, mount it outside breaking up the force of the wave. And you can add your stones, if you want, along the side on this cobble beach.

The second other part is the contradiction that we have. Manmade things done by private owners are discouraged. So what makes the State so immune from that type of practice? If you're gonna not allow private owners to harden their beaches, then how come the State can do?

Ms. Tamaye: I am certainly an advocate for anyone hardening their shorelines if they find it necessary to do so. And like you said, as far as Honoapiilani Highway being the lifeblood for, you know, West Maui, I think it's imperative that it's the State's duty to protect and maintain that highway. And I believe they do have plans to looking at relocating the highway in the future. Nothing definite yet, but in the interim anyway, there is a definite need for protecting that highway from future erosion damage.

Mr. Shibuya: Right, and if they do relocate it, because of the level grade of the road, if you moved it maybe 50 to a hundred feet up mauka, the rise in elevation would not be that great. So you still have the same problem except you're further away from the forces of the water.

Ms. Tamaye: Yes, but that's the key because the farther away you are from the coastline obviously, then the less chance of storm waves inundating that from inland.

Mr. Shibuya: Wonderful. Wonderful. You just gave another mitigation effort. Thank you.

Mr. U'u: Any more questions? Commissioner Guard?

Mr. Guard: Thank you. I was just wondering: we're just supposed to be just picking up comments to give to them for the EA, right? So I don't know if we wanna open it up to public testimony if there's any people that's been waiting, and then we can give the rest of our comments as well.

Mr. U'u; Thorne?

Mr. Abbott: I wanna to make a correction. The Commissioners only have a copy of the draft EA. In the submission they made to the Department, they also included their SMA major application, shoreline setback variance, which includes a zoning and flood confirmation form which confirms the height of the structure they're proposing is the same as base flood elevation for that site. You don't have that information. I was unaware of that. So my apologies. Also, just to capitalize on the Commissioner's comment, the specific risk management ohana or primo which is under NOAA has determined that Kaanapali is the most at risk community in this whole State of Hawaii regarding coastal hazards and coastal resiliency in large part because of limited transportation networks should a major event occur.

Mr. U`u: Thank you, sir. At this time, we're gonna open it up for public testimony. We have one testifier signed up. Elle Cochran.

Ms. Elle Cochran: Yes, I'm the lonely voice here. Aloha. My name is Elle Cochran. And aloha to you, Commissioners, Director Hunt, and the new Members on board. Welcome. And I'm here to comment on the Olowalu Project ahead of us. And my main concern is I wanna echo Mr. Shibuya here about, you know, the State doesn't allow private people to go ahead and build seawalls, put up boulders, and harden their shoreline. So why should DOT be given any kind of special privileges in that regards? I think it's time to put this two million dollars towards the . . . (inaudible) . . . realignment. And, you know, I just drove that highway over here. I saw the jersey barriers. The road has been newly, you know, moved to mauka. And it looks perfectly fine, very sturdy, very strong. Traffic's flowing, you know, business as usual. And, you know, I think that I'm not against public safety, but I am, you know, against something that I think that two million dollars could be put to a better use. I think it's high time that that realignment of the highway gets done, you know, and just start moving on that. I'd like to see just portions of negatively impacted parts of the highway such as this area just jog, you know, mauka, and leave the rest. And that'll open up the makai side for, you know, recreational uses for the community, and it is for the broader, you know, general population whether you're a resident, a visitor, people like this. So that's I think one of the main reasons why DOT I think really wants to push for certain plans like this is because of the broader sort of – the broader benefit, but I think opening up the shoreline is also a broader benefit to community 'cause we're really lacking with that.

Oceanside California is a really good example of how these hardening of the shoreline has impacted negatively to the shoreline there. They started doing after eroded shore – beachfront towns are being eroded. Homes were lost into the ocean. They decided to put up jetties. Well, then that, you know, created the sand to move other places and stuff like that. And so when you put an unnatural hardening of the shoreline, it creates unnatural erosion somewhere else. And what they ended up doing was putting artificial reefs. So possibly these tetropod things that Mr. Shibuya mentioned, we can have some artificial reefs with some new surf spots. I think Mr. Hunt would be happy to get some more surf spots around Maui. And our precious marine, you know, resources will be disrupted with these big old boulders and geotextile fabric, I mean, disrupting the whole ecological, you know, system of our shoreline. I know they're little guys like opihi, pipipi, limu, stuff like that, but it's still part of the marine ecology which is going to be, you know, disrupted. So I don't agree.

And lastly, you know, out of all the comments, I went through the whole EA, and out of all the comment letters sent back to DOT in response, I wanna thank OHA and our very own Maui Department of Planning who, you know, I wanna thank them for their heart and foresight to see that, you know, in bringing up their concerns about this plan. So with that, I just wanna thank everybody here, long day, and mahalo.

Mr. U`u: Thank you. Questions for the testifier? Seeing none, next up is Kenny.

Mr. Kenny Hultquist: (Inaudible)

Mr. U`u: Any other? Please step forward. State your name.

Ms. Irene Bowie: Good afternoon. I'm Irene Bowie with Maui Tomorrow Foundation. And I would like to just echo those comments. I think the hard stabilization, it just leads to more beach loss. The more you put in, you're just gonna keep doing this. I would ask the Commission to question DOT on the cost of this versus the short term benefits. If you are looking to realign the highway, is there a way that that could be speeded up and that would really be the answer to do that? And again, I would echo the comments as far as the precedent this sets when we're telling the private landowners that we don't go along with this beach stabilization that the State would not do it. Thank you.

Mr. U`u: Thank you. Any questions? Seeing none, thank you. Kenny?

Mr. Hultquist: Good afternoon, Commissioners.

Mr. U`u: State your name, please.

Mr. Hultquist: Kenny Hultquist. I live Lahaina side. I drive on that highway a lot. I just wanna also substantiate what Elle and Irene and Warren all said 'cause to me, in my mind, this is just an exercise in futility. There's another problem on the same – well, there's two other spots on the highway where they have the jersey barriers where the road's going into the ocean. And the ocean's just gonna keep pounding there. They could put all the rocks they want and all the reinforcements. And how long–? I didn't hear anybody say how long this was supposed to last, but those three sections of the highway just need to get moved inland. I mean, you might as well give me the two million dollars, and I'll stand out there with a vest on, and wave a red flag, and have everybody go around that spot 'cause that's – it's about the same remedy as what this is gonna be. It's gonna be just a short term fix. And it's just a waste of money. I know everything takes forever, you know. The Lahaina Bypass took 25 years. I don't know how long it would take to get the land. I know by Launiupoko, there's a cane field road right there. And I'm pretty sure out where this spot is there's also cane road in there where they could move it in. I mean, just fill it in there and move the highway inland. A lesson – exercise in futility. Thank you.

Mr. U`u: Thank you, Kenny. Questions for the testifier? Seeing none, thank you, Kenny. Is there anybody else wishing to give public testimony? Seeing none, public testimony is now closed. Questions for the applicant? Commissioner Mardfin?

Mr. Mardfin: I– Kenny asked one of the questions I was about to ask, and that is, what is the estimated life of this project?

Mr. Ed Sniffen: Ed Sniffen with DOT. Right now, the estimated life is difficult to put it in on board. It depends on how many storms come through and all that kinda stuff. To give you an idea, the previous dumping that was done was five years ago. Five years ago, we did emergency repairs in that area. We put in 18-inch to two-foot boulders in there. Not engineered, just dumped, and that lasted five years. This new portion we put in, we're expecting it to last about the same amount of time. This fix that we're doing, this permanent fix that we're doing, this long term fix that we're doing, it's engineered. It's a much bigger – it's a much bigger boulders, a lot better protection of the roadway. I'm saying – I'm thinking it's gonna last at least twice as long. So I'm saying at least ten years right now, if you wanna put a number to it.

Mr. Mardfin: And if you— There's been suggestions that we move the road inland. If we did that, would you still need — wouldn't you still need some protection on that side? Or would it just erode to a new—?

Mr. Sniffen: If we move it inland, I'm assuming that everybody would wanna use that area for something. And if you wanna use it for something, then it should be protected. Is that what you're asking?

Mr. Mardfin: I was thinking that erosion would make the ocean march inward.

Mr. Sniffen: Well, that's the thing. Right now as Elaine had stated, the further in you are, the less of a chance there is for the roadway to be eroded wherever we put it right now. And that's the problem, right now, we don't know where we're gonna put it yet. We just started our studies with the steering committees, the advisory boards. We went through a bunch of meetings, and we came up with 84 alternatives, and we're gonna have to — shorten the list right now. Of those 84 alternatives, we gotta take it to the 404 agencies right now to get that short-listed. We gotta work out our purpose and need, and get those things down to a manageable amount that we can study in an EIS. So that's kind of where we are right now. Next year, we're hoping to get that draft EIS out. A year after that, we're expecting to finalize it, but we're still gonna have to find \$300 million to build it.

So right now, you know, everybody's saying just move it, just move it. We'd love to, but we just can't just move it. So right now in the interim, we gotta do something to make sure that this roadway stays open, and this is the fix that we're coming up with right now. This is something that's longer term than our previous repairs just putting in these 18-inch, two-foot boulders, and those are gonna last a lot longer. We don't know how longer we're gonna take to get that money, that appropriation, that construction fund back into our system. So we wanna make sure that we have something that we're comfortable with in the interim.

Mr. U'u: Thank you. Commissioner Sablas?

Ms. Sablas: I have a question for you, Ed. I drive that road regularly too. And although that is one of the more — I guess, an area that is subject to wave action, there are also other areas, as you well know. So my question is, is there a priority because, you know, while we may do that and fix that, well, down the line, there are other areas that would stop the — I mean, would close the road anyway especially, by lone pine that's happened before because of the runoff coming down from mauka with the river there? And as far as boulders, I know in the past, I know I always feel good when there's a big storm that I see a big tractor there close by because I know they've been used to clear the road, and this is kinda like easy, quick fix. I remember the storm of 1980 when actually it blocked the road so that for five or six days it was no access to the West Maui side. Again but my question is, we're fixing one end, one small area really, but what about those other areas because—?

Mr. Sniffen: That's a good question. We have a Statewide planning report that was done for all shorelines in Hawaii. And we prioritized all the shorelines based on that report. That was done in 2002, I think, if I remember. And in those areas, there were four or five that were areas that were identified along this portion. We're fixing, we're planning, or designing to fix two of them right now:



this Olowalu portion and the Launiupoko portion, but again, this is a Statewide program that we're putting together. And at two to four million each area— You know, right now, we have \$200 million total for our Statewide authority to spend on all the islands, on all the CIP work, the improvements, and all the maintenance work. So we gotta prioritize all of these portions Statewide to fix them. And those two were rated at the highest priorities. Everything else is being – was prioritized, but is constantly updated based on the maintenance departments of each of the districts. So, yes, it is being prioritized right now.

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: I wanted clarification from the Director. This is – the DOT is requesting comments on the draft EA as to what may be lacking in information. And it seems like some of the questions from the Commissioners aren't requesting additional information be added to the draft EA. It seems like they're posing questions about current situations, possible fixes. Can you clarify exactly what we're supposed to be doing right now?

Mr. U`u: Director Hunt?

Mr. Hunt: Your duty is to comment on the adequacy of the draft environmental assessment. So if there's information that this Body believes is lacking, or should be enhanced or augmented, this is your opportunity to request that information be included in the document. Sometimes in order to get to that question, there is discussion and leading conversations, and I understand that, but I appreciate your comments. I think this Body needs to be precise in your deliberations and focus on is there additional information that you request be inserted into this document?

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: I'm just looking at the agenda notice. And on the third line it says, "Placement of large boulders ranging in size between 2.3 to 3.8 tons between Launiupoko Point and Hekili Point." Launiupoko Point, is that where Launiupoko Park is? Are you proposing to put boulders all the way from Hekili Point to Launiupoko Point? Or is this specifically for a 900-foot stretch of shoreline?

Ms. Fukuda: Yes, it is— Sorry.

Mr. U`u: No, go ahead, Karlynn.

Ms. Fukuda: Karlynn Fukuda of Munekiyo and Hiraga. It is for the 900-foot stretch of road fronting Olowalu that was discussed. I believe that the Launiupoko Point to Hekili Point was trying to define where that actual 900 feet is, not that we were planning to put in boulders for that whole stretch because there's really no address. Usually we give an address of where the project is proposed. So that's the closest thing we could come up with.

Mr. Hiranaga: Okay, thank you.

Mr. U`u: Any comments? Commissioner Mardfin?

Mr. Mardfin: We've been asked— My earlier questions were to understand what's going on. Now

that I think I understand it, I have – I know what kinds of information I need. I need several sets of information. One, if we go ahead with this plan, what would be the impact on surrounding shorelines because we've heard that there's a good possibility that it'll create additional pressures there? Secondly, I think we need information on what different shape of structures would do: round boulders as opposed to force – six-sided rectangles?

Mr. Shibuya: Tetrapods.

Mr. Mardfin: Tetrapods or some other shape, triangles, x's, you know, I have no idea what the alternatives would be. I think another bit of information would relate to the height of the barriers relative to current sea level and anticipated sea level rise over the next 50 years. Even though we were just told it might only last ten years, I think you have to look at that. And so that kind of information would be useful to have in there. What the impacts would be for the odd waves or tsunami or whatever overtops that, and how – what would be the impacts when – I have to say "when" rather than "if" those events occur? Those are the ones I can think of off the top of my head. There are probably more.

Mr. U'u: Commissioner Shibuya?

Mr. Shibuya: I'd like to also ask for shoreline surveys and some kind of a data on the erosion rates. If this area has a higher erosion rate, then so be noted. We're lucky in this area that they have lots of rocks whereas some beaches are unlucky because they have sand. And so sand is much more visible and erosion is very much more apparent than the rocky areas. So if you can provide that survey along these coasts, that'll be fine. Also, the alternative of raising the road bed, relocating the road bed, raising the rock barrier and/or putting out tetrapods in the ocean to break up the wave action before it hits the rocks. These are some considerations I'd just like to know about them. Thank you.

Mr. Sniffen: Ed Sniffen from DOT again. I'd just like to ask some clarifying questions real quick. You know, we're trying to put this design together to have the least amount of aesthetic, I guess, impact in that area. So is the Council saying that putting in these tetrapods on the shoreline is acceptable? That'll be acceptable if we look at that option?

Mr. U'u: I would say they were: Commissioner Mardfin. That was part of their concerns, but it shouldn't reflect the whole Commission.

Mr. Sniffen: Oh, okay, Commissioner Mardfin.

Mr. Mardfin: And I don't know whether it would or not override it. I just wanna know what the impacts would be. And you can – I'm an economist. You can put in the economic impact. Earlier somebody said it cost a lot more. How much more? And the visual impact, I don't live on that side, so the visual impact wouldn't affect me directly, but it certainly would affect others, and it needs to be commented on.

One other thing you might think about, in Hana where I am from, we have a wharf going out. And we've just had a project looked at to extend on the mauka side of the road out to the Wharf going out. That seemed to not offend people in Hana who get offended at a lot of stuff. So this seems

similar to that. But maybe the angles going out– This won't get on the tape 'cause I'm moving my hand, but you can either go down sharp and out, or you could go out more gradually. And I don't know the engineering impacts of these things how long – if a different design would last longer or have – do less damage to reefs, or though you noticed that – I think you said that the reefs were very minor in that area.

Mr. Sniffen: We didn't say anything about that.

Mr. Mardfin: Then you ought to address reef life out there.

Mr. Sniffen: Okay. And Commissioner Shibuya, your comments about putting the tetrapods in the ocean, one of the things we were trying to do as well is to limit the impacts to the breaks in the area. Would that be acceptable to you as well?

Mr. Shibuya: Yes.

Mr. Sniffen: Affecting the breaks out there?

Mr. Shibuya: That's correct. Just minimize the force that's coming in because you can now have a more gradual type of rock pile rather than a more steep rock pile. That's a difference because you have to break up the wave action. And water, as you know, is not compressible.

Mr. U'u: Thorne?

Mr. Abbott: I think at this juncture, it's not necessarily about whether the Commissioners want – are amenable to a specific design. It's that the information needs to be provided in the context of alternatives, and the cost and benefit of those alternatives, and also the social benefits and ecological benefits. So I think that's what we're here to do is solicit those alternatives and other designs.

Mr. U'u: Thank you, Thorne. Commissioner Hiranaga?

Mr. Hiranaga: Okay, Olowalu, I've been surfing there for maybe 40 years, and tetrapods in the water would bother me a lot. That's my favorite surf spot. And if you look at a 900-foot long revetment, that's almost the length of one par 4-golf hole. That is one, big, long wall. And if you mentioned that it looks like Kalama Park, I remember Kalama Park when it was a sandy beach, and you could pick ogo off the beach. So if you're saying Kalama Park is a good example, I don't think that's a very nice example. But a couple of questions: on page 38, there's a sentence on shoreline access, the existing conditions, "There is no sandy beach along this coastal reach between Launiupoko Point and Hekili Point." And I guess the question is, on coastal reach, are you talking about the 900 feet? Because 200 feet north of that there is a sandy beach, so I'm concerned about this statement.

Ms. Dagdag-Andaya: Rowena Dagdag. Commissioner Hiranaga, page 38, what we'll do is we'll take a look at this sentence one more time and for the final EA, we'll expand a little bit on that.

Mr. Hiranaga: What does "coastal reach" mean?

Ms. Dagdag-Andaya: Coastal reach, in our definition, when we use that term, it was just the area between – the coastal area between Launiupoko Point and Hekili Point.

Mr. Hiranaga: Okay, there's lots of sandy beach there.

Ms. Dagdag-Andaya: We'll revise this.

Mr. Hiranaga: Yeah, I mean, there are thousands and thousands of yards of sandy beach between Launiupoko Point and Hekili Point.

Ms. Dagdag-Andaya: Okay, thank you.

Mr. Hiranaga: I'd like to – I'll just ask one more question and yield the floor.

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: I'd like to see or have study on this proposed design what type of backwash scenario it will create during high tide. Again, there are three very popular surf spots in close proximity to that proposed revetment. Similar to what's happening at Maalaea, you've got the break wall by the Sea Flight terminal. Those surf spots are impacted by that break wall. It creates a backwash so I'm concerned about impacting those surf spots, and, you know, what impact it may have to the reef there, to the currents. I know the surf spots have changed since Iniki and Iwa 'cause the hurricanes moved the reef around a little bit, but – so I'm curious. I'd like to see some study done about the effect of backwash for those proposed revetments. Thank you.

Ms. Fukuda: Thank you.

Mr. U`u: Any comments? Director Hunt?

Mr. Hunt: Karlynn, there's been a lot of reference to long term plans to relocate the highway. Is that the EIS between Launiupoko and Maalaea? Or are there sub regional plans or more specific plans for these specific areas? Could you just clarify that?

Mr. Sniffen: Ed Sniffen from DOT again. Yes, that's correct. It's the Launiupoko to Maalaea realignment.

Mr. Hunt: Could the EIS clarify that, then, the final?

Mr. Sniffen: Clarify?

Mr. Hunt: That this long range plan is that EIS document: Maalaea to Launiupoko? Thank you.

Ms. Fukuda: Yes, we can make that.

Mr. Hunt: The other question I had is, it seems like the alternatives discussed right now for some kind of barrier is either the guardrails which doesn't seem to work 'cause the water underneath it or the jersey barrier, are those the only two alternatives that DOT can come up with? That's a very

aesthetic stretch of highway, and to just put jersey barriers along there for 900 feet, I'm not sure that's what the community would appreciate. I would ask that the EIS discuss alternatives, something with a little bit more aesthetics that would still accomplish the same thing.

Ms. Fukuda: We will take that into consideration in the final EA preparation. Thank you.

Mr. Hunt: Thank you.

Mr. U`u; Commissioner Mardfin?

Mr. Mardfin: This may be a little duplication of what I said earlier, but I guess I don't think this environmental assessment – it addresses the immediate area you talked about, but it does – I think it does very little in terms of what the impacts will be on the surrounding coastline and the surrounding reef area. And if you tell me there's nothing in there about the reef, then I would say we need – I thought it said there was very little reef out there, but maybe I misread it. But I think we need to look at reef, reef life, how these measures will affect reef growth, and that's it.

Ms. Fukuda: So noted.

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: I'm trying to visualize where the revetment would end. And I know you showed some photos with the utility poles in the water, but it would be helpful if you had photos from the ocean taken to the shoreline versus just photos from the sides, 'cause I know that there are certain trees there that provide landmarks.

Mr. U`u: Any more comments? Commissioner Mardfin?

Mr. Mardfin: And we mentioned it earlier, but I think we need to at least acknowledge sea level rise. And so if you're assuming that we're working on the same sea level, I think we could be in some real problems. I think if we're gonna look down the road, we need to think about that sort of thing. And I'd also like to ask if our expert on – Staff Planner Thorne Abbott on coastal land if he has any suggestions for what ought to be included.

Mr. U`u: Thorne?

Mr. Abbott: The Department will be preparing a letter with its own comments in addition to the Commission's and we have quite a few.

Mr. U`u: Thank you. Commissioner Hiranaga?

Mr. Hiranaga: The report states that the erosion rate there is anywhere from zero to one foot a year. And also stated in there was the roadway width mauka of the existing pavement is ten to 15 feet wide. So I'd like to look at exploring relocating the existing pavement mauka within the existing roadway width 'cause if it's eroding zero to one foot per year, and you're moving 15 feet, that gives us 15 years, hopefully. And by that time, you can find a long term solution to relocating Honoapiilani Highway and not having to build that 900-foot long revetment. An aside comment, if

you do build it, and the Puamana to Pali relocation happens, would there be a plan to remove the revetment because that revetment would be there probably forever affecting the shoreline? And people will say, why did they build that there? Well, there was an old road here at one time. So I'd like to see a – you know, look at having those things removed once they're no longer functionally, required.

Ms. Fukuda: Commissioner Hiranaga, if I may just get clarification? One of the alternatives you would like us to look at is, explore moving the road mauka within the existing right-of-way? Is that a correct statement?

Mr. Hiranaga: Right.

Ms. Fukuda: Okay.

Mr. Hiranaga: I know you've done it a couple of times.

Mr. U`u: Any more comments? Seeing none, could we have staff recommendation?

Mr. Abbott: Would you like me to summarize what I heard your questions to be?

Mr. U`u: Please do.

Mr. Abbott: Okay. You'd like the draft environmental assessment in support of the special management area major permit and shoreline setback variance to address the times and waves heights that would normally affect the so-called jersey barriers. Any other – you'd also like there to be examples of other places where this kind of design has been used. Also would like to know the time – I'm sorry, the life span of the Corps of Engineer of Launiupoko and Kalama Park revetments. You'd also like to know how long this particular structure will last. You'd like to know the impact on the neighboring shoreline areas, including beaches and their proximity. Also, address different designs, including tetrapods, a different slope revetment. I'd also recommend seawall. Consider sea level rise impacts and how that's being addressed. Justify the height of being at base flood elevation and why it's not higher. Consider the aesthetics of using jersey – so-called jersey barriers. They're called jersey barriers for a reason. You might not want to have that in Hawaii. If the erosion rate – contrast the erosion rate, the annual erosion hazard rate at the site along all 900-linear foot in relation to using the existing highway right-of-way berm on the mauka side. In other words, moving the highway in within the existing footprint of the easement. And backwash scenario, how it would affect surfing sites in the vicinity, and what kind of backwash or reverberation wave might be created from this with 900 feet. Also, revise page 38 in context of there not being sandy beach in the coastal reach. It might be more appropriate to say the literal cell and reference that to the shoreline atlas, the annual erosion hazard rate maps we have online. Also, address reef life and how this may impact any reef life. I do believe you have a marine report in there. I believe that should be a little more concise and more direct regarding reefs and fisheries. And finally, how much would it cost to actually move it, that portion of the highway, not the whole highway, that portion of the highway, and conduct a cost benefit analysis for all these different alternatives. I believe that summarizes the Commission's comments.

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: Did you mention photos from the ocean to the land?

Mr. Abbott: Please state again?

Mr. Hiranaga: Photos from the ocean to the land.

Mr. Abbott: Okay.

Mr. U`u: Commissioner Shibuya?

Mr. Hiranaga: One more.

Mr. U`u: Oh, Commissioner Hiranaga, I'm sorry.

Mr. Hiranaga: Regarding backwash from the proposed improvement, also would there be any effect on the wraparound at the end of the revetment on the north end because it's gonna end up very close to a sandy beach? And you're probably gonna have some wraparound activity as the shoreline recedes.

Mr. Abbott: Any scouring at the ends.

Mr. Hiranaga: Right.

Mr. Abbott: Okay.

Mr. U`u; Commissioner Shibuya?

Mr. Shibuya: Also, the height of the roadway. You could increase the height.

Mr. Abbott: Oh, correct, yes. That was an excellent suggestion.

Mr. U`u: Director Hunt?

Mr. Hunt: Thorne, maybe you mentioned it, I was trying to go over my list as you were going over yours. Did you include an alternative of shifting the pavement within the right-of-way?

Mr. Abbott: I believe so, yes.

Mr. Hunt: Okay.

Mr. U`u; Discussion on Thorne's comments? Do we have consensus? Okay, thank you very much. Oh, one more, sorry. Commissioner Hiranaga?

Mr. Hiranaga: Just to throw this in. It may be too far out of the scope, but there is the Olowalu Landing which has the break wall. Is that break wall impeding the northward flow of the sand that's causing the erosion in that area? I don't know if you recall but there's an L-shaped break wall.

Mr. Abbott: That's an excellent question. So to restate that, investigate–

Mr. Hiranaga: Impacts of Olowalu Landing on the project site on the migration of land northward. I mean, it is basically a jetty sticking out into the ocean although they call it a break wall.

Mr. Abbott: Should they also be looking on the Lahaina side at any potential – if there's any shoreline hardening there that may have an adverse – be contributing to this existing erosion?

Mr. Hiranaga: I guess, I mean, you got the Launiupoko – whatever they call that, the wading pool. I don't know why they built that.

Mr. Abbott: Revetment. Thank you.

Mr. U`u: Any more discussion? Seeing none, thank you very much.

Ms. Fukuda: Thank you.

Mr. Abbott: Thank you, Commissioners.

Mr. U`u: Turning it over to Director Hunt for the next agenda item.

**E. ACTION MINUTES OF THE APRIL 14, 2008 MEETING AND THE REGULAR MINUTES OF THE MARCH 10, 2009 MEETING**

Mr. Hunt: Your agenda item involves the review and hopefully approval of the action minutes of the April 14, 2008 meeting and the regular minutes of the March 10, 2009 meeting.

Mr. Mardfin: I move we approve the action minutes of April 14 and the regular minutes of March 10.

Ms. Sablas: Second.

Mr. U`u: Motion to approve by Ward Mardfin, seconded by Commissioner Sablas. Director?

Mr. Hunt: Unless there's objections, we'll consider that approval?

Mr. U`u: Oh, I'm sorry. All those in favor, say aye. All those opposed.

**It was moved by Mr. Mardfin, seconded by Ms. Sablas, then**

**VOTED: To Approve the Action minutes of April 14, 2009 and the Regular Minutes of March 10, 2009.  
(Assenting - W. Mardfin, L. Sablas, J. Guard, D. Domingo, K. Hiranaga, W. Shibuya)  
(Excused - W. Hedani, J. Starr)**

Mr. Hunt: We'll consider that unanimous in favor.



**F. DIRECTOR'S REPORT**

**1. Planning Commission Projects/Issues**

Mr. Hunt: The next item involves the Director's report with the first sub item being the Planning Commission projects and issues. This is an opportunity for people to bring – or Commissioners to bring forward issues, concerns, projects, etc., for – Generally speaking, we can either try to respond to them immediately, if it's a little bit more involved, we usually say we'll come back with additional information.

Mr. U`u: Commissioner Hiranaga?

Mr. Hiranaga: At the last meeting, I suggested some type of a site tour of Hana when we go out there since some of us have not been out there for a while. So I was just wondering if the Department is considering that.

Mr. Hunt: I believe we're trying to arrange that. So it would be as part of the agenda. We have to agenda it because of the Sunshine Law. So it would be part of the agenda as for that meeting in Hana, which I believe is June 2<sup>nd</sup>.

Mr. U`u: I'd just like to add that I believe the best way to get out an overview of Hana is by helicopter. Moving on. Commissioner Mardfin?

Mr. Mardfin: We have a hang glider service out there too. If you have a van or something to take people out there, I'd be happy to be a site guide. I think Jonathan would also be willing to do that. And I'd like to invite all the Commissioners to the – if we're gonna arrange it particularly at the same time to the Hana Cultural Center Museum and Courthouse, and I can show you all the stuff over there. But I offer myself as a tour guide.

Mr. U`u: Thank you. Director Hunt?

Mr. Hunt; Anything else under Commission issues?

**2. Future Maui Planning Commission Agendas**

**a. May 12, 2009 agenda**

Mr. Hunt: The next item is discussion of future Maui Planning Commission agendas, and we've got the next one listed as May 10<sup>th</sup> – pardon me, May 12<sup>th</sup>. That's your standard regular meeting. Clayton Yoshida generally gives us a list of the next items. I'm not sure I have it. Did you get one?

Mr. U`u: Yeah, we got'em.

Mr. Hunt: Okay. Is there any questions on that?

**3. EA/EIS Report**

**4. SMA Minor Permit Report**

**5. SMA Exemptions Report**

Mr. Hunt: The next item involves the EA/EIS report, the SMA minor report, the SMA exemptions report. And for the new Members, this is an opportunity to ask questions on these reports that we give you at every meeting, which is just a summation of actions and open applications.

Mr. U'u: Commissioner Mardfin?

Mr. Mardfin: Director, there's a new one that came on, and it doesn't have a Planner listed. Does that mean that you haven't decided who's gonna be working on it? And once you have a name in there, I contact them or—?

Mr. Hunt: I'm not sure. If you give me the file number, I can have Clayton Yoshida respond to you. Any other questions or comments on those three reports?

**6. Special Maui Planning Commission Meeting on the Maui Island Plan Review - May 5, 2009, 1:30 p.m., Haiku Community Center**

Mr. Hunt: Then the next item is the special Planning Commission meeting on the Maui Island Plan Review. That's May 5<sup>th</sup>, the Haiku Community Center. It starts at 1:30 p.m. in the afternoon. And we tentatively have it scheduled to 8:00 p.m. So since it starts at 1:30, we will not provide you lunch. Since it goes – since you're working or intending to work on both sides of dinner, we will provide you with a light dinner. The agenda at this time would entail a presentation regarding the growth areas in the Haiku community plan region for the sake of the public. And there'll be an opportunity for public testimony regarding that. The discussion and decision-making by the Planning Commission would involve the population element which you were given a presentation on. And then I believe there'll be a presentation on the heritage resources. Heritage resources is a catchall term for cultural, natural, and other types of resources. So you'll be given a presentation on that. So I believe that's the tentative agenda at this time. Any questions on that special meeting on May 5<sup>th</sup>?

**G. NEXT REGULAR MEETING DATE: May 12, 2009**

Mr. Hunt: And we generally – the next regular meeting is May 12<sup>th</sup>, and we always ask if anyone is not going to be at the May 12<sup>th</sup> meeting. So we'll assume we'll see you all then. Is anyone not gonna be there for May 5<sup>th</sup>? Haiku?

**H. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:45 p.m.

Respectfully submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Bruce U`u - Vice-Chairman  
John B. Guard  
Kent Hiranaga  
Lorraine Sablas  
Donna Domingo  
Warren Shibuya  
Ward Mardfin

Excused

Wayne Hedani - Chairman  
Jonathan Starr

Others

Jeffrey Hunt, Planning Director  
James Giroux, Deputy Corporation Counsel  
Michael Miyamoto, Deputy Director of the Department of Public Works