

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
JULY 10, 2012**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Ivan Lay at approximately 9:01 a.m., Tuesday, July 10, 2012, 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. Lay: Planning Commission today present is -- Kent isn't here right now. We've got Warren Shibuya, Penny Wakida, Keone Ball, Wayne Hedani, Max Tsai, Jack Freitas and Donna Domingo and myself.

The Commission will now take testimony for any individuals who can't be present for the meeting when the agenda item is taken up by the Commission. If you have to testify now, you'll not be allowed to testify when the agenda comes up before Commission unless new or additional information will be offered. You will be allowed a maximum of three minutes to present your testimony. Do we have a list of anyone testifying?

Ms. McLean: Nobody signed up.

Mr. Lay: The first item on today's agenda is...

Ms. McLean: Thank you, Mr. Vice-Chair. The Commission has two public hearing items on its agenda today. The first one is an application from HMC KEA LANI LP requesting an SMA Use Permit for the expansion of the existing spa at the Fairmont Kea Lani Hotel and that's at 4100 Wailea Alanui Drive, TMK: 2-1-023: portion of 003 in Wailea, and the Staff Planner is Candace Thackerson.

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

- 1. HMC KEA LANI, LP requesting a Special Management Area Use Permit for the expansion of the existing spa at the Fairmont Kea Lani Hotel, including the addition of an approximately 2,065 square foot, single-story building expansion with treatment rooms, locker rooms with sauna, whirlpools, steamrooms, coed lounge, retail areas, administrative office, and staff room located at 4100 Wailea Alanui Drive, TMK: 2-1-023: portion of 003, Wailea, Island of Maui. (SM1 2011/0008) (C. Thackerson)**

Ms. Candace Thackerson: Good morning, Commissioners. This item is under review because the Fairmont Kea Lani Resort is located within the Special Management Area requiring a review of the project under HRS 205. Although the parcel is located along the shoreline, the action does not trigger compliance with HRS Chapter 343 since the proposed action takes place over 750 feet from the shoreline, well outside the 150-foot shoreline setback area. The parcel is State Land Use District, Urban, and both the Community Plan Designation and County Zoning are Hotel.

The proposed action includes renovation and upgrades to an existing Spa Kea Lani within the resort. The renovation includes a 3,719-square foot expansion increasing the total floor area of the spa to 9,219 square feet. This expansion includes the conversion of approximately 1,654 square feet of existing retail space to be incorporated into the new spa area and approximately 2,065-square foot single-story building expansion of the existing spa. Details for the design, layout, and construction of the expansion will be explained in further detail by Project Planner, Mark Roy from Munekiyo and Hiraga. Is the Commission ready for the presentation?

Mr. Lay: Go ahead.

Mr. Mark Roy: Good morning, Members of the Maui Planning Commission. My name is Mark Roy with Munekiyo and Hiraga. I stood before you today representing the owner of the Fairmont Kea Lani Resort in Wailea. I'd like to just offer some information on the interior renovation and expansion work that as Candace mentioned is currently being proposed through an SMA Use Permit application to the resort's existing spa facility. Also would like to note at this point that there is no other work to any other elements within the Fairmont Kea Lani Resort property. It's about 20 acres in total size being proposed as part of this SMA application.

Joining me in the audience today are members of the project team for this project. We have Mr. Charles Head who is the General Manager of the Fairmont Kea Lani Resort. We have Ms. Cynthia Gartner of Group Pacific who are the construction project managers for the project. Ms. Sheryl Seaman who is an architect, the project architect with Group 70 International. We also have Ms. Shelly McKelvey of McKelvey and Associates, the landscape architects for this project. Mr. Doug Gomes of Engineering Dynamics. Doug is the civil engineer for this project.

Fairmont Kea Lani Resort is one of the top-rated resorts on Maui and consists of 413 one-bedroom hotel rooms and 37, two and three-bedroom villas oriented along the shoreline. The 22-acre property sits adjacent to Polo Beach in the Wailea Resort and it's about a mile or so south of The Shops at Wailea.

This is a property location map showing on the bottom the Pacific Ocean and this is the Fairmont Kea Lani Resort parcel. Just to, just for orientation purposes we have to the north of the property, the Wailea Point luxury condominium project. On the east side we have the Wailea old Blue Golf Course and then Kaukahi Street that actually comes down in a mauka-makai alignment down to Polo Beach Park. And on the south of the property here we have Polo Beach Park, the Polo Beach Club condominiums and also, further along towards Palaua Beach, you have--there is single family residences located along that particular beachfront. And of course, on the west fronting this particular resort we have Polo Beach and the Pacific Ocean beyond.

This is a site plan of the existing resort. I apologize it's slightly faint but it does show the existing layouts of the resort and the existing structures. I'll point out a few things for orientation purposes. We have Polo Beach on the left side of this slide. The two and three-bedroom villas that I mentioned earlier are oriented at the front of the resort with the guestroom wings towards the Wailea Alanui Drive side of the property. In the center here we have the hotel lobby and the guest parking is oriented adjacent to Wailea Alanui Drive and naturally along Kaukahi Street. There is

a guest parking structure which actually is a two-story structure located adjacent to the yellow box which I'll talk a bit about in a second which is the proposed...the yellow is the proposed site for the building, the spa expansion project and is actually the location of the existing spa. So you can see here it's nestled between the main, one of the main guestroom towers and also a two-story parking structure which I'll discuss in further detail as we move through the presentation. Access to the resort is provided from Wailea Alanui Drive at this location. There is an alternative access coming down Kaukahi Street into the resort that way also.

The existing spa that we'll be talking about today is located along the corridor of the lobby level of the main guestroom tower at the resort that I just mentioned. It's nestled, the space is really nestled within the interior portions of the resort between the upper swimming pool and the newly renovated Ko Restaurant which actually sits on the makai side of the existing spa and we have some photos to show that location also.

The guestroom building which contains the spa as Candace mentioned is about 750 feet away from the nearest area of shoreline which is Polo Beach. As it is an enclosed facility within one of the guestroom towers, it cannot be easily viewed from either the beach or the public boardwalk that actually fronts the resort and goes along the coast throughout the Wailea Resort area.

We have a few slides of site photos I'd like to offer the Commission just to give an understanding as to where exactly within the resort we're talking about. This is a shot along--to the north along the existing corridor that I mentioned on the lobby level of one of the main guestroom towers and the spa entrance to the existing spa is off on your right-hand side here. The newly renovated Ko Restaurant space actually sits beneath next to the swimming pool and this is actually the new, the top of the roof of the new, newly renovated Ko Restaurant project and the Commission may recall seeing that project about a year or so ago on an SMA Use Permit application. This is an alternative shot looking the other direction, looking south along the same existing corridor as if you were walking from the lobby to the spa. The entrance to the spa on this slide is on the left and again, this is the new roof for the Ko Restaurant.

This is a site photo looking west makai towards the ocean. It gives you a good perspective as to, you know, this is quite far back from the shoreline. It's about 750 feet, and again, here in the forefront, you can see the roof with this tailored paver system on top which is the Ko Restaurant roof. The new building expansion for the spa expansion project that we'll be talking about today will actually utilize a similar roof paving system as was used at the Ko Restaurant.

And now we're actually jumping on the other side, the mauka side of the main guestroom tower. This is the guestroom tower that I pointed out from the site plan slide and this is a view of the front lawn facing west towards the ocean of that main guestroom building and the existing spa is located as I mentioned on the lobby level so it's at grade from this view vantage point and is located behind this existing landscaped buffer. So as far as interior at this point in time and really you can't see the first floor of the main guestroom building from this location because of the existing landscaping. Very difficult to make out on this slide actually if at all is the two-story parking structure that I mentioned earlier. If you were to come into the resort, you would actually circle around and actually enter this parking structure that sits on the left side of the existing spa. So you've got the existing spa location on the mauka side of the main guestroom tower with that two-story parking structure

on the mauka side of the project site also.

This is a view from the main hotel driveway entrance from Wailea Alanui Drive towards the main guestroom building. There is another existing buffer of taller trees at this location and the parking structure that I mentioned, you would access by going left here and actually going down into the parking structure that sits approximately at this location.

The ownership of the resort is currently proposing to upgrade the existing spa facility in order to maintain really the highest standard of excellence at the resort...the resort, the renovation and expansion work will really address three key service-based and functional objectives. The first is to upgrade the existing spa to meet evolving visitor needs and expectations certainly in a world-class resort of Wailea. The second is to incorporate some of the newest trends in holistic health and spa remedies. And third, and very importantly for the resort is the need for some additional floor space for key operational facilities such as an administrative office and a staff break room. These kinds of spaces are significantly lacking in the current facility based on the relatively small footprint that is within the spa.

Here we have an existing floor plan showing the spa. I've tried to highlight it here using yellow and it shows the existing configuration of the spa. It covers approximately 5,500 square feet and I'm outlining it here with my laser pointer. This is the lobby corridor that we were looking at the site photos from before. So you would access from that corridor area into the existing spa, 5,500 square feet of floor space on a single level and contains a small check-in area, retail area on the side, nine treatment rooms as well as mens and womens steam rooms and dressing rooms.

Just a few shots looking into the existing facility. This is the retail space which is just on the right side as you walk into the spa. This is the, one of the existing locker rooms, I believe it's the mens locker room within the spa. This is the existing corridor that actually goes around with the treatment rooms lying beyond. This is one of those treatment room and it gives you a good idea as to some of the space limitations that are being experienced within the spa, certainly within the treatment rooms.

To meet the evolving guest expectations at the resort and also to address the operational challenges associated with the current floor plan configuration, the resort is proposing to renovate and expand the existing spa. The scope of work that we'll be undertaking for this project breaks down into three components. The first is the renovation and reconfiguration of the existing 5,500 square foot spa. The second element will be the conversion of about 1,600 square feet of existing interior retail space which will essentially be pulled into the new spa to create a larger interior footprint. And in the third, which is only, is really the only exterior elements of this project is the construction of a new, about 2,000-square foot single-story building expansion which will occur on the mauka side and will extend the lobby level of the main guest room building that we were looking at in the site photos about 27 feet on the east side, on the mauka side of the main guestroom building. And there'll be some limited landscaping incorporated mainly because there's quite a lot of existing landscaping within the resort and around this location, but there is some bamboo landscaping proposed around the outer edge of the new building expansion.

To summarize, the facilities that will be provided by the about 9,200-square foot spa facility will include 12 treatment rooms and a couples treatment room. So if you're looking at the existing

conditions and looking at what will be built out, there'll be about--there'll be four new treatment rooms. Because what's there today is nine, and there'll be 12 treatment rooms in total and one couples treatment room, so four additional treatment rooms. There'll be a co-ed relaxation lounge, a spa retail area which will be slightly expanded, salon area that will offer other kind of pedicure services, an administrative office and staff break room which I mentioned was really needed within the existing spa footprint.

This is the new floor plan and as you can see it gets a little complicated and I apologize. It's kind of tough to see on a slide here, but the yellow outline is the proposed new footprint for the newly renovated spa. Again, we have that lobby corridor along the frontage which is on the makai edge of the guestroom building. The existing spa footprint is approximately here. This is the retail space further towards the lobby which will actually be pulled in and utilized for part of the spa now. And then importantly on the mauka side with my outline here, it's actually dashed, it's difficult to make out, but this is the new building expansion which goes about 27 feet beyond the limits of the main guestroom tower and as you can see just creeping in the top of this figure here, this is the two-story parking structure that I mentioned before. It's fairly close and then you've that existing area of landscaping that buffers the view from Wailea Alanui Drive and the people coming in and out the resort.

The 2,000-square foot new building expansion is depicted on this slide which is a section through the existing guestroom building. As you can see, the new building expansion which I'll just highlight here with my pointer, is highlighted in yellow. It actually sits above or it will sit above an existing basement. There is a kitchen underneath as part of the main guestroom tower and this the resort's main kitchen. So it will simply be placed on top of the existing grade. They'll be I think about nine inches of fill separating the basement beneath, but it essentially it's going on top of an existing basement kitchen at the resort. And so the yellow area here is the highlighted new building expansion and this is the existing guestroom tower. And again, this is the mauka side of the main guestroom building.

There'll be very minimal earthwork associated with the implementation of construction of this new building as you can see based on the conditions beneath, it will require very minimal grading activity in order to implement this new building.

This is a 3-D perspective of what the new building expansion will ultimately look like and it's put in the context of the guestroom tower that's existing today. It gives a perspective really of someone looking down from the second-story of the parking structure that I mentioned previously that sits adjacent to the spa so you're looking at the main guestroom tower here. This is the new building expansion. The green around the outside is actually an image of what the proposed bamboo landscaping would look like and the landscaping is something that I'll touch upon on the next slide.

This is the landscaping plan for the project. The goal really has been to maintain most of the existing trees and palms in the area, in the direct area and that was that existing beautiful area of landscaping buffer that you can see coming into the resort on one of the earlier site photos I showed. And what's proposed as part of this project around the outer edge of, and again, this is the new building expansion that's coming out of the main guestroom tower is to incorporate an additional buffer of bamboo around the outside of that building expansion and really the goal there

is two-fold. One to enhance the user experience from within the spa, but also to further enhance the exterior appearance of the structure and it will be very difficult to see this particular building from various vantage points on the mauka side of the main guestroom tower.

And this is our final slide. Really we wanted to emphasize that a lot of careful consideration has been given by the ownership at the resort to implement an expansion of the existing spa in a way that it's complementary to the resort and one that minimizes impacts to views to neighboring residents and members of the public using Wailea Alanui Drive. The site selected for the single-story building expansion on the mauka side of the main guestroom structure again, is at the base of that structure and is adjacent to the two-story parking structure also that I mentioned. So it fits very much down beneath within the interior portion of the mauka side of the resort. And as you can see I think from this photo, this is taken from the resort's main driveway and the new building has been highlighted here and it's, again, I apologize, it looks a lot clearer when you see it on a computer screen, but the new building has been highlighted with red thatched line here to give you an idea as to where it would be in relation to this vantage point, and again, it would be behind that existing area of landscaping, not in front, but actually behind and would sit at the bottom of that main guestroom tower. And also from an elevation standpoint there is quite a difference in elevation from the road. The bottom of the building will actually be about 19 feet I believe below the surface of the Wailea Alanui Drive roadway surface. So the setback, you know, quite some way from Wailea Alanui Drive, and also the elevation differential, we believe is combined in this case to allow both the use of existing and new landscaping that's proposed to really allow this project to fit in nicely within the context of the resort and make it very difficult to be seen from various vantage points at this location.

And as some final closing comments, we'd like to note that the plans that you see today have been reviewed by the County's Urban Design Review Board and the Wailea Community Association as part of the SMA application process. The UDRB recommended approval of the project in May, a couple of months ago of this year, and they had no comments as they recommended approval of this project. And also the Wailea Community Association issued two, two levels of approvals. First was a conceptual design approval in of November 2011, and very recently they issued a final, final design approval on June 28<sup>th</sup>, last month. I believe the UDRB and the conceptual design approval letters are included in your packets as Exhibit 12 and 11 today. I do have copies of the final approval from WCA if any of the Commission Members would like to see that, we can certainly hand out copies. And with that, I'd like to close our presentation for you today by saying thank you very much for allowing us to be here before you today and we're, of course, available to answer any questions that Members may have of your review of the SMA application this morning. Thank you very much.

Chair Hiranaga: Thank you.

**a) Public Hearing**

Chair Hiranaga: At this time, I'd like to open the public hearing. Do we have a sign up sheet? Anyone signed up? Is anyone here wishes to testify on this agenda item, please come forward and identify yourself? Seeing none, the public hearing is now closed. I'll open the floor to Commissioners for questions. Commissioner Wakida?

Ms. Wakida: Thanks, Mark. First of all, I want to say that I am really happy that within the renovation that the hotel has decided to try and recycle as much material as it can, give it Habitat and so, I think it's great, and if they let the public know that there's things that they can have or buy, I think that's a great service that they're doing. I have a question about parking. If, the hotel, it looks like they'll be increasing the number of employees because of the expansion would that bump up the need for more employee parking?

Mr. Roy: There are gonna be some more therapists that will be coming in on a contractual basis to the new spa and there may be some additional parking requirements for those employees to come into the resort, but the applicant as you recently went through a comprehensive parking analysis with the Planning Department, Zoning Administration and Enforcement Division and they have got sufficient parking to meet the needs of this newly expanded spa facility. They actually got a surplus so they have extra stalls in place for any future needs they may have.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I'm sorry, I didn't get your name.

Mr. Roy: My name's Mark Roy.

Mr. Hedani: Mark, thank you. When you get old you cannot hear. I actually have only two questions for the project. It's a very beautiful project. It's well thought out I thought. The first question that I had was I'm trying to recall at the Kea Lani if it's part of the system that ties in all of the makai properties within Wailea through lateral access. Does the Kea Lani...can you go from the public beach park on the left-hand side of the hotel to Wailea Point via public lateral access walkway?

Mr. Roy: You can. So if you actually come down Kaukahi Drive and actually enter Polo Beach Park. You can park your car at that location, take a small path down to Polo Beach and at that point really the Wailea beachwalk I think it's called starts at that location and actually goes all the way I think almost to Keawakapu Beach. So yes you can access that.

Mr. Hedani: So say someone that had like a wheelchair would be able to use that to get from one point all the way to the rest of the resort?

Mr. Roy: Certainly into the resort and you can access the main beach walk which is a public thoroughfare along the shoreline throughout the Wailea area. There are some transition changes. You know, it goes up and down over hills, but there's certainly access provided at Polo Beach Park.

Mr. Hedani: Thank you. One follow up? The only other follow up question that I had was, there's no visual impact actually because of the existing landscaping that you have around the project. The only impact that I can see would be to the guestrooms that are actually immediately above the spa addition because you have a very large roofscape that's gonna be in close proximity to those units.

Is there a treatment for the roof that you're looking at to somehow soften it?

Mr. Roy: Yeah, the treatment is very similar to what you see on the top of the newly renovated Ko Restaurant structure and you actually have guestrooms above that structure as well. Quite some attention was put into designing --

Mr. Hedani: That's like a mosaic tile type of treatment on the roof.

Mr. Roy: Yes, it's a roof paving system. Yeah, it takes the appearance of different shades on top of that structure. So a similar system will actually be used on the new building.

Mr. Hedani: Thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Mark, were there any discussions about putting a building on top of a kitchen like you're proposing? Not knowing anything, I see there's no comments from Fire or anything like that, but just for curiosity sake. No discussion or?

Mr. Roy: There have not been any concerns raised during the SMA application process of proposing that structure atop of the actual kitchens. And maybe at this point it's a good idea for me to invite Sheryl, who's actually the architect. Sheryl Seaman from Group 70. She can actually give you some more specifics as to the appropriateness of that site for this new building expansion. Thank you.

Ms. Sheryl Seaman: Good morning, Commissioners. The site there over the kitchen is actually a convenient place for us to build because it minimizes the amount of drainage and obstruction. Group 70 was the original architect for this building back in the '80s when most of you were children and I was a child architect. So we have the same structural engineering gauge. So there are no structural issues with that. If you look at the plan, we are actually in our plan working around some of the existing roof ducts that come out of this area. So the actual building outline jogs here because there's a duct coming up here, it jogs again here because there's a duct coming up here and it jogs again here because there's a duct coming up here. These ducts run on the surface of the ground out to fans that are out here. So we're working around the impediments. There are impediments, but we're working around them and there are no concerns with regard to Fire. We will be following all the regulations. When we get in for our building permit, they will, of course, review in detail both Fire Department and the Building Department itself and we feel we will be in full compliance.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, while we still have you up here. What's involved on this new roof that's being built? Or how practical or impractical is it to do plantings up there where it be more visually pleasing plus energy conservation?

Ms. Seaman: Well, we feel that in some way...First of all, what we're building is called, what's



called an environmental speak, a cool roof. So the materials are designed to prevent heat buildup and there is an air space between the actual waterproof membrane of the roof and the tiles. If you've ever been in an old-fashioned computer room that had the raised access flooring that's what this roof is like. It's all on all these little adjustable piers that hold up the tile and make it even. The water drains through to the roof drains and out underneath. Plantings on this, on the roof here, would require a lot of irrigation because it would be very warm for them and so there really are...we didn't give a whole lot of thought to putting plantings there because immediately beyond this--this only sticks out 27 feet. Okay, most of the buildings are gonna look right past this. And beyond that we have a large stand of bamboo and all of those palms and then the beautiful view to the West Maui Mountains. So landscaping this roof from a practical perspective for one thing we don't want to give any guests any idea that would be appropriate for them to climb over their balcony railing and visit the plantings on the roof. So we're trying to make it clear that this is a roof, it's attractive, but if you'd like to visit the landscaping please go downstairs.

Ms. Wakida: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Can you tell me some of the energy conservation as well as power generating system that you may have integrated into your system?

Mr. Roy: Sure. We can certainly touch upon some of the sustainability aspects and maybe, maybe it would be good for me to first touch upon some of the resort wide initiatives that are implemented at the Kea Lani and then we can drill down to this specific project and I ask you to maybe invite Sheryl over again because she--you know, Group70 is well known for their sustainability objectives in their projects and can give you a good overview I think for this project. The Fairmont Kea Lani Resort really I think is one of the leaders in the State for being a green performing resort. They were recently recognized I think several years back with a green hotel award designation that recognizes some of the initiatives that they have implemented resort wide to really cut down on water use for example. Water use is one of those areas that they've focused in on. They've got a recycling system in place at the resort now that I believe allows them to recycle about 80 percent I believe of the laundry water that goes through the laundry system. So that's one example, and throughout the guestrooms they've retrofitted the rooms to really make sure that the rooms are using efficiency CFL light bulbs, air-conditioning cut-off systems and things like that to really promote energy efficiency within the resort as well. But maybe if I could ask Sheryl to come to the microphone, we can talk about some of the initiatives that are being implemented specifically for the spa project. Thank you.

Ms. Seaman: Certainly. Thank you for the question. It's one of our favorite topics. As most of you are probably familiar with the U.S. GBC, U.S. Green Building Council, in terms of their LEED ratings and when they do LEED ratings for projects, they go through an assessment based on certain specific sort of categories of energy efficiency and healthful environments. So we have what under sustainable sites, we're doing a reuse of existing spaces, we are using as you so kindly pointed out, we are using alternatives to in terms of reusing and recycling as much as possible of all the building--both the building materials and the furnishings and fittings. We are providing pervious paving for paving for the new walkways. We're directing rain runoff from our new roof to landscape

irrigation. We're using a cool roof system to prevent the heat build up, and we have no exterior light pollution.

Under air quality, we have an air-conditioning system designed with appropriate controls to provide comfort in each individual treatment room. We have filtration to ensure that all particulates are removed from the air, we have an appropriate amount of fresh air changes for each room type. We have an exhaust system in the dispensary and preparation room to ventilate any chemical vapors, we have low VOC carpet, adhesive wall covering and paint, we have copiers in alcoves with exhaust vents.

And then under water conservation, we are using all low flow fixtures and we're using automatic faucets.

For energy conservation, we're using low wattage lighting, and the hotel currently uses heat recovery for hot water heating for the hotel as a whole. Under rapidly renewable and recycled resources we're using glass and recycled glass tile products in our finishes. We're using FSG which is the Forest Sustainability Growth Council for Woods, and we're using natural fibers for fabrics, window coverings, upholstery, and screen. Our carpet and our wall covering all both have recycled contents.

To elaborate a little bit about what Mark said, actually the Kea Lani Hotel was first recognized as a Green Key Eco-Rating in 2009, and they sustained this rating in 2010, 2011, and we're pretty sure they'll get it in 2012 as well. They also received from the State from Duke Aiona in 2010, a Hawaii Green Business Award. And their chef, Chef Pang, recently received this year from Maui County Farm Bureau, A Friends of Agriculture Award and the Ko Restaurant also received an Aipono Award for The Best Menu for a Small Planet. So we think that we have tried to address in every way sustainable and green practices for the development of the spa in keeping with the general policies of the Kea Lani Hotel.

Mr. Shibuya: Thank you very much.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Well done Sheryl and Mark. On that subject of sustainability, in the spa facility you obviously have a lot of extensive use of water. Are you guys doing anything to recycle the water or planning to do that?

Mr. Roy: I'll ask Sheryl to respond to that question if that's okay?

Ms. Seaman: I won't have to work out this afternoon. This is good. The recycling--we will be recycling the rain runoff into the irrigation system. But we aren't having very water intensive uses here. We have no whirlpools, we have no, you know, water baths kinds of things. The water experiences that we have are showers that have low flow fixtures. They emit a mist so it's a very small amount of water that's used and it's either cool or warm, you know. And they have colored lights and it's all about the effect. It's really not about using a lot of water. And then of course, the toilets and faucets are as I mentioned earlier are all low flow. But this spa is really not so much as

you might imagine about using a lot of water. We have a fairly nominal amount of water usage. Any other questions?

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Sheryl, I've worked with Group 70 in the past. In fact, Group 70 was a member of our architectural review committee for Kaaanapali with Francis Oda. So I'm very familiar with the firm and good work. Relative to this particular project I think, well, first thing is back in the '80s when the hotel was built I was already a parent. You know, I wasn't a child at that point.

Ms. Seaman: So was I.

Mr. Hedani: And I think our scouting group was the last group that got to camp on the beach in front of the Kea Lani before the hotel was built. But, from the perspective of public beach access at the Kea Lani, is the existing beach parking adequate from your perspective?

Ms. Seaman: I can't speak to that because we haven't really addressed that. You know, we did the original plan before, but I believe that there's probably someone here who could address the comprehensive parking plan that we were not really a part of that was completed last year.

Mr. Hedani: Right. Thank you.

Ms. Seaman: Would you like to that?

Mr. Roy: I can offer some information to respond to that question.

Mr. Hedani: Sure.

Mr. Roy: If that's okay?

Mr. Hedani: I just needed to know whether or not, you know, there are some controls on the beach parking at that area to ensure that employees are not taking all of the beach stalls and that there's adequate space for the public?

Mr. Roy: I believe there's quite adequate space from my personal standpoint of going down there on a regular basis sometimes to go running along the boardwalk. There is some background here with the development of the resort as part of the original SMA approval there was the ownership actually donated, I'm trying to find the number, but quite a substantial amount of land. I think it was like 12,000 square feet. There's about 12,000 square feet to actually add to the Polo Beach Park right-of-way. And as part of that original development of the resort they improved that area as well. So it was turned over I believe to the beach park itself. And then they improved it by adding 46 additional paved parking stalls with picnic benches, barbecue grills and landscaping. So there were 46 parking stalls put in at the time of the original development of the resort.

Mr. Hedani: And from your perspective that's adequate and there's adequate access for parking in that area?

Mr. Roy: I believe so. I've been there at various times of the year. I'm only talking from a personal standpoint. Other Commissioners may have different observations, but I always seem to be able to find a parking space when I go down with my family to that beach park. It's one of the better parks.

Mr. Hedani: Thank you.

Mr. Roy: Thank you.

Mr. Hedani: I know it's well done. There's a restroom facility there. They put in tables and it's well-landscaped and well-maintained. So thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I guess to follow up on Wayne's comment, maybe somebody can answer this. Are there any directives to the employees saying, you know, don't park down there in the Polo Beach Park, park on the resort property?

Mr. Roy: Sure. That's a very good question. We do have Mr. Charles Head, who's the General Manager at the resort. Maybe I could invite Charles to come forward and respond to that question from a management standpoint?

Mr. Charles Head: Aloha, and good morning. As far as employees --

Chair Hiranaga: Please, please identify yourself?

Mr. Head: Oh, I'm sorry. Charles Head, General Manager of the Fairmont Kea Lani. As far as employee usage of the parking facilities down at Polo Beach, it's actually quite--not a convenient location for access into the hotel itself for the employees. And certainly we find that the existing parking facilities that are on the property itself is sufficient for the colleagues to use and I'm not aware of any use down there. It's certainly something that we would, we would not support from a hotel management perspective, use of that area for employee parking. And anecdotally I can certainly say that I'm not aware of any colleagues that use that facility.

Chair Hiranaga: I'm not sure you answered his question. So would you have any--do you have any objection to making a statement that your employee policy manual that parking in the designated beach stalls is prohibited?

Mr. Head: Absolutely no objection at all to that. As I say, I don't believe there is use of it at the moment, but we can certainly reinforce that through our policies and make sure there's strong awareness of that fact with all of our colleagues, absolutely.

Chair Hiranaga: Yeah, 'cause conditions could change in the future.

Mr. Head: Yes.

Chair Hiranaga: All right. Thank you.

Mr. Head: My pleasure.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Tsai?

Mr. Tsai: Here's a simple one for your guys. In the application it states that this would take about six months for the construction to complete. I assume that the spa will be shut down during that time?

Mr. Roy: Correct. The spa will need to be closed during the construction period for the new spa renovation and expansion. The resort, of course, will remain open. My understanding is that there'll be limited spa services continuing to be provided around the swimming pools. I think there's a spa cabana at the resort that they can relocate some of their services to, and then throughout the resort as well, I believe there's in-room service for those kinds of services as well that will be continued.

Mr. Tsai: Thank you.

Mr. Roy: Thank you.

Chair Hiranaga: Any other questions, Commissioners?

Mr. Shibuya: Your drainage, would you like to address the drainage?

Chair Hiranaga: I was planning to. Trying to wait to see if Commissioners had completed their questions. You could raise that question. So reviewing the drainage report, in the conclusion on Page 6, I guess my experience, there's really no standard form that these drainage reports take so it takes some interpretation or trying to understanding it. So if you look on Page 6 of the drainage report, the first sentence is, the existing site condition has a runoff rate of approximately 0.16 cfs. What is existing site condition? Is that considered predevelopment which is the runoff rate in 1991 prior to when the hotel was built or are we talking about the current condition with the hotel there and resulting increase because of the enlargement of the footprint or hardened surface on the property?

Mr. Roy: We have our civil engineer here with us today, Mr. Doug Gomes, and he was the preparer of the preliminary engineering report and the drainage report. So those are good questions that the deal with the methodology behind the report. So if it's okay, can I invite Doug to respond to that question?

Chair Hiranaga: Yes.

Mr. Douglas Gomes: Good morning, I'm Douglas Gomes with Engineering Dynamics. I'm the civil engineer of the project. To answer your question specifically, the existing conditions does identify what is the amount of runoff that would fall on the property or in the project area prior to the development. It is a preexisting condition. Then we do a subsequent computation to determine

what the impact is of the proposed improvements and this is the post construction number that would reflect in this case an increase of runoff because of the impervious surface created by the new roof. So I'd like to point out one thing I just noticed in the report, it says, the post runoff is 3.1 cfs, that's actually a typographical error. It should be .31. So there is almost a doubling from .16 to .31 increase in the amount of runoff from the resulting roof structure. Going further, what we're doing is we have roof drains on the roof that will collect that runoff and direct it into a subsurface drainage system.

Chair Hiranaga: So when you use the word, "project area" is that the entire hotel site or is it the area that's being renovated?

Mr. Gomes: In this case, in the description of the ...(inaudible)... is what I describe the whole property. So you know, just so that you have a feeling for what the project consist of. And as you can see, the whole project site encumbers an area of 20.68.

Chair Hiranaga: Okay.

Mr. Gomes: And the roof area that we're dealing with is only--it's slightly over 2,000 square feet. So it's a really small area. The computation is based on that 2,000 square feet.

Chair Hiranaga: So the increase in hardened area results in a doubling of the surface runoff?

Mr. Gomes: That's correct.

Chair Hiranaga: So right now, prior to the development--renovation, proposed renovation, the runoff off this is 0.16?

Mr. Gomes: That's correct.

Chair Hiranaga: And with the completion of the project, the runoff is 0.31?

Mr. Gomes: That's correct. But we are collecting that increase, and retaining it onsite. So there's no increase of runoff off of the property.

Chair Hiranaga: So just trying to understand. Approximately what percentage is this increase in hardened surface of the project's total hardened surface?

Mr. Gomes: I couldn't give you a specific number. Its gotta be a fraction of a percent.

Chair Hiranaga: Yeah.

Mr. Gomes: A very small percent.

Chair Hiranaga: So the 0.16 is that--meets the current County Code or does that go beyond the requirements of the County Code regarding drainage?

Mr. Gomes: As far as the retention, we're exceeding the amount required by the County Code.

Chair Hiranaga: For 0.16, the existing condition?

Mr. Gomes: What's happening is the .16 is the amount of runoff that would fall on these roof area, the area that's occupied on expansion and that does currently flow off into the landscaped area.

Chair Hiranaga: Oh, you're just talking about the renovation area. You're not talking about the entire site?

Mr. Gomes: That's correct.

Chair Hiranaga: Okay, now I'm starting to understand it a little better.

Mr. Gomes: That's correct. We're just dealing with the area that is being improved and we're comparing the difference between the runoff that exists prior to the development and after the development is completed. So we've identified what the change in runoff occurs as a result of the project development not the total site.

Chair Hiranaga: So this is either a question to you or Staff. Why wouldn't the calculation be based upon the entire project site and the change due to the proposed renovation versus confining it to the area of the proposed renovation?

Mr. Gomes: Basically looking at the area that is changing, the rest of the project site, the whole, let's say the 20 acres is not impacted. Then no changes to any of the other areas, the roof areas, the parking areas, those all remain the same. And previous when the original project was developed, a drainage report would have been prepared and address the, again, the same situation, the runoff that occurred before the hotel was built and after the hotel was built and it would have identified measures that would have been taken for the total project at that time in terms of ensuring that the Code requirements were met. Today, we're just looking at a portion of the property that is changing in terms of impervious surface and we're dealing with just that portion. None of the other areas have changed, so they remain as originally designed.

Chair Hiranaga: Yeah, I understand that, but who makes the call that this analysis is limited to the area being proposed for renovation versus having an overall analysis over the entire project site? Is that an interpretation by the Department or is it specified specifically in the County Code that only areas being renovated should be reviewed?

Ms. Thackerson: It's a call by the Department to look at the project site area as opposed to the entire parcel. It is assumed and looked at and researched that the entire parcel already meets County Code for their runoff. So if we were to calculate the entire thing it would just be still this little number changing because everything else is staying the same and it already meets Code.

Chair Hiranaga: Yeah, I understand that.

Ms. Thackerson: So there's no need to do analysis for the whole parcel to come in for the one

number, the .16 changing.

Chair Hiranaga: I wouldn't say there's no need.

Ms. Thackerson: True.

Chair Hiranaga: That's a determination by the Department.

Ms. Thackerson: Yeah. Well, it meets County Code as is, the entire project site.

Chair Hiranaga: So the County Code hasn't changed since 1991?

Ms. Thackerson: Since 1991 for the runoff? No, it has. It has increased in the runoff, but it meets the standard for the increase right now.

Chair Hiranaga: The existing standard?

Ms. Thackerson: Yes.

Chair Hiranaga: So how do you know it does?

Ms. Thackerson: For the entire project? 'Cause the previous drainage report that came with the original permit shows how much it captures. And then you can just, when the Code says, oh you have to capture 60 percent or 70 percent of the runoff, I can look at the number and see that there's still...Okay, it's like the beach parking. They have 29 excess parking stalls. If they were to come in for a use and have two more stalls, I know that they have still have 27.

Chair Hiranaga: So you did verify that the existing project meets the current Code requirements for drainage?

Ms. Thackerson: Yes.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'm gonna ask the question in a different way. In the past, we've had some storms, what kind of a mitigation or what kind of impacts did we have to take or measures that we had to take to correct some of these runoff issues? Now don't tell me we didn't have any flooding or don't tell me we didn't have any running. Okay, so what type and how severe and what was the impact?

Mr. Gomes: Well, I think that's a question that should be asked of Public Works. From a standpoint of this project, there are no runoff that has that type of impact. The original drainage report would have addressed the issues of runoff from the adjoining properties and within the adjoining properties and would have been addressed at that time.

Mr. Shibuya: Yeah, my question is really for the ownership or the management of the Kea Lani not to you. So if I could have the question answered by the Kea Lani members or the manager? What



type of flooding or what type of impacts did we have from large storms?

Mr. Roy: If I could just repeat the question and then we'll get the right person to address the question?

Mr. Shibuya: Right. We were talking about theoretical models and if you meet these standards then supposedly you would not have flooding. I'm looking at it realistically. During a storm these theoretical models and standards may not apply because of the duration of the storm as well as the amount of water that is put on that property. So what did we experience in large storms in the past?

Mr. Roy: So just to repeat the question so I understand it's more of an observation-based question from the standpoint of people working down the resort.

Mr. Shibuya: That's correct.

Mr. Roy: As to if there have been any problems in the past from flooding events within the resort.

Mr. Shibuya: Right. Correct.

Mr. Roy: Based on the resort's master drainage system.

Mr. Shibuya: That's correct.

Mr. Roy: Okay. Maybe if I could ask Charles Head to give his observations. I mean, that's really all that's being asked I think at this point is what do you see on a regular basis with storms?

Mr. Head: Aloha, Charles Head, General Manager at the Fairmont Kea Lani. Certainly in the area of the what is proposed at the moment, I'm not aware of any sort of remediation that has had to be put into place as far as resulting from any floods. I only have the benefit of a year and half as far as timeline context to put that in. But certainly in that area there's been no issues from flooding that I'm aware of similarly within the main building of the resort.

Mr. Shibuya: My next question relates to that. I know it's a short time span that we're taking a sample on this, but maybe other employees on the property may have experienced putting sand bags or digging trenches to divert some of the runoff temporarily and then fixing it up later on. I was very interested in a sense that if we don't do the drainage properly with all this standards that we apply sometimes, oops happens and we have soil erosion that goes into the ocean and that's what this body here is trying to prevent and avoid or minimize the impact of any soil being eroded into the ocean.

Mr. Head: I understand. I think probably given the complexity of that question, I'm not able to provide the necessary perspective on that. But I can only say that certainly within the last year and a half and we have had, you know, some serious storms during that time, I recall last December in the area of the main building, in the area of this proposed expansion, I'm not aware of any residual impact from those storms that had to have work done of that nature.

Mr. Shibuya: Okay, thank you.

Mr. Head: My pleasure.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, I'd like to ask the drainage expert a question. Sorry, I forgot your name, sir. Just a clarification, in the conclusion of your drainage report you talk about a proposed grate inlet and a new underground storage retention system and proposed drainage improvements. What do those refer to? 'Cause it says in the project description that grated drainage channel. So your intending to create --

Mr. Gomes: There is an existing drainage channel onsite.

Ms. Wakida: Right.

Mr. Gomes: In the vicinity of this property that currently intercepts some of the runoff from the property so that remains existing.

Ms. Wakida: Yes.

Mr. Gomes: But in conjunction with the project what we're doing is we're adding another grate inlet and we're picking up the runoff from the roof and directing it into this new system.

Ms. Wakida: Okay.

Mr. Gomes: So we're controlling all of the runoff on the property in this area.

Ms. Wakida: And do we know where that new system is?

Mr. Gomes: It's on the construction plans. It's right adjacent to the expanded roof area. It really doesn't show. Here's the corner of the property, right in this area we have a grate inlet. It's not shown on this plan, but we got a grate inlet and a underground pipe. So the roof drains collect and we have a pipe that picks up and directed into this system.

Ms. Wakida: Into the current system?

Mr. Gomes: Into the new system. The roof drains --

Ms. Wakida: Into a new...

Mr. Gomes: --a new system.

Ms. Wakida: A new system that you're planning to construct?

Mr. Gomes: That's correct.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: Any other questions, Commissioners? Doug, what is the estimated construction cost for the proposed new underground storage retention system?

Mr. Gomes: This retention system? I would say it's in the ten, fifteen thousand dollar range for the grate inlet and the perforated pipe and the crush rock bed.

Chair Hiranaga: I wonder if the applicant would consider increasing the capacity of that proposed system to capture the entire .31 cfs?

Mr. Gomes: I don't see a problem. That should be easily accomplished.

Chair Hiranaga: I'm wondering if the applicant is agreeable?

Mr. Roy: I understand the question. The question is can we further increase the size of this new drainage system for the new building expansion to retain the .31 cfs that's resulting from the project?

Chair Hiranaga: Right, which is the entire pre and post development for that particular area?

Mr. Roy: I believe that's something that the applicant can accommodate at this point.

Chair Hiranaga: You wanna confirm that with the applicant?

Mr. Roy: We've just confirmed it, yeah.

Chair Hiranaga: Okay, great. Thank you. Any other questions? Commissioner Shibuya?

Mr. Shibuya: It's more of a statement of clarification. On the Exhibit 5 of the preliminary engineering report you will see that it's indicated in red, the new retention system perforated pipe and the area of the new spa extension. It does show that. So that is what they're addressing.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, we'll have the staff recommendation?

**b) Action**

Ms. Thackerson: The Planning Department recommends approval based upon the 18 conditions I've listed in the report. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the July 10, 2012 meeting as its findings of fact, conclusion of law and decision and order and to authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Chair Hiranaga: Floor is open to a motion. Commissioner Lay?

Mr. Lay: Motion for approval for a Special Management Area Use Permit along with the Department's recommendations.

Mr. Tsai: Second.

Mr. Freitas: Second.

Chair Hiranaga: Seconded by Commissioner Tsai. Discussion? Commissioner Ball?

Mr. Ball: Was your recommendation included in that recommendation? I didn't hear it.

Chair Hiranaga: I think it's adequate that we have concurrence from the applicant to increase the size of that proposed system that it need not be a condition. That clear enough?

Ms. McLean: Chair, if I could comment? Condition No. 10?

Chair Hiranaga: Deputy Director?

Ms. McLean: Thank you. Condition No. 10 states, that the applicant shall develop the property in substantial compliance with the representations made to the Commission. So it could fall under that that the applicant agreed to that increased drainage capacity.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I think the project is well thought out project. I think it's well designed, it's well planned and I think--well, any property that's willing to spend \$3.7 million for the accommodation of administrative offices and work break room for their staff and net gain of three spa units deserves to be approved.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I took my two experts there last Saturday, my son and my grandson, and they enjoyed themselves. The beach access was perfect. They maintain the hotel very nicely and we enjoyed ourselves. Very nice.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I support this program, this application. I think it's very good use of the limited space that they have and it's beautiful in concept as well as it protects the shoreline. I think they have adequate drainage if they have the increase that you've asked for. And I think the energy aspects of sustainability is very commendable and I applaud them and I would like to ask that they continue improving their energy sustainability not only in conservation, but to generate renewable power. I look forward to visiting your properties one of these days. Thank you.

Chair Hiranaga: Commission Tsai?

Mr. Tsai: I also want to add I applaud their work especially on the Ko Restaurant renovation. I've been there several times, right next to it, and I think the parking issue that was addressed for the public parking, beach access is definitely not a issue because every time I go there it's plenty of space is available. So good job you guys.

Chair Hiranaga: Any other discussion? Seeing none, I'll have the Deputy Director repeat the motion.

Ms. McLean: The motion is to approve the SMA Use Permit for the expansion of the spa subject to the Department's recommendation and conditions.

Chair Hiranaga: All in favor so indicate by raising your hand.

Ms. McLean: Eight ayes.

Chair Hiranaga: Motion carries. Congratulations.

**It was moved by Mr. Lay, seconded by Mr. Tsai, then**

**VOTED: To Approve the Special Management Area Use Permit, as Recommended by the Department with Conditions.  
(Assenting - I. Lay, M. Tsai, D. Domingo, J. Freitas, W. Hedani, K. Ball, P. Wakida, W. Shibuya)**

Ms. Thackerson: Thank you.

Mr. Roy: Thank you very much.

Chair Hiranaga: Are you ready, Joe?

Mr. Prutch: Yes.

Chair Hiranaga: Okay, let's commence.

Mr. Prutch: I wasn't sure if you were taking break or...

Chair Hiranaga: I didn't call for a recess. Deputy Director, the next agenda item is?

Ms. McLean: Thank you, Chair. This is your second public hearing item. A request from John Rogers for a State Land Use Commission Special Use Permit to operate the Ualani Farm Bed and Breakfast in the State Agricultural District at 698 Kaupakalua Road, TMK: 2-8-002: 259 in Haiku. Joe Prutch is your Staff Planner.

**2. MR. JOHN ROGERS requesting a State Land Use Commission Special Use Permit in order to operate a bed and breakfast known as the Ualani Farm Bed and Breakfast in the State Agricultural District on approximately 2.53 acres of land at 698 Kaupakalua Road, TMK: 2-8-002: 259, Haiku, Island of Maui. (SUP2 2012/0001) (J. Prutch)**

Mr. Joe Prutch: Thank you, everyone, Chair. Good morning, everyone. This application is for a property, existing property. It's about two and a half acres in size. It is located at 698 Kaupakalua Road. It's about 700 feet east of Ulumalu Road to give you kinda an idea where it's at. The land use designations for the property, the State, the Paia-Haiku Community Plan and the County Zoning are all Agricultural. The parcel's not located within the Special Management Area, of course. The surrounding uses, north of the property which is actually behind the property is vacant land. To the east or right side of the property is Agricultural land with farm dwellings. To the south or across the road is a vacant property and to the west or the left side of the property is Agricultural land with a farm dwelling as well just to kinda give you a little context of what's there. The property in question is developed with a main farm dwelling and an accessory farm dwelling and a garage workshop. The farm dwelling itself is located at the rear of the lot while the accessory dwelling and the garage workshop are located at the front closest to the road.

The applicant's proposing to operate the Ualani Farm Bed and Breakfast which is a two-bedroom bed and breakfast home. The proposed B&B would be located completely within the accessory farm dwelling which is a one-story, 850-square foot structure with the two bedrooms. There's a gravel parking lot in front of the accessory dwelling that has adequate parking for at least two parking spaces which is required for the guests. The applicant, of course, would continue to live in the main farm dwelling at the rear of the lot.

The application was reviewed, the Special Use Permit and the B&B applications were reviewed by various agencies. I have a list of who--a summary of what each applicant--or I'm sorry, what each agency had to comment. Real Property Tax made a comment notifying the applicant that he will lose his homeowners' exemption so that is known by the applicant. The Department of Water Supply commented, recommending their two standard conditions for water calcs and low-flow fixtures. We will include that in the B&B Permit. And I believe the applicant has already done water calcs for the house when he built the house a couple years ago, so he should have that ready to go. Police Department verified that there will be no significant impacts. Department of Planning, Zoning, ZAED, they verified the parking stalls were adequate. They did highlight a discrepancy between Public Works building records and Real Property Tax records. Real property tax records is showing the garage/workshop as a house bedroom living unit and the applicant's been trying to work with Real Property Tax to resolve this so that it's accurate on the tax papers, but I don't believe to this date he's had success of getting that accomplished yet, but he has been working with Real Property Tax to rectify that issue. From the State, Department of Health reviewed the Wastewater System and breakfast menu and were satisfied with that, and Office of Planning had no comments to make.

As for the farm itself, the applicant does have a farm plan. It was approved back in 2010, March of 2010. It has been implemented. What he has out there. He's got tropical fruit production and

too bad the guys aren't here, but he has a rare bamboo propagation. So he's growing bamboo as well. Produces an assortment of citrus, bananas, papaya, fig, vegetables, and he's got some sweet potatoes he's planning to grow along a ridge and seeing he can get them to take over the cane down in the gulch. He's also got a production of lychee and avocado that's continuing as the plants mature. Some of the fruits and vegetables he will use obviously for the bed and breakfast, but he also maintains a small fruit stand on Kaupakalua Road that he sells some of his fruits there.

According to Chapter 15 of the Land Use Commission Rules, Subchapter 12 for Special Permits, the Administrative Rules, there are those certain unusual and reasonable uses within the Ag District other than those which are, which the district has classified may be permitted. There's a list of following guidelines that have been established to determine unusual and reasonable use. These are listed in your staff reports along with the description or the verification of those five guidelines.

The project, of course, will require a Bed and Breakfast Permit. The Bed and Breakfast Permit can be approved administratively pending approval of the SUP. The reason for that, we didn't get neighbor complaints and there's not another existing B&B within 500 feet. So that permit can be approved administratively. As far as public testimony or opposition letters, support letters, as of this date we've received nothing. We don't have any letters of support, letters of opposition. Nobody spoke here this morning. I don't know if anyone will speak today, but we haven't heard any opposition to this request at all. The applicant is here. Mr. John Rogers is behind me. He's willing to answer any questions you guys might have. So he's available if the Commission might have, but he's available to answer questions. And I'll leave at that for now, and I'll be available for questions, of course, as well.

Chair Hiranaga: Thank you very much.

**a) Public Hearing**

Chair Hiranaga: We'll open the public hearing at this time. Is there anyone here wishes to testify regarding this agenda item, please come forward? Seeing none, public hearing is now closed. Open the floor to Commissioners for questions. Commissioner Freitas?

Mr. Freitas: Does a fruit stand have to be permitted?

Mr. Prutch: A fruit stand...

Ms. McLean: In the State and County Agricultural Districts, farm stands are permitted uses.

Mr. Freitas: Thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Joe, not necessarily for this particular applicant, but just in general I need to understand the Bed and Breakfast Ordinance itself, what is the threshold for a farm plan for agricultural operations?

Mr. Prutch: Well, the farm plan itself gets reviewed by the Zoning Department. Essentially my understanding of it is that at least 50 percent of the property needs to be in some kind of agricultural production. Animals, livestock, I think there's also some criteria that allows like conservation type areas, and like in this case, he's got a large gulch area that might be not easily farmable, so that area can be held in some kind of agricultural conservation. So there's different methods that go into the farm plan. But essentially the farm plan gets drafted and usually gets approved by Zoning prior to completion or construction of the second unit. So they can build a single-family home. If they want to build a second unit or if they want to build the main unit after the ohana, they have to get the farm plan approved. They have to show on paper that they're gonna have the 50 percent in however they're gonna do it. That gets approved by Zoning. The second unit gets built. In this case where we go a little bit further with the B&B is they got a farm plan approved on paper, but we want proof from Zoning Department that it's actually implemented, it's in the ground. There's something actually growing there as you said in your farm plan. So that gets verified through the Zoning Department. We get a letter from them stating that the farm plan such and such has been implemented and that's what we go with in the Planning Department. If we get a letter from ZAED saying it's been implemented, we're fine with the farm. And then when we go out for our site visits, of course, we walk around the property kind of verify yes, I can see there's all the citrus there, yes, I can see the bamboo. So we verify by site visit as well.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Just from my perspective, I'm trying to understand the zoning and the use on this particular property. A B&B operation is to me a hotel-type operation basically on an Agricultural lot. And from a tax perspective how is that applied? You tax the building as a Hotel and the balance of the property as an Agricultural farm operation or all Agriculture?

Mr. Prutch: Well, it's Agriculture now. My understanding is, of course, that he will lose his homeowners' exemption. So that \$200,000 I guess it is now, that exemption will go away once Real Property Tax is notified of this change and its approval. And then I believe, I'm looking at the Deputy Director, I don't deal with taxes too often, so it gets changed from probably Agriculture to Commercial Residential is I believe what they're calling it now. So it will fall into a Commercial Residential category which is taxed at whatever the rate is, I don't know. I'm sure it's higher than Agriculture, plus he loses the homeowners' exemption. So I guess there's two things that happen along the way.

Mr. Hedani: Okay.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: So is there like a \$35,000 criteria for farm operations where, you know, in accordance with the farm plan they have to generate \$35,000 with the sales in the course of a year?

Mr. Prutch: There is a criteria for B&B, but that's not the only criteria. And in fact, it's the criteria that to this day I haven't seen been used honestly. It's very rare if it even has been used. So there is a criteria to qualify for a Bed and Breakfast, there's two or three different routes. One of the routes is to show \$35,000 of Ag production which on most of these smaller lots is either extremely



difficult or it's almost impossible to do. So we don't see--I haven't seen any of that. There might be one or two applications that have actually come through that way, but most of them come through with the second criteria which is it's under five acres, the lot was built I forget the year now, a couple years ago, since 2009 or developed prior to 2009, and it has an implemented farm plan. So most properties or the majority of the properties fall under that category.

Mr. Hedani: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: This question is for the applicant.

Mr. Prutch: Thank you.

Mr. John Rogers: Good morning. My name is John Rogers. I'm the owner of the property.

Ms. Wakida: Good morning, Mr. Rogers. I wonder if you could explain on Page 9, is the statement, agricultural production on the property will continue and the use of the accessory dwelling B&B Permit will have a positive impact on said production. I'd like you to explain that part how the B&B will have a positive impact on Ag, and also what you meant by the future expansion of the farm?

Mr. Rogers: Okay. I guess to start off, growing things is one of my passions, and it's always been a dream to be able to grow stuff on a property like this and be able to make a living doing it. Unfortunately, the two and a half acres, it's not possible to make a living from that. So when my farm plan was implemented and approved it was based on having 70 fruit trees. Well, right now I'm up to a 120 fruit trees because that's what I love to do and I'll continue expanding that and I have currently a fruit stand where I generate about three to four hundred dollars a month income because it takes many years for citrus, avocado, lychee before they come into full production so currently mainly what I'm selling is papayas, bananas and vegetables that I grow. So what I mean by the bed and breakfast being essential to this whole farm is that that income from that will enable me to do what I love to do which is to grow things. I feel...most the people who buy my fruit and vegetables are in the area. It's organic, it's great food, and I'd like to continue to do that and I hope eventually to be able to generate hopefully a \$1,000 a month. I don't know if that will be possible, but that's my goal. I couldn't do this without having the bed and breakfast. And to put it in perspective, I spend maybe 30 hours a week working on the plants and you know, the bed and breakfast probably will take 10 hours a week and much more income will come from that than all the work, the hard labor I put in on the farm. But the bed and breakfast is what will enable me to continue doing what I enjoy doing.

Ms. Wakida: Well, I certainly wish you well on that because it is my particular perspective, but I like to see the agricultural amplified. We don't wanna get into the hotel business Upcountry. We wanna get into the Ag business.

Mr. Rogers: Right, right.

Ms. Wakida: So I certainly wish you well on your future production.

Mr. Rogers: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Mr. Rogers, thank you for coming. I wanted to find out since I don't have a topographical map of the whole area, the 2.5 acres, can you describe what areas are not Ag? Now I can visualize the ohana that you're talking about. I can visualize the driveway and the parking area. I can visualize your home. But what else is not Ag?

Mr. Rogers: Okay, so the lot is about 250 feet wide by 500 feet long. So it's a long, narrow lot. And the area from the road up to our main house which is about I would say about 250 feet is a nice flat area which I can easily work. And then right in front of our main dwelling it drops off dramatically. You know, the cliff is about like that, so it goes into a gulch and I don't own the bottom of the gulch, I just own the steep hillside and that's all cane grass now. So what I've been doing very gradually is killing the cane grass and I've been planting papayas and sweet potatoes and my goal is to you know, work my way down that hillside, but I don't have, you know, the machinery to do it, so it's a long process. But all of the land that's usable, I'm pretty much--I'm running out of places to put, you know, what I want to put. I want to put a lot more and I just don't have. So my next project is to get that hillside. I thought of getting a couple of goats to clear it and then plant, but I don't want--I'm not an animal husbandry kind of person. So, that, yeah, that gulch area in front which I would say encompasses about three-quarters to an acre of land is just really hard to...but you know, I think the sweet potatoes will take over a lot of it. I'm growing a lot of those.

Mr. Shibuya: Thank you very much.

Mr. Rogers: You're welcome.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: There's a notation on the staff recommendation which we haven't gotten to yet, but talks about a violation on the property, can you describe what that is?

Mr. Rogers: Well, I don't know that it was a violation. The County appraiser had on his appraisal report indicated that my garage workshop was a dwelling. So I called him and asked him how come he did that? And he said, well, anytime a building has a bathroom or any kind of plumbing in it, he automatically assumes it's a dwelling. So I called him up, I had him come out. I showed him what we're using that for. It's a workshop. I propagate plants in there. I store fertilizer. We clean up in there because I get really dirty working outside. So then his comment was well, I can't believe you have a permit for a bathroom in here. So I need proof of that. So I got him, I sent him the proof that I had a permit for the bathroom and the laundry tray in there and he said, okay. You know, the last time I talked to him he said, well, now that I've got that, I'll adjust my records. He hasn't done it yet, and I know they're busy in the appraisal department. I sent him that about a month ago. I followed up with him and he said, you know, it would get done. I checked on the computer last week he still hasn't changed it. But that was the requirement he asked of me is to, you know, send him the permit showing that I had a permit for that bathroom in my workshop.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: What is in the dwelling? Is there a cooking kitchen, sink, refrigerator?

Mr. Rogers: In which dwelling?

Mr. Shibuya: The one that you're gonna have a bed and breakfast?

Mr. Rogers: Oh, okay. That has a full kitchen. It has one bathroom, two bedrooms, a living room. It's 850 square feet. It's a two bedroom, a living area, a kitchen and it does have a stove, a refrigerator.

Mr. Shibuya: Bath and shower.

Mr. Rogers: A bath and shower, yes.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioners? No further questions, we'll have the staff recommendation.

**b) Action**

Mr. Prutch: Thank you, Chair. This application for a State Land Use Commission Special Use Permit does comply with the applicable standards for an unusual and reasonable use within the Ag District. It meets the five guidelines as spelled in the recommendation report. And the Planning Department is recommending to the Maui Planning Commission approval of the State Land Use Commission Special Use Permit subject to the seven conditions listed in the recommendation including the Condition No. 1 to allow the applicant three years for the Special Use Permit.

Chair Hiranaga: The floor is open to a motion. Commissioner Freitas?

Mr. Freitas: I'd like to move the State Special Use Permit to operate a Bed and Breakfast and this is the first bed and breakfast that has come before us where it has had productive trees and stuff growing and I support agriculture. I think the man is maximizing the use of the land. Kaupakalua is a very hard place to grow what you call, vegetables and stuff and this is the reason why I'm supporting. Papayas is hard to grow and I think he's doing his part.

Mr. Ball: Second.

Chair Hiranaga: Seconded by Commissioner Ball. Any more discussion? Commissioner Hedani?

Mr. Hedani: Joe, at one of the conferences that the Commissioners went to we had people talk about agriculture. And one of the experts said that for a farm to be productive you needed a 150 acres for a economically viable farm. The laws within the State allow for two-acre agricultural lots which essentially creates a situation where you have lots that have no chance of making it as a viable farm operation designated as a farm basically, but that's neither here nor there that the

applicant is in a situation that he's in. And I guess the question that I have is, I guess the question that I have is why do we put people in a situation where they cannot do what they're supposed to be doing given the constraints of the economics and laws as they're applied? Maybe that's not a fair question to ask you. I withdraw my question.

Chair Hiranaga: Okay, any other discussion? Commissioner Lay?

Mr. Lay: I would also like to commend Mr. Rogers efforts on agriculture in this area. It is difficult growing anything in this area. Trees dwarf, I mean, it's rainy too at times and too dry at other times. So I like your efforts and your ongoing efforts on this.

Chair Hiranaga: Okay, any other further discussion? Commissioner Hedani?

Mr. Hedani: This is an easy one, Joe. Is there a designated number of B&Bs within this particular section of the County and what number are they as far as hitting that number?

Mr. Prutch: Okay, gee I was just going to answer, yes, but you added the second part. Paia-Haiku I believe is 88, if I'm correct is the max number of B&Bs. But actually, they haven't checked in a while, I don't even know if we're up to 20, 25, somewhere in that ballpark. We're nowhere near 88, I know that much, but I forget the exact number. We do have it up on our, the County's website. We do have the approved B&Bs and approved TVRs. So it's there and it's updated. I don't know I wanna say every month or every two months, but as you can see, we don't get a whole lot of B&B applications any more. I mean, there's a few trickling in and coming through, but we're no way near 88 that's for sure.

Chair Hiranaga: Any more discussion? Seeing none, we'll have the Deputy Director repeat the motion.

Ms. McLean: Thank you, Chair, the motion is to approve the State Special Use Permit for three years per the staff recommendation.

Chair Hiranaga: All in favor so indicate by raising your hand.

Ms. McLean: Well, that's six eyes...

Chair Hiranaga: Are you folks voting aye or...

Ms. McLean: That's eight eyes.

Chair Hiranaga: All right, motion carries. Thank you.

**It was moved by Mr. Freitas, seconded by Mr. Ball, then**

**VOTED: To Approve the State Land Use Commission Special use Permit, as Recommended by the Department with Conditions.**

**(Assenting - J. Freitas, K. Ball, D. Domingo, I. Lay, M. Tsai, W. Hedani,  
P. Wakida, W. Shibuya)**

Mr. Rogers: Thank you.

Mr. Prutch: Thank you.

Chair Hiranaga: Okay, now we'll recess and come back at 10:50. Thank you.

A recess was called at 10:38 a.m., and the meeting was reconvened at 10:52 a.m.

Ms. McLean: The first item under New Business, is a request from Bagoyo Development Consulting Group on behalf of Wailuku Industrial Development for acceptance of the Final Environmental Assessment in support of the Community Plan Amendment for the proposed Waiko Baseyard Light Industrial project on Waiko Road at TMK: 3-8-007: 102 in Waikapu. Paul Fasi is the Staff Planner.

## **C. NEW BUSINESS**

- 1. V. BAGOYO DEVELOPMENT CONSULTING GROUP on behalf of WAILUKU INDUSTRIAL INVESTMENT, LLC requesting acceptance of the Final Environmental Assessment in support of the Community Plan Amendment for the proposed Waiko Baseyard Light Industrial Project on approximately 31.222 acres located at Waiko Road, TMK: 3-8-007: 102, Waikapu, Island of Maui. (EA 2011/0005) (P. Fasi) (The Draft EA was reviewed at the January 24, 2012 meeting.)**

**The approving authority of the Environmental Assessment is the Maui Planning Commission.**

**The project needs a State Land Use District boundary amendment to Urban from the State Land Use Commission and a Community Plan Amendment and a Change in Zoning from the County of Maui. These land use applications will be dealt with by the appropriate entity after the Chapter 343 process has been completed.**

Mr. Paul Fasi: Good morning. On February 28, 2012, this body reviewed the Draft EA at that time, and the items of concern were five items. At your June 26, 2012 meeting, the FEA, the Final Environmental Assessment was distributed and in that Final Environmental Assessment was the responses to the five items that were brought up when you reviewed the Draft. This is an EA and the Department is expecting that this body shall issue a Finding of No Significant Impact. So today your alternatives on this Final EA are three. The Commission can take one of the following three actions on this item. You can accept the Final EA and issue a Finding of No Significant Impact, you can defer the Final EA or you can instruct the applicant to prepare an EIS if there are significant impacts found. The Department has reviewed the Final EA and concludes that the environmental

document meets the various criteria for an acceptance of an EA. The Final EA was transmitted out to 20 State, Federal and County agencies. We received 13 responses back. I handed out the last five that we recently received. You have those. And the applicant is here, Mr. Vince Bagoyo as well as the civil engineer, Mr. Stacy Otomo to answer any of your questions. Thank you.

Chair Hiranaga: Paul, could you go over the five requests for additional information?

Mr. Fasi: At the February 28<sup>th</sup> meeting, you had five items of concern. The first one was the Malama Environmental response. The question was brought up just to kinda address the Malama Environmental Section of the EA. And then second item was to include a short paragraph regarding the loss of Ag land to Urban. The third item was in the Draft EA, Page 58, and that was how to explain the project will reflect the Rural sense of Waikapu Village. And the fourth one was consider a renewable energy sources, PV, solar, regeneration power, et cetera. And the fifth one was how many days/months of water storage capacity is there and what is the energy consumption to pump the water into the storage tanks? Those were the five items. The applicant is here to address these individually if you so choose. I just wanna also mention that this is only the Final EA. The applicant will be coming back with this project in the form of a Change in Zoning and a Community Plan Amendment of which you will make recommendations to the Council on. So this project will come back before you, the Change in Zoning and Community Plan Amendment. Thank you.

Chair Hiranaga: So Paul, those five requests for additional information was that from the Commissioners or is that?

Mr. Fasi: That was from the Commissioners. That was from you.

Chair Hiranaga: Okay. And then the comments from agencies, can you go over the comments that were not no comment?

Mr. Fasi: The last no comment came from --

Chair Hiranaga: No, don't address the no comments, the ones that had comments.

Mr. Fasi: The ones that had comments. I have to pull my list out right here. Give me a second. You should have a copy of all these comments. We'll start with the State agencies, Department of Budget, Economic Development and Tourism. Department of Hawaiian Homelands, Department of Health, Maui, Department of Land and Natural Resources, State Historic Preservation Division, Maui, and the last agency, State agency was the Land Use Commission. The County agencies that responded with comment was Department of Public Works, Department of Water, Police, Zoning and Enforcement, and Zoning and Enforcement was the last one. The only Federal agency that we transmitted out to was the U.S. Army Corp of Engineers.

Chair Hiranaga: Thank you. Questions, Commissioners? First, let me open the floor to public testimony. Is there anyone here that wishes to provide public testimony regarding this agenda item please come forward? Seeing none, public testimony is now closed. Floor is open to Commissioners for questions. Commissioner Wakida?

Ms. Wakida: Well, basically I had a little difficulty going through this because I don't know what in here is new information. It's helpful if the creator of the document would let us know which parts are new and for example, one of the items of concern you said, and I believe it was mine about the enhancing the rural sense. Where is that addressed in here?

Mr. Fasi: It's a big document so that makes two of us. Your question is, again?

Ms. Wakida: The rural--

Mr. Fasi: Oh, explain how the project will reflect the rural sense of Waikapu Village?

Ms. Wakida: Yeah.

Mr. Fasi: That's on Pages 59 and 60.

Ms. Wakida: Okay.

Mr. Fasi: That was your question at the draft meeting.

Ms. Wakida: Right. And is this, I mean, is this new information that is provided or is this the same?

Mr. Fasi: No, this is new information because you made a comment at the Draft EA and you brought this new question up, so it's new information in response to your question.

Ms. Wakida: Okay, it would be...It would be helpful if was flagged out in here what the new information. Mr. Bagoyo looks like he wants to say something.

Mr. Vince Bagoyo: Thank you, Commissioner.

Chair Hiranaga: Please identify yourself?

Mr. Bagoyo: My name is Vince Bagoyo representing the applicant. The information in response to your question is on Page 60 which is basically the project will be consistent with the neighboring light industrial project which is right next to the proposed project site. If you look at the response from Page 59 and then carry onto Page 60. We'll be consistent with existing light industrial subdivision in that area of Waiko.

Ms. Wakida: Well, I believe the original, your original description was that it would be reflect the rural nature of the area not the light industrial nature of the area. So how is that addressed, the rural?

Mr. Bagoyo: Yeah, I was addressing only on the industrial. I met with the Waikapu Community Association and see if they have a problem with the design criteria and they really did not have any problem with it. And so, I left that wording there on the rural wording. And just addressed the light industrial, the consistency of the light industrial design.

Ms. Wakida: Okay, well maybe they didn't have a problem with it, but I did. I had a problem with the fact that you say this is going to conform to the rural standards of the area and now you're saying it isn't.

Mr. Bagoyo: One of the things that in Waikapu area most of the old homes are still in nature in terms of the roofing, roof materials that they use within the Waikapu Village, and it's mostly metal roof, and we're gonna be using metal roof as well.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: What kind of uses do you have envisioned for the users, I guess?

Mr. Bagoyo: It's similar to the Consolidated, existing Consolidated Light Industrial which is border this project. We do have on the makai side of the project if you could see the map, we're setting aside some kind of a commercial complex. I believe we setting aside approximately about 100,000 square feet of commercial complex on the makai side of the property.

Mr. Ball: For like a convenience store and things like that?

Mr. Bagoyo: Correct. When we met with the Waikapu Community Association they really would like to see some kind of a convenience store even they suggested some kind of a gasoline station, 'cause right now we have to travel to...and I live in Waikapu, and we have to travel to either Kahului or Wailuku for gas.

Mr. Ball: And I think that's a good idea too, if you look at the future expansion, it's kind of the only place that's gonna have that sort of industrial flare. I guess the reason why I asked that the vision of the place is that wastewater system...project contains wastewater system, I guess, is what I understand by reading this.

Mr. Bagoyo: It's a private system.

Mr. Ball: Private system, right. Maybe you can go into a little bit about that on...I see that it's a community leach field. So if people are dumping maybe certain chemicals it would be very difficult to trace that back to that. And second, if the leach field becomes contaminated, what is the contingency plan for something like that also?

Mr. Bagoyo: Let me, I have our civil engineer who designed the leach field.

Mr. Stacy Otomo: Good morning, Chair Hiranaga and Members of the Planning Commission. My name is Stacy Otomo. To answer your question Commissioner Ball, what the subdivision is going to entail, there's going to be a actual sewer system in the roadways. Each lot would be required to put in their own septic system and more than likely it's going to be an aerobic type of system. It'll connect up to the sewers in the street and the plan is to take it down to a standard leach field where all the lots would share in the disposal system in lieu of having a leach field on every lot. And this is similar to what's being used on the Consolidated Baseyard Subdivision.



Mr. Ball: And with that, you know, septic systems you gotta clean 'em out and all that you know every year or two. Is that a similar system to a residential?

Mr. Otomo: Yes, it's a residential and it would be sized to handle whatever is coming out or projected from each development.

Mr. Ball: Thanks.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Just related with that same thing. As I understand what Stacy Otomo is mentioning that each lot would have this septic then the outflow would go into a community or consolidated collecting facility and then processed again?

Mr. Otomo: No, no. When you have a...for example, if you're in an area that doesn't have a County sewer system, you have a septic system on your lot and a leach field on your lot.

Mr. Shibuya: That's correct.

Mr. Otomo: In this particular case it's gonna be kinda like a hybrid between a County sewer system and a septic where they would actually be a collection system in the roadway with a lateral going to each lot. So each lot would put in their own septic system, drain into the sewer lines in the road which would eventually take it to the community leach field.

Mr. Shibuya: Okay. And what happens to the water in the community leach field?

Mr. Otomo: It's basically an oversized leach field that's used on--instead of having it on each individual lot, it's gonna be a community one sized to take care of the whole development.

Mr. Shibuya: And where is that located?

Mr. Otomo: It's gonna be on the--the property is kinda like a dumb bell where there's a parcel, a narrow strip and there's another parcel at the corner of Waiko Road and Kuihelani Highway. It's going to be on the Kuihelani Highway side of the property.

Mr. Shibuya: And what type of filtering system are you gonna have? Because the problem here is that you have couple wells that you're gonna depend on drawing water and there's leach fields you're gonna have to make sure that the contaminates are removed before you put 'em in the ground.

Mr. Otomo: The septic system is gonna be an aerobic type where it's a much higher level of ...(inaudible)... than the standard septic system. And this is, like I said, identical to what the Consolidated Baseyard Subdivision is using. In fact, the water source for this project is the Consolidated Baseyard wells. So the leach field for this project is substantially further away from the wells than the one that's being used for the Consolidated Baseyard.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioner Freitas? Oh, Lay, sorry.

Mr. Lay: Okay, we know that there's been some consideration taken on the construction of this project. What mitigations have been enforced for the people who build, put their industrial area, you know, they build their little huts there or their storage areas there where we don't get potential harmful runoff into the ground water also?

Mr. Otomo: This subdivision again is similar to what's being used in the Consolidated Baseyard and the Consolidated Baseyard what happens is similar to the sewer systems there's going to be a master drainage system put in the roadway with a stub to each of the lots and as each of the lots get developed they would come in and do their own internal drainage system which connects to the master system. And if it warrants a grease interceptor or whatever the use on the project is, they will be required to install one. And then this, all of the lots eventually drain into a master drainage leach field.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: It's noted in here that there are two lagoons onsite. Let me start by saying I'm a little concerned with the current stewardship of this property because it's got a cattle feed lot and it's got storage of construction and barrels of mystery substances, but it also says there's two lagoons onsite and that these lagoons are...get the runoff from the feedlot which sounds pretty funky, and can you tell us something about these lagoons and what's going on and what's gonna happen to those?

Mr. Otomo: The lagoons that you refer to basically holes in the ground and what it basically does is it takes runoff from the area where the cattle is right now. So part of their waste actually does go in there and I believe maybe Vince can address this better, but it's my understanding the owner of the cattle frequently cleans that area. So it's like a trap for water to get into and not allow it to go downstream at the present time. But when this subdivision does come in, you know, it will have to be cleaned up and meet Department of Health's standards before, you know, any of the improvements go in or any of the backfill gets onto the lot.

Mr. Bagoyo: Thank you, Commissioner. The current tenant they're actually leasing this portion of the property and they're on a month to month basis. They have been put on notice that when we develop that the lease will be terminated. So that lagoon will be abandoned. So right now they use it to store their, some of the drainage that's coming from the feedlot into this lagoon.

Ms. Wakida: And then it goes into these holes and then it's what? Just filters into the grass?

Mr. Bagoyo: Yes, right now, yes, it filters, yeah.

Ms. Wakida: So untreated sewage basically.

Mr. Bagoyo: It's a drainage, yeah, from the cattle. And they are on a month to month, and we have

put them on notice to Mr. Buddy Nobriga is gonna be the leaseholder for that portion of the property and he is in the process of pretty much closing down the operation.

Ms. Wakida: Thank you.

Chair Hiranaga: Vince, does the word, "lagoon" be a appropriate? Is that the appropriate label for these holes in the ground?

Mr. Bagoyo: Yeah, I guess when the Malama Environmental did the Phase 1, they have considered this a lagoon. So I don't know whether that's appropriate or not.

Chair Hiranaga: Yeah, my vision of a lagoon is a little different, I guess.

Mr. Bagoyo: It's actually, there's some water in that lagoon because I know sometimes when I visit the property there's some deer that comes through that area and they use that lagoon.

Chair Hiranaga: So there's standing water in both of them?

Mr. Bagoyo: Yeah, there's some standing...

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: If I may, I can clear up that lagoon. On Ag property when you raise hogs or cattle you must capture the sewer runoff and in Agriculture they terminate [sic] that as lagoons.

Chair Hiranaga: Oh, fecal lagoons?

Mr. Freitas: Yeah, that's right.

Chair Hiranaga: Okay, thank you. That's a trade terminology?

Mr. Freitas: Yes.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Sort of on the same page. I'm on Page 13, under Solid Waste Management. It was noted that there's been a lot of dumping and I would like the language beefed up. It says, "it is recommended that any waste disposal should be in a permitted." I think it should be, "it is required" not "recommended."

Mr. Bagoyo: It's noted, yes.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: What were the improvements to Waiko Road?

Mr. Otomo: As far as, right now we're working with Department of Public Works, but when the Consolidated Baseyard Subdivision was built, Waiko Road basically had approximately 20 feet of pavement and what the County did there was basically do a asphalt paved swale on the side of the road and that's pretty much the extent of the improvements. There's no curb and gutter or anything along Waiko Road.

Mr. Ball: There won't be a realignment or widening?

Mr. Otomo: At this time, I'm not aware, but again, keep in mind that A&B is coming up with a potential project on the Maalaea side of Waiko Road as well and they may do something at that time.

Chair Hiranaga: Any more questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Actually I have 13 questions on this.

Chair Hiranaga: Two at a time.

Mr. Hedani: The first one that I have was, there's a lot of documents in here that I don't understand. A lot of stuff that looks like it came from the EPA and it talks about the super fund. Is this a super fund designated hazardous waste site?

Mr. Bagoyo: No, Commissioner. In fact, the property as noted in the Malama Environmental, it's not listed on any of the EPA as a hazardous site.

Mr. Hedani: Okay, 'cause I saw a lot of stuff that referred to the super fund in here and I didn't know what I was reading or why it was in here actually.

Mr. Bagoyo: Yeah, this is I think they're referring to the standards, EPA standards for hazardous.

Mr. Hedani: Okay, but it's not a hazardous waste site?

Mr. Bagoyo: It's not. I think if you take a look at the Malama Environmental report under, Conclusion of Recommendations it specifically state that it's not listed at all.

Chair Hiranaga: You have another question from your 13 questions?

Mr. Hedani: Yeah, it's kinda of a follow up to what Keone asked is, is there any plan to improve Waiko Road as part of this subdivision because it has frontage on two separate sections surrounding the consolidated site with like curbs, gutters, sidewalks, access for pedestrians, et cetera, beautification, landscaping?

Mr. Bagoyo: Yeah, excellent question. I believe that when we go in for subdivision, the Department of Public Works will probably impose certain improvements fronting this property as we go in for the

subdivision.

Ms. Dagdag-Andaya: Yeah, we met with the developer--

Chair Hiranaga: Deputy Director of Public Works?

Ms. Dagdag-Andaya: So, Commissioner Hedani, we did have that comment in our original, I guess during our early consultation letter that we would be working with the applicant regarding their subdivision requirements which include ...(inaudible)... road widening lot, curbs, gutters, sidewalks. So that will be taken care of with this project.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Coming back to the sense of place. Vince, you know, I didn't really get your description of to Commissioner Wakida in terms of sense of place that is unique to Waikapu, and how you are adjusting that. First of all, maybe you can describe what is the Waikapu community sense of place? What is those outstanding features that uniquely say this is Waikapu or this not Kula or this is not Wailuku, but this is Waikapu?

Mr. Bagoyo: Okay, I think one of the things that they talked about in Waikapu at many of our community meetings is to make sure that, you know, it's not too commercialized and that's why they needed just a small convenience store because we don't have a convenience store in Waikapu for example. That's one of the things that they have indicated in our meetings with the association. The other is that make sure that the color schemes of the buildings will be, you know, a good transition with the Waikapu Village. And so those are the things that we are sensitive about it, the color schemes, the roof, that's one of the things that they mentioned in our meeting. In fact, last night I had a meeting with the association and they talking about, you know, that we should put some kind of a signage that identify Waikapu Village as they come into Waikapu because right now there's really no signage in Waikapu. Similar to what you see in Wailuku as you come in, you know, that kind of things that they've been asking us to consider so that Waikapu can be identified as a small town village.

Mr. Shibuya: Okay, I'm still trying to gather what you mean by sense of place that is uniquely to Waikapu because I can visualize Paia, I can visualize Makawao, but I have no vision right now of what Waikapu is much less use that to judge or comment on your proposal because all I see now is apparently you want an easement or you're working an easement with A&B, but the scrap yard was a landfill and I don't know where that is, and then you have this area that's been used by construction and trucking companies and you have a lot of scrap metal and pieces and possible contamination. So I have lots of concerns in that respect and that, I don't think that's a reflection of the unique character of Waikapu, right? I don't think you'd want landfill and scrap metal and junk pile as Waikapu?

Mr. Bagoyo: The landfill is the old Waikapu landfill that they were talking about.

Mr. Shibuya: So are you guys proud of that?

Mr. Bagoyo: I'm glad that it's closed.

Mr. Shibuya: Okay.

Mr. Bagoyo: And one of the things that the Public Works have asked us to do is to provide access to the old landfill because I think they're still using it as a storage for the Public Works Department and so we are providing them with access to the old landfill that's already closed. I remember when I was growing up there used to be, it wasn't so long ago that there was a active landfill in Waikapu, right north of this property.

Chair Hiranaga: Okay, I have a question for Staff. So this is the Final Environmental Assessment, and during the Draft EA, the Commission requested additional information, five items. So at this point, is it appropriate for the Commission just to be questioning the adequacy of the responses of those five requests for additional information or should they be reviewing the entire document and asking for more additional information? Because this is the Final Draft EA unless you reject it and say, come back again. That maybe procedurally you can explain what should be happening?

Ms. McLean: Okay, as Paul indicated at the beginning there are three actions that the Commission could take today. This document has been finalized. It's a Final EA. And so, the next step for the project to move forward would be for the Final EA be accepted and for the Commission to issue a Finding of No Significant Impact saying that this document adequately addresses potential environmental impacts and proposes adequate mitigation for the potential impacts. So that's one step for it to move forward today. If the Commission does not feel that the document addresses those impacts then the Commission could defer moving it forward and if the Commission needs more information, the applicant could come back for more information. The applicant could also revise the Final EA to further address issues. The last possible action the Commission could take would be to say, you know, this doesn't come close enough to addressing the impacts, we want you to go ahead and prepare an EIS which is a much bigger document. So those are the three options available that either this is acceptable and you feel comfortable that mitigation has been proposed adequately, that other things can be addressed during the Community Plan Amendment and Change in Zoning since it will be coming back to you for those changes. You can defer, you can defer and ask that a new document be prepared or you could ask that an EIS be prepared.

Chair Hiranaga: Thank you. Commissioner Freitas?

Mr. Freitas: Yeah, I have a comment. We ...(inaudible-technical difficulty)... we asked for five items. We do read the documents and they've addressed the five items, and I believe that we should be dealing with the five items and not going to rehash this whole thing. We had the opportunity to ...(inaudible)...

Mr. Bagoyo: If I may Mr. Chairman, oh, I'm sorry.

Chair Hiranaga: Any more questions for the applicant? Commissioner Hedani?

Mr. Hedani: Vince, who's the owner of the project?

Mr. Bagoyo: It's Waiko Industrial Investment, LLC. It's a partnership of Mr. Fong--

Mr. Hedani: Roderick?

Mr. Bagoyo: Roderick, yes.

Mr. Hedani: Okay.

Mr. Bagoyo: He's currently the...He currently occupies approximately four acres for his equipment baseyard. And we also receive Special Use Permit for that four-acre use by this Commission. If I may, there's --the five items that were mentioned the last meeting, one is from Commissioner Shibuya would this be a PV and solar and I have included that on Page 45. The water consumption and water cost is already included on Page 43. The cost per thousand gallons approximately about \$ .60 for a thousand gallons based on \$ .35 per kilowatt hour use. The storage reservoir meets the Department of Water Supply standards for use. I think there was a question or adding a language about Ag. Anyway, it's on Page 80. And again, I think with respect to the hazardous use, Malama Environmental basically stated that this property is free from any hazardous. There are some cleaning needs to be made that they recommended, and Mr. Fong made all those derelict cars were removed and some of the staining because of the in and out of trucks staining of the ground and so those were removed.

Chair Hiranaga: So going back to Commissioner Hedani's question, who are the principals of record for the LLC?

Mr. Bagoyo: The Waiko Industrial Investment LLC.

Chair Hiranaga: No, who are the principals?

Mr. Bagoyo: Mr. Fong and Pacific Rim which is Goodfellow.

Chair Hiranaga: Okay, thank you. Commissioner Hedani?

Mr. Hedani: Vince, are there strong CC&Rs that have been written for this property?

Mr. Bagoyo: Not yet. We're not into that space yet.

Mr. Hedani: Okay, 'cause my concern was that like for this particular project you have a light industrial subdivision and the plans for the adjacent properties call for Village Mixed Use or Multi-Family Use and I think it's important that at some point somebody take a look at the CC&Rs to make sure there's strong language in there that would ensure proper landscaping of the project, proper setbacks of the buildings from the property line, noise controls, dust controls or other kinds of mitigative measures that could be incorporated to, you know, to ameliorate the impact of light industrial to the adjacent uses.

Mr. Bagoyo: I think when we come in for the Change in Zoning, I assume that there will be some conditions that will be imposed on the zoning. So those conditions will have to be included in the

CC&Rs. That's a good point. Thank you.

Chair Hiranaga: Follow up, so Vince do you envision this proposed project to be similar in appearance to the Millyard or to the Wailuku Industrial project?

Mr. Bagoyo: It's probably similar to the Consolidated Baseyard.

Chair Hiranaga: I don't know what Consolidated Baseyard looks like but I do know what Wailuku Industrial Park looks like.

Mr. Bagoyo: Mr. Fong could respond to that. But it mostly I think the market that we're looking at is the small contractors that they need some space for their business. The commercial component of this project would be probably similar to the Millyard. Convenient little--

Chair Hiranaga: The industrial will look more like Wailuku Industrial Park?

Mr. Bagoyo: Probably.

Chair Hiranaga: It's not a bad thing. I'm just asking for clarity.

Mr. Bagoyo: Yeah.

Chair Hiranaga: Thank you. Commissioner Shibuya?

Mr. Shibuya: Vince, I see this project, the light-industrial having potential of because it's surrounded so-called, possibly surrounded by housing, where people can be accessing this for job site so-to-speak in the old plantation days, we had camps all over the place but we didn't have transportation. So you had to walk to your work field and you performed in the sugar plantation that way. Your job changed from cutting weeds, irrigation and then harvesting, but you lived in that district, in that camp ...(inaudible)... Here, using the same analogy you have the light-industrial opportunity for employment right next you have housing. Will there be access for workers to go back and forth without using a car to walk or is it going to be a big wall, a fence that says no this is industrial, you guys no can come in and then we have to drive all the way down Waiko Road, Kuihelani go way down and then come back around into the housing area? What kind style is that? I mean, we're talking about walking, openness, access to employment.

Mr. Bagoyo: Yeah, one of the things that, you know, this project will be bordered by the Waiale, proposed Waiale master plan by A&B. And there's also a portion across this property as part of the Waiale, A&B's Waiale project, mixed use if I'm not mistaken. I think I did attach a map of the Waiale master plan. And so it's gonna border some of the residential within A&B's project and in fact, we are providing a major access to, to this property from A&B's Waiale project. One of the things that I've heard from the Waikapu Association, they really discourage the use of white plastic fences, and we take that to heart. I heard that last night over and over. They really discourage the use of plastic white fences and that is something that the owner will have to consider to keep it as open as we can. You know, and like you said, that could be a walking...because the County's proposed Central Maui Park is just right across this property as well.



Mr. Shibuya: Okay, so how are you addressing this accessing employment and housing?

Mr. Bagoyo: You're talking about pedestrian access?

Mr. Shibuya: Well, I don't know how you are planning to facilitate this access because I don't think I've seen that.

Chair Hiranaga: You're asking for connectivity?

Mr. Shibuya: Yes.

Chair Hiranaga: Thank you. Pedestrian connectivity.

Mr. Shibuya: Pedestrian connectivity and employment connectivity and a sense of Waikapu if you're going talk about that.

Mr. Bagoyo: The main access from Waikapu Village is Waiko Road. And for the Waikapu Gardens which is the affordable housing project that Spencer developed, their access would be either through Waiale Road down to Waiko and the A&B project they have--it's pretty much border this property. It just adjacent to this property and their proposed mixed-use village which is just immediately across this project. So they can access by walking. I believe the roadway network for Waiale project extends to Kamehameha and that exit to Waiko Road as you could see in their map.

Chair Hiranaga: Kamehameha?

Mr. Bagoyo: Kamehameha Avenue it will access, it will exit to Waiko Road that's part of their proposed master plan.

Mr. Shibuya: Well, I didn't see that.

Mr. Bagoyo: It's in the map that I have attached in my response to Public Works. I think that was sent to you. I think Commissioner Wakida has that. Yeah, that's the map.

Mr. Shibuya: Oh, it's a different document?

Mr. Bagoyo: Yeah. It's in response to Public Works.

Mr. Shibuya: It just came today?

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: A follow up to this. I've been looking at this map. We just got this a short while ago. Where is the project in relation to this map?

Mr. Bagoyo: That white in the middle, right there, the white.

Ms. Wakida: That's the industrial?

Mr. Bagoyo: Yes.

Ms. Wakida: I thought the project was barbell shaped?

Mr. Bagoyo: It's kinda yeah, that lot arrangement in the middle that's an existing Consolidated Baseyard.

Ms. Wakida: Oh, I got it, oh okay.

Mr. Bagoyo: The property is kind of like a U-shaped configuration.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Vince, the main roadway that goes into the mauka portion of the subdivision that's shown is that gonna become part of Kamehameha Avenue?

Mr. Bagoyo: Yeah.

Mr. Hedani: So the standards for that road would be similar to the standards for Kamehameha Avenue because it looks really narrow.

Mr. Bagoyo: Yeah, the requirements that we have, that they ask, that A&B have asked us to provide to our property is a 100-foot right-of-way.

Mr. Hedani: So it be similar to whatever is planned for the Waiale Subdivision or master plan community?

Mr. Bagoyo: That's correct.

Mr. Hedani: I see, okay.

Mr. Bagoyo: There's actually two access. One is on the makai side and the other is in the middle of the property.

Mr. Hedani: And that will include pedestrian access later?

Mr. Bagoyo: That's correct.

Mr. Hedani: Follow up question.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: What happens to the no man's land that connects the two parts of the barbell? Is that gonna be an alley where you get mugged or what happens in there?

Mr. Bagoyo: Which one is that, Commissioner? Which one is it?

Mr. Hedani: You have two large parcels, one that has the subdivision plan on it and on Kuihelani Highway you have a large vacant parcel and you have this skinny little sliver in between which looks like a perfect mugging place. The long skinny piece of property in between the two larger parcels?

Mr. Bagoyo: That's the other road.

Mr. Hedani: It's a road?

Mr. Bagoyo: Yeah, that connects with Waiale.

Ms. Wakida: No.

Mr. Shibuya: He don't understand.

Mr. Bagoyo: You're talking about this road?

Mr. Shibuya: Show the picture.

Mr. Hedani: I'm talking about this.

Mr. Bagoyo: Oh. It's, yeah, that's an emergency access.

Mr. Shibuya: I'm sorry, I don't understand what you're saying. Can you put it up, project that thing on the screen?

Mr. Otomo: Maybe I can help and answer that? Stacy Otomo, again. That little narrow strip right now MECO has their power lines in that corridor. So what we were thinking about is possibly an emergency type of access with some landscaping, but there's no development planned in there. And probably a corridor for some of the utilities for the mauka section of the subdivision.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: That's approximately how wide, that strip?

Mr. Otomo: It's between 60 and 80 feet wide if I remember correctly.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: So that long strip could become like a 60 to 80-foot wide greenway possibly in the future or like a park?

Mr. Otomo: We haven't got into that phase yet, Commissioner Hedani. But you know, like I said, there is the MECO power poles in that corridor as well as we anticipate some of the utilities from the mauka portion of the subdivision running through that alley coming down to the lower portion.

So I imagine a portion of it would be paved primarily for maintenance type of access.

Chair Hiranaga: Are those high voltage transmissions line?

Mr. Otomo: I believe they are, yes.

Chair Hiranaga: May not wanna have a park, high voltage transmission line. Commissioner Hedani?

Mr. Hedani: One last question. My last question, I promise. How come the project isn't tied to the sewer system? Is there a sewer system in the area?

Mr. Otomo: The closest County system is actually starts from Waikapu Town and it kinda goes through Jesse Spencer's affordable housing subdivision and it ultimately, it hits Waiale Road further toward Wailuku Town. So there's no public sewer down in this area.

Mr. Hedani: What about like the commercial developments that are immediately mauka of this property? How are they tied in?

Mr. Otomo: The one that's right where, Clinical Labs. That area in the back of Clinical Labs, there's actually a pump station on the backside of that subdivision that all the sewer goes there and pumped back up to the Waikapu system.

Mr. Hedani: At some point is the A&B property immediate...well, I assume the A&B project immediately next door is going to be tied into the sewer system. When that happens is there a way for this project to tie in?

Mr. Otomo: There may be because like I said, we are running a network of sewer lines in the subdivision. So if we needed to connect up and we feel that a connection could be made that would be a possibility.

Chair Hiranaga: Stacy, you said there is gonna be a sewer line within the roadway right-of-way. So does storm runoff also go into that same pipeline or is there a sewer line and a storm runoff?

Mr. Otomo: It's two different systems. They'll be a contained sewer as well as a contained drain going to two separate leach fields.

Chair Hiranaga: Okay, thank you. Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: I have a question pertaining to the market study. Assuming that the EA goes through and the zoning changes and everything else, say down the road. When approximately does this developer anticipate this development to come to fruition?

Mr. Bagoyo: I think we're looking at starting construction assuming that all of the entitlements, we still have to go to the State Land Use Commission for the State Urban Boundary Designation and it will probably three to four years, start construction.

Ms. Wakida: So say, 2016?

Mr. Bagoyo: Yeah.

Ms. Wakida: Okay.

Mr. Bagoyo: And hopefully the market will be a little better.

Ms. Wakida: Yeah, 'cause right now there's a lot of empty this kind of places, yeah.

Mr. Bagoyo: Yeah. Thank you.

Chair Hiranaga: Any more comments on the Final EA? Seeing none, I'll open the floor to a motion. I guess we can have a Staff recommendation.

Mr. Fasi: The Department has reviewed the Final EA and concludes that the environmental document meets the various criteria for an acceptance of an EA. The Department recommends the Commission accept the Final EA and issue a Finding of No Significant Impact determination. The Department will then transmit this determination to the OEQC, in which it will go through a 30-day legal challenge period. If the determination remains undisputed, the Department will continue processing the other entitlement applications, the change in zoning and the community plan amendment and the applicant will go forward with the State Land Use Commission.

Chair Hiranaga: Floor is open to a motion? Commissioner Hedani?

Mr. Hedani: Move to accept the Final Environmental Assessment as recommended by Staff.

Mr. Freitas: Second.

Chair Hiranaga: Seconded by Commissioner Freitas. Any discussion? Commissioner Shibuya?

Mr. Shibuya: I'm gonna be voting against it. Primarily because I don't have enough information. They've answer the questions on some, like the utilities, but in terms of connectivity, in terms of a sense of place, in terms of how they're gonna mitigate some of the possible hazardous pollutions, I really am concerned and I need more information. So therefore, I'm going to be asking for an EIS.

Chair Hiranaga: Any other discussion? Seeing none, we'll have the Deputy Director repeat the motion.

Ms. McLean: Thank you, Chair. The motion was to accept the Final Environmental Assessment and issue a Finding of No Significant Impact.

Chair Hiranaga: All in favor so indicate by raising your hand.

Ms. McLean: Five ayes.

Chair Hiranaga: Opposed?

Ms. McLean: Two noes.

Chair Hiranaga: The motion carries.

**It was moved by Mr. Hedani, seconded by Mr. Freitas, then**

**VOTED: To Accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI).  
(Assenting - W. Hedani, J. Freitas, D. Domingo, I. Lay, M. Tsai)  
(Dissenting - W. Shibuya, P. Wakida)  
(Excused - K. Ball)**

Mr. Fasi: Thank you.

Chair Hiranaga: Moving on. New Business, Item C-2, Deputy Director?

Ms. McLean: Thank you, Chair. The next item is a request for comments on a Draft Environmental Assessment prepared in support of a Shoreline Setback Variance by Walter Hester, III for the proposed construction of a seawall for property located on Keonenui Bay at 4855 Lower Honoapiilani Road, TMK: 4-3-015: 003 in Napili, and Jim Buika is the Staff Planner.

- 2. MR. WALTER F. HESTER III requesting comments on the Draft Environmental Assessment prepared in support of the Shoreline Setback Variance for the proposed construction of a seawall for property located on Keonenui Bay at 4855 Lower Honoapiilani Road, TMK: 4-3-015: 003, Napili, Island of Maui. (EA 2009/0007) (J. Buika)**

**The accepting authority of the Environmental Assessment is the Maui Planning Commission.**

**The EA trigger is the Shoreline Setback Variance.**

**The project needs a Shoreline Setback Variance and a Special Management Area Use Permit. The public hearing on the SSV and SM1 applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.**

Mr. Buika: Good morning, Chair, Commissioners, Deputy Planning Director, Corporation Counsel, Deputy Public Works Director. My name is Jim Buika with the Planning Department. I'd like to thank you all for your service and your commitment to the people of Maui.

We have a new item of business today in the form of a Draft EA for the proposed seawall at the Walter Hester residence. With me this morning is the applicant, Mr. Walter Hester along with the

applicant's representative from Chris Hart and Partners, Jen Maydan today, as well as Paul Mancini also representing the applicant.

The proposed action is to, Paul Fasi can you turn off the lights, please? Just briefly what I'd like to do is just give some a procedural overview, just introduce the project, give you a procedural overview and then turn to Jen Maydan from Chris Hart and Partners to do a short, brief introduction of the project because it is new business if that's okay with the Chair?

The proposed action, the applicant proposes to construct a structurally engineered shoreline line armoring system at the makai limit of the property. You can see it outlined here in this first photo. The purpose of the project is to enhance public safety and create a long term solution that will stabilize the bank to prevent further future erosion and undermining. It has a history of undermining in its past. The preferred alternative wall design will require a negligible amount of excavation and backfill and will be confined to the area above the beach and mauka of the State certified shoreline.

For my part here, the planning process before the Maui Planning Commission this morning just to review. We are reviewing the Draft Environmental Assessment today only. So what we will do is first have a brief presentation about the project and following the presentation, the Planning Commissioners will be allowed to ask questions about the Draft EA focusing on potential impact to the environment and to ask the applicant to include additional information in the Final EA. So we can ask questions, anything that we don't fully resolve will be researched and addressed in the Final Environmental Assessment just as the previous project. Note that it is a Draft EA. An EA is an informational document only. There are no permits associated with it at this time. At a future date, the Planning Commission will hear an SMA Major Use Permit and a Shoreline Setback Variance for the proposed seawall. The Final EA will answer all of the Planning Commissioners and other agency comments to the satisfaction of the Planning Commission and all other commenting agencies. And the Maui Planning Commission will approve the Final EA. Again, you are the approving agency and the Planning Department anticipates a Finding of No Significant Impact for this applicant action.

Just some other introductory notes. I have handed out to you, I believe it has a marker on the top labeled C-2. There are five comments, one from the Planning Department and four agency comments we have gotten back to date. The Draft EA is out to 10 State agencies, 2 County agencies, Department of Environmental Management and Public Works, UH Sea Grant and then 3 Federal agencies also. So we're in that transmittal process right now. So those additional comments will come in and be addressed in the Final EA. And besides that, the Planning Department will provide additional formal comments on the Draft EA in addition to your comments. The Planning Department comments will be above and beyond yours if we see any discrepancies in the document also that should be explained. And then also, concurrent with this meeting today and the transmittal out to agencies, the Draft EA is currently published in the Office of Environmental Quality Control's Environmental Notice for public comments.

And so it's under review right now. So we're interested in your comments on this document and the Planning Department's role today, my role today is to capture your formal questions and comments about the Draft EA to create it as a written record, get it out to the applicant to address in the Final EA just as you did in the last document. So that's where we are today. We have about

a 10-minute presentation. Chair, shall we proceed?

Chair Hiranaga: I had a question on the previous slide.

Mr. Buika: Sure.

Chair Hiranaga: No. 2, the last statement, "MPC will approve Final EA." Is that an accurate statement? It should be, "may approve the Final EA?"

Mr. Buika: Yes, that's--it should be, "may approve," sorry.

Chair Hiranaga: Okay, checking.

Mr. Buika: Okay.

Chair Hiranaga: Jen, is it 10 minutes or more than 10 minutes 'cause, I don't like to keep the Commissioners beyond noon 'cause they get a little...well, we could defer it till 1 o'clock.

Ms. Maydan: It's not a very long presentation.

Chair Hiranaga: Okay, I'll leave it up to you.

Mr. Buika: Okay, we'll go before lunch and then you can digest the information over lunch.

Chair Hiranaga: We may digest the information?

Mr. Buika: Yes. So I'll turn it over to Jen Maydan from Chris Hart and Partners representing the applicant, Walter Hester.

Ms. Jennifer Maydan: Good afternoon, Chair Hiranaga and Commissioners. I'm Jennifer Maydan with Chris Hart and Partners representing our client, Mr. Walter Hester. The subject parcel is in Napili approximately seven miles north of Lahaina, and a mile and a half south of Kapalua. Access to the parcel is via Lower Honoapiilani Road. Here's the parcel in pink. The subject parcel is adjacent to the shoreline along Keonenui Bay between Haukoe and Alaeloa Point. The subject parcel is about .44 acres and is located at the far southwest end of the bay on a high bluff. This is the bay. The property along the northern half of the bay are occupied by the Kahana Sunset Resort and Condominium, shoreline properties along the southern half of the bay are occupied by single-family residences. The subject property is the last property at the southern end of the bay. The beach in the project vicinity is a pocket beach between two headlands which protrude approximately 400 to 500 feet seaward. A vertical rock and concrete wall protect the properties along the entire bay except for the subject property.

The picture in the top left is a view Keonenui Bay then north of the subject property fronting the Kahana Sunset the beach, the shoreline consists of a sandy beach protecting the properties. Moving south along the bay the beach narrows dramatically transitioning into an irregular and rocky shoreline fronting the subject property.



The original single-family residence was constructed on the subject parcel in 1976, however, due to erosion of the clay and cinder substrate and the creation of undermining caves by 2003 the residence was situated roughly 18 feet from the edge of the shoreline cliff at its nearest point.

These pictures depict the collapse of the shoreline bluff of the subject property in February 2003. Over the years, each parcel with a sheer bank fronting Keonenui Bay have been susceptible to seasonal undermining with the creation of dangerous caves which eventually collapse and endanger the health, safety and welfare of beach goers and property owners.

It has been determined by the project's coastal engineer that the seasonable erosion and bank destabilization in the bay is caused by a continuous bedrock layer of volcanic clay and cinder that is susceptible to erosion. The bank is not made up of a stable rock formation resistant to erosion.

The existing condition of the bluff along with prior documentation through the years of erosion of the subject site indicate that if left unchecked erosion will continue further threatening the subject property and eventually threatening the property to the north. Since the catastrophic collapse of the bank in 2003, the applicant has taken proactive measures to strategically retreat from the shoreline. On August 18, 2011, the Planning Department granted an SMA Assessment Exemption, Shoreline Setback Approval, an EA Exemption for the demolition of the original residence from within the shoreline setback area and construction of a new single-family residence outside of the shoreline setback area. In November 2011, the residence was demolished and a new residence is now under construction.

Now this brings us to the current proposed action. As Jim mentioned, the applicant proposes to construct a structurally engineered shoreline armoring system at the makai limit of the property. The purpose of the project is to enhance public safety and create a long-term solution that will stabilize the bank to prevent further erosion and undermining. The preferred alternative wall design will require a negligible amount of excavation and backfill and will be confined to the area above the beach and mauka of the certified shoreline. Construction of the wall will involve the installation of three poured in place micropile supported grade beams. The base and top of the wall will consist of dura bloc while a sprayed on concrete facing will be applied to the face of the mid section of the wall. The full height of the wall will be about 22 feet with a three and a half foot post and rail fence at the top of the bank. The length of the wall will be approximately 150 feet. The wall will include one, five-foot wide terrace located about five feet below the top of the bank. The terrace will be planted in fig vine and naupaka which will overgrow the face of the wall softening its visual impact.

As Jim mentioned, the Draft EA has been prepared since the proposed development involves an action within the shoreline setback area which requires a variance. The notice of availability for the Draft EA was published in the Environmental Notice on the 8<sup>th</sup> of July. Copies of the Draft EA were sent to Federal, State, and County agencies, the library and the University of Hawaii for comments. The comment period ends August 7<sup>th</sup>.

In order to implement the proposed project, the SMA Use Permit and Shoreline Setback Variance must be obtained. A consolidated application for the SMA Permit and Shoreline Setback Variance were filed with the Department on May 23<sup>rd</sup>. And the Commission, as Jim mentioned, will review and comment on the SMA Use Permit and Shoreline Setback Variance after a Finding of No

Significant Impact may be issued for the Final EA.

The Draft EA examines potential environmental and socio economic impacts associated with the proposed wall. Construction of the proposed will not significantly impact shoreline conditions and processes. The wall will harden approximately a 150 feet of shoreline whereas the remaining 500 to 600 feet of the shoreline fronting the bay is already armored with vertical walls. The proposed wall will be constructed inland of the waterline and best management practices will be implemented to mitigate construction phase impacts on the near shore marine environment. In the long term, the wall may improve turbidity conditions in the bay given that hardening of the cliff face will mitigate further erosion of the silty clay substrate.

An archaeological field assessment was conducted on the site and no surface or subsurface remains were identified. The cultural impact assessment concluded that the proposed action does not interfere with any known Hawaiian or non Hawaiian gathering practices protocols or access. The proposed wall is therefore anticipated to have no impact on significant archaeological, historical or cultural resources.

The project is not anticipated to negatively impact public view corridors and is not anticipated to produce significant adverse impacts on the visual resources of the site and its immediate environs. Public infrastructure and services including roadways, sewer, water systems, medical facilities and police and fire, parks, schools are not anticipated to be impacted by the project.

Based on the project assessment, the proposed seawall will not result in significant impacts to the environment. It's consistent with the requirements of HRS Chapter 343 and a Finding of No Significant Impact is anticipated. Thank you, Chair and Commissioners. We'd be happy to answer any of your questions.

Chair Hiranaga: Okay, looks like it's lunch time, so we'll break for lunch and reconvene at 1 o'clock.

A recess was called at 12:05 p.m., and the meeting was reconvened at 1:00 p.m.

Chair Hiranaga: Is the applicant ready?

Mr. Buika: Yes, Chair, we are ready to answer any questions from the Commissioners.

Chair Hiranaga: Well, actually let me open the floor to public testimony. Is there anyone here that wishes to provide public testimony regarding this agenda item? Seeing none, public testimony is now closed. Open the floor to questions from Commissioners? Commissioner Lay?

Mr. Lay: On that photograph where you show the property with--there was the landslide, can you show me that photograph where that last portion of the property had fallen, fallen off that cliff side? 'Cause my understanding from what you guys are telling us is the wall is gonna be on top of the property up there? Or are we building out from that section that's fallen into the water replacing that section or I'm just trying to get an understanding on where your wall is actually gonna be placed.

Ms. Maydan: Thank you. Is this the slide that you wanted?

Mr. Lay: It was actually a top view looking down. It has the green grass and --no, no not that one. Go back a little further. Is that all the photographs you have? Well, anyway --

Ms. Maydan: This is the property from the above.

Mr. Lay: I'm just wondering the proximity of your wall to the shoreline. Where that girl is--you know, that person is standing there.

Ms. Maydan: Yes.

Mr. Lay: Are we looking from coming up straight there or are we cutting into the bank above? Actually that left side photo actually shows where that landslide is, right there. Where exactly is the wall gonna be?

Ms. Maydan: Essentially the wall will be mauka of the certified shoreline. You can see the rock base right here. It's kinda hard to see with the sloughed off cliff, but it would be vertical up.

Mr. Lay: On that wall?

Ms. Maydan: Correct.

Mr. Lay: 'Cause I'm looking at your photographs and you have that blocks that...I don't know what the name of the blocks where you have on the bottom portion of that wall, then you have 'em again at the top of the wall. Yeah, that area there. That's sitting on top of that rock wall that you were showing us?

Ms. Maydan: Correct.

Mr. Lay: Okay.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Yeah, if you go on that particular photograph or the construction drawing, the wall is shown going down into the beach, what's labeled beach which I assume is the sand. Is it gonna be setback from the edge of the sand higher up somewhere?

Ms. Maydan: It will be mauka of the certified shoreline. There are construction drawings that probably will depict it, a bit better than this. Let me identify it in here so I can point it out to you in the Draft EA.

Mr. Hedani: Okay. My concern with the design as it's shown is that it presents a vertical wall that the waves would hit and what would happen when the waves hit it is it would reflect that energy back out or along the shore to cause erosion on either side of the property as opposed to being dissipated if it's further up on the slope.

Ms. Maydan: Thank you for your question. Currently as the cliff exists, it does act as a hardened

seawall. It reflects the wave energy back. As I stated, all of the properties along the bay, are already hardened. This is the only property that is not hardened and in our coastal engineering report, the engineer does determine that the waves are reflected back currently, but above the rock that for the bottom portion of the cliff there is an unstable make up of clay and cinders substrate and that is what gets eroded and undermined and caves are formed and then the bluff collapses. So essentially building the wall, the coastal engineer has determined that building the wall will not affect beach processes or the marine environment since the wall is already essentially hardened or the, I'm sorry, the bluff is essentially already hardened with the bottom portion that is rock. It's above the rock that is the clay and cinder conglomerate that's susceptible to erosion.

Chair Hiranaga: Okay, Jen, why don't you explain how the certified shoreline is determined?

Ms. Maydan: I'm going to ask Chris to elaborate.

Mr. Chris Hart: Sorry, my name is Chris Hart, Chris Hart and Partners and the shoreline was actually certified, the survey was done by Kirk Tanaka and essentially right at the base of the hardened, naturally hardened shoreline, you can see the clay and it's a volcanic ash that actually layer above it and so essentially the wall is actually gonna be behind...you can't quite get a sense of the depth, but over time, you know, this rock layer that is at the base, you know, has formed and has become, you know, visible and actually the shoreline is right at the bottom of that base. And the actual wall itself will be built actually above on the top of that rock shelf.

Chair Hiranaga: No, Chris, my request was how is the shoreline --

Mr. Hart: Determined?

Chair Hiranaga: Determined.

Mr. Hart: Well, it's determined basically by--in this particular case, you know, it's essentially the natural edge of the rock that exists in the area.

Chair Hiranaga: How does the State determine where the shoreline is?

Mr. Hart: Okay. The process first is, you know, a surveyor in the State of Hawaii essentially is retained and based on the definition of shoreline that's in Chapter 205, essentially goes out and identifies the shoreline and then, of course, the State surveyor and a representative from the Office of Conservation and Coastal Lands comes and they actually inspect and identify that they agree with the interpretation of the surveyor.

Chair Hiranaga: But it's the high water mark?

Mr. Hart: Well, the high water mark, yeah.

Chair Hiranaga: Or the vegetation, I can't remember.

Mr. Hart: Well, it's basically the, I don't have the definition in front of me, but it is basically the high

water mark other than storm or, you know, season, storm events as usually evidenced by the line of vegetation. But in the case where there is no vegetation, there's a naturally rocky shoreline, it's usually at the base of the rocky shoreline.

Chair Hiranaga: Do you concur with that Jim? I just want the Commissioners to understand how the --

Mr. Buika: Yes, it's determined as the highest wash of the waves on an annual basis.

Chair Hiranaga: Annualized or ...

Mr. Buika: Annualized, yes. And they look for various opihis in this case or any salted out vegetation or any key indicators that would show how high the water mark is. So this shoreline survey was certified in 2009, and this permit, the application came in 2009, and is continuing from there. So the Department has accepted the State Certified Shoreline from 2009. And it was determined in Appendix B in your, in the EA, shows the State Certified Shoreline at the base of the cliff. There is--in this location, there is an ephemeral beach that comes and goes and over the years, over the last 40, 50 years there has been a significant beach that has continually eroded at about one foot per year according to the erosion rate. So the beach is just about gone, and it just--so the water rolls up the base of the cliff. It might be splashing a little more there on the cliff, but it was determined in 2009, to be the base of the outcrop there at the cliff.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Chris, one more. Chair, one more for Mr. Hart.

Mr. Hart: Chris Hart again. Could you in your Draft EA look at Appendix B, please? And the first figure is the actual certified shoreline map. Okay, map of the certified shoreline. And then the next figures are two photographs and in the photographs they show at the top, you know actually the condition that I described that...these two conditions. One is where there is a rock --do you have it? Appendix C, B, I'm sorry. Appendix B, the top one shows there's a red line at the top of the shelf.

Chair Hiranaga: That's the shoreline?

Mr. Hart: Yeah, that's the shoreline there. Okay, that's one condition. And then the second condition that I talked about is right along the base of the wall, of the natural rock wall which is also right along the mauka edge of the ephemeral sand at this particular time when the photo was taken. But that's the actual existing condition and that's, and some of it has been, you know, essentially created as a result of erosion. You can see in the top that there is also a rock wall, and that basically is at the edge of the property and essentially built on the shelf and that's the intent in this particular case to essentially use the rock shelf as a base so essentially the wall itself will be behind the actual certified shoreline or mauka of the certified shoreline.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yes, my question's regarding the adjoining rock walls that are currently in place. Is there gonna be some type of transition between the rockwall, seawall that you guys are building.

Mr. Hart: Right.

Mr. Tsai: That, you know, provide some kind of seamless, you know, visual or structural effect?

Mr. Hart: There will be. I mean, the idea is first of all to make them structurally integral so that they, you know, obviously, you know, won't exist independent of each other. And then the other is in the case of some of the walls, this one that where is immediately to the north is actually does have a rock face pattern and the idea would be to try to emulate the textures and the character. And also we're proposing in this particular case as a result of working with the Planning Department, with Jim, to do a terraced wall which would provide the opportunity of integrating some plants into the face of the wall because the walls do get pretty tall.

Mr. Tsai: Thank you.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: My question was are you guys going to tie into that other wall and continue the train of thought with the wall to the left of that picture?

Mr. Hart: Yes, we would.

Mr. Freitas: That's going to be your baseline and ...

Mr. Hart: Yes, it would and it would basically be using that rock shelf. You see the layer above it, the bay just happens to have this geologic formation that goes all the way around it and it's actually a volcanic ash layer that over time because of the high surf, you know, it erodes away, it causes sediment pollution in the water, but also it creates these caves and we've had--there was another one Marsha Lucas that was on the north side of this bay and there was a substantial sloughing off of the bank and an emergency...you know, as far as health, safety and welfare and the Planning Department worked with us to do an emergency permit and we're using the same structural engineer in this particular case Paul Webber, okay.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Back to Chris. Chris, I'm looking at this and structurally looking and I'm looking where it's getting undermined already.

Mr. Hart: Yes.

Mr. Lay: And you're saying that you're gonna go on top of this?

Mr. Hart: Yes.

Mr. Lay: Are we alleviating this problem or are we just waiting for it to fall again? That's what I'm wondering about.

Mr. Hart: Well, the idea is to essentially, it's--to use a term, the intention is to encapsulate, you know, that weakened portion of the bank and to actually create an armor, armorment on the outside so that it won't happen again.

Mr. Lay: So in front?

Mr. Hart: Yeah.

Mr. Lay: Okay.

Mr. Hart: Yeah.

Mr. Lay: All the way down, then right?

Mr. Hart: Yeah.

Mr. Lay: Okay.

Chair Hiranaga: No, you're gonna stay outside of the...above the shoreline.

Mr. Hart: Well, it's gonna be similar to this wall. See how it is? So it will continue down.

Mr. Lay: I have another question.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Everybody has a...when they buy their property has a lot size, right?

Mr. Hart: Right.

Mr. Lay: Is there lot size loss when this type of erosion occurs? They don't retain what was taken away?

Mr. Hart: That's correct. And that actually becomes State property ultimately.

Mr. Lay: Okay, thank you.

Chair Hiranaga: When you have a Certified Shoreline Survey approved it redefines the land area of that particular lot. So if you don't have one for 40 years on tax records it may show it to be 20,000 square feet when in fact, it's only 12,000. It's not recognized until you have a shoreline certified.

Mr. Hart: A good example is this, if I might, there's a photograph that was shown of the existing

house, of the one that was demolished. It was actually built in 1976, and just from a point of view of background the Shoreline Setback Law became effective in 1970. So it was in effect, but the minimum setback was 40 feet, and now when that photograph was taken it's approximately 18 feet. So yeah, there was a loss.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: On the Figure 1 or sorry, 11.1, and maybe this is for Jim, wasn't it the Department's philosophy now to try and push these walls back into the property, and not have them sitting right out meeting the sand?

Mr. Buika: Well, the Department hasn't had any of these walls built, right, for a number of years at this point. Yes, I think we have a good opportunity here to explore various alternatives to...because there is, what has happened is the home is being built at 44 plus feet away from the edge of where the shoreline right now. So we have some shoreline to work with here and there have been some alternatives that have been explored in this document and there are also opportunities to explore additional alternatives where we could move the wall back. Yeah, it certainly is the Department wants to work away from the shoreline outside of the waves for sure. So the proposal here is, is to put in these, these pilings into the wall to stabilize it and then to have a base. I think you've seen it the base, shot treat it on the existing wall and then terrace it back so there should not be any interaction with the ocean and we'll make sure that best management practices are included in the Final EA.

Mr. Ball: And so this diagram, 11.1 sits on top of that natural rock I guess it's natural. I don't know if there was a previous wall or whatever but...

Mr. Buika: Yes it will. It doesn't show that. It shows it's sitting on the beach and what I--I made a note that I will have the engineer explain exactly where the...how it ties into the adjoining wall and where it is located relative to this competent rock shelf bottom layer to make sure that it is off the beach and not on the beach and mauka of the shoreline.

Mr. Ball: And do we know how far back that bottom layer goes? I mean, it's not just like a two-foot section or is it? Because going back to Ivan, you know, if that thing's really thin then it's just gonna undermine it kinda like down by the Sunset where they had a wall but it's going underneath it and coming out.

Mr. Buika: That's a good question. We only had three borings done. There is a soils report in your document. There were three borings that were not exactly on the shoreline. It looks from the visual site map, it looks they're about ten feet or five or six or seven or eight feet back off the shoreline. Two of them went through -- two of them never hit a competent rock. They went down I think about 30 feet. The other one hit some concrete or something, but I don't--we can research, there's a soils report so I don't think that they reached that shelf, but that's a good point to ensure that it's going to be built on a competent rock shelf. But I don't think they encountered it, but we can investigate that and potentially have another boring drilled closer to that if that's the wish of the Commission.

Mr. Ball: And I guess I would like to see it pushed back a little bit even if it's a couple feet because



...I mean, if there's a flat wall on the shore as opposed to maybe a stepped wall right there where kind of the waves are impacting, and soften that drop of the waves crashing on the wall and coming down right on the beach there. I mean, Warren's the engineer so I don't know if my theory is wrong or opposite, but it would seem like it would soften the flow if you will.

Mr. Buika: So say that again? Can you explain that again, I'm sorry, I didn't catch it?

Mr. Ball: Right now it looks like the wall just kind of like, here's the beach and there's the wall.

Mr. Buika: Vertical, right.

Mr. Ball: And so if you had, you know, the beach and then maybe that --

Mr. Buika: Shelf.

Mr. Ball: --the shelf, and then you bring the wall up, you know, a couple of feet back from there. It might create a little path for the beach goer at some point when there's no beach left and it won't impede the owner's privacy because the rest of the wall is gonna be ten feet up.

Mr. Buika: I'll make a note to explore that alternative. Okay, that's a good comment.

Chair Hiranaga: One second. Jim, you made a comment that there were was no recent permit granted for a similar wall. I thought we granted a permit for a retaining wall?

Mr. Buika: Yes, we did actually in the bay.

Chair Hiranaga: Yeah.

Mr. Buika: It came before the Commission as an after-the-fact. It was granted as an emergency permit for the Hale Malia, Marsha Lucas in the same bay on the very northern end of the bay. That was about just visually the cliff was about twice as tall as it is here. This is about 20 feet. I would say that was between 30 and 40 feet tall and it did slough. It was the, that clay and silt gravel layer, the same thing that we have here that slid off of that competent rock layer. So that one was built from about six or eight feet above sea level on that same shelf that Commissioner Ball was talking about, up from there and I think that's the same engineering design that they're intending to employ in this situation. So that was one. That was the only one, but that was done under an emergency permit and brought to you after. I had that one and I did that variance with this Commission last year.

Chair Hiranaga: Deputy Director, did you want to comment? No? I thought you did.

Mr. Buika: Chair, would allow Mr. Hester to comment? Maybe he has some more intimate knowledge about the engineering ...(inaudible)...

Chair Hiranaga: It relates to Commissioner Ball's question or ...

Mr. Buika: Okay, this is Walter Hester, owner of the property.

Mr. Walter Hester: I, no means --

Chair Hiranaga: Please identify yourself.

Mr. Hester: Walter Hester. I'm the owner of the property. And I'm not an engineer, but I know this picture really doesn't depict but these horizontal looks like a pipe, there's three of them in this drawing that's actually a anchor and a tie down and that's the pretty much the whole structure of the wall is in this new type of engineering. They drill back into the property until they hit hard rock and these are the anchors that hold up the whole wall. So I know this picture really doesn't depict that, but the engineering is that these three vertical or horizontal lines are actually anchors that hold the wall up. I just add that information. Thank you.

Chair Hiranaga: Thank you. Commissioner Freitas?

Mr. Freitas: On -- for the Planner. Section 1 on Page ... it's seawall for Hester residence Section 1, Appendix B, two pages. Is that the drawing of how that retaining wall is going to be 'cause it actually shows a 14 feet base and that's back in the property quite a way.

Unidentified Speaker: Section D, two pages.

Mr. Freitas: Section -- yeah, two pages.

Mr. Buika: Appendix C or Appendix B?

Mr. Freitas: D.

Mr. Buika: D?

Mr. Freitas: Yeah. They have two pages. That's the actual sizing of the wall. If it is ...

Mr. Buika: I've been meaning to ask Chris Hart to put tabs in these things. Scheme 1, okay, right. Scheme 1.

Mr. Freitas: 1 and 2, is that the actual engineer drawing of the wall of how it's gonna be constructed?

Mr. Buika: I will defer to...not it's not. Chris Hart is saying that is not an engineering drawing but more of a schematic. It would just be a schematic.

Mr. Freitas: Yeah, because that looks very sturdy.

Mr. Buika: Yeah, that's all--this is an alternative that was explored, the straight up wall. The vertical seawall. This is not the preferred alternative but one of the alternatives.

Mr. Freitas: ...goes to the second page ...(inaudible)...

Mr. Buika: Scheme 1 and then there's a Scheme 3. These are retaining walls. There are other alternatives that were developed also. And then there is a preferred alternative besides Scheme 1 and Scheme 3.

Mr. Freitas: Okay, thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Let's see, Figure 8-5. These pictures here were taken quite a while ago: Oh, I guess, this says '03, is that the same slide?

Chair Hiranaga: Can you repeat the question?

Mr. Ball: I was just wondering when these pictures were taken. I see one is marked as '03, February 16, '03. I'm assuming that this collage here, oh thank you. Now on Page 8-4 or Figure 8-4, is this seawall two properties to the north of the subject parcel? It shows like some drainage, the seawall's draining.

Mr. Shibuya: Weep holes?

Mr. Ball: Weep holes. Do we know what that event was when they were flowing like that? I'm just wondering if that was a long-term flood that took all the sand. If there's rocks in front of this wall or was it a nominal event that just coincidentally is in front of this wall with sand behind it rocks.

Mr. Buika: I think these are just calcareous deposits from runoff over the years. Is that what you're speaking of those, what it looks like water coming out.

Mr. Ball: It looks like they're flowing but are they or not?

Mr. Buika: That's a permanent discoloration of the seawall if you go down there. So it's, I think it's meant to prevent water from building up like a french drain behind wall to allow slow drainage.

Mr. Ball: 8-3, No. 10, remnants of CRM facing along the base of the bluff. I'm not sure if the applicant would be willing to take that old remnant stuff out of there when they do the wall, clean that up. I know it's not their issue, but I don't know if they have the machinery right there they could just pluck that stuff out of there. I mean, if it's too involved then I don't recommend that because then they're gonna start taking out of the natural rock, but the piece to the right seems to be just sitting there maybe.

Mr. Buika: I have some, I have a comment about that. I have gotten back some comments, and I handed out a packet of letters. The front says, I think it says C-2 on it. The second comment I do believe is from the Department of Land and Natural Resources. They did put in a couple of those pictures and the applicant will to answer that comment they will be working with the Department of Land and Natural Resources to resolve that. It may be an encroachment or it does

have a State Certified Shoreline but we will resolve that. I made a note that is the applicant willing to pluck out the CRM or remove it if it makes sense?

Mr. Ball: The ones that are easy to move.

Mr. Buika: Yeah, if it makes sense.

Mr. Ball: Thank you.

Mr. Buika: Okay.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Jim, does the applicant propose to use weep holes?

Mr. Buika: Yes.

Ms. Wakida: And could you tell me what is the north and south boundary of the wall?

Mr. Buika: There is a site map further back in the document. It's one of the--it's a pretty good map.

Ms. Wakida: Oh, okay.

Mr. Buika: Maybe not, Figure 11.2, that's a drawing and then actually there's another one, Figure 11.2 and I know there's another one in here.

Ms. Wakida: Well, I...looking at 11.2, can you tell me, I'm not sure which is the wall and which isn't. I've studied that picture but --

Mr. Buika: I cannot tell from that one. I agree. Maybe Chris and Jen can, but there is another figure, let me find it for you that shows exactly...it's has three cross-sections A, B, and C, in the back. It's with those engineering--that engineering section where it has the schematics which was what, D?

Mr. Buika: We need tabs in this thing, Chris.

Mr. Shibuya: Plat 2, plot plan?

Ms. Wakida: G is archaeological...

Mr. Buika: Here we are, yeah, okay. In Appendix D, on a 11x17, it's Sheet 2 of 7. I think that's, that's our best site map. Right there Penny, you have it right there on your left so it has the--the front side has a big Walter Hester, the address on it.

Ms. Wakida: So the wall does not extend to the extreme southern edge of the property is that correct?

Mr. Buika: Yes, that's true.

Ms. Wakida: Okay.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Jim, this--the beach in this particular cove reads like a private beach because it doesn't appear to be public access to the beach. This particular property is the property that impedes the ability to get to that beach from the south. Probably because of irrigated vegetation that covers the rocky shoreline and makes it impossible to get down to the beach from the public access that's on F Hui Road immediately to the south. I've fished that entire area, you can walk along the coastline and get to this property and there's naupaka hedge all over the place, so you just can't get past it without walking through their living room in order to get further north. Is there a way to create lateral public access along the shoreline to tie into the set of stairs that's already built on the wall, on the cliff, to get down to the beach?

Mr. Buika: There may be. I think that's a good question and I'll capture that and we'll explore that as an alternative to add a public access because this bay does not have any public access right now. There is a proposed public access as part of the Kahana Sunset Master Plan that Chris Hart and Partners is also doing through that property right at Kahana Sunset, but this should be or could possibly be an access. Right now, I've discussed it with the applicant and looked at it, it's fairly dangerous the way it is right now, but if we could possibly tie in a lateral, a safe lateral public access from Hui Road along all of the lava rock. You have a picture of that? So it would be--so from this--right from this site, there is a public access on Hui Road that comes in slightly off the photo and fishermen come down this way and then right at the property here it is a steep cliff, but potentially with that wall as Commissioner Wakida was asking if that wall is coming around is there some way we can create a public lateral access. So I'll capture as a comment.

Mr. Hedani: I'm thinking if they're gonna terrace the wall there's an opportunity for a path that could be included, you know, along with that terracing possibly that would lead into that set of stairs. I'm not sure if the stairs is immediately to the north of this property or not or several residences down there.

Mr. Buika: I'm not sure either, but that's a possibility because the property does wrap around. It has that little finger and possibly we can explore that option. So thank you for that comment.

Mr. Hedani: And if you look at the historical photographs that go back to 1975, the black and white photographs, what you'll see is like coastal trails in that area, yeah.

Mr. Buika: Right.

Mr. Hedani: That were leading through the property and possibly accessing the beach along that, along that coast. So what I'd like to see is someday to establish public beach access to that beach.

Mr. Buika: Okay, thank you for your comment.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Jim, on this additional C-2 that you gave us there's a letter from the Department of Planning in 2010 with a number of suggestions or recommendations. For example, No. 10, it says that the Department recommends no seawall alternative and various other things. Has this been responded to or...

Mr. Buika: I don't think it has been fully responded to, but we will make sure that is responded to in the Final EA. Has it? Okay, it has been responded to. But the actual letter was not included in the Draft EA unfortunately. I did catch that and that's why I asked you to do this. But just to give you just 30 seconds of history, the project came in to build a house and a seawall together and I knew that the house, the house could be built independent of the seawall because they have a...they're setting back, they're retreating strategically very well, they tore down the plantation, moved it back, so we bifurcated the project. The Planning Director agreed to that. And so we're coming now because the house is not threatened, it's a long term structural strengthening of the shoreline here. So now we're coming forward with this. So these comments were relative to the full project back in 2010 that's why it was originated in 2009, and here it is 2012, we're still dealing with the seawall, okay. So we'll make sure that everything is responded to in the document.

Ms. Wakida: And as a previous EA we looked if the additional information in the final could be highlighted or underlined or in some way flagged so that we realize that this is where the new information is.

Mr. Buika: Yes, so noted. We'll do that. And also, I know Chris Hart and Partners have actually created a separate and other consultants have created a separate document addressing each of the questions.

Ms. Wakida: Thank you.

Chair Hiranaga: So Jim, you said you bifurcated the project. Does that mean the house has already been built?

Mr. Buika: The house is under construction currently at a 44-foot setback, yes. The house has, the house is a, it's a nice house, it's a moderate house. There's actually a patio out front so the house is even another 10, 15 feet being built behind the setback. They had an excellent drainage engineer who is capturing all the runoff along the road considering some of the water that runs along the Honoapiilani there that would run onto the property capturing it in a very nice drainage plan. So I had reviewed that and approved that administratively.

Chair Hiranaga: You said all the storm runoff? I thought it said 60 percent beyond what is required?

Mr. Buika: I'm not sure exactly how much, but as much as possible with the side yard setbacks and out front are being calculated.

Chair Hiranaga: Okay, just be careful when you make statements like capturing all storm ...

Mr. Buika: So noted.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Jim, maybe you can relate some of the impacts on the property line as it relates to climate change and the sea level rise. Will that have any impact on where the property line is, the shoreline is actually designated? Is that a moving target? Is it something that moves as the shoreline, I mean, the sea level rises?

Mr. Buika: Well, I think, I think sea level will rise with some component. I think we're fairly certain of that. It--with a seawall and with a competent rock layer there, I think we're taking sea level rise into account in this particular instance and by building the home 44 feet back up on the bluff, I think they are well-situated for any climate change or sea level rise in the coming seven generations.

Mr. Shibuya: Okay. Good, thank you. And the second part that I wanted to ask was with this photo here you see the amount of energy that's coming in and it comes from various directions. And then it ricochets off of each of the solid walls, retaining walls and they erode each other. That's a natural process. Are there ways that we could, the County or maybe some kind of grant, sea grant, kinda thing that we can test out some force mitigation out in the ocean closer to where the bottom of this image here, putting in some geo domes however to deflect, not stop, deflect and weaken some of that water force that comes in. I'm not looking geo--the tetrapods, you know, unless the surfers want some kind of obstacle course, but I'm looking at something that's under the surface and it will somehow break up that force because water is noncompressible and 100 percent of that energy coming in, unless you deflect it, it's gonna hit and ricochet and it's not going to dissipate.

Mr. Buika: Right. We had discussed this somewhat during our training.

Mr. Shibuya: Yes, you did.

Mr. Buika: Offshore and for this particular instance, it probably would not be, would not be necessary if we did build a seawall, but there are various forms of breakwaters. Right, so that's what you're talking about basically is offshore, a breakwater. Breaking the water, breaking the energy, diverting the energy somehow.

Mr. Shibuya: Yes.

Mr. Buika: We do that with reefs and then anything that mimics a reef such as an artificial reef, white rocks, lava rocks, concrete, structures, whatever, there are structures called reef balls that can mimic reefs and create reef habitat. So this is something that the Planning Department is interested in for other areas to protect other development that is, that is threatened. There have not been any, except for fish ponds. Right, I mean, if you think of what a fish pond is, fish pond is a basically--reduces the energy along the shoreline.

Mr. Shibuya: That's correct.

Mr. Buika: And that's what it is, is a, it's a breakwater of sorts. So--but other than that through

Department of Health, Corp of Engineers there have not been any prototypes or test cases in Hawaiian waters. Yet I am exploring it with the Corp of Engineers, Cindy Barger, who they almost had a test case project that lost some funding. So we haven't had any. But the Department is interested in exploring those options because they are, as you state, they are valid options. We have limited options. We can setback which we're doing in this case.

Mr. Shibuya: That's right.

Mr. Buika: We can elevate up. We can add sand. We nourish the beach with additional sand continually over time.

Mr. Shibuya: We can put revetments --

Mr. Buika: We can but a revetment of rocks or a seawall in this case or we can intervene offshore and that's something that Hawaii has not explored much of. Whereas, the rest of the world there are hundreds of thousands of examples, I'm positive of that where they do do offshore breakwaters.

Mr. Shibuya: Right. You'll see it in Japan a lot.

Mr. Buika: And so with sea level on the rise, I think that's a--that should be a viable option in our tool kit for protecting development along the shoreline. So thank you for that question.

Mr. Shibuya: Thank you for your information.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Jim, I just wanted to offer the comment that I concur with Commissioner Ball about the removal of...it looks like there's a lot of concrete and rocks that's been installed probably without permits in the past, you know, by prior owners. And the unnatural things that were put in place that were not done through permits probably is something that should be removed and restored to its natural condition. And then the walls should be setback behind that on a firm foundation of bedrock that they should test for and find, yeah.

Chair Hiranaga: So at this point we're reviewing a Draft EA, so we're not placing conditions, but you can request that this type of alternative be looked at. Is that what you're doing?

Mr. Buika: Yes. I will capture that as an alternative to clean up the shoreline, work with DLNR, Department of Land and Natural Resources on that and to move the, move the wall behind the natural shoreline.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I think, you know, in perspective I think these particular owners are the victims of the other seawalls that have been put in place on the bay and the energy that's been reflected off of those walls are affecting them and the problem that I have is, you know, putting another wall that goes right up into the beach at this particular location that's vertical doesn't solve the problem, it



just makes it worse.

Mr. Buika: Yes.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I wanna echo Commissioner Hedani's concern and the draft makes a mention that the proposed wall should have no significant impact on the shoreline conditions. And I think that's a rather bold statement. I would like to see more information from our shoreline experts, Tara, those folks about the impact, and I realize this isn't the only wall that's suggested. I mean, there's hardenings, I understand that. But still, I'd like to see the impact on like Kahana Sunset further north which has a little sand and I want to echo the suggestion that they look at alternatives for more stepped back wall. I'm not concerned about the visual impact. I don't think it has to match anything. I think it should be as environmentally conscious as possible to make and still not impact the integrity of the owner's property unreasonably.

Mr. Buika: Okay, just to comment on that. I will have them look at the impact in the bay from this wall and look at alternatives for stepping it back more and also the Draft EA is out to UH Sea Grants, Tara Owens for comment. She plans on commenting on it also. So I'll make sure that...I talked to her about addressing this issue.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Just, what's the estimated cost of construction for the seawall?

Mr. Buika: We'll get that for you, Commissioner. The estimated cost is \$800,000.

Chair Hiranaga: So, Jim on the traditional seawall you have a footing and the wall sits on this footing. With this particular design, the wall seems to be sort of, it's attached to the cliff and--cause I don't really see a foundation is that correct?

Mr. Buika: The preferred alternative does have a foundation. It does have a dura-bloc foundation that would sit on top of the competent rock formation and rather building, you know, just a typical rebar if I'm correct, I'm not the engineer on it, but from the drawings, it looks like it will be, I'm sure there will be rebar in it. It will be shotcreted, it won't be a very thick concrete wall, it will be a thinner concrete wall but it will sit on a footing.

Chair Hiranaga: Because some of the pictures show the shoreline right at the edge of the water. So are you not concerned about scouring...how deep is the foundation below the surface?

Mr. Buika: The depth of the foundation is above sea level. It sits on the base rock formation. So it will be, what, how many feet, two, three, four feet above sea level. So it will not be into--it will not be below sea level or at the ocean interface. It'll be above it. Similar to the Lucas project to the north.

Chair Hiranaga: So areas where the shoreline is designated as where the water washes against the existing rock, it's gonna be above that?

Mr. Buika: Yes, the foundation will be sitting on top of the existing rock. So the waves--so there will not be all that much interaction between the waves and the wall itself.

Chair Hiranaga: Only during high surf?

Mr. Buika: Yes.

Chair Hiranaga: But not on a daily basis.

Mr. Buika: Not on a daily basis because there still is a beach out front that comes and goes. So it's not--so it's an instant or a situation where typical like a Maalaea seawall where the waves are just pounding on the seawall day in and day out. It's much less than that because there is some beach still fronting the area there. And it moves north and south through the bay different times during the year. So there won't be constant pressure on the seawall by the waves.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, how wide is the beach approximately right now, of course, depending on what the, you know, tide?

Mr. Buika: I can't answer that right now what it is, but I have visited the site because of other projects in the bay, maybe six or seven times over the last several years and it can be from 5 to 10 feet wide to 15 to 20 feet wide in front of this property. It can be much wider to the north. It tends to be by Kahana Sunset, there is a beautiful, beautiful sandy beach out front that still remains even though there are many seawalls in the bay. There still is a lot of bay...it's a pocket beach where the sand is, appears to be captured and not going anywhere. So it still does have a, has a nice beach. And going to Commissioner Hedani's comment, that's why it's important that the public have access to this bay because there is a nice beach to enjoy.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Jim, on Page 17, there's a photograph from 1949 that shows the beach and that's the condition that would exist if none of the seawalls had been put in. I think the topo would be the first one to comment on something like that. My point is that just because other seawalls have been put in, you know doesn't necessarily mean that's the correct course of action, you know, on the neighboring properties. The beach in front of this particular property would probably be 20 to 30 feet wide, you know, if those other walls had not been put in is my question.

Ms. McLean: He's referring to Appendix F, Page 17.

Mr. Buika: If thing only had tabs, I could save myself--

Chair Hiranaga: So noted.

Mr. Buika: We'd be having a beer I think by now. I think I know the aerial photos. Okay, on Page 17, okay. You require a comment? I agree with you. I agree.

Chair Hiranaga: Commissioner Tsai?

Mr. Buika: May Chris Hart say something about that, Chair?

Chair Hiranaga: Sure.

Mr. Hart: You know, it is a pocket beach and the sand. We doing some work at Kahana Sunset and the sand does sit in the middle of the bay and, you know, it basically, seasonally comes back. I mean you could have a significant storm event and, you know, all the sand would be washed away and then the next morning, it'll pretty much be back. It's an amazing kind of an occurrence, but you know, over time, you know, from when the photographs were taken there have been significant storm events and because of the geologic formations, you know, of the actual bay itself there is this volcanic ash layer that has created these because of the storm events, the high surf, undermining and it's sloughed off. I'm certainly, I mean, as a person who has been involved in administration, you know, when I was at the Planning Department and so on, you know, people basically sells lots and build houses and in these significant catastrophic events happened and they were--they're basically dangerous as far as the health, safety, and welfare and plus, you know, people were losing their investment. And essentially the State and the Corp of Engineers in the beginning allowed people to protect their land. And in this particular case, it's not necessarily because of the fact that pretty much a stone scarp, it's because of this layer, geologic layer of volcanic ash that people have built walls to essentially stop the erosion during times of high surf. And you know, I totally agree that it would be nice to have not experienced the impact of the walls, but you know, from a realistic point of view in terms of trying to administer and protect people's right and protect the health, safety, and welfare of the community these decisions have been made and that it is what it is. And you certainly, you know, the opportunities to provide access and so on, will be maximized to the extent that's possible. There are some really dangerous situations in this particular area in terms of access down to the ocean. Anyway, I just wanted to give that perspective.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Being pretty familiar with this beach, this beach comes and goes and actually right now, I was there on Sunday and all that dirt you see on these Figures 3-6 and 3-7, they're all covered right now, it's all sand there. But you know, the beach like you said in front of the Sunset is probably 25 feet wide and goes down to zero down to this property. And that's how that beach goes. We go there in the winter. We go there in the summer. And any shoreline you'll see that winter is different than summer and that's just the way it is. But I think that the seawalls there are good because of that cinder and stuff behind. You don't want that going into the water because that bay is beautiful and crystal clear right now because the sand's all there and when the sand goes away, all that red dirt right there flows into the bay and, you know, it's murky. So selfishly I'd like to see that the sand there and I don't know how the seawall is going to affect it over the years, but I know that north seawall there is no beach there, it drops right into the ocean. It's kind of different than this one. But if it keeps the bay clear I like that.

Mr. Buika: Yes, I agree. I've observed the same phenomenon in the bay also.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, I've got to echo with Commissioner Ball's statement as well. Having lived on the west side, I've known that, you know, depending on the season the beach come and goes especially when we have a stormy year. I also wanna just say that I think with the seawalls it's a necessity under the conditions that were given and I think for the owner themselves who have put a sizeable investment, you know, on their property, I think they have the right to protect, you know, their property especially it was done in consistent with what other, you know, owners have done along the same way. And I think it actually provides a consistent approach to what we should be doing especially in this particular case. So I actually applaud everybody in this project what they've done so far.

Mr. Buika: Thank you.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: The thing I like about this wall that you're building right now is because you're staying above the water line. You're staying above all your action below so essentially your beach won't be changed that dramatically because it's above everything that's happening below. How you're gonna hold a straight line across that rock is a whole other thing that I'd be really interested to see how it's done, but I do like that concept of staying above everything.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Jim, just clarification on these pictures that we were looking at, maybe you're still there, Figures 3.6, 3.7, those, okay

Mr. Buika: Yes.

Ms. Wakida: Just for clarification, it looks like in these pictures that there was concrete hardening down to the sand at one time, right?

Mr. Buika: The Figure 3.6, the one we--

Ms. Wakida: Yeah, 3.7 and 3.8, no but not 3.6. It looks like there was legally or illegally there was concrete, it says concrete facing. So there was a concrete facing along there --down to the --

Mr. Buika: Well, it's particularly 3.8.

Ms. Wakida: Yes.

Mr. Buika: You can see the formation that's sticking out there, right, in front of the seawall on top is that competent layer. I think what the adjacent property owner has done is filled in some of those small caves there right on the beach face, right?

Ms. Wakida: Yeah, on 3.8 and all along the sand, it's been artificially hardened.

Mr. Buika: And 3.9 also.

Ms. Wakida: Yeah. My question is just for clarification behind this it's hard rock?

Mr. Buika: Yes.

Ms. Wakida: Is that correct?

Mr. Buika: And 3.8. Yeah, see you can see where...in 3.8 I think is and 3.7 it's instructive there. You can see what will happen for the Hester property. You can see in the upper left-hand corner of 3.8, you can see the seawall sitting on top of that, that competent layer. That's the layer that we've been referring to and that'll be mimicked all along that shoreline there.

Ms. Wakida: And they're sure that that layer continues and extend the whole length of the proposed seawall, yeah?

Mr. Buika: We can further investigate that, but I think we'll--what I will make sure is that the engineer is, ensure that there is that same competent layer. Would you like Chris just to make a comment?

Mr. Hart: Thanks, Jim. Chris Hart. It is a geologic formation, a geologic layer, a lava flow if you will. So we're pretty certain that it goes quite, you know, I think that it goes quite far back inland and then, you know, when the volcano, you know, erupted there was this period of time when there was a lot of ash and then of course, and then there was more lava on top of that and soil. But you know, according to the structural engineer, you know, that is a basic lava rock formation, a geologic formation.

Ms. Wakida: And just one further, speaking of rock, do the engineers know yet how far back they would anticipate drilling those support structures?

Mr. Hart: We'll have Paul Webber here the next time and I apologize that he's not here this time, but I don't know that answer, but certainly we can provide that answer to your in the context of our comments in the final draft. So we will have that information for you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I guess this is a suggestion. I'm looking at Figure 8 in the conceptual--it's labeled conceptual drainage plan or conceptual site plan in Figure 7, under Appendix E, and I think sometimes what we try to do is we try to force a straight solution into a curved problem. And what I'm thinking is that if you were to take the top of the wall and follow the mauka edge of the naupaka hedge that they're showing on this particular plan, make that the top of your wall and take it down step from there to the shore, you would probably end up with a solution that would provide lots of space for lateral access as well as assure the stability of the wall over time, and perform the primary function of protecting the residence which is the primary concern.

Mr. Buika: I apologize which figure are you? I think I'm close.

Mr. Hedani: Figure 8, under Appendix E.

Mr. Buika: Okay.

Mr. Hedani: You know, the wall doesn't have to be straight. It can meander along the shoreline to follow the shoreline.

Mr. Buika: Yes. I apologize, what were you saying about the drainage or the-- an access? I'm sorry ...

Mr. Hedani: My only concern is that the wall have a stable foundation and if you build it over what's gonna be eventually a cave below it, you know, that's not a good thing to do.

Mr. Buika: Okay.

Mr. Hedani: Now that we've messed up his design totally, I think we can move on.

Chair Hiranaga: Actually I have a couple of comments. I guess personally I've never seen or liked a seawall. There's never a good seawall. I personally don't care for people saying well, I need to protect my investment 'cause the ocean was there first and you know the ocean is very volatile. It rises and falls and there's waves and storms and if you wanna live near the ocean, you take that risk that things will happen.

One alternative I'd like to look at is, there's a 26-foot face there. Why does the wall have to be 26 feet high? Why can't you build it 6 feet high or 10 feet high and then create a two to one slope inland? I mean, it's such a massive structure. You use the same construction techniques except it's a 10-foot wall instead of a 26-foot high wall or a 6-foot high wall and then you a two to one slope. You can plan it. It's a lot more aesthetically pleasing. I mean, a 26-foot high wall is a very, very tall wall. And will you look at that as an alternative?

Mr. Buika: Yes, I noted that to make it a 6 to 8-foot wall that could be terraced back.

Chair Hiranaga: Six to ten.

Mr. Buika: Six to ten.

Chair Hiranaga: Yeah, the same construction design and then you do a two to one slope.

Mr. Buika: Two to one. So you're saying two to one, two feet vertical, one-foot in, a slope, a sloped wall is that what you mean by two to one.

Chair Hiranaga: I think it's the other way around. One-foot up, two-feet in. So you don't go tumbling down, you know. I think most grading projects it's two feet in and one-foot up.

Mr. Buika: Okay.

Chair Hiranaga: You don't wanna make it too steep because then if they off the edge, they'll tumble down into the ocean.

Mr. Buika: Okay, I noted that as an alternative to explore to minimize the massing of the project and to slope it.

Chair Hiranaga: So are we satisfied? So there's no action.

Ms. McLean: Two actions were requested by the Commission today. I first I think you've done by offering your comments on the Draft EA. The second is to concur that with these addressed in the Final EA that you would anticipate issuing a Finding of No Significant Impact. So it's an anticipated FONSI when the Final EA does come back to you.

Chair Hiranaga: Not expected, anticipated.

Ms. McLean: Anticipated is the word used in the rules.

Chair Hiranaga: Okay. So do we make a motion for that or by consensus?

Ms. McLean: The comments were by consensus, but --

Chair Hiranaga: Oh, I guess typically you'd run down those comments and then board would adopt the request. Is that the typical process?

Mr. Buika: Sure, if you'd like I'll run them down for you. I have about ten comments.

Chair Hiranaga: Yeah, and then the Commissioners can say if something's missing or ...

Mr. Buika: No. 1, Commissioner Lay asked to explain where the wall will be constructed physically I think at the base. I think we had that repeated comment. Where does it begin? Is it on the beach or is it back off the beach? Commissioner Hedani concurred on that. Is the wall gonna be located on the beach? So we'll look at the location of the base of the wall. One, I will ask that the engineering...so what I will do is I will ask that the entire engineering process be explained. Where the project will start, where it's closest to the shoreline at the base of the wall, identify exactly where the base of the wall will be located. I'm just reading my notes here.

Two, we will explain that the rock shelf will be base of the wall. So we'll confirm that. Third, we will explain, ask that the rock wall--that the connections be the seamless connection between the next, the adjoining seawall be explained by the engineer. Okay, and then I have similar. Have the engineer show a better diagram explaining the connection to the rock layer and to the walls.

Commissioner Ball has asked to explore an alternative of preserving the shelf and then building the wall back off of the shoreline, kind of step back from the base. So we'll have that alternative explored. I think it was Commissioner Ball again, sixth comment, Figure 8.3, is the applicant willing

to take out some of the CRM if--the concrete in there if it makes sense. Seventh was Commissioner Hedani's issue to ask for possibility of including lateral access along the southern shore connecting in with Hui Road, establishing some sort of public access as part of the project.

Commissioner Hedani, I think, echoed Commissioner Ball's comments about removing and restoring to the natural condition the shoreline there and then building the wall behind that. So we'll...that'll be an alternative. Commissioner Wakida asked for more information from the UH Sea Grant and other experts on the impact of the seawall on the environment and the impact on other structures around the other properties. Commissioner Wakida asked how far back will the anchors go? We'll explain, so basically we'll explain in detail all of the--the whole process and much better engineering drawings. And Commissioner Hedani echoed that comment to make sure that the foundation is on a stable foundation wherever we build the seawall. That it's not going to be built on caves that will be undermined in the future. We'll ensure that. And then finally, I think it's about the tenth comment, Chairman Hiranaga asked for an alternative that would minimize the massing of the structure six to ten feet tall terraced back at a two to one ratio to look at a less massive structure and still provide the same protection. So those were the comments I had. If there's anything else that...

Chair Hiranaga: Yeah, any corrections or clarifications or additions? Seeing none, I guess I'll open the floor to a motion to adopt these as the Commission's comments. Commissioner Shibuya?

Mr. Shibuya: I so move to adopt these comments.

Mr. Tsai: Second.

Chair Hiranaga: Seconded by Commissioner Tsai. All in favor say, "aye."

Commission Members: Aye.

Chair Hiranaga: Opposed? Motion carries.

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

**VOTED: To Accept the Comments on the Draft Environmental Assessment.  
(Assenting - W. Shibuya, M. Tsai, J. Freitas, I. Lay, W. Hedani, K. Ball,  
P. Wakida)  
(Excused - D. Domingo)**

Chair Hiranaga: Thank you very much.

Mr. Buika: Thank you.

Chair Hiranaga: We'll take a ten-minute recess and reconvene at 2:30 p.m.

A recess was called at 2:20 p.m., and the meeting was reconvened at 2:30 p.m.



Ms. McLean: Communications. The first item is a request from Roger Yamagata for Maui Disposal Company requesting a County Special Accessory Use Approval for redemption and recycling center in the B-2 District at 32 Halekuai Street, TMK: 3-9-051: 018 in Kihei. Gina Flammer is the Staff Planner.

#### **D. COMMUNICATIONS**

- 1. MR. ROGER S. YAMAGATA for the MAUI DISPOSAL COMPANY, INC. requesting a County Special Accessory Use Approval for a bottle redemption center and dropbox recycling site in the B-2 Community Business District located at 32 Halekuai Street at TMK: 3-9-051: 018, Kihei, Island of Maui. (ACC 2011/008) (G. Flammer)**

Ms. Gina Flammer: Good afternoon, Commission. I think by now you're probably pretty used to the concept of what an Accessory Use Permit is. We've done quite a few. You just saw the concrete batching plant on the west side I think, oh, that was an SUP. You most recently saw the At Home Clinic with the vet clinic and then before then we've had a couple of these redemption centers. So just as a reminder. Accessory Use Permits are for when the use is not specifically listed. This particular property is in the B-2 District and this is in your report. It's one of the exhibits at the end. It's all the uses that are allowed. Now this was written a time before recycling centers, but like I like to say, our Staff is pretty smart and so is the Council, so they put in a provision that allows you to review uses that aren't specifically put in there. It's called Item 66 when you're looking at the B-2 Ordinance.

So I wanna tell you a little bit about what they'll be accepting that's already in the report. And I just wanted to give you today just a really good feel of the area. So here's a map that shows where it is. This is Kihei. It is by the Maui Dive Shop if that's familiar to any of you. Across the street is where the Marco's used to be. I wanted to show you some sites. This is from yesterday I went by and took a look. The applicant has installed all the landscaping. In fact, the applicant has actually done all of the conditions that were in there already and I went by to check on that. So they installed one of the trees. They put in the planting, they put in a root barrier which you can't see here. They did plant in front of the fence which we like. I did wanna mention that the Council, we have a B-2 update that's before the Planning Committee. We haven't defined visual screening. If anybody has any comments on what they think is appropriate, this would be a good time to let them know with our Deputy Director in the room. This shows you they used a wider slat, put it on the sides so it blocks a little more the view into the site. This is the other type where they just put it up and down. It's a little bit thinner. There is a letter from Maui Dive Shop at the very end that says they're just fine with these type of slats. So they did leave those, but they did replace the ones at the front to this. This shows you what it looks like from inside the site. This is again, the wider slats on the side put on an angle.

So the neighborhood. Why do we care? Well, we're looking for things that are similar in character and also not detrimental to the welfare of the surrounding area. So here's the location map. And as we go through, I'm just gonna let you see what the buildings look like. There's some black and white pictures but it's nice to see them in color. And that's as you come out onto South Kihei Road, the former Marco's is right there. This is the vacant lot that's to the, you're facing it, it's to the left

of it. Another shot of what the lot looks like. What the slats look like right there with the lot if someone were to develop that later. This isn't in the report, but I had some photos of it. One more over is the Avis where they store their cars. You can see the yellow just how far down that is. Right next to the right is Maui Dive Shop. It's their garage. If you take a look from the Maui Dive Shop, you can see the screening from their lot. This is their retail lot. It's actually two lots. It looks like just one, but it's two TMK. Then there's a huge Apartment zoned parcel behind the Maui Dive Shop also uses. I've been told it's for employee housing. It also looks like they use it for a little bit of storage. We'll let you see a little bit more of it. This is what it looks like from the actual recycling center. That Maui Dive Shop letter does cover all those parcels. They are fine with the way that the screening is right now. I did have some pictures of the other County facility if anybody has any questions about that too, but I'll let you ask your questions first. I also have Roger with me here today if you have any questions that the applicant could address.

Chair Hiranaga: Okay, at this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide testimony regarding this agenda item please come forward? Seeing none, public testimony is now closed. Open the floor to questions from the Commissioners. Commissioner Ball?

Mr. Ball: Couple of questions. Is this currently in operation?

Mr. Roger Yamagata: Roger Yamagata, General Manager of Maui Disposal. We use it as a storage yard for our spare cans and it's our training ground for our new recruits. We need some time to train them because at this site we buy non ferrous metals that entails recognizing and sorting and making sure that the metals that we do purchase are copper and not coated. So we use it as a training ground right now and storage for boxes.

Ms. Flammer: I will add I did go by yesterday without notifying the applicant and it was closed on a Monday morning.

Mr. Ball: The other question I have is are all the items that are collected, collected in the bins?

Mr. Yamagata: At all our other sites at the end of the day everything's locked up and so are the gates in front. So nothing's left on the ground.

Mr. Ball: Okay. And the reason why I ask and it's not only your company's ones, but it's one that we approved and I drove by one day and there's huge pile of flattened cardboard boxes, a massive pile.

Mr. Yamagata: That's not us.

Mr. Ball: Yeah, and so I just wanted to see because I've been to these and the ones with the bins seem the cleanest because you put it in the bin.

Mr. Yamagata: All of our cardboard bins have metal covers. At the end of the day, we roll it down so nothing blows out.

Mr. Ball: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: In the, I believe it was the comments by the Police, they suggested lighting. And I think there was a response saying, fine. I would just like to suggest that it be down-shielded lighting to avoid light pollution.

Mr. Yamagata: We've installed a solar power unit and we're in the process of putting spot lights up.

Ms. Wakida: But I'm talking about fixtures where the light does not, where it's down-shielded onto the property and it doesn't go off into the...contribute to light pollution.

Mr. Yamagata: I see. Yes, they'll be mounted on a storage shed away from the main road. So they'll just focus on the area right in front of the storage shed.

Ms. Wakida: Okay, thank you.

Ms. Flammer: We do have the option to add as a condition. We have a condition regarding lighting already, but it doesn't have the down, shielded downward.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I know these create some noise and it may be a couple lots back from--there's a condo across the street on South Kihei Road. Were they informed of this application?

Ms. Flammer: Maui Gardens?

Mr. Ball: Yeah.

Ms. Flammer: Accessory Permit do not have neighbor notification requirements in them. I am not aware if the applicant voluntarily notified them, but the Department did not and this was not posted in the newspaper.

Chair Hiranaga: Would you like to ask the applicant? Would you like to ask the applicant if they voluntarily notified people?

Mr. Ball: Yes.

Ms. Flammer: Just so the other Commissioners understand where it is. Let me see if I can pull up our map and let you know. It's across South Kihei Road, from No. 9 down to the right in the corner is where you're--is what you're talking about?

Mr. Ball: Yes.

Ms. Flammer: Okay.

Mr. Ball: Well, and I guess there's some housing directly behind the proposed facility.

Ms. Flammer: There is, and we were very curious about that. So Maui Dive Shop in their letter on the back page, it's Exhibit 13, they own that. So they did write a letter saying they are comfortable with the screening requirements and that due to the hours of operation the noise is currently not a problem for them.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: I'd like to respond to Commissioner Ball's question as well. I had an office actually not even a block away and I know that area very well. And there's actually two ...(inaudible)... There's apartment right across the street and there's one that you live and work.

Ms. Flammer: Kaiani I think it's called.

Mr. Tsai: Yeah, Kaiani, exactly. And to be quite honest I don't think this will create a noise issue knowing that Maui Dive Shop have their scuba tank filling facility right there. There's a lot of noise as you know, letting out air and stuff. I have been there many times, but it doesn't travel far. So I don't think this will be--I don't personally think it's gonna be a concern from the noise from recycling and it discharge, drop, whatever you call it.

Mr. Ball: Have you been to a recycling place?

Mr. Tsai: I go to the one in Kihei a lot.

Mr. Ball: Sounds a little different than a scuba tank filling, anyway...

Chair Hiranaga: Moving on. Commissioner Wakida?

Ms. Wakida: Just two things. Again, Gina, I appreciate your putting the reviewing agency responses in this chart form. It's very helpful.

Ms. Flammer: We all heard your comments to Kurt.

Ms. Wakida: And, oh and I appreciate the applicant's active part in planting hedges and so on. I know that what he planted on the outside of the fencing is hedging or is that just groundcover?

Ms. Flammer: No, it's hedging. It's oleander hedging.

Ms. Wakida: Yeah, I am pleased to see that because hedging is an amazing absorbent of sound, better than a rock wall. And so it's a good move.

Ms. Flammer: Thank you. Is that something you would support for all recycling centers?

Ms. Wakida: The hedging?

Ms. Flammer: Uh hum.

Ms. Wakida: I certainly would.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Gina, you know, when I look at the standard conditions, when I think of standard conditions, I think of stuff that applies to all projects. Normally I see 12 standard conditions with the requirement for full down lighting being the 12<sup>th</sup> condition. In this case, there's only five. So I'm wondering what are the other five or six conditions that we normally have as standard conditions?

Ms. Flammer: Accessory Use Permits are different than SMA Permits. The down lighting requirement actually was dropped a couple years ago when the County passed their lighting ordinance which mandates down lighting. So we don't put that in that anymore, but your question was excellent about it because it's something I didn't check when I went out there, but we can definitely add that. I'd have to pull up some other ones to see what's standard for Accessory Use Permits. Generally there's not a whole lot with that. SMA we do have quite a few and then we do have the project specific ones that come from the agency reviews so those kinda do vary, but these are very similar from some of the other recycling centers. You'll notice this one does have a date on it. It does expire in three years. It will come back to you unless the Council does pass the update to the B-2.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, in the regards to the noise concern I think Commissioner Ball brought up. I definitely think there's a issue if we're talking about glass, you know, where, you know, you're dumping all that glass that creates a lot of noise, but my understanding is this only handles--well, anything other than glass, right. It's a metal and paper. Glass too?

Mr. Yamagata: We do accept glass because that's part of the bottle bill that you have to accept glass bottles, but to mitigate the noise what we've done is installed used carpets on the bottom and the sides of all of our glass bins. So when the first bottles are dropped it's not dropped on metal, it's dropped on carpet. And then as it gets more full, it doesn't break because it's just glass laid on glass. And our hours of operation are 8:30 to 5:00 so we are not a site that's open till midnight or 10 o'clock at night. So we're done by the time people come from work.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I guess I'm going back to my original concern of noise for this area. The previous ones that we've approved and previous ones that I visited have all kinda been out there if you will for lack of a better term where they don't have close neighbors or the neighbors are of an industrial use, heavier than these, these neighbors here. The restaurant is not in current operation but I would think that that having this next door would be maybe a nuisance depending on how well the noise mitigation from carpet in the barrels work. But that's my concern because usually the ones we see

are, you know, like MCC it's out in the middle of nowhere. The one on Piilani Highway is out kinda in middle of nowhere. The one by VIP is kind of in the industrial area where this one has some sensitive uses around. I don't know.

Ms. Flammer: I agree with you. I was concerned about the Apartment zoned block that's right behind. So I asked the applicant to check in with the neighbors with that and that's the letter at the end. I didn't ask him to go further than that though. But something you'd want to see in the future, you could give us instructions.

Mr. Ball: Right, so it's --

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Explain to me, you mentioned that the B-2 zoning changes, it doesn't come back to us.

Ms. Flammer: No, it already came to you.

Mr. Ball: No, this application.

Ms. Flammer: Oh, this will come back to you. I put an expiration date on it.

Mr. Ball: No, in another one you said that if they change the B-2 zoning, then it won't come to us.

Ms. Flammer: Exactly. It'll become a permitted use.

Mr. Ball: Right. That's why we gotta decide today for the future.

Ms. Flammer: What you're deciding today--yeah, it's interesting what you're saying because what you're deciding today is only this permit. When the B-2 was reviewed is when the comments could go in for that particular bill. I didn't bring that you, Joe Alueta did. I don't believe neighbor noticing was put in at the time of the bill. It hasn't gone to the Planning Committee yet. It's something they could discuss at the time. The visual and the noise screening hasn't been established yet. That's why I said, if you have some opinions on that now, you could express it to the Deputy Director and let her know and that way when they go to Council it would be something that they could address at that level.

Mr. Ball: But I guess I'm looking more just at this application.

Ms. Flammer: Right.

Mr. Ball: I don't know, ...(inaudible)...concerned about B-2, although I am concerned about B-2 and the comments will be shared with the Council, but are my thoughts correct in, okay we say, okay we'll give 'em the three years, try it out, but the B-2 ordinance passes, that's off the table.

Ms. Flammer: I think our Deputy Director could clarify. My understanding is if it becomes a permitted use, this permit is no longer needed. It could expire. And they would be the permitted

use at that point.

Mr. Ball: Let's go a little bit further. Let's say that that happens.

Ms. Flammer: Okay.

Mr. Ball: And let's say that the complaints start coming in. The restaurant gets a restaurant and they say, look we can't put up with this next door and Kihei Gardens is complaining and whatnot. What is the recourse for those complainers?

Ms. Flammer: If they're legitimate complaints, they would go to our Zoning Division, our Enforcement Division and I think our maybe our Deputy Director could talk a little bit more about how that process works and what kind of tools they would have to work with.

Ms. McLean: Gee, thanks everyone. First, Gina is correct, that among the proposed changes to the B-2 District would be to allow this as an outright permitted use. And one of the reasons is in line with why this is before you today because we look at all the uses that are permitted in B-2 and feel that this is, the language in the ordinance now is similar in character and not detrimental to the welfare of the surrounding area. So I just looked at some of the other outright permitted uses in the B-2, automobile service stations, baseball or football stadiums, hardware and garden supply stores, parcel delivery stations, restaurants, cafes or bars including drive-ins. So the B-2 District is a rather intense Business District. Not the same as B-1 or the Country Town Business which are much lower scale. So, in terms of surrounding uses, they--those residences are next to an area that's zoned B-2 and any of these uses could be conducted there and any of these uses could be noisy or disruptive in some way. If there was a complaint, we would go look at it to see are they violating their zoning, are they violating any conditions that are on the property. If they were just operating in a regular manner, they would probably conclude that no, there is no violation. Beyond that in terms of some sort of nuisance that's beyond regular, the regular course of business that's something that's probably more within the Police Department or maybe Department of Health authority. It wouldn't be a Zoning Enforcement issue.

Mr. Ball: And that's wherein lays my concern that there won't be any enforcement, there won't be any recourse. Because they, I mean, they're a recycling place they gotta dump bottles. It's the nature of the business. But without the notification to the neighborhood, I don't--I would not support that at this time with no recourse later on in that area.

Ms. Flammer: I think our applicant wanted to also address it. I do recall the center you're talking about I believe is right next door to an apartment also and that did come up when you discussed that particular site that's off of Lower Main. That's one where it's actually an entire apartment building is right adjacent. I'm going to let our applicant...the other thing you need to recall with our zoning too is it's tiered zoning so any of the lesser uses are allowed in the B-2. So even if B-2 is next to B-2 you could have a residence or an apartment building also.

Mr. Yamagata: I'd like to describe our existing sites that we've been running for five years. The first one is at Pukalani Shopping Center's parking lot. Right across the street there's residences and behind the shopping center there's residences and there's restaurants in the shopping center.

We haven't had one complaint for noise or for smells. I'd like to point out also that we do not process onsite like the gentleman on Lower Main. We have no equipment. We have no electricity on the site. So there is no dumping of glass or baling of materials. Our second site is in Wailuku and we're across the street from Bale Restaurant and a shave ice store, Hashi's Radiator. We've had no complaints at that site. Our third site is in Kihei, we're across--we're about 20 feet away from a restaurant next to Miyake Concrete. We've had no complaints whatsoever. So, I can assure you that there is no noise issue with the type of operation we run.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Gina, is there a landscaping requirement that goes with any project like this?

Ms. Flammer: No, and it's part of a delay with this particular application. This was submitted at the very end of the year. The Current Division asked our Zoning Administration Enforcement Division to develop, to take a look at landscape requirements. And the letter from them is in your application and what it states is that there are no landscaping requirements though they do support them for this use. The closest that it comes to if you look at B-2 is 64, warehouses and yards. But it's not enough to spell out exactly, and then that just talks about a solid fence which is the slats. The Current Division has started a policy of adding landscaping requirements to these permits. I don't know if Council will continue with that or not. I do know that the County facilities, they don't have a standard land--I almost put that in there for you but I didn't know if it was too much information--they don't have a standard landscaping requirement, but what they do is they take the current landscaping that's at the site and then they require the operator to maintain and do other things and they actually spell out for each site what that landscaping is.

Mr. Hedani: So in this particular case, say it becomes a permanent use for this particular case, the frontage for this particular lot will be landscaped as we saw in the picture or...

Ms. Flammer: Are you asking would they have the right to pull it out, the landscaping?

Mr. Hedani: I'm just asking if there was a requirement for landscaping?

Ms. Flammer: The applicant voluntarily agreed to the condition and did plant it, so we made it as part of this Accessory Use but I didn't have any Code in which to back it up with.

Mr. Hedani: So if they wanted to they could take it out?

Ms. Flammer: Not while they have the permit they couldn't. Well, I drive by there pretty regularly. If the B-2 is passed, Council will then determine what the visual screening requirements are. They have not done that yet and the Department has not established any recommendations for that visual screening right now.

Mr. Hedani: This is just a comment that I have is that from my perspective chainlink fencing with or without slats isn't really very attractive from the standpoint of a Business District and having retail shops that are next to you. Well, it's just not a really a great storefront.



Ms. Flammer: I'm gonna show you what's allowed right across the street.

Mr. Hedani: Right. When you look at that picture, it's not very attractive is my point.

Ms. Flammer: I agree. The applicant had the option to do something like that and was pretty much a good sport about everything I made him do.

Mr. Hedani: So maybe I guess what I'm saying is that in this particular case if it's gonna be a permanent use at that site or if they would like to be a permanent use at that site, we include a landscaping condition as part of the approval.

Ms. Flammer: Oh it is. If you take a look at all the conditions.

Mr. Hedani: Thank you.

Ms. Flammer: I actually asked the applicant to satisfy all the conditions before I brought it to you so everything that's in there has already been done and I went down several times and including yesterday.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, we'll have the staff recommendation.

Ms. Flammer: Okay, so for the analysis we did determine that it is similar to other services in the area and it's not detrimental to the welfare of the surrounding area. The Department does recommend...we do find that the small scale redemption center does provide a service to the community. It's small enough not to be associated with an Industrial District and it does meet the intended uses, therefore we recommend approval for this County Special Use Accessory Permit subject to the following 11 conditions which I have listed on Page 7 and 8. And again for the record, the applicant has already satisfied 5 through 11 which is why I did not put the standard condition of having a compliance report because I already went down and verified it all.

Chair Hiranaga: Open the floor to a motion.

Mr. Tsai: So move to accept the recommendation by the Staff.

Chair Hiranaga: Is there a second?

Mr. Freitas: Second.

Chair Hiranaga: Discussion? Commissioner Wakida?

Ms. Wakida: Gina, do we need to add in the conditions about down lighting?

Ms. Flammer: If you would like it in there, I would recommend that you do add it as a amendment to it. If you're going to do that, I'm happy to add it.

Ms. Wakida: Okay, yes I would.

Ms. Flammer: I think you need to...

Ms. Wakida: But that would be a, what do you call, a friendly amendment.

Chair Hiranaga: You can propose a friendly amendment.

Ms. Wakida: I would propose that as a friendly amendment.

Chair Hiranaga: Is there any objection from the maker of the motion?

Mr. Tsai: No.

Chair Hiranaga: The seconder?

Mr. Freitas: No.

Chair Hiranaga: So moved. Any other discussion? Commissioner Hedani?

Mr. Hedani: It's a correction, yeah, there's two, Number 2s under the standard conditions, so there's actually 12 conditions.

Ms. Flammer: Oh, thank you for that. Okay.

Chair Hiranaga: Any other discussion? Seeing none, I'll have the Deputy Director repeat the motion.

Ms. McLean: The motion is to approve the granting of the Special Accessory Use Permit subject to the 12 conditions in the staff report and including a modification that lighting be downward shielded.

Chair Hiranaga: Is that all lighting on site be downward shield because I know he mentioned spot lights?

Ms. Wakida: Yes, I --

Ms. McLean: All exterior lighting.

Ms. Wakida: Yes.

Chair Hiranaga: All in favor of the motion, so indicate by raising your hand.

Ms. McLean: Seven ayes.

Chair Hiranaga: The motion carries.

**It was moved by Mr. Tsai, seconded by Mr. Freitas, then**

**VOTED: To Approve the County Special Accessory Use Approval as Recommended by the Department with the 12 Conditions with Modification for Down Shield Lighting.  
(Assenting - M. Tsai, J. Freitas, I. Lay, W. Hedani, K. Ball, P. Wakida, W. Shibuya)  
(Excused - D. Domingo)**

Chair Hiranaga: Thank you.

Ms. Flammer: Thank you.

Chair Hiranaga: Okay, moving on. D-2. Deputy Director?

Ms. McLean: Thank you, Chair. Your second Communication item is Gwen Ohashi Hiraga for Munekiyo and Hiraga submitting a 2012 annual report regarding disbursement of funds in the Settlement Agreement related to the Honua Kai Resort, North Beach Park, Planned 2 Development Approval, Condition No. 32 of the SMA. That's TMK: 4-4-014: 006 and 008 and 4-4-001: 010 in Kaanapali. Joe Prutch is the Staff Planner.

- 2. MS. GWEN OHASHI HIRAGA, Project Manager of MUNEKIYO & HIRAGA, INC. submitting the 2012 annual report regarding the disbursement of funds in the Settlement Agreement with the West Maui Preservation Association, Inc. (WMPA) pursuant to Condition No. 32 of the Special Management Area Use Permit and Step 2 Planned Development approvals for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK: 4-4-014: 006 and 008, and 4-4-001: 010, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (J. Prutch)**

**Condition No. 32 reads:**

**“That an annual report shall be filed with the Maui Planning Commission on the disbursement of the funds in the Settlement Agreements for their information.”**

Mr. Joe Prutch: Thank you. Good afternoon everyone, again. This is the Honua Kai annual report. Condition No. 32 of their SMA Approval back in 2005 states that an annual report be filed with the Maui Planning Commission and the disbursement of the funds in the Settlement Agreement for the Planning Commission's information. There were two Settlement Agreements approved when this was approved. One was a Settlement Agreement from WMPA, from the West Maui Preservation Association and one was a Settlement Agreement from Charles B. Fox, III. In 2010, the Planning Commission relieved the Charles B. Fox --I'm sorry, relieved the applicant, Honua Kai from further annual reports in the Charles Fox Settlement Agreement as all the funds to the Lahainaluna High

School Foundation were--have been met. So we still do annual reports for the WMPA disbursements. 2010, you accepted their annual reports, in 2011, you did not accept. I just got something, I think you have it too, from Carlsmith Ball. I just got this packet today so I haven't had a whole lot of time to look at it, but kind of spells out everything that's happened over the years and all the different letters between the different parties. Martin Luna is here so I'll let him come up and kinda go over the disbursement of the funds and the annual report.

Mr. Martin Luna: I thought I'd appear with my hat first.

Chair Hiranaga: I think the rodeo was this past weekend.

Mr. Luna: I missed it, it's unfortunate. Then I'm going to take it off and with all due respect to the Commission. Chairman Hiranaga said I look younger this way so I'm going to keep it off. Gwen had to be in Kona today. So she asked Don Fujimoto, Don is with Intrawest now and I've been the attorney for Intrawest since it began in 2005. So we're presenting the 2012 report. As you may recall, the 2011 report you folks did not file or accept it because you wanted more information from West Maui Preservation Association or a representative from West Maui Preservation Association to explain where the funds are or how the funds are being expended. So I contacted Mr. Collins and got a response from him stating that they're not gonna appear and he provided some past correspondence saying that they were--the Commission could not require them to appear. And if they did appear they would want to not be limited in their explanation of what is happening. So when I emailed him yesterday again about today's hearing he said that they chose not to appear. So as far as the 2012 and 2011 reports, and I'm sorry, the 2011 is not on the agenda but I'm referring to it because of the background and in the 2012 report, we submitted it in May so you've had it about over about six weeks, two months. Is there any questions regarding the report?

I think initially in our Settlement Agreement we had a number of expenditures or contributions to make and this year we've about completed all of the expenditures or contributions. There are only four left. There's the traffic impact for light synchronization on Honoapiilani Highway in the Lahaina corridor and that is being reviewed. There's still about, the last 30,000 of 325,000 is remains to do the final synchronization. And of 1,535,000 for the Mill Street extension traffic studies, we're contributing the funds, the work is being done by Kaanapali Land Management Corp. They've expended for planning approximately \$700,000 already. So there's \$800,000 left of those funds. And lastly, the --there's a \$250,000 design study for the Lahaina bypass highway and initially when the Commission heard it they had the request by West Maui Preservation was for that study to be north of Keawe Street and now it can be north or as deemed appropriate by the Maui Planning Commission so none of that, none of those funds have been expended. So there's 250,000 left. And the--one of the contributions that is being made but not directly by Intrawest anymore, but by purchasers of units that had been already sold to first buyers, it's a 0.25 percent contribution that goes to the West Maui, I'm sorry, the Honua Kai West Maui Community Fund. Intrawest has no control because--to determine what the amount is because it goes through escrow. When the buyer purchases the unit, escrow just automatically deducts the .025 percent from the purchase price and sends it off to the West Maui Community--the Honua Kai West Maui Community Association. So those are the only remaining items left for contributions by Intrawest at this point.

Chair Hiranaga: Thank you for that. Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Who's doing the Mill Street study?

Chair Hiranaga: The Kaanapali Land Management Corp., the former Amfac.

Ms. Wakida: They're doing the study?

Mr. Luna: Well, they're doing the plans for the design and the study. So they're in charge of that. We're just providing the funds.

Ms. Wakida: Right. A million-five you said for that? I mean, Mill Street is a couple blocks long. I'm just astonished that big amount of money that's going into that study.

Mr. Luna: I think--

Ms. Wakida: I realize that's not our purview but I'm just making a comment.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Martin, somebody from the west side asked me how they can apply for the...well, how they can apply for grants from the fund? They didn't know who to apply to or how to go about it or what the criteria was. Can you explain how it's supposed to work?

Mr. Luna: Well, initially when it was first set up, they had one person from West Maui Preservation. It's a five-member board. West Maui Preservation had one member, Intrawest had one member and then the other three members were at-large. And the original three were Bruno Ariyoshi, Dr. Iaconetti, and Patty Nishiyama. They weren't as, let me state it as, they weren't as willing to go along with some of the recommendations by West Maui Preservation Association and so I don't know what of the funds because the initial funding was for \$400,000 and then contributed was 50,000 each year for another five years. So that's a total of 650,000. But now, we checked with the Department of Commerce and Consumer Affairs. They're only at least three directors, two of whom are from West Maui Preservation Association. So the application may have to go to West Maui Preservation Association or indirectly to Intrawest and they can submit it to...

Mr. Hedani: Okay, so if they're interested all they have to do is call Don then?

Mr. Luna: Yeah.

Mr. Hedani: Okay.

Mr. Luna: And that should be rectified somehow, but...that's a lot of money.

Mr. Don Fujimoto: Don Fujimoto representing Intrawest. In response to Commissioner Hedani's question, the Intrawest member has not been named yet. It was my predecessor, Mike Walker, but a new person has not been named. So, I had just gone to the web--they have a website, I guess, Honua Kai, whatever it was, funds. I would suggest that maybe you direct them to that website.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Just a comment Don, I've been to that website. There's no information on that.

Mr. Fujimoto: At least there's a member list, right. I mean, there's the members of the committee. Maybe they can contact...

Ms. Wakida: Yeah, 'cause they don't give much information. They don't give contact information.

Mr. Fujimoto: I'll do something. I mean, I'll come up with something. They can contact me.

Ms. Wakida: If they could get that information on the website that would be great.

Mr. Fujimoto: Sure, if not, they can contact me.

Chair Hiranaga: Commissioners, any questions, comments? Seeing none, I guess, make a motion to accept the report.

Mr. Hedani: So move.

Chair Hiranaga: Commissioner Hedani, Commissioner Shibuya seconded?

Mr. Shibuya: Yes.

Chair Hiranaga: Any discussion? No discussion. All in favor say, "aye."

Commission Members: Aye.

Chair Hiranaga: Motion carries.

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

**VOTED: To Accept the 2012 Annual Report.**

**(Assenting - W. Hedani, W. Shibuya, M. Tsai, K. Ball, P. Wakida)  
(Excused - D. Domingo, J. Freitas, I. Lay)**

Chair Hiranaga: Moving onto Item E, Deputy Director?

Ms. McLean: Thank you, Chair. Next item is Acceptance of Minutes. There are Action Minutes for June 26<sup>th</sup> and Regular Minutes for March 27 and June 12.

**E. ACCEPTANCE OF THE ACTION MINUTES OF THE JUNE 26, 2012 MEETING AND  
REGULAR MINUTES OF THE MARCH 27, 2012 AND JUNE 12, 2012 MEETINGS**

Chair Hiranaga: Any corrections or comments?

Mr. Hedani: Move to approve.

Mr. Ball: Second.

Chair Hiranaga: Any corrections or comments? Seeing none, I'll open the floor to a motion.

Mr. Hedani: Move to approve.

Mr. Ball: Second.

Chair Hiranaga: Move to accept. All in favor say, "aye."

Commission Members: Aye.

Chair Hiranaga: Opposed? Motion carries.

**It was moved by Mr. Hedani, seconded by Mr. Ball, then**

**VOTED: To Accept the Action Minutes of the June 26, 2012 Meeting and the Regular Minutes of the March 27, 2012 and June 12, 2012 Meetings. (Assenting - W. Hedani, K. Ball, M. Tsai, P. Wakida, W. Shibuya) (Excused - D. Domingo, J. Freitas, I. Lay)**

Chair Hiranaga: Moving onto Director's Report, F-1, Deputy Director?

Ms. McLean: Thank you, Chair. First item on the Director's Report is Planning Director notifying the Commission of his intent to process an SMA Time Extension administratively. This is for a two-year time extension to complete construction for the Maluaka Project at Makena Resort, TMK: 2-1-006: 037, 056 and TMK 2-1-005: 084 in Makena. Ann Cua is the Staff Planner.

#### **F. DIRECTOR'S REPORT**

- 1. MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension request administratively on the following:**

**MR. EVERETT DOWLING of KEAKA LLC requesting a Special Management Area Use Permit two(2)-year time extension on the period to complete construction of all other construction, besides construction of the 13 single-family residences, as specified in Condition No. 34 of the Special Management Area Use Permit for the Maluaka Project located at Makena Resort Lot H-1, TMK: 2-1-006: 037, 056 and 2-1-005: 084, Makena, Island of Maui. (SM1 2005/0015) (A. Cua)**

Ms. Ann Cua: Good afternoon, Commissioners. Just to give you some very brief background information. The project was originally approved, SMA Permit, was originally approved by the Commission on November 14, 2006. It was for a 71-unit condo with a rec building. And then the construction of that project started July 3, 2007, but then in 2009, the applicant came forward with an amendment request that went to the Commission. So on July 3--excuse me, June 9, 2009, the Commission granted an SMA permit amendment to reduce the density of the project from 71 units to 13 single-family units and two multi-family units along with a recreation building. This request for a time extension of the permit came in on April 2, 2012, and it pertains to Condition No. 34 which specifically reads, "that construction of the 13 single-family residences shall be completed within five years of the date of this approval or by June 30, 2014." And then there's another part of the condition that says, "all other construction shall be completed by July 3, 2012." So that's the portion they're asking for the extension on from July 3, 2012 to July 31, 2014.

In terms of the status of project construction I've submitted a number of things to you as we requested by the applicant, lots of photographs that shows that all the onsite infrastructure work is complete, the 13 single-family building pads are complete, the rec building with two multi-family units, construction was initiated but work has been suspended, and the offsite infrastructure is currently under construction with a expected completion date of late September 2012. We did get an updated report on the as-built drainage system which has been included in your packet by letter dated May 29, 2012 from Austin Tsutsumi and Associates basically saying that they've, you know, done an inspection of the as-built system both on and offsite improvements. Basically the improvements have been constructed in conformance with the approved construction plans. The offsite drainage system with the exception of the offsite retention basin which is currently under construction was also constructed in general conformance with the approved offsite construction documents. If you have any questions, I'm available to answer. Also, we have Chris Hart from, excuse me, Jordan Hart from Chris Hart and Partners, I think you also have Chris here, but Jordan is here for this project and then we have Everett Dowling here for this project as well.

Chair Hiranaga: Ann, is this a typo when it says July 31, 2014? Should it not be June 30, 2014, 'cause it's actually two years and one month versus a two-year extension?

Ms. Cua: And are you looking at the agenda or...

Chair Hiranaga: No, I'm looking at the cover letter, April 2<sup>nd</sup> from Chris Hart. Expiration date is July 3, 2012, and they want extension to July 31, 2014.

Ms. Cua: Well usually, usually we go to the--the extension runs to the end of the month. We usually go to the end of the, whatever month it expires in.

Chair Hiranaga: Wouldn't it not make more sense to be consistent with the other expiration date?

Ms. Cua: Yeah, the June 30, 2014, probably. We could do that.

Chair Hiranaga: Just wondering. Let me open the floor to public testimony. Is there anyone here that wishes to testify regarding this agenda item, please come forward? Seeing none, no public--public testimony is now closed. Questions from Commissioners to the Staff or applicant?



Commissioner Lay?

Mr. Lay: Okay, you're asking for a time extension of two years, right?

Ms. Cua: That's what the applicant--

Mr. Lay: Within that two-year period, I know it's because of economic downturn that we've had this fallout. Are we looking at the project starting up and moving along at that time at all?

Ms. Cua: Well, in the two years we're looking at the project being completed. Most of the time--well a lot of the time extension requests that you do see is for starting construction. But as I mentioned, the project obviously, the start construction was in 2007, and they've got a lot of improvements done as you can see by the photographs but they still have improvements, offsite improvements and obviously the construction of the single-family residences and the completion of the rec building that needs to be done. And so it is our understanding and maybe your question is better addressed to Mr. Dowling in terms of, you know, how they plan to complete the construction. But that is our understanding that within the two-year period, the project construction would be completed.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Ann, on the site plan, Exhibit 2, is this the current site plan?

Ms. Cua: I believe that was the, I believe that was the original site plan.

Ms. Wakida: So we don't have a site plan for the 13 homes and the two multi-family units?

Chair Hiranaga: Ann, are they actually building homes or are they just selling vacant lots?

Ms. Cua: They sold the lots actually. My understanding, and Mr. Dowling can confirm, is that the 13 residential lots have been sold and the two, the two units that will be located on top of the recreation building have not yet been sold.

Chair Hiranaga: What exactly needs to be completed? What remains?

Ms. Cua: The residential units need to be constructed. The rec building and the two multi-family units on top of the rec building need to be completed and the offsite improvements, the retention basin needs to be completed.

Chair Hiranaga: You said there's vertical construction on those 13 lots?

Ms. Cua: Right.

Chair Hiranaga: That's covered under this SMA?

Ms. Cua: Yeah, Condition 34 reads, "that construction of the 13 single-family residences shall be completed within the five years of the date of the approval."

Chair Hiranaga: Why wouldn't that fall under single-family residential exemption because these are not subdivided lots or are they subdivided lots?

Ms. Cua: Well, see at the time, at the time when they came in they were asking for the...it started off with 71 multi-family--condo units that was gonna be built as an entire project and then the project changed to 13 single-family residences where they provided design guidelines and they didn't want to have to come back for SMA Assessments for every single unit. So it was included as part of this approval but there was a condition to get it done, to get it completed by a certain time. So they wouldn't need, under--the way this permit has been granted, they wouldn't need to come in individually with SMA Permit Assessments for every single residence.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: You know the documents we have here that wasn't on here for the original application, but I mean, I have a lot of the original stuff. I mean, this is the layout of the complex with the multi-units on it. It doesn't show lots. It shows a rendering of the buildings that are no longer there. That it's supposed to be homes. Am I missing something or --

Ms. Cua: Maybe it's better to use this here.

Mr. Ball: --this site plan here that doesn't show lots. It shows a whole bunch of lots if those are the lots right there. I mean, it doesn't show me 13 carved out lots. I also have a question on the--if they sold the lots individually, wouldn't everybody have to be lined up to do construction or is the developer gonna do the construction on all 13 homes at once? How is the logistics of that working out?

Ms. Cua: Okay, my understanding, and I'll probably ask Everett to come and address you, but my understanding is that because the lots are sold that the developer is not going to do construction of all 13 of the residences, but maybe we need to bring that up.

Mr. Ball: Right, but what you were saying that they're coming in for a request for completion of those homes.

Ms. Cua: Right.

Mr. Ball: The extension is for the completion of a home, but if the developer has no control over it, then why are we even discussing this, because if it's individual lot owners then it's the individual lot owners they all come in on their own.

Ms. Cua: Because the permit is still under the Major owner. But maybe we can have Everett come up and clarify a little bit?

Ms. McLean: And if I could also comment? There's still the offsite improvements and the recreation building that the developer is doing and needs more time to complete those. So some of the construction the developer is doing and he needs more time to complete those.

Mr. Ball: We were just told that all that was completed.

Ms. Cua: No. The onsite...

Mr. Ball: I have another question, I guess, if you wanna pile all these on?

Chair Hiranaga: Proceed.

Mr. Ball: The parking, the public parking ends there at that kinda turnaround. What's the deterrent for parking there and using that recreational building? Meaning if somebody has a, I don't know if it's a party room or whatever it is, what prevents them from taking up all that public beach access parking right there? Because on this layout, I don't think I saw any parking on this Exhibit 2. It doesn't really show unless I can't read the parking on there. It doesn't show really any parking for that recreational building.

Ms. Cua: I'm looking at the condition of approval, the original condition of approval and you know, the way the condition is worded about the additional stalls is that just that the beach parking shall be improved with additional 10 beach parking stalls. I'm assuming that there's some kind of a sign there that says that it's for beach parking. I mean, I don't know if that would just be an enforcement, I guess, issue.

Mr. Ball: Well, I feel that we're getting deep into this thing. It's changed quite a bit from this plan to what the proposed plan is to what the lots have been sold already but the construction is supposed to end--gonna be completed in two years for 13 lots that are owned by 13 different people theoretically, by multiple owners let's say and they have two years to get their plans together to and to move--you know, to finish their construction is not different than what I have right here.

Ms. Cua: If I could maybe comment? The amendment request to go from the 71 units to the 13 units was approved in June of 2009. So that's not being requested today. The only thing that's being requested today is to extend the time to complete construction.

Mr. Ball: I understand that. But when I extend something, I need to have the full information which I don't have. I have information from two applications ago really.

Ms. Cua: Right, but according to the photographs I got from the applicant, the May 22, 2012, this photograph here?

Mr. Ball: Yeah.

Ms. Cua: This is the condition of the area today.

Mr. Ball: That does not show me 13 lots. It shows me one lot with one recreational building partially built.

Ms. Cua: So maybe the applicant can explain?

Mr. Jordan Hart: Jordan Hart from Chris Hart and Partners. That's just an aerial photograph of the site condition. Basically it's intended to show that the site's been graded, but it's been grassed and is in stable condition. It wasn't really intended to show the lot layout, more construction progress and the status of the environment. But I do have a site layout that I can show you if that's necessary. But that was basically the intent was just to show progress of construction and basically that the construction site is tidy and the runoff is under control and there is no runoff basically going into the ocean and so on.

Chair Hiranaga: So the lots received final subdivision approval from the County?

Mr. Hart: Yes, that's correct.

Chair Hiranaga: So we're not gonna change lot configurations 'cause those have been, they're approved. They've received final approval?

Mr. Hart: The only request is time to complete construction.

Chair Hiranaga: And my question is, they've received final subdivision approval for those 13 lots?

Mr. Hart: That's correct. That's correct.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Ann, Can you point out on some map, you're gonna have two multi-family structures, where are those gonna go?

Ms. Cua: On the top of the rec building.

Ms. Wakida: What do you mean on top of the rec building?

Chair Hiranaga: They're like apartment units. Penthouse.

Ms. Wakida: The top floor of the building?

Ms. Cua: Okay, so I'll pass this. I'm sorry that this was not included, an updated site plan that actually shows the 13 lots, the rec building which is called, "beach club building" here and this is where the two multi-family units would be located.

Ms. Wakida: So by two, multi-family units you mean two units? I don't get it. Because you've included in here these multi, I don't know, are these multi-family buildings these?

Chair Hiranaga: That was their original application before it was amended.

Ms. Wakida: Yeah.

Chair Hiranaga: Kind of irrelevant.

Ms. Wakida: Totally and it's confusing.

Ms. Cua: Sorry about that.

Ms. Wakida: That we're looking at old information that isn't part of, of what we're extending.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Ann, the recreation building is under construction.

Ms. Cua: Yes.

Mr. Hedani: The offsite improvements are under construction. The only request is for an extension of the deadline for completion of those improvements for two years?

Ms. Cua: Those, plus the construction of the 13--

Mr. Hedani: Of the 13 residences.

Ms. Cua: Yes.

Mr. Hedani: But that would be subject to the individual lot owners getting their plans into the developer, having them processed through the County and constructed?

Ms. Cua: Yes.

Mr. Hedani: Okay.

Mr. Ball: On this, Page 8 that we were handed.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Thank you. Where are the 10 parking stalls that will be added? It doesn't show that.

Ms. Cua: It's actually towards the--yeah, it's not shown on that. I'm sorry. It's not shown on that.

Mr. Ball: Is the two-year time frame realistic for 13 people to come in with--be completed construction?

Ms. Cua: Well, I mean, I have to assume it is.

Mr. Ball: I mean, I'll give you more time if you need more time. I just don't want you'd have to come in every two years and it takes four years or whatever 10 years.

Ms. Cua: Well, as you probably know for the Department to grant a time extension, we can only grant up to two years with your waiving your review. If they want more than two years then the

Commission would need to review that. So maybe I need to ask, have you ask that Everett that question.

Chair Hiranaga: Well, actually let's step back a bit. The only change is being requested is changing the date of July 3, 2012 to July 31, 2014. He's not requesting a change on the July 30, 2014 because that's two years away. So he doesn't need to make a request for a change. It's two years away. That's part of the original condition.

Ms. Cua: Right.

Chair Hiranaga: So he's only asking for a change on the July 3, 2012 date which has already passed.

Ms. Cua: Right.

Chair Hiranaga: So, why would you ask for an extension when your deadline is two years away?

Mr. Ball: Because you know that you're not gonna hit that date.

Chair Hiranaga: You don't know that.

Mr. Ball: Well, that's what I just asked.

Chair Hiranaga: It seems unlikely, but...

Mr. Ball: I asked whether they were gonna hit that date or not.

Chair Hiranaga: But I think procedurally it's inappropriate to be asking for an extension two years before the expiration date. Typically they wait, what, 90 days or 180 days?

Ms. Cua: Usually 90 days is the requirement.

Chair Hiranaga: So it would be inappropriate for them to be asking for a two-year extension, two years before their expiration date. Commissioner Hedani?

Mr. Hedani: I would like to hear from the developer.

Mr. Everett Dowling: Thank you. My name's Everett Dowling. I'm the applicant. I'll try to recall some of the questions and kind of work my way through 'em. The site plan that was just recently passed out that Michele has now that shows the 13 lots. The status of those 13 lots and they're owned by, they are owned by six entities. The 13 lots are owned by six entities. Two have building permits. Actually three have building permit. One is in for review, so they're all, you know, progressing through the approval process. Will they all be completed within two years? I don't know. But I think the majority of them will be completed within two years. The onsite improvements are all completed. The offsite improvements are under construction now. They'll be completed by the end of September. The 10 parking stalls are an extension of the existing beach parking lot just

goes a little bit more mauka than the existing beach parking lot. The beach club has 37 stalls in the beach club itself, the ground, the basement floor of the beach club has 11 stalls on the same piece of property so there are total of 48 stalls within the recreation building. With the thought is most of these people will be walking to the recreation building anyway, but if there's a function and for employees that's where they would park. Eventually they'll be parking on the adjacent parcel. There'll be overflow parking built there in the future, but the existing parking it's in the building and the 11 stalls on site, but they'll be parking requirements of the beach club. I can't remember your questions.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Thank you. In reference to this site plan you just submitted here so I assume the beach club or the rec center means the same thing. So are you saying the building 1 and building 2 are nonexistent in the revised plan because you also you have in this packet that we have here you have a multi-family at least that what you call, it looks like, it's building type A, building type B, parcel H-1.

Mr. Dowling: That was the original condominium plan. It's --that's part of the 71 condominium plans. I think the relevant part of it would be Exhibit 4 if you have the one that's entry elevation, homeowners' recreation area. And that shows you what the--and the next page also just shows you what the recreation building looks like. One of the Commissioners was asking a question about the two residential condominiums and that's on the ground floor. The top floor of the makai elevation, homeowners' recreation area, the top floor of that is the two multi-family units.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: So just to be clear, there's two units, two living units on top of the rec, recreation building?

Mr. Dowling: That's correct.

Ms. Wakida: Is that correct?

Mr. Dowling: That's correct.

Ms. Wakida: And the parking for those units has been factored into the recreation building usage?

Mr. Dowling: That is correct.

Ms. Wakida: Which was a total of what, 10 did you say or 11?

Mr. Dowling: Thirty-seven in the basement of the building and 11 exterior parking stalls, 48 total.

Ms. Wakida: Thank you.

Mr. Dowling: You're welcome.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: The two living units you were talking about here are they single family on top of each other?

Mr. Dowling: They're flats. So they aren't on top of each other. They're on top of the recreation area, fitness area, but they're adjacent units, one-floor units. One's a two-bedroom unit. One's a three-bedroom unit.

Mr. Tsai: Okay, two separate units?

Mr. Dowling: Correct. And that's under construction. Hawaiian Dredging is the contractor on that. The site work construction is also under construction, the offsite, and that will be completed by the end of September.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: You also mentioned, and I think mentioned about 10 additional parking, beach parking is that part of the offsite 11 you're talking about, no additional?

Mr. Dowling: No, those are, they're different. The 10 beach parking stalls are part of the offsite improvements that will be completed by the end of September. The beach, I mean, the recreational facility has 37 stalls in the basement level and then it has 11 stalls adjacent, separate and distinct from the 10 public beach parking stalls.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Everett, for the 13, the 13 lots are they going through an architectural review process with you as well as with the Urban Design Review Board?

Mr. Dowling: It's already, they've already gone through the Urban Design Review Board and they had a master approval subject to the design guidelines that were approved by the Design Review Board and that were part of the SMA submittal. So now what the process is, they hire their architects. Usually they sit down with Brian Ige. Brian just makes sure that they're up to speed on the design guidelines. The architect comes back with a couple of drafts. Once the client is comfortable with it, then they submit 'em to us. We confirm or point out things that don't comply, that need to be smoothed out. They go back. Once we have approved them, at that point they're submitted to the County for a building permit.

Mr. Hedani: Okay, thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Those 11 stalls, they're within the complex or...

Mr. Dowling: Correct. They're within the complex and they're within that, within that unit's land



area.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Kind of echoing what I believe Commissioner Ball had brought up before, access for people obviously that's a turnaround area for a major, popular beach, public beach access, excuse me. You're gonna obviously limit parking for anyone that's not part of the residential. I mean, people will live there obviously, right? It's gated so people can use the beach parking. It's not, it's residents or vice versa, people that are residents cannot use the beach parking.

Mr. Dowling: I think the residents would use the onsite recreation building parking and I think, you know, the way it's, the concept is and the way it's been working and is working now is the public beach parking lot is for the public. To expand it, and we're expanding that by 10 stalls. If in the future there's ever a need for additional parking for the beach club, I created an easement on the adjacent parcel so I wouldn't have to--I wouldn't be in the game in the future if I ever needed it.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Just trying to recall, Everett, when the subdivision plan for the 13 lots was approved was there a requirement for a lateral access along the shoreline?

Mr. Dowling: There was a--that requirement was addressed during the Makena rezoning hearing because this property doesn't have any shoreline property. There's a--there's Makena Resort property between this parcel and the ocean. So the concern that you're raising was also raised during the Makena Resort rezoning hearings and it was addressed. It was a condition of that approval.

Mr. Hedani: I see. So these properties are set back from that?

Mr. Dowling: Correct.

Mr. Hedani: Well, setback from the shoreline basically so there's lateral access along the shoreline?

Mr. Dowling: That's correct. Between these properties and the ocean is the 17<sup>th</sup> fairway of the Makena South Course.

Mr. Hedani: Oh, okay. Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Thank you, Mr. Dowling for coming.

Mr. Dowling: You're welcome.

Mr. Shibuya: And I just want to--I'm looking at Exhibit 2, and I'm using a magnifying glass, and I

see 11 additional parking spaces and that's offsite on the top.

Mr. Dowling: Are you looking at--I've got, I have Exhibit 2, I don't have a magnifying glass, but are you referring to--

Mr. Shibuya: There's, on the left side of that offsite retention there's on the top part of that parking structure or not structure--

Mr. Dowling: These?

Mr. Shibuya: Yes.

Mr. Dowling: Those are the ones that we're under construction now and those are the ones that will be completed by the end of September.

Mr. Shibuya: Right, and they're the 11 additional.

Mr. Dowling: We're giving one extra then because we're required to give 10.

Mr. Shibuya: You got 11. Okay, so that's where it is.

Mr. Dowling: So that might be part of your confusion because it's 11 and 11.

Mr. Shibuya: Okay.

Mr. Tsai: Thank you for clarifying that.

Mr. Dowling: You're welcome.

Chair Hiranaga: Any more questions? Commissioner Tsai?

Mr. Tsai: I guess the question that some of us asked before is, is two years enough realistically?

Mr. Dowling: It's certainly enough for the offsite because we'll finish that by September. I was out there yesterday and the contractor, you know, that's a slam dunk. The beach club, I'm comfortable that will be completed also. The 13 individual home sites, I'm comfortable that the majority of those will be completed. I can't say with certainty that all of them will be. And I can't say with certainty all of them intend to even start during that time frame. One individual, I'm not sure if he's just holding it until he gets closer to retirement and then start. But I think the majority of them will certainly be completed.

Mr. Tsai: Thank you.

Chair Hiranaga: Any more questions, comments? If not, I'll take a motion. The floor is open to a motion? Commissioner Hedani?

Mr. Hedani: Move to waive review of the extension time request.

Chair Hiranaga: Is there a second?

Mr. Tsai: Second.

Chair Hiranaga: Seconded by Commissioner Tsai. Discussion? Commissioner Wakida?

Ms. Wakida: Just a recommendation. I think a lot of our confusion could have been cleared up if we had only had the current information. And so maybe, you know, next time when things go through changes just give us what we need to know that's current. Save a lot of aggravation.

Mr. Dowling: Sorry, well taken.

Chair Hiranaga: Any more discussion? Seeing none, Deputy Director if you could repeat the motion?

Ms. McLean: The motion is to waive review of the time extension request and allow it to be granted administratively.

Chair Hiranaga: All in favor, so indicate by raising your hand.

Ms. McLean: Six ayes.

**It was moved by Mr. Hedani, seconded by Mr. Tsai, then**

**VOTED: To Waive Its Review of the Time Extension.**  
**(Assenting - W. Hedani, M. Tsai, I. Lay, K. Ball, P. Wakida, W. Shibuya)**  
**(Excused - D. Domingo, J. Freitas)**

Chair Hiranaga: Motion carries. Thank you.

Mr. Dowling: Thank you very much.

Chair Hiranaga: Moving onto F-2. Deputy Director?

Ms. McLean: Thank you, Chair. This is the Planning Director notifying the Commission that a SMA Emergency Permit was granted for the Pohailani AOA to repair sinkholes threatening structures at 4435 Lower Honoapiilani Road, TMK: 4-3-005: 008 in Lahaina. Jim Buika is the Staff Planner. What he just handed out, the letter that he handed out was already included in the packets. So the only additional information that you need is a copy of the slides.

**2. MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-16 (h) of its SMA Rules of the issuance of Special Management Area (SMA) Emergency Permit on the following request:**

**June 27, 2012 letter granting written approval of the request from the POHAILANI AOA for a Special Management Area Emergency Permit to repair sinkholes threatening structures at the Pohailani Maui located at 4435 Lower Honoapiilani Road, TMK; 4-3-005: 008, Lahaina, Island of Maui. (SM3 2012/0002) (J. Buika)**

Mr. Jim Buika: As the Deputy Director noted this is, this item requires no action on your part and is for information only to the Maui Planning Commission according to our SMA Rules. I do have a short slide show that I did hand out to you. We can show it or not. I'll just give you some facts about the project. On June 27<sup>th</sup>, several weeks ago, 2012 the Planning Director issued the written Emergency SMA Permit to the Pohailani AOA to stabilize several sinkholes that are threatening several structures behind an existing seawall. Both Chris Hart and Partners is here representing the AOA and Jeff Brockman is also representing the AOA if you have any questions.

As far as a timeline, I personally went out with Chris Hart and Partners and met Jeff and some other folks from AOA on May 24<sup>th</sup>, we did a site visit, inspected the sinkholes. They are about seven feet. There were some major sinkholes that are about seven feet from two structures on either end. That was May 24<sup>th</sup>. On June 15<sup>th</sup>, Chris Hart and Partners submitted a written Emergency application and June 27<sup>th</sup>, the Planning Department gave written approval with two conditions on it that the Department approve the final engineering plans and also that the engineers submit best management practices to protect the marine environment. So the project hasn't actually gotten underway because we haven't gotten those final plans. But they are just emergency to stabilize the sinkholes. So I'll just run through this very quickly since it is informational only.

Pohailani, this is about a mile south of the project in Napili that we were talking about earlier, the Walter Hester property in Napili. This here is the, circled is the condominium. You can see the seawall in front of it there. So the uppermost closest building there is, has a sinkhole in front of it and I'll show you and then the southern one with the white top on it also has--is threatened. There's the tax map key of that same parcel. The survey map showing the outline, the hachured outline of the buildings and the seawall on the top. So the buildings are built very, very close to the seawall there. This is the northern sinkhole on the northern part of the property. It's about three to five feet deep. It's been covered over. This is the view of the condos. You can see the tape there on the left-hand picture where the sinkhole is. The right-hand one is the sinkhole area that's been cordoned off and the seawall behind it.

This is a view from the sinkholes down to the south and around the corner there also is another sinkhole and this is from the other end viewing along the seawall to the north. I observed it during low tide. The water would go underneath the seawall and just continually just keep going and going and going with no splash back or anything. So it's a pretty substantial seawall and then the water would slowly come out. So there's a large cavity of some sort underneath there. I think since then the engineer has done some core testing and defined the cavity.

This is on the other end, the very southern end. The side of this building is also threatened. The right-hand photo shows an easement where there is a County drainage and that tree there and all of the seawall there is being undermined and is not a competent seawall anymore. It's just tumbling and it feeds into a parking area for the condominium. You can see the condominium building right

there. This is viewing down from the--the left-hand picture is viewing down from the ocean towards that easement. To the left is Pohailani and to the right Hololani, another condominium showing that easement and there is a drainage underneath that road. This is from the road looking down that easement, the left-hand photo shows how that wall is crumbling. There was some MECO conduit box there. They've removed all that there. Public Works is well aware of what's going on here and has plans to improve this drainage and the right-hand photo is the same drainage area there. The waves wrap around the seawall and just come right down this drainage and are undermining everything. And that's it as far as just a quick photo op. If you have any questions, we have the applicant here. I've been out there, Chris Hart as well. For your information only. So they will come in. It'll be just an emergency repair to stabilize the sinkholes and then they will come in for an SMA Permit for further additional work most likely.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Quick question. I think of a sinkhole, when you said it was behind the wall as a 'cause I've seen these actual holes that go down behind the wall. But that's not what you're talking about. You said it's undermining, right?

Mr. Buika: Well, it's doing both. There was a sinkhole. It wasn't fully visible, but it was underneath those plywood, I mean, they had lifted up the plywood there was a--there are, there is a large sinkhole where the dirt is gone. I assume it got washed out underneath the seawall.

Ms. Wakida: Right.

Mr. Buika: It's typical of what is happening on seawalls up and down the coast.

Ms. Wakida: Yes, I've a number of those, yeah.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, just curiosity. How do you guys repair sinkholes, a situation like this?

Mr. Buika: We haven't seen the final plan here but they will stabilize. It's pretty tricky. You're dealing with the groundwater. I'm not a contractor, but you have to dig out and put in sandbags to separate the ocean and groundwater and then they'll fill it with materials, rock, gravel and then grout it supposedly. I haven't seen the final plans, but there is a description in the letter.

Chair Hiranaga: When they're ready they're gonna come before us so that's fine.

Mr. Buika: Yeah, you can see it.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Okay, so we're addressing the sinkhole, I'm just wondering with that undermining are we gonna patch the wall in a way that help prevent this from happening at this point. I know we have to wait for an SMA to go further but just to kind of slow the process that's happening right now, is

anything else gonna be done?

Mr. Buika: Yes, I haven't seen the final engineering plans as I've stated. They have done some cores up and down the seawall to understand the extent of the problem. Right now it is to stabilize the sinkholes and from there it will probably be a Phase 1. So that's what they're authorized for it's to stabilize the sinkholes. Phase 2 will be an engineering solution.

Chair Hiranaga: Any other questions? Seeing none, thank you very much.

Mr. Buika: Thank you.

Chair Hiranaga: Moving on. Item F-3. Amending the SMA Boundaries.

### **3. Planning Commission Projects/Issues**

#### **a. Amending the SMA Boundaries**

Chair Hiranaga: Still working on it?

Ms. McLean: Yes.

Chair Hiranaga: Maybe you should put the, Commissioner Shibuya's request about Island Plan Update as a second item on this?

Ms. McLean: I did request with our Long Range Division that from the time that I made the request which was a couple of weeks ago that transmittals to Council have a copy to the Maui Planning Commission. And that was the request that was made to me, when the Department transmits new information to the Council's General Plan Committee that the Commission be copied on those transmittals and so I did put that request in.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Michele, I had called you, I don't know if I needed to mention it at this meeting about a workshop on water?

Ms. McLean: Yeah, and I did mention it briefly to the Chair.

Ms. Wakida: The reason I brought it up was there's an awful lot of discussion in the documents that we get about water tables, sinking wells. I would like to know what is, what does all this mean? What does the water--what's the water table picture look like? How many are there? So that when all of these concerns come up we can, with me, I can be a little more knowledgeable.

Chair Hiranaga: So I was gonna put it to a vote basically if there's adequate interest by the vote count we'll have a workshop and if there's not, we won't. So I guess the Department of Water Supply sending a representative to explain--see if I don't know if the Department of Water Supply is the right department because they're more infrastructure.

Ms. McLean: Between the Water Department and we would request if someone from the State Commission on Water Resource Management could attend. The question was just as an example, if a private well is drilled into an aquifer that already has County wells drilled into it what impact would that private use have on the County resource or the County utility.

Ms. Wakida: Right, and these projects come along, the big projects and say, well we're gonna have our own water supply. Well, aren't we all dipping into the same pot here or are there other aquifers that are going on?

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Well, while we're on the subject on workshops, weren't we gonna have anything on best practices for intervention?

Chair Hiranaga: Corporation Counsel?

Mr. Giroux: We had talked about that because of the issues that have come up with, you know, like the Honua Kai and WMPA as far as looking at possible, I guess, alternatives. I could try to put something together and I could go over it with the Staff to see. You know, I guess part of it would be just looking at what the process is now and then possible, I guess, either recommendations or, you know, maybe just open it up for a discussion on certain points as far as brainstorming as far as possible solutions. 'Cause most of the solutions I think that we're looking at in that area really have to do with just how do we conduct our contested cases as a whole and that really is a huge policy question. So that would be something that we would be happy to try to put together and get onto the agenda. I don't know how soon.

Chair Hiranaga: Well, any time after March next year.

Mr. Lay: No, 'cause we've had some concerns where there has been intervention where the money allocation and where it goes, like even today, for grants and stuff. And just so at least we have an idea on what we want to put down as conditions ...(inaudible)...

Chair Hiranaga: Well, I think in the past previous Commissions used to basically--well, anyone could intervene and in past several years, the Commission has basically denied every intervention request because of some of what has happened in the past. So I don't know if there really is a need for a workshop like that because we haven't been granting interventions.

Mr. Giroux: Well, I guess as a small input is that we could probably look at, you know, and just as for historical context because, you know, Commissioners come in and they haven't really been part of these larger cases that we have had to deal with, to just have a historic note because some--like the case today, actually did prompt a rule change. The problem is, is that rule change wasn't in effect at the time of the hearing. I was talking to the Planner today about that is that what we would really like to do is nail down the historic process so that the Members who are on now have the benefit of seeing how this plate out and how our rules were affected or how we can further refine our rules in order to avoid that kind of thing. And the other thing that I was looking at is putting together the interventions that we have denied and that have gone to the Circuit Court and then

been remanded and that's a helpful lesson, you know, and as an attorney, as your attorney, the caveat would be not only should we learn a lesson, but we should learn the right lesson because just the fact that things were denied and remanded doesn't mean that the Commission did the wrong thing. It could possibly just be a procedural issue that we need to do better training with you as far as what are the things we need to say and do on the record to ensure that those decisions aren't overturned in the future. So that's what I've been kind of mulling over ever since you brought it up as far as possible training. So I've been trying to formulate something to see how useful we could do that.

Chair Hiranaga: So returning to Penny's request, if we're gonna have a workshop regarding water, I would want the Director of the Department of Water Supply to be the representative and not the engineer and not a staff.

Ms. McLean: I would think he is an engineer.

Chair Hiranaga: I want the Director because my experience with staff engineers there is they will answer only questions that are asked. They won't volunteer anything or expound on something.

Ms. McLean: I can talk to the Director and I would imagine something like this would take maybe an hour or so. I don't think it's much time. Depends on the questions.

Chair Hiranaga: But you'd be flying someone in from Oahu from like the Water Resource Commission?

Ms. McLean: I think it would be worthwhile.

Mr. Shibuya: And the ...(inaudible)... guy too, no?

Ms. McLean: Not necessarily.

Chair Hiranaga: We're talking about capacity.

Mr. Shibuya: I know, okay.

Chair Hiranaga: We're not talking about quality

Ms. McLean: But we can see when there's time on an upcoming agenda and when we can get those people available.

Chair Hiranaga: Or we could have a current member of the Water Resource Commission, who is a former Maui Planning Commissioner come and speak.

Ms. Wakida: Well, somebody who knows the geology of Maui and can give us, you know, geological information.

Chair Hiranaga: So I'd like to place it to a vote. All in favor of a workshop so indicate by raising



your hand. She wants to, she's proposing a workshop for educational purposes because she wants to understand the water resources on this island.

Ms. Wakida: Because we get these big projects coming in and people are complaining there's not enough water. How do we know?

Mr. Shibuya: How many straws can we handle?

Chair Hiranaga: There is uku plenty water. We have a--we don't have an adequate delivery system.

Mr. Ball: There, we just had it.

Chair Hiranaga: We just had the workshop right there.

Ms. Wakida: I need it from the Water.

Mr. Ball: That was less than an hour wasn't it?

Chair Hiranaga: We got 80 million gallons per day in Haiku compared to Lao Valley is 20 million gallons per day. We've got four times more in Haiku. Just can't bring it here. So I'll take a vote. All those in favor of a workshop so indicate by raising your hand.

Ms. Wakida: What? You guys know everything?

Chair Hiranaga: One, two. Opposed? Opposed you better vote because abstention is affirmative. Okay, motion fails. (Assenting - P. Wakida, W. Shibuya)(Dissenting - M.Tsai, I. Lay, K. Ball, W. Hedani)(Excused - D. Domingo, J. Freitas)

Mr. Ball: A more pressing matter--

Chair Hiranaga: Wait, Commissioner Hedani has his hand up. Commissioner Hedani?

Mr. Hedani: On amending SMA Boundaries, I'd like to request if the Department could take a look at West Maui specifically. There are certain areas that have scenic value that have not yet been developed with agricultural farm lots that maybe areas that should be worthy of being included in the SMA boundaries for further consideration or protection because of their scenic resources. Specifically I'm thinking about the area mauka of Teen Challenge up to the alluvial fans above, you now, up to the edge of the mountain. In Olowalu where the bypass highway is going to be moved mauka of the shoreline, if we could consider moving our SMA boundary to the bypass highway line as opposed to the old highway so that we can control or review what happens within that area.

Mr. Lay: I agree with that too, and then there's parts where the boundary is way up in the mountains up ...(inaudible)...You got a lot of people living below and they fall into the SMA Rules so they cannot even build their house.

Chair Hiranaga: Yeah, like Piilani Highway in Kihei. That highway is too far inland to be the boundary for SMA because you want to do a minor renovation to your house technically you're supposed to get an Assessment, an SMA Assessment. Okay, moving onto Items 3, 4 and --4, 5, and 6.

- 4. EA/EIS Report**
- 5. SMA Minor Permit Report**
- 6. SMA Exemptions Report**

Chair Hiranaga: Any comments on the SMA Reports? Seeing none, moving onto Item 7. Deputy Director?

- 7. Discussion of Future Maui Planning Commission Agendas**
  - a. July 24, 2012 meeting agenda items**

Ms. McLean: Thank you, Chair. You have a memo dated July 9<sup>th</sup> from Clayton Yoshida for your next meeting July 24<sup>th</sup> you will have the Final EIS for the Honuaula Project, and I don't think we will be able to schedule anything else except for that.

Chair Hiranaga: Yeah, so I urge all Commissioners to thoroughly review these documents prior to the meeting thereby hopefully eliminating unnecessary questions that may have already been answered within the document. Probably gonna have, not speaking to anyone in particular, but we can anticipate a very long public hearing which --

Mr. Shibuya: A lot of testimony.

Chair Hiranaga: Yeah. We'll trying to be as expedient as possible. If there's no objection, this meeting is adjourned. Thank you.

**G. NEXT REGULAR MEETING DATE: JULY 24, 2012**

**H. ADJOURNMENT**

The meeting was adjourned at 4:14 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Keone Ball  
Donna Domingo (excused at 12:05 p.m.)  
Jack Freitas (excused at 3:00 p.m.)  
Wayne Hedani  
Kent Hiranaga, Chairperson  
Ivan Lay, Vice-Chair  
Warren Shibuya  
Max Tsai  
Penny Wakida

**Others**

Michele McLean, Planning Department  
James Giroux, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Department of Public Works