

**MAUI PLANNING COMMISSION
REGULAR MINUTES
FEBRUARY 26, 2013**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:00 a.m., Tuesday, February 26, 2013, 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.)

Chair Hiranaga: I'd like to call the meeting to order. At this time, I'll open the floor to public testimony regarding any agenda item. Is there anyone here that wishes to testify regarding any agenda item? Paul, do we have anyone signed up? No, okay. Seeing none, public testimony is now closed. Moving onto Agenda Item B-1. Deputy Director?

Ms. McLean: Good morning, Chair. Thank you. There are three public hearing items on the agenda today. The first one is a request from Frampton & Ward on behalf of HFM Maui LLC, for a Special Management Area Use Permit for the demolition of existing structures and the construction of a new 45,000 square foot warehouse facility and related improvements at 120 Kane Street in Kahului, TMK: 3-7-002:030. Paul Fasi is the Staff Planner.

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

- 1. MR. DEAN FRAMPTON of FRAMPTON & WARD on behalf of HFM MAUI, LLC requesting a Special Management Area Use Permit for the demolition of existing structures and the construction of a new 45,000 square foot warehouse facility and related improvements at 120 Kane Street, TMK: 3-7-002: 030, Kahului, Island of Maui. (SM1 2012/0005) (P. Fasi)**

Mr. Paul Fasi: Good morning, Commissioners. I'm not gonna get into details of the project. The applicant has an excellent presentation and many of the consultants are available for questioning. I basically just wanna cover the statutory requirements.

The land use designations are as follows: The State Land Use District is Urban. The Maui Island Plan is Urban. It is in the Urban Growth Boundary. The Wailuku-Kahului Community Plan is Industrial. The County zoning, Title 19 is M-2, Heavy Industrial. It is in the Special Management Area. The applicant is requesting approval of a Special Management Area Permit.

As far as State Land Use criteria, the proposed project is in conformance with the goals, objectives, and policies of the Hawaii State Plan. It will provide additional opportunities for employment and economic growth. It is in the State Urban District. The proposed uses are consistent with the Urban designation of the property and the proposed facility is a permitted use in the State Urban District.

Title 19, Maui County Code, the subject property is in the M-2, Heavy Industrial District. A food storage warehouse is an allowable use in the M-2 District. As far as the Countywide Policy Plan

adopted by the Maui County Council, March 2010, the proposed action and development is consistent with the Countywide Policy Plan. The applicant's proposed project meets several Countywide Policy Plan policies and it will create approximately 20 full-time jobs as is existing currently. The Wailuku Community Plan is identified as Industrial land use. The applicant's proposed use is consistent with the land use map of the community plan. As you all know, this was previously the site of the Maui Land and Pine Cannery. This is considered a much less intensive use of the land.

The Urban Design Review Board did review the design and project landscaping and improvements and basically came up with four suggested considerations for this board to consider. The applicant basically has agreed to three out of the four. The one that they did not concur with was the use of wind energy as they're already proposing extensive PV panels. There are no other governmental approvals required. And just to update you on the staff report as far as the agency comments, the Water Department finally did respond yesterday. I got a call from one of the engineers and they have no concerns. Thank you. I'll turn it over to Dean Frampton of Frampton & Ward for their presentation. I think it's about two minutes.

Mr. Dean Frampton: Good morning, Mr. Chairman, Members of the Commission. Thank you, Paul for that overview. Does everybody have a copy of the plans in front of them that we handed out, hopefully? Yep, looks like it. We're here representing HFM Foodservice this morning for the proposed HFM warehouse facility at 120 Kane Street. Wanna take a moment to introduce members of the project team with us this morning. HFM LLC is the applicant and Chris Labbe and Barry McConnell are here from HFM Maui LLC. Maui Operations Manager, the Maui manager facility is Mr. Justin Medeiros, Jr., he's here as well. The architect is Bob Ross. The civil engineer is Mark Matsuda. Our energy consultant is Mr. Steve Koski. Landscape architect is Mr. Bill Mitchell and our traffic engineer is Phillip Rowell and we're all here available for questions a little later in the morning.

So just to give you a quick overview of our presentation. I'm gonna talk a little bit about the property, the subject property. I wanna talk a little bit about the existing HFM facility on Eha Street in Wailuku, and we'll talk a little bit more about the project we're proposing and then Chris Labbe is going to give an overview of HFM operations in Hawaii. Bob Ross is going to talk a little bit about the building design. The Maui operations overview, Justin's gonna talk a little bit about that and we'll finally close with Steve talking a little bit about energy conservation for this...energy conservation measures for this project.

So a little bit about the property. As I noted, HFM Maui is the landowner. Tax Map Key is 3-7-002:030. It's approximately two and a half acres in size. As Paul noted, it's Urban and Industrial...State Land Use, Urban. Community Plan is Industrial. Maui County zoning is M-2, Heavy Industrial and it's within the SMA. This property was formerly used, utilized by Maui Land and Pine for its corporate and administrative offices as well as part of the cannery and packaging plant.

Here you can see the subject property right off of Kane Street. Just to give...get your bearings there's Kaahumanu Avenue and Kane Street, Wakea. This is an aerial image from Bing maps but what this does is it helps us kind of illustrate the industrial nature of this neighborhood. This neighborhood for decades was defined by Maui Land and Pine packaging and cannery plant. So what we see here is the subject property approximately two and a half acres. These were former

corporate offices. In early 2012, those offices were demolished. All that remains on the site right now all these old cannery facility or this old Quonset huts were demolished. All that remains on the site right now is a small human resource office that was associated with the Maui Land and Pine and we'll show you some photos about that in must a minute. But again, just to kinda get your understanding here, this is Maui Electric corporate offices, Maui Electric baseyard, storage, the existing cannery in this area, Foodland and this is the Hawaiian Tel, the new Hawaiian Tel warehouse, and then what you can't see in this aerial image is the new cannery industrial park which was purchased by another...a third party and redeveloped for individual warehouse use.

So just going to walk you through a couple photos. This is a street view from Kane looking towards the old Maui Land and Pine wall which will remain. This is a driveway view looking back towards Kaahumanu Avenue. Driveway view turning around looking the other way towards the Wakea intersection. Wakea-Kamehameha intersection. This is a...it's a little hard with the light in here, but this is the human resources buildings that are set for demolition probably a little later this year assuming that the approvals go on as planned. This is the subject property, just a view looking internally, as you can see it was formerly, it was recently, early 2012 it was demolished and regraded and grassed. And looking northwest of the subject property off in the distance you can see the old cannery facility. And there you can see the Maui Electric offices there as a guide.

So one more time just looking at the aerial image and just wanna kinda walk through the industrial nature of where this property is located given the Kane Street, Kamehameha, Wakea. So here just up from us we have the Foodland shopping center with the associated...not Foodland shopping center, it's Kaahumanu Shopping Center with Foodland and the Kaahumanu Shopping Center parking structure. Behind the subject property we have a lot of the, like I said, former industrial lands. This is the Hawaiian Tel industrial building. Here's another view of the former cannery facility, the former cannery facility that's set for demolition. Maui Electric on the corner. This is a south view. This is the back view of Maui Electric into their service access. And this is the cannery industrial park that we just reference here that was recently reconstructed and leased out to individual users.

So now I wanna talk a little bit about the existing Eha facility. So just to get your bearings. This is Eha Street here and this is Waiehu Beach Road. Here is Sac n Save. The HFM facility is located in this building here. There's actually two facilities. This is the freezer, refrigeration, and administrative offices and you can see the trucks out in front of the facility. And then just down the street at Tri Isle Resources they also have about 7,500 square feet of leased area for dry storage. This facility here is approximately 25,000 square feet. On a number of occasions we were down at the site visiting, taking photos, getting acquainted with the facility and it presents a number of operational challenges when you see the warehouse workers walking their carts down the sidewalk and getting into Tri Isle, loading up their carts, and walking back. I know in the nighttime they go back and forth with their trucks. Justin Medeiros, Jr., will be able to talk a little bit more about those operational challenges. But in its current state, it is a challenge. And another more important note about this facility, existing facility is that these were two warehouse facilities that had been retrofitted, if you will, that had been accommodated to allow a food storage facility unlike the project we're proposing today which will be designed from the ground up with one specific purpose and that is food storage and I will get into that a little bit more.

So again, here's a street view of Eha looking at the facility. You got the loading dock here. This

is an internal view of the Eha facility and what I wanna point out here is, you know, it's crowded and you have a lot of storage, but if you look at this, this is the internal freezer building that they put inside the existing warehouse facility. It's an old facility. You can see a replacement panel there. It's not as efficient as it could be. This is looking back here is the internal offices that have been retrofitted into that existing warehouse facility. This is just a typical view down the...this is a look in the freezer. If you look off in a distance, you can see a little bit of a leak and some ice building up on the walls. But this is an internal view of the freezer. This is hard to see with the lighting but this is a look down the Eha facility which is the Tri Isle facility which is a dry storage. Kind of a lot of what you see is like Costco racking. That's the best way to kinda describe what would be the internal look of the facility. Again, this is the retrofit if you will. These are the compressors, the refrigeration units to allow for the chill and the freezer. And really, we can't stress enough how much, it's an after-the-fact construction which is in stark contrast to what we're proposing today. You've got the plans in front of you, but generally what we've got is a 45,000 square foot warehouse building. It's gonna be 40,000 square feet of storage with freezer, coolers and ambient storage space, be approximately 5,000 feet of office space, there'll be an enclosed loading dock that's with energy conservation in mind and we'll talk a little bit more about that. There'll be parking and loading, and loading zone improvements. Landscape improvements, drainage improvements, utility upgrades for electrical, sewer, water and fire. And there'll also be a roof mounted PV system. You've got the floor plan in front of you. Bob Ross, our architect is gonna talk a little bit more about the layout and the design. Got the elevations there as an idea of what we're gonna be looking like from an aesthetics standpoint.

This is the site plan, and just wanted to make a couple notes. Well, that's our site plan. In addition to the onsite improvements, we have an offsite improvement that's a pretty big part of this project and for adequate fire protection we're gonna need to upgrade to a 8-inch water line. That 8-inch water line will surround the building, but we also need to take it out into the Kane Street corridor down to Kamehameha. So we'll tie into an existing 8-inch line at the driveway and it's a length of approximately 450 feet. So looking here what we have going on is there's an 8-inch line that turns into a 6-inch line right at this spot. The existing 6-inch line for reasons unknown to us go across the old Maui Land and Pine property and down through the Maui Electric property and that's a 6-inch line and it's based on what's surrounding the property it's an inadequate line. So the Water Department was very happy when we proposed to upgrade the water line from a 6-inch to 8-inch and actually take it out of the private area and put it in its rightful place, the right-of-way, the roadway right-of-way. So it's a benefit to the County. The Water Department appreciates what we're doing and we're taking this inadequate existing line out of private property and putting it where it should be.

So couple things we wanna talk about and to close my presentation, I wanna talk about drainage. Currently there's no onsite drainage retention at the subject property, existing drainage sheetflows east to west towards Kane Street. Predevelopment runoff volume is approximately 3,125 cubic feet. That's based on a 50-year, one-hour storm. So the drainage system being proposed by Otomo Engineering includes a retention basin and a 36 and 48-inch underground perforated pipe. The 36-inch line would go here in the retention basin and the 48-inch line would go approximately here in this area. So just to give you an idea of the numbers, the predevelopment runoff volumes approximately as I noted 3,125 cubic feet. Post development runoff volume is gonna be approximately 7,595 square feet. The increase associated with this project from the development is approximately 44...4,800 cubic feet. The storage that we're providing is we've actually tried to

oversize this dramatically and our engineer has done a good job. It's 11,162 cubic feet in storage space. In addition to the storage, we're also gonna be utilizing catch basin inserts in a filtration process.

Wanna talk a little bit about the traffic study. We had a traffic study done by Phil Rowell and Associates. The A.M. peak hour as you all know, 7:30 to 8:30, the project generates approximately 17 inbound trips and 6 outbound trips. P.M. peak hour in the afternoon, 3:30 to 4:30, we're looking at approximately 14 inbound, 20 outbound. What the traffic study also found was...and which Justin Medeiros can explain to you a little bit better than I can is that our peak traffic hour for the project, our truck traffic is between the hours of 5:00 a.m. and 6:00 a.m., and that's a time when the deliveries start heading out and that's the busiest time from a traffic standpoint. In that hour that we have 2 inbound trips and 6 outbound trips. And like I said, Justin can talk a little bit about that in a moment. Basically the traffic report concluded that no mitigation measures are required.

Lastly, I wanna note that the project also includes a photo voltaic system that you see in your rendering. It's...you know, the plans are still being worked out, but we do have a consultant and the plan right now is to maximize the roof space available which we're estimating to be 80 percent of the roof space. We do have to put some refrigeration units up there on the top, but we intend to install high energy efficiency panels and the system we're confident that it's gonna be a 500 kilowatt system.

And I wanna make one comment that what Paul touched on earlier, UDRB as us to look at wind and we took a hard look at it. When you look at what the proposed output...we're not opposed to wind, it just doesn't make sense at this point given what the output will be for the PV system. So we just wanted to note that.

So again, what we wanna do right now is we're gonna have Chris Labbe talk a little bit about HFM in Hawaii. Bob Ross is the engineer. He's gonna talk about the building design. Justin Medeiros is gonna talk quickly about a typical day. HFM is doing on a daily basis and then Steve will finish with our energy and then we'll be available for any questions that you guys may have. Thank you.

Mr. Chris Labbe: Hello, I'm Chris Labbe, President of Kerr Pacific. Thanks, Mr. Chairman and the Committee for having us and letting us explain our facility. I'll be quick. I just wanna give you background of our family business and what we do in the State and all that. Justin Medeiros, Jr. talk a little bit more about specifically about our operations.

I'm president of Kerr Pacific Corp., and we own HFM Foodservice. Just small family owned fifth generation family business out of Portland. We've been in State...Kerr Pacific was started back in 1892, but we've been in the State of Hawaii since 1964 when we built the first only flour mill in the pier there in Honolulu and shortly after we got into food distribution by first distributing our flour products and then bakery products and then we evolved into meat and eventually a broad line of foodservice distributor which I'll explain here in a minute.

We came to Maui officially, we've been on Maui longer, but we came to Maui officially in 2005 with the acquisition of Morrad Foodservice, and with that it really added to our ability to distribute produce on the island which Maui does...which within our company Maui does so well. The HFM business is a broad line distributor which means we distribute everything from bakery, you know,

three environments, dry, chill, frozen. We distribute everything from bakery products to meat products to boxes, the stuff that restaurants give you to take the food home. We try and supply anything that a restaurant, hotel or any food service entity like a school, military would need. Our customer base is broad in that sense as well. We try and hit the three segments which typically a broad liner does which is the chain business, the small mom and pop business, the hotel business and military government ...(inaudible)...

Unfortunately you saw a lot of our pictures of our Eha facility. It's not something we're most proud of and that's why we're looking at this new facility. It will really bring us up to food grade standards and we want a facility that will show well to our customers, be pleasant to work in for our employees and help us, allow us to grow on this island and also statewide. Like you said, the Eha facility is old, it doesn't show very well, it's very inefficient, it's very expensive to run just because it's just not up to the standards that we'd like to set for not only the industry but for the State in distributing food products.

The new facility, you know, is going to be built specifically for that purpose. Bob will talk a little bit more about some of the stuff we're gonna use to make it more efficient. But it's gonna be a food grade facility that is gonna be audited every year much like our Oahu facilities and hopefully eventually our other facilities.

We see this as, you know, just like anything else just a step in building value for our customers and our employees and our shareholders. We take it very seriously operating within the State. We've been here a long time and we just wanna show our commitment by putting in a facility that actually...it's intended for food distribution and take it to the next step. That's all I have. I'll pass it over. Thank you.

Mr. Bob Ross: Good morning, my name is Bob Ross. I'm a licensed engineer. I'm project manager for a company named Food Tech. Food Tech's located just...our headquarters are just south of Boston. We are a company that specializes in buildings for the food industry. About 40 percent of our work is in the food process environment, about 60 percent is in the food distribution environment. So a project like this falls right within the wheelhouse of where our expertise lies. In the package of drawings that Dean had passed out there's, it may be helpful to refer back to the elevation in the rendering as I give just a brief description of the structure that we're proposing. As Dean had mentioned earlier, it's about 45,000 square foot structure. It's about 45 feet tall in height and the envelope for the construction of the building has just shallow concrete foundations, above that will be a conventional steel structure frame, so steel columns, bar joists, metal roof deck. The envelope, the refrigerated envelope for the building is comprised of insulated metal wall panels for the structure. Dean has a sample of that panel and we'll pass it around. That's pretty much the industry standard material used to build the walls of these structures. Has an R value, between 35 and 50 is what it'll be depending on the environment that we're wrapping the wall panels around. The color, the sample is white, but attached to that there's a color piece that's sandstone. That will actually be the color that we propose for the structure. We wanna maintain as light a color as possible for sun reflectants to minimize the heat gain that we have in this structure, but at the same time a white panel is pretty difficult to keep clean, so we found that the sandstone is a great compromise.

The roofing on the building will be a single ply rubber membrane on the building also white in color

for the same, the same objective again, trying to, we're trying to have as much sun reflectants as possible and minimize heat load. You know, by doing that we reduce the heat load in the building, we minimize the amount of refrigeration that we need, and the end result being less energy consumption with refrigeration system.

One area that we often get a lot of questions about is the dock area on the facility and it tends to be one of the least pleasant areas to look at on a distribution facility, but HFM has made some commitments in that area and the biggest thing would be is that they've decided to go with what we would call a vertical storing leveler. It's the leveler that's at the dock doors that they use to move product in and out of the trailers at the dock, the vertical storing leveler when not in use folds entirely into the building. So there's two benefits that we have. One aesthetically when you typically look at a dock face you sort of see that leveler equipment tends to rust over time. It's just isn't very nice to look at. In this case the dock door will seal directly to the top of the foundation wall. There will be no dock equipment visible. At least the dock leveler will not visible on the exterior of the building. The other benefit that we get is with that dock door closing directly to the floor, we don't have any air infiltration that comes from through the opening. Something that you will find with the other dock equipment that's available.

Very quickly, I'll touch on the floor plan a little bit. Dean's already hit some of these points, but there's five main areas in the building. The freezer area...the freezer area on the left, coolers which are the center core of the building, the refrigerated dock which sits right in front of it, the dry or ambient storage area on the right. That just means it's non-refrigerated and refer to that as dry storage in the industry. And then there's a two-story office building located in front of that that sits within the footprint of the warehouse and the second floor is just a mezzanine built within the dry storage portion. The temperatures that are called out on the plan, there's varying temperatures between the freezer and the coolers. Those temperatures are ...(inaudible)...based on industry standards to maximize product quality and life for the product stored in the building. The interior layout of the building as Dean had mentioned, you know, serves a very specific objective, you know, we need to ...(inaudible)...select product in the warehouse which is why we have continuous aisles. It allows...we offer a continuous selection of product throughout the warehouse and our biggest objective is to maximize the amount of product we can fit in the building, but at the same time minimize the footprint. We got a minimized footprint. These are expensive facilities to operate. The more products we can fit in a smaller space, the less energy we consume.

And kinda the last feature I'll touch on will be the centrally located dock in the facility. You'll notice that the dock is adjacent to the freezer and the cooler. Dean and Chris had both mentioned about the challenges they had at the Eha facility with moving product between buildings. So that does not happen in this facility. The dock is centrally located. It's connected to all three environments that we have in the facility. The biggest benefit that we have is when we take products off the truck and put it in the distribution center for storage or then take it from the distribution center deliver from a client at no point do we break the cold chain for the product in the facility. With that said, that gets into a little bit of the operation of the building and Justin will talk to you a little bit more about the day to day operations in the truck. Thank you.

Mr. Justin Medeiros, Jr.: Good morning. My name is Justin Medeiros, Jr. I'm the operations manager at our facility hereon Maui. Just basically a little bit of daily operations. My transportation section, my drivers come in...they're usually in before five. First routes leave usually around 5:30.

They come in, check in in the morning, grab their loads, jump in the truck and head out. Usually the trucks are gone like I said by 5:30. We have one early delivery driver that will come in at 4:00 and his truck's usually out the door by 4:30. And one of my transportation leads also comes in 5:00. He makes sure all the guys have their items and get out the door on time. We do have one container driver, he moves product between the shipyard Matson and Young Brothers and then brings them back to the warehouse. He comes in at 7:00. He's usually gone by 3:00, 3:30. So all of our drivers, my route drivers are usually in and out before 3:00 and even my container drivers are usually in and out by 3:30. My day shift warehouse guys come in at 7:00 a.m. and usually they're out the door by 4:30.

I have five warehouse sections, receiving, dry, chill, produce section and freeze. One of the unique things about our produce section is they do a lot of work with local farmers. We actually purchase from 16 local farmers to include CN Farms, Evonuk, Haliimaile Pine, Kula Country, Watanabe, and Pacific Produce to name some of the bigger ones. I have an inventory control specialist, he comes in at 7:00, leaves by 3:30. I have a will call specialist that comes in at 8:00 that pulls orders for daily walk-ins and he's out the door by 4:30, and my management team consists of myself, my warehouse manager and my produce supervisor. We're in at 6:00 and we're out by 4:30 also.

Then we transition into our night section. Our night staff comes in at 6:30 at night and they're usually out by 3:00 a.m. They pull in three different areas of the warehouse, dry, chill, and freezer. Basically they select for the loads going out the next day, they load the trucks and park 'em and prep 'em for the next morning, and I do have two maintenance, two night shift, a manager and supervisor that comes in 5:30, and one manager stays until 5:00 a.m. when my transportation group comes in and then he leaves.

Kind of briefly about some of our current challenges with our old facility. Our warehouse leaks. Our main warehouse facility we have had to rearrange a few things in that left corner, that bottom left corner, we store our pasta and our dry sections and that back end right there, anytime we get over a medium to heavy rain we have to pull everything off the walls so that the water coming down the wall and splashing on the ground doesn't soak the back end of my pasta boxes. We are still working with the current landlord on getting that plugged ...(inaudible)...

Also, our freezer section, because it's an old facility and we do get condensation and leaking on the...from the roof, we do get some condensation on top of our freezer units, so even though we seal and seal and seal the top the best we can, some of the condensation gets in the freezers. If you're not paying attention they'll get in on the sprinkler systems and freeze over on the sprinkler system. So we have to clean those up. But they'll get into the fan units. And so we really have to pay attention to what we're doing and every week we're draining water.

We also have temperature challenges. You know, an older facility that was built for a different thing doesn't really have the ceiling and the capacity to keep temperature like we would like. For example our chill dock which we would like to be in the mid to upper 40 range I have a hard time keeping between 52 and 56 because your dock doors were built later and they don't have quite the sealing that they did when Morrad first moved in there, and so it's just some temperature changes and then every time you open up a freezer or a chill door, it's connected to the chill dock. So a freezer that's holding temp at 5 degrees per se and you open up a door to 50 degrees condensation gets in and gets on the ceiling and causes a little bit of water evaporation also.

Also, we're also looking forward to being able to move into a new facility. Equipment will be better for the guys. Right now our equipment is a little bit older because it kind of has grown with the facility. So it will be very beneficial for the guys.

Little bit of facility limitations. Our warehouse size, as the same area that leaks I talked about the pasta, we also have to store...have to store our rice and our flour there because even though we rented a, you know, a decent size area for the dry down at Tri Isle, we still don't have the capacity to hold everything we need to hold there. So we have a lot of stuff at the Tri Isle area where our offices and our equipment and facilities at.

Also, the spacing and...it's basically the same thing, the spacing in the freezer and the chill we have a lot of overstocked items. The guys are picking from, you know, third, fourth levels because you have storage limitations. One of the other things that concerns us is food security. Because we're on an island with just one major port being the Kahului Harbor. If anything happens, tsunami, fire, you know, whatever and that port gets knocked out, we'd like to be able to have the kind of capacity to where we can continue to service our customers and service the people for an extended period of time while, you know, while these repairs or what have you is being made. And at the current facility that we have, we really don't have the capacity to do that for an extended period of time.

Our current facility location we have a little bit of traffic challenges. We have a very minimal parking lot for our staff so our employees have to park on the street which then congest the street and then we have automotive, Interstate Battery right across the street so we're all fighting for the same area. Our dry warehouse employees when they wanna transport product to the main warehouse, they get on the forklift, they pick up the pallet, they get on the street and then have to drive up the street to bring it to the facility so there's, you know, there's a little bit of concern for myself as far as my guys transporting stuff back and forth like that. That's about it. Thank you.

Mr. Steve Koski: Good morning. I'm Steve Koski with Cascade Energy Engineering. We're the premiere refrigeration efficiency consulting firm in the United States and we provide efficiency consulting services for a wide variety of food service and grocery refrigerated warehouses across North America.

We began working with HFM in early 2012. We did what we call an energy optimization on their Oahu facility and as a result of that it's saving over 1,900 kilowatt hours per day. It's done very well. And we've also been asked to provide some design assistance for the new Kane Street facility. And the owners have already committed to quite a list of efficiency upgrades beyond Code, beyond the standard industry practice and I'm gonna list a few of those and raise your hand if I'm putting you to sleep at some point.

One of the first is LED lighting. LED lighting we typically see in some freezers. It's kind of a newer technology but the big advantage of LED lighting is when the equipment operator isn't there, the lights shut off very quickly typically only after about a minute. You can't do that with fluorescent lighting but you can do with LED lighting. So the lighting run hours are very low and it's efficient lighting when it's on. It's low power fixtures. So they're doing that in the freezer. The plans are also to do that in the cooler areas and the refrigerated dock and in the dry warehouse which I've never seen before but would be a great upgrade here.

Very thick, 6-inch freezer wall insulation. It's not typical, but that's a great idea. The high speed roll up doors. There's a variety of different door technologies going in and out of the freezers and in and out of the coolers and these high speed roll up doors with some insulation in the panels, they're the only way to go now 'cause they require basically almost no supplemental heat, maybe just a little bit of supplemental heat around the edges to keep frost from forming. So those are very efficient. They open up quickly. They close quickly. Keeping the air exchange between the spaces to a minimum.

Out on the dock, we already heard about the vertical dock levelers which lift out of the way so when the doors shuts, it just shuts on a flat floor. It's not trying to seal a loading plate that's not level and holding the door up or it's too low and the door can't seal to it. We also have the LED loading lights, the trailer lights that you might see on an arm that the operator will point down into the trailer so he can see into the trailer. Those will be LED so it will be 15, 20 watts per fixture instead of, you know, 75, 100 watt incandescence that we see in some places.

The refrigeration system itself is going to be a parallel rack system with evaporative condensing. That may not mean much but it's significantly more efficient than typical air-cooled package refrigeration. As part of that it will use some mechanical liquid subcooling for the freezer liquid. The defrost will be hot gas and not electric. We'll also be using hot gas for under floor heating of the freezer. You have to provide a little heat underneath the freezer floor to avoid the area from under the floor from freezing and cracking and causing nightmares, so...but that floor heat will be basically taken as waste heat coming out of the refrigeration system. And some of that waste heat will also be used to heat the 45 and 55-degree areas inside the warehouse.

The design will be selected for a low head pressure operation. So during the cooler seasons be able to see, you know, reduction in compressor power. The condenser will be, you know, oversized beyond typical specifications. Low horsepower selections for evaporators, condensers, variable speed control on condenser fan, and a handful of best practice control strategies including evaporator fan cycling, liquid run time defrost controls, ...(inaudible)...condenser ... We got that out of the way. Basically this should be well beyond kind of an industry standard design for a warehouse of this size. We might see more of these features on a warehouse four or five, six times this big might be more typical, but on a smaller unit like this, these are some good features.

You know, the net impact with even though this new facility will be over twice as big as the existing facility with all the planned PV on the roof and all the efficiency features, we expect the net energy consumption by the new facility to be half the existing facility. So that's all I have. Thank you.

Mr. Frampton: Thank you for taking your time and listening. We gave you a lot of information, a lot of detailed information. We appreciate your patience, but what we wanna stress is that a lot of thought and energy has gone into the design to maximize the efficiency of both the operations and the energy consumption. So we're available for any questions you may have. Thank you.

Chair Hiranaga: Thank you. At this time, I'll open the public hearing.

a) Public Hearing

Chair Hiranaga: Is there anyone here that wishes to provide testimony regarding this agenda item

please come forward? Seeing none, the public hearing is now closed. I'll open the floor to questions from Commissioners? Commissioner Tsai?

Mr. Tsai: Okay, I applaud you guys for doing such a great job, detailed, very promising. I have a question about the energy. You guys were talking about...I guess, I missed hearing you guys. From the slide it says, the PV system is generating what, 55 kilowatts, am I quoting correctly?

Mr. Frampton: Well, we put on the side was that we're estimating that it will be a 500-kilowatt system.

Mr. Tsai: 500-kilowatt. So what percentage is that you think that's your total consumption?

Mr. Koski: Okay, the system—

Chair Hiranaga: Could you please identify yourself?

Mr. Koski: Steve Koski with Cascade Energy. Thank you. The system's expected to be about 496 kilowatt peak availability system. And we expect...I mean it only produces that when the conditions are perfect. The net result should be that this produces about 67 percent of the energy required by the facility, so two-thirds.

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: I have a few questions, and I'll try and combine a few of them into one category, and then I'll have another question. I have some traffic concerns and this may be for Public Works and a couple of them being the intersection of Kane and Kamehameha and street lighting associated with Kane. And then it all comes into future development of that area. I know they have plans for some large residential housing and some commercial space at, I think it's Vevau and Kane Street. So my question is...well, I guess I don't wanna see this turn into another Eha Street with...and then you run into same issues that you have there as it pertains to traffic. Currently I'm surprised that your study does not say that there's needing of some redevelopment or something of that area because I travel that area a couple a times a day, five times a week and see that intersection stacking up and I can just imagine a few trucks heading out of there or coming in coming back from their deliveries what kind of impact that will have now and into the future as we are the Planning Commission we are looking into the future also of what is the future gonna bring to that area and we have to plan for that not today, but in this project what's gonna come out later. And so I don't have really have any issues with the facility itself, just the surrounding area and so that's my first question, I guess.

Mr. Frampton: That's a question?

Mr. Ball: Slash Statement.

Mr. Frampton: First of all, there's some portions of your question that I can try and address and there was another portion that regarding the study and recommendation that I can have the traffic engineer address as necessary, but if I under your major concern that you're discussing is the Kane Street intersection right here with Kamehameha is that what you're talking about the congestion?

Okay. Might be better to have Justin talk a little bit about this but we've discussed internally the normal traffic flow and as I understand right now, all truck traffic is to be directed to be using to be using the Kamehameha side and to go through Beach Road and that they do not wanna have any traffic running through this area. So relative to truck traffic and congestion if you're talking about delivery trucks, we don't anticipate that to be a problem. If you're talking about problems with existing levels, that's a question that I think maybe I'll have Phil talk a little bit about from our traffic study, but as far as impacts from this project, again, these guys are operating between 5:00 and 5:30 in the morning coming in and out. They're coming back to the warehouse facility before school hours are really kind of closing. All and all, yeah, to not wanna have another Eha facility, you're exactly correct. The Eha facility was not built or doesn't have the same parking requirements that the new facility will have. These numbers will be finalized during the building permit processing but parking stalls on site we're looking at about 55 parking stalls whereas the existing facility never had those kind of requirements back when the, you know, back when they developed that property. So relative to your concerns about the Eha and the congestion, I think that's why we're excited to get to this new site is because it presents a new opportunity to be efficient with everything from parking would be one of them, having enough adequate parking stalls, have a loading zone, fire...fire lane around the property, a much safer, a much more efficient product.

Mr. Ball: Follow up to that. So all the truck traffic will be able to turn around in the facility and not on Eha like kinda how it backs in now?

Mr. Frampton: Right, yeah. That's the intent, yes. If you look at the site plan will show there's adequate turn space.

Ms. Dagdag-Andaya: Chair?

Chair Hiranaga: Deputy Director?

Ms. Dagdag-Andaya: I also wanted to add that we do have a traffic signal program for the intersection of Kane and Kamehameha, so that might alleviate some of those issues regarding the stacking at that intersection. And that project is anticipated to be completed even before...either before they go into construction or before the completion of the construction should the project move forward.

Chair Hiranaga: Commissioner Ball? Could you speak into the microphone, please?

Mr. Ball: Will that have a...that turning...I mean, right now it stacks because there's no turning lane or anything like that. So I'm assuming that will have turning lanes and sort of...

Ms. Dagdag-Andaya: Yes. Yes, that...it involves turning lanes and also some bit of innovative signal functions. So I don't have any details on it, but we are gonna be doing some pretty interesting and good things at that intersection to alleviate some of the issues there.

Unidentified Speaker: Purple light.

Ms. Dagdag-Andaya: No, not really purple light.

Chair Hiranaga: Actually since you brought up that traffic signaling issue at Kane and Kamehameha it's my observation the stacking occurs at Kamehameha and Papa which is the next intersection over. I think coming out of Kamehameha heading north you have a left turn arrow but you don't have a left turn going Kamehameha west, but there's a left turn going east and so it stacks back towards Kane and actually the stacking goes past Kane intersection.

Ms. Dagdag-Andaya: I gotta visualize that.

Chair Hiranaga: You may wanna take a look at that Papa-Kamehameha Avenue.

Ms. Dagdag-Andaya: Right, and then I think—

Chair Hiranaga: I think that contributes to the stacking at Kane.

Ms. Dagdag-Andaya: And there's a lot of other projects that are happening in Kahului right now with respect to reconstruction and traffic improvements.

Mr. Shibuya: Wakea?

Mr. Ball: Wakea.

Ms. Dagdag-Andaya: Yeah, Wakea.

Chair Hiranaga: It's Wakea, yeah, not Papa. Wakea, yeah, sorry.

Ms. Dagdag-Andaya: Yeah, that's why I had to...

Chair Hiranaga: Yeah, sorry.

Mr. Ball: You know they changed the thing so one side goes and then the other side goes now?

Chair Hiranaga: Oh, they did.

Mr. Ball: Yeah.

Ms. Dagdag-Andaya: And in fact that has been...we've been working on that issue with our staff as well.

Chair Hiranaga: Okay, thank you. Just for clarity you said the trucks leave at what time and return at what time?

Mr. Frampton: Most delivery trucks by 5:30 in the morning.

Chair Hiranaga: Leave the site?

Mr. Frampton: Yeah, and most return by 2:30.

Chair Hiranaga: Oh, 2:30.

Mr. Frampton: And topping out at seven deliveries a day. So when you're talking about the course of a half an hour to an hour, seven trucks leaving that's a small amount of trucks.

Chair Hiranaga: Questions? Commissioner Lay?

Mr. Lay: This area it seems to be kinda of a magnet to the homeless and there's been some concerns about adequate lighting on the sidewalks in front on Kane Street. And I'm wondering if any will be provided?

Mr. Frampton: There have been homeless issues in this area, and security lighting we absolutely be provided. I think Chris can talk a little bit more about the required lighting during operation.

Mr. Labbe: Chris Labbe, president, Kerr Pacific. Yeah, the lighting that we're looking at is LED and it's gonna be provided around the facility. Some of the lighting on the back we're looking at maybe doing just motion sensor lighting, but on the front, during normal operations and Justin can talk to this, you gotta have the whole lot lit for safety because you're moving trucks in the middle of the night. Typically it's one or two people that are moving trucks up to the dock and staging trucks to leave by 5:30. So, lighting is absolutely necessary. We haven't talked about lighting outside our...along the street or anything, but yeah, definitely on our premise for sure. In terms of security, we're gonna have security gate that will be retracted during business hours and probably closed off during our night operations and that's just...it has multiple reasons not just security, you know, food security, I mean we wanna protect our facility too, but most modern food service distribution facilities include much tighter security than we've had in the past and that's also put upon us by the Feds as well, so...

Mr. Frampton: Does that answer your question?

Mr. Lay: Yes, it does. I have another. This has to do with your refrigeration and your cooling. I have a question about your photo voltaic on top of the roof and do you have any projects in past that you've incorporated it to, you know, where you have photo voltaic and you're using it to help to subsidize your electric for the buildings? A little past history.

Mr. Koski: Steve Koski, Cascade Energy. I don't...you don't have any PV on any existing facility? You do, please.

Mr. Labbe: Our only—sorry, Chris Labbe, president, Kerr Pacific—on our Oahu facility on Umi Street we have a 625 kW system that we've actually partnered with the landlord on to provide...to subsidize our energy needs on site. We've seen how that helps us so much on Oahu that's why it's just kind of a no brainer here to incorporate it into our new facility along with the other efficiencies that are probably as equal to reducing our energy load.

Mr. Lay: Thank you.

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

Mr. Hedani: I have a bunch of questions actually.

Chair Hiranaga: You can start with two.

Mr. Hedani: Okay, we'll start with two. Could you design the building so it's more square or rectangular than it is? I'm just kidding.

Chair Hiranaga: That was one question.

Mr. Hedani: I guess beauty is in the eye of the beholder and from the standpoint of efficiency, from the standpoint of being functional, I think the building really works from the perspective of the operator. From a visual perspective, it needs help. Are there any design guidelines for the property that this sits on or is it open field, you know?

Mr. Frampton: There's no design guidelines. I will note that we did go through the Urban Design Review Board and we did go through a pass on the aesthetics of it. I would agree with you that beauty is in the eye of the beholder. There's a very specific function for this facility. That being said, you know, we are concerned with, you know, always wanting to improve what's there. In the neighborhood that we have I took you on a little visual tour of the existing industrial neighborhood that we have there and kind of the aesthetic ambience that's there. It's...in our particular area it's not. It's not noteworthy. It's more noted for its historical past I think than it is for its modern aesthetics. That being said, you know we've worked on a landscaping plan that we think . . . we're keeping the wall out front. We have a lot of tall trees, the existing coconut trees and we're gonna plant new trees in an effort to scale that building down, but it is gonna be set back. You know, it's set back quite a bit from the roadway and in our opinion, the aesthetics can be...you know, we can use landscaping to help kinda soften the look.

Mr. Hedani: Mr. Chair, I'll yield the floor to any other questions.

Chair Hiranaga: You have one more. Are you sure?

Mr. Hedani: No, that was two.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I have a follow up to Mr. Hedani. I am not crazy about the color. I'd like to know, the exterior panels are they prefabricated in those colors or are they painted?

Mr. Frampton: The panels are prefabricated and I think, I think Bob Ross touched on this. The color has a lot to do with energy and not heating the building up as well. There's kind of a...yeah, that's the thought process.

Ms. Wakida: Yeah, I understand that, but this is a gray palette and I feel that in Hawaii a warmer palette, more of a tan, beige palette is a more appropriate with the color schemes of our island and even toning the orange down a bit.

Mr. Frampton: Okay, and I will note with the color scheme that is a...they're a corporate company

and that is their corporate colors.

Ms. Wakida: Okay.

Chair Hiranaga: So Commissioner Wakida just for clarity you're just suggesting?

Ms. Wakida: Yes, I am...well, at this point I'm suggesting...I don't know how amenable is the company to changing the color so that it still is light, but has a beige tone instead of a gray?

Mr. Labbe: Chris Labbe, Kerr Pacific. Just for clarification, you said, gray but it is beige right now. Is that? It's a brownish beige color. This one's white but in our rendering it's gonna be a beige, a sandstone, yeah. And we thought that was kind of a compromise between being white and being most efficient and also, kinda fitting in with the local color scheme.

Ms. Wakida: Are you talking about the color that's on the board?

Mr. Labbe: This is, this is white?

Ms. Wakida: The small one? That's sandstone that color?

Mr. Labbe: Yeah, I don't. I think that doesn't represent it as best as it could, but the sandstone it's actually in the rendering is actually much closer to what it will be.

Ms. Wakida: Okay.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Just a couple comments and then the question. I support whatever I'm looking at the color scheme here, the sandstone. I like that. The other part is the photo voltaic has great initiative it provides for radiant energy to be absorbed for energy production, electrical production versus heat being absorbed by the building. The question here that I have is the prior use was for industrial uses and there's some portions of this property that were covered with warehouses and they have been removed. Were there hazardous materials used in these warehouses and what kind of action has been taken to ensure that the hazardous material is not within the or contaminating this area that we're gonna use for food storage?

Mr. Frampton: That's a really good question. Prior to the...to HFM purchasing the property, Maui Land and Pine as I understand did an environmental study on the property. Now an environmental assessment but an environmental study. They did find a number of contaminants that were located throughout the Maui Land and Pine property that goes from Papa...we're talking about a really large property. My understanding is they reviewed that environmental study with the Department of Health and they went through and did they the appropriate contamination clean up that was required as approved by the Department of Health.

Mr. Shibuya: Okay, thank you very much.

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

Mr. Ball: So this is...is this a leasehold property then? Who's the owner?

Mr. Frampton: HFM Maui LLC owns the property, two and a half acres in fee simple.

Mr. Ball: The other question. On the food storage issue, this facility is in proximity to the ocean and I'm kinda going on the tsunami line, and I know we can't stifle our progress by some future event that may or may not happen and may or may not effect this area, but what are the concerns I guess with that operation being where it is now, I mean, not where it is now, where it's going to be moving to?

Mr. Frampton: The property is located in Flood Zone X and as far as I understand, we're tsunami inundation zone, I don't think...Mark? My civil engineer is telling me that we're not in the tsunami inundation zone. We're at an elevation of about, we range between 20 and 18 feet above sea level. Did that answer your question, sort of?

Mr. Ball: Yeah, I guess so.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I'm looking at the rendering that's provided on the first page, the architectural design review committee had requested awnings to be placed above the windows. Is that reflected in this rendition?

Mr. Frampton: Yes.

Mr. Hedani: The awnings are there?

Mr. Ross: Bob Ross with Food Tech. It was brought up by UDRB. They had requested it over all the windows. We didn't get 'em added to the first floor windows on the rendering, but if you look at the elevations, we do show 'em over all windows and intend to do that at their request.

Mr. Hedani: Was that they type of awning that they had intended?

Mr. Ross: They had just asked to, you know, to provide some screening of the window just to reduce heat gain into the building. There weren't many specifics.

Mr. Hedani: So they were just talking about the functionality of the windows themselves?

Mr. Ross: Correct.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just wanted to ask whether you've gone...I guess this is for Steve Koski in terms of whether you've come to a point where you wanna go net energy metering or feed-in tariff?

Mr. Koski: Steve Koski, Cascade Energy, and I'm not sure of the answer to that. Do you know?

Mr. Labbe: Chris Labbe, Kerr Pacific. I'll answer the best I can, but we're working with a solar provider right now and just because we use more energy than the solar we'll be putting off net metering has been not evaluated. All I could probably answer. But you know, as we get more into it we'll evaluate that for sure.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Do we know what the noise level will be emitted from this new facility?

Mr. Frampton: We took that into account and in the site design if you look at the way the layout of the building is, let's see if you refer to your handout, where we show the truck in the loading zone everything this facing in the direction towards Kaahumanu Shopping Center. You know, there is occasion where the trucks are idling or when the reefers are getting warmed up or cooled down I should say for food loading up, that was a big consideration. The way the building is situated is intended to face towards the existing commercial and industrial operations as opposed to the residences that are located behind Wakea.

Chair Hiranaga: So to add to the Commissioner's question as far as the refrigeration units are they, are they sound muffled or is that an issue as far as when the refrigeration units are running?

Mr. Labbe: Chris Labbe, Kerr Pacific. Having worked in transportation on Oahu for the company I can tell you that the reefers are cooled down about an hour before we load the trucks, I think that's fair to say, and the whole intent would be to cool down so you're not putting frozen product into a warm truck. But the decibels for those reefers are, and I provided them to Dean, but they're not outside the...they're not extreme by any means and you know, the trucks aren't running longer than they have to be for warm up. I mean, we don't warm them up here lucky in Hawaii. But yeah, the sound issue relating to the reefers for the facility, I can't answer. I'll leave that to Steve or Bob to answer, but for the vehicles themselves, it's...they're really not much.

Mr. Frampton: There is a standard and the Environmental...the EPA has a standard that all vehicles have to be 50 feet away from the vehicle it have to be 80 decibels or less, that's the noise measurement. The trucks that they have in their fleet have been measured to be about 68 decibels from 23 feet away. So they're quiet. They're comparable to a larger AC system that you might have on a house, maybe little bit more than that.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: For Mr. Labbe, is that correct? Yeah. You're parent company is in Boston, correct?

Mr. Labbe: No, we're out of Portland, Oregon.

Ms. Wakida: Who was the Boston?

Mr. Labbe: Bob Ross our architectural and engineering firm, Food Tech is out of Boston.

Ms. Wakida: Okay, and then your engineer is Portland.

Mr. Labbe: No, I'm out of Portland. I'm not the engineer. We're the owners.

Ms. Wakida: You're the owners, but the engineer is from?

Mr. Labbe: Boston.

Ms. Wakida: Okay, and then—

Mr. Labbe: The architectural engineer, Food Tech, yes. We have local engineers as well.

Ms. Wakida: And the Cascade Energy is I assume that's West Coast also?

Mr. Labbe: They're out of Portland as well.

Ms. Wakida: Okay, my question is, I know that you have some hurdles to get through yet, but what local contractors are you expecting to use to develop this project?

Mr. Labbe: Yeah, we've discussed that and we, you know, we...Bob could probably answer this better than I can since he's been through this, but our whole intent would be to use the most qualified individuals and the most cost effective.

Ms. Wakida: That doesn't really answer my question though.

Mr. Labbe: Okay. Well, I'll let Bob answer it then because I'm not really the contractor.

Mr. Ross: Bob Ross with Food Tech. We will utilize as much, as much qualified local labor as is available for the different trades on the structure. Typically what that means there's concrete, steel, roofing, we find electrical, we find those trades readily available locally on the project. Really the only time we...we have no desire to step outside of local labor, it's just when it's a trade that's special in nature. It may happen with refrigeration, the insulated metal wall panels on the building sometime require some certain certifications for the contractors installing it, but that would be our intent to maximize local involvement and only ...(inaudible)...for specialty work when needed.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Pertaining to that, so in the past with your developments or projects that you've made, do you have your own construction crews that do this, your very own?

Mr. Ross: Bob Ross with Food Tech. We do not. We act as construction managers so we self-perform no work. So all work on the project will be competitively bid out to the local contractor community and again, only stepping outside when we can't find local resources.

Mr. Labbe: One other thing to add to that, Chris Labbe, Kerr Pacific, we have a retiring VP of

Operations and he's gonna be our...he's actually enthralled to take on our development and he's going to be working with Food Tech locally and he's been his whole...actually Justin Jr.'s father. So...

Chair Hiranaga: Commissioner Hedani?

Mr. Labbe: Justin Sr., just finished our warehouse on Hilo. So he's...we like the job he did.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I have a question on the, again, on the first page rendering, there's an overhead line that shown along the property boundary between Foodland and HFM, and I'm wondering is that existing or is that new and your rendering also shows five trees along that hedge on that border which are not shown in this rendering which would conflict with the overhead line. So which is it? Is it the trees or the overhead lines or both?

Mr. Bill Mitchell: Good morning, Commissioners. My name is Bill Mitchell. I'm a landscape architect with Hawaii Land Design. The four canopy trees that you see adjacent to parallel parking on the site plan, those will be Pink Tacoma trees maintained under the power lines. And those are there in response to meet the County Off-Street Parking and Loading Ordinance but they'll be maintained under those lines. There may be an existing coconut tree in that rendering that will not be there towards the front of the driveway. The rendering, Dean just made a good point, the rendering was not updated to reflect the current landscape plan. That parking was adjusted between the time that rendering was complete and the new layout for landscape.

Mr. Hedani: I guess my concern with the aesthetics of the building is that landscaping plays a very important part in trying to soften the view of this to surrounding property.

Mr. Mitchell: Agree.

Mr. Hedani: So I'm concerned that we do emphasize sufficient landscaping on the site in order to break up the massiveness of the building and the blank walls that's all over the place.

Mr. Mitchell: It's a very good point, and to that end, we are gonna maintain all of the existing tall coconut palms along Kane Street that are there that we can. There's four that we have to remove in order to create the retention basin. All the other tall ones will remain and then we have Pink Tacoma trees on the inside of the wall surrounding the parking. We don't have any planting that we can get up to the building because the fire lane requirement unfortunately. The building is set back laterally far enough away from Kane Street that it is in roughly the same relationship that the Kaahumanu parking, parking structure, parking garage is. So we think it's set far enough back maintaining the existing landscape and then also adding canopy trees along Kane Street to essentially pick up the same look that is in front of Foodland now with the Hawaiian Kou trees. So I think from a driver's standpoint it's not going to be...because it's not right up on the street, I don't think you'll notice in context the scale of the other buildings around it.

Mr. Hedani: As a comment, I think one of the nice things that they've done is they've kept the wall.

Mr. Mitchell: Yes.

Mr. Hedani: That was there. I don't know if the owners know what was there before, but it was one of the most attractive, pleasant office settings I've ever seen on the island and to replace that with this to some degree I think would break Colin Cameron's heart.

Mr. Mitchell: Well, as you mentioned the wall, they are actually adding onto the wall, the existing wall, and I don't know if it's clear in the site plan, but the existing wall actually stops short and turned into the property. They're going to add another section of wall that continue it right up to the driveway and then we'll have shrubs in front of the wall, of course. But I think that's...that is a saving part of the existing site that will be retained.

Chair Hiranaga: Just a follow up comment on Commissioner Hedani's comment on landscaping. I think you're doing a good job on the Kane Street frontage but perhaps more trees might be suggested along your north boundary, the boundary between Foodland and your warehouse because as people are using Kane coming from Kaahumanu Avenue, they're gonna see your building looking through the Foodland parking lot. So it's a suggestion.

Mr. Mitchell: There is an Oleander hedge, an existing one between Foodland and our site. And we're suggesting that we're gonna continue that Oleander hedge down the length going west and presumably that Oleander hedge would be maintained, you know, eight to ten feet, something to cut off your view plane across directly into the service and the loading area of the facility.

Chair Hiranaga: Is that Dwarf Oleander or regular Oleander because I believe the Oleander fronting Foodland is Dwarf Oleander?

Mr. Mitchell: The Oleander on the street is dwarf. I believe the Oleander, and I could be mistaken, going back along the fence line I thought it was the larger one, but we'll be using the larger one, using the standard.

Chair Hiranaga: Okay, thank you.

Mr. Mitchell: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Another follow up. Just so I understand your plant legend.

Mr. Mitchell: Yes.

Ms. Wakida: It says, Pink Tacoma, six-foot height. What does that mean?

Mr. Mitchell: That's just the minimum County standard requirement for shade canopy trees, the initial planting in the parking areas.

Ms. Wakida: Okay, so initially the start off at six feet is that?

Mr. Mitchell: Minimum. Minimally, yes, correct.

Ms. Wakida: Okay, thank you.

Mr. Mitchell: That's correct.

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

Mr. Shibuya: Just a clarification. On the starting of the project, I believe it says...

Chair Hiranaga: If you're going to the recommendation can we hold that?

Mr. Shibuya: Oh, okay. No, I'm just curious how long.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I notice there's a couple inconsistencies. If you look at your Sheet A14-1, you have your logo on the right-hand side of the building and on the cover sheet you have it on the left top of the building which is not a big deal from my perspective and this is just a comment or a suggestion when the architecture review committee or the Urban Design Review Committee was talking about awnings, I don't think they had this mind. In order to break up the building mass what they may have thought of was, and you can confirm this with them, you know, with a call is maybe replicating, this is an orange awning that you have over the loading dock, replicating that over the windows so that you would have three similar awnings that would break up the facade of that building.

Mr. Frampton: The owners do object. If that's a design that you think is a desirable, the owners do not object to doing that.

Mr. Hedani: Okay, the only other suggestion I would have for the building itself is in order to break up the massiveness of the building is to consider a color scheme that would layer the building like two-tone so that you have a breakup of the wall, solid wall color that you have on the building right now.

Mr. Frampton: And I just wanna touch on one point about those awnings that we're talking about. The context in which we got suggested awnings at the UDRB and Paul...Paul wasn't there, but they were talking about maximizing the energy efficiency of the building and the suggestion that we got was we'd like you to consider doing awnings with PV, you know, PV awnings.

Mr. Hedani: Oh, I see.

Mr. Frampton: We thought that that was a good idea, but it didn't...from a functional standpoint it didn't work out, so when the message got to the designer, that's kinda the genesis of how that came about, but if the Commission is recommending continuing those orange awnings, the owner has no objection whatsoever to doing that, and then I would like to note that the north elevation that you see, that HFM logo that you see in the north elevation, that's the top one, that logo will not be there. The east elevation, the last elevation, the bottom elevation, is the one sign that you will see

on that building. That's it.

Mr. Hedani: I have just two other comments. If you don't want to go two-tone color on the building an additional stripe down the center of the building would break up the massiveness of this itself.

Mr. Frampton: Okay.

Mr. Hedani: A green stripe like you had on the top right down the middle or something, I don't know.

Mr. Frampton: So I'm hearing take measures to try and soften the look of the building, and that by use of landscaping, awnings...

Mr. Hedani: I can tell it was designed by engineer that was brilliant as far as making it efficient, yeah. And it's a super efficient building. It looks like it came out of Boston. The other comment that I had was on your security lighting, just so the designers know on Maui we have...in order to protect the astronomy on top of Haleakala there's a requirement that all of the lighting be down lit. So they should be cutoff lighting, 100 percent cutoff lighting.

Mr. Frampton: They have been educated on that for sure.

Chair Hiranaga: So Dean, some of these comments from Commissioners are not as you well know conditions, they're suggestions because Commissioners have differing opinions. For myself, I'm okay with those small awnings over the windows and perhaps carrying that orange stripe, I know one Commissioner didn't care for orange, but carrying that orange stripe, you know, the awning?

Mr. Frampton: Yeah.

Chair Hiranaga: You had the orange awning, carrying that stripe around similar to what Commissioner Hedani said, might break up the massing, but I think these are personal comments, and unless it's voted upon as a condition, it's not...we're not telling them they need to do this. Just for clarity. Commissioner Tsai?

Mr. Tsai: I guess, I get two questions two, right?

Chair Hiranaga: At a time.

Mr. Tsai: Okay. Simple what's your estimated cost for this construction and time line, please?

Mr. Labbe: Chris Labbe, Kerr Pacific. Estimated time line, you know, if all goes well and we get our permit mid-summer or something we'd like to break ground immediately and get going on it. Estimated cost...excuse me, total project start to completion, we're hoping it to be done by the summer of 2014, late summer maybe early fall. We'd like to move in for sure to this new full facility by the first of the year of 2015. So January 1st that's our hard deadline. Total cost, I'm budgeting this facility about, total about, \$12 million.

Chair Hiranaga: And we have a picture of Dwarf Oleander. Any other questions? Commissioner

Hedani?

Mr. Hedani: In the loading dock area, and I'm pulling this from a hotel operation loading dock that I'm familiar with, yeah. When they wash the loading dock down it goes into a drain and the drain ends up at what I call the black lagoon in Kaanapali, where if you lost your children in there they would never come out. In this particular loading dock is there a washdown facility for the loading dock and a containment for the water or is it just a clean loading dock?

Mr. Ross: As far as...Bob Ross with Food Tech, I'm sorry.

Chair Hiranaga: Could you pull the mic closer, please?

Mr. Ross: As far as cleanliness on the facility, there's what we call a continuous pit that's formed where the dock levelers are. So when they fold up into the building, the dock door actually ends up sitting down a foot below finished floor in the area. So that pit itself tends to be a containment area for any product that's damaged during the process and it tends to get caught in that area. Maybe Justin can speak more operationally to how that's cleaned, but we know is that that becomes kind of a containment area for any products that are lost and then that pit itself is actually cleaned out. On project with vertical levelers like we're proposing, we just don't see a lot of, you know, a lot of garbage collected in front of the dock area itself.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Just a follow up. That slide you have up there. What is the size of the catch basin? Is that what you guys are using, the last one?

Mr. Frampton: That can be accommodated to fit any...you know, a standard size catch basin insert whether that's 24, 36...whether that's 24 x 24 or 36 x 36, that's a prefabricated unit that can be dropped into an existing catch basin. So again, that's kinda a follow up to what Mr. Hedani asked. We'll be using catch basin inserts and containment. The goal is to respect and protect the environment in this facility.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: And is the funding secured at this time for this project?

Mr. Frampton: Yes.

Chair Hiranaga: Any other questions, Commissioners? I have a...Commissioner Hedani?

Mr. Hedani: Mr. Frampton can answer this I'm sure. What is the long term use of the property across the street from the facility?

Mr. Frampton: Across the street in which...let's get the map back up here.

Mr. Hedani: I think there's a church right there right now, but adjacent to the church are there proposed uses or a plan or a master plan for that area?

Mr. Frampton: Let me get to a map here.

Chair Hiranaga: The property is owned by A&B and I think they proposed a residential development. I think they received an SMA approval for that, but I don't know of any plans to start construction in the immediate future.

Mr. Hedani: So it's residential?

Chair Hiranaga: Residential condominiums I believe. Any other questions? I have a couple of questions. Just to confirm that you have adequate parking on site so all employees will be parking onsite?

Mr. Frampton: Yes.

Chair Hiranaga: Okay. One concern I have is the trucks leaving Kane Street and using the Kamehameha Avenue intersection to either go left or right and in the past when Maui Land and Pine was in operation, I believe all their pineapple trucks would use Kaahumanu Avenue. So when you have your delivery trucks leaving at 5:30 in the morning at that intersection turning left or right at Kamehameha Avenue, you're gonna create a lot of noise early in the morning and there are residential homes across the street. Can you clarify what your traffic routing?

Mr. Frampton: Just so I understand you're talking about right here? So here's Kane and Kamehameha?

Chair Hiranaga: Yeah.

Mr. Frampton: Kamehameha, right here in the residential area?

Chair Hiranaga: Yeah, right where Maui Electric is at the corner.

Mr. Frampton: Sure, Maui Electric, okay.

Chair Hiranaga: Yeah, right.

Mr. Frampton: Just to reiterate and if necessary, I can have Justin Medeiros, Jr., come up and address this, but the understanding that we have right now is that they're...they don't want trucks moving through the residential area and the intent is to move all truck vehicles regardless of where the delivery is going to move all delivery trucks through up to Kaahumanu and if they're going to south side and they come this down this way, if they're going Upcountry, East Maui, West Maui, but the intent is to stay out of the residential area.

Chair Hiranaga: So when you use the word "intent" what...

Mr. Medeiros: Justin Medeiros, operations manager. Basically, intent means I'm gonna tell 'em they gotta turn left when they leave the parking lot, and if I see 'em going right, then when they come back they're gonna sit down and we're gonna discuss it, and then from then on, they're gonna turn left. We have GPS tracking in every truck for route tracking.

Chair Hiranaga: So the applicant would not object if that was made a condition of the SMA Permit that there would be no right turns out of the facility by trucks of a certain weight I guess?

Mr. Frampton: Fundamentally there's no opposition to that. Enforceability becomes a question that we get concerned with.

Chair Hiranaga: They're the applicant's employees.

Mr. Frampton: Right. Again, they've committee to and yeah, it's up to the Commission. I wonder about enforceability but we're open to that.

Chair Hiranaga: Could you just go over your drainage slide once more so I can just understand that?

Mr. Mark Matsuda: Mr. Mark Matsuda, Otomo Engineering. Well basically we're proposing to install the new drainage system onsite to catch all the runoff through retention basin and subsurface drainage in the front of the property. The proposed storage that we have right now is listed at 11,000, approximately 11,100 cubic feet. The post development runoff volume is approximately 7,595 cubic feet. So the storage would be greater by that amount.

Chair Hiranaga: So the total...because engineers use different terms, post development.

Mr. Matsuda: The 100 percent total runoff volume for the 50-year, one-hour storm is that 7,595 cubic feet.

Chair Hiranaga: But the total runoff off that site is the 3,000 and 7,000 added together so it comes out to 10,600?

Mr. Matsuda: No, the total post is the predevelopment plus the increase. So the post is the total runoff.

Chair Hiranaga: Total runoff.

Mr. Matsuda: After the development.

Chair Hiranaga: So you oversized it by 50 percent?

Mr. Matsuda: Roughly, yeah.

Chair Hiranaga: Thank you. And Kahului Harbor thanks you.

Mr. Ball: And the paddlers thank you.

Chair Hiranaga: Deputy Director?

Ms. Dagdag-Andaya: I believe this also would need to be reviewed under the new storm water quality rules, so there's a threshold in terms of size. So when they go in for building permits they'll

get reviewed for that as well.

Chair Hiranaga: When you say threshold, minimum threshold or maximum?

Ms. Dagdag-Andaya: Well, yeah, I think it's about 5,000 square feet of impervious areas that pretty much triggers the need for a review for the storm water quality rules. That's for all new buildings going through the building permit application process.

Chair Hiranaga: But that doesn't prohibit oversizing retention?

Ms. Dagdag-Andaya: No, I don't think so, no.

Chair Hiranaga: Like parking, you don't wanna oversize the parking lot?

Ms. Dagdag-Andaya: No, I don't think so. But it will get reviewed too. So as far as storm water quality, those are issues that will be taken care of as well.

Chair Hiranaga: Thank you. And any other questions, Commissioners? Again, just comment from couple of the Commissioners is looking at the exterior what do you say, appearance. It's a warehouse. You all know it will be a warehouse, but what you can do to make it look a little bit Hawaiianna in nature would be appreciated. Commissioner Wakida?

Ms. Wakida: Yeah, I'd like to further, the landscape gentleman, are you from Hawaii, are you Hawaiian, I mean, from Hawaii?

Mr. Mitchell: Bill Mitchell, landscape architect, Hawaii Land Design. Yes, I'm from the island of Maui. I've been here 22 years.

Ms. Wakida: Thank you. That's wonderful. And then I just wanna reiterate a point that that I know that you are aware but I'd like to have it for the record and that is that when you hard a surface like this, the more warehousing that goes into an area the more that warms up the neighborhood. And so, any opportunity on the perimeter that you have to put additional trees would be wonderful.

Mr. Mitchell: We agree. Thank you.

Ms. Wakida: For that reason. Thank you.

Mr. Frampton: Thank you, Commissioner Wakida. Just one other point I wanted to note. The fire lane, we didn't mention this in our presentation, but the fire lane around the building, this is a gravel surface. So, you know, the concern for hardened surfaces was shared. That's gonna be gravel as well.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, we're ready for the staff recommendation.

a) Action

Ms. Fasi: Thank you, Chair. Has included in its recommendation, project specific recommendations from the Maui Police Department which is condition specially No. 14, that adequate traffic control devices be used during the construction phase of the project to kinda keep accidents down to a minimum. And Department of Public Works' Condition No. 15 that landscaping along Kane Street that they install commercial grade root barriers. Other than that the project specific conditions are pretty standard. There will be archaeological monitoring et cetera, et cetera. Therefore, in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendations prepared for the February 26, 2013 meeting as its findings of fact, conclusions of law, decision and order, and authorize the Director of Planning to transmit said decision and order on behalf of the Planning Commission. Thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Mr. Tsai: Second.

Chair Hiranaga: Moved by Commissioner Hedani, seconded by Commissioner Tsai. Any discussion? Commissioner Shibuya?

Mr. Shibuya: I just wanted to commend the developers. This project has been very sustainable in terms of energy and efficiency and just commend them also in terms of taking care of the people of Maui with the food sustainment and I appreciate that very much.

Chair Hiranaga: Deputy Director, Public Works?

Ms. Dagdag-Andaya: Just one small thing under No. 10, approved by Department of Public Works and then we can strike out, "and Environmental Management."

Ms. Fasi: How did that get in there?

Chair Hiranaga: Clerical correction. Paul?

Ms. Fasi: I just wanna say that during all these deliberations that nobody asked what HFM stood for.

Chair Hiranaga: Do we wanna know?

Ms. Fasi: Growing on Oahu I remember seeing the Hawaiian Flour Mills plant I believe it was Nimitz on the Waterfront way back when. Hawaiian Flour Mills. Thank you.

Mr. Hedani: It's Hawaiian Food Machine, huh?

Mr. Tsai: That's what I thought.

Chair Hiranaga: So it was mentioned about the concern about using the Kane-Kamehameha Avenue intersection. Would any Commissioner or the maker of the motion consider adding a condition regarding restricting right-turns out of the facility?

Mr. Hedani: Yes.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I concur.

Chair Hiranaga: Would you like to propose language?

Mr. Hedani: That unless restricted by road closures the applicant shall ensure that all truck traffic utilizing the Kane-Kaahumanu intersection. Or all truck traffic utilize the Kane-Kamehameha intersection and not the Kane-Kamehameha intersection or the Kaahumanu intersection and not the Kane-Kamehameha intersection.

Chair Hiranaga: Would you like to insert the word, "shall" utilize?

Mr. Hedani: Right.

Chair Hiranaga: We can have the Deputy Director repeat the—would you like to second that additional condition, the seconder?

Mr. Tsai: Yeah, I concur.

Chair Hiranaga: Secunder concurs. We'll have the Deputy Director just restate that new condition.

Ms. McLean: That unless restricted by road closures, the applicant shall ensure that all truck traffic shall utilize the Kane-Kaahumanu intersection and not the Kane-Kamehameha intersection.

Chair Hiranaga: Of course you may.

Mr. Frampton: Just two comments. First comment would be if you put in road closures, could you also put in "and emergencies," "road closures and/or emergencies." Second question, I just would ask the Deputy Planning Director if she have any thoughts about how to...enforcement?

Chair Hiranaga: I have a thought. You make it a policy of the company which is subject to termination if you fail to comply.

Mr. Frampton: SMA Permit termination.

Chair Hiranaga: Termination of the employee. You're asking how to get the employee to comply, you make it part of their job requirement that they don't turn right on that roadway.

Mr. Frampton: And again, it comes back to the question of enforcement. I'm not talking about enforcement from within the company which we can feel comfortable on.

Chair Hiranaga: It would be a complaint driven basically from a resident on Kane-Kamehameha saying, hey these trucks are pulling out of that stop line at 5:30 in the morning. It's keeping me awake. So if nobody complains, but it provides a mechanism if a resident does complain. We're not gonna be out there watching you guys turn. Put a webcam there. It's complaint driven basically.

Mr. Frampton: Okay, so that's just specifically HFM trucks?

Chair Hiranaga: Well, I guess we could...if you prefer some type of a weight limit so that, you know, a small truck is fine, but if it's your big delivery trucks is we're concerned about. We're more concerned about the bigger trucks. So if there's some type of industry standard weight limit like above a certain weight, 10,000 pounds or I don't know. I mean, you know, small salesmen cars going out, we don't really care, it's more the delivery trucks.

Mr. Frampton: Our traffic engineer is telling us that Maui Electric runs their trucks through there as well, but you know, at the end of the day, the project manager, the operations manager have said they've got no intention of running their trucks through the residential area, and that's...you know, again, if you're talking about, if we're not talking about road closures or emergencies or other unusual situations, it's one more layer to the permit.

Chair Hiranaga: Can we say delivery trucks?

Mr. Barry O'Connell: Barry O'Connell, the operating president for HFM. We can prohibit trucks from going through residential areas. We have a lot of complaint driven alternatives with our regular business. We wanna be stewards of the community, certainly if we're living within a or operating within a residential area. We might even be able to put some signage, no right turns coming out of the parking lot...(inaudible)... What we can't control is, are the customers or outside vendors that would deliver. Other than that, we can make it the policy not to through the residential area.

Chair Hiranaga: So would you be more comfortable with say, delivery trucks?

Mr. O'Connell: Delivery trucks, I think there's some Class A trucks and Class B trucks. Maybe if we could come up with a weight. But from our standpoint, we just say, if you wanna go home in your car you can turn right, otherwise if you're in a truck, you can't go right. And if he let's them do it ...(inaudible)... I think that's easy enough done.

Chair Hiranaga: Thank you. So any questions on that additional condition? Commissioner Hedani?

Mr. Hedani: This is just a comment. I think Mr. Medeiros could handle the enforcement quite well. Yeah, if you watch NCIS, yeah, Gibbs does it really well with DiNozzo all the time.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Are you gonna vote on this amendment?

Chair Hiranaga: No, actually the maker of the motion has attached it. So it's part of the main motion.

Mr. Ball: I think might wanna be voted on...

Chair Hiranaga: I can't hear you Commissioner Ball.

Mr. Ball: It may wanna be voted outside prior to the...because I would vote against that attachment, but I'm voting in favor of the permit.

Chair Hiranaga: It's the discretion of the maker of the motion and if the motion fails, you can make a motion without that new condition.

Mr. Hedani: Why don't we just vote on the amendment?

Mr. Tsai: Yeah.

Chair Hiranaga: Okay, so this is a unfriendly amendment by the maker of the motion. So he's calling for a vote on the amendment by itself.

Mr. Hedani: We break new ground everyday Kent.

Chair Hiranaga: Is there any more discussion on the unfriendly amendment?
Commissioner Wakida?

Ms. Wakida: Yes, I'm uncomfortable with this amendment as well. I think the company has been very reassuring on this matter and there is Item 14 in here that does talk about traffic control. So I think the company can handle this internally without amendment.

Chair Hiranaga: Any more discussion? My concern is without this additional condition there is no enforcement by the County. So if someone with a complaint would have to deal directly with the company and if they're not cooperating tough luck. Commissioner Tsai? And there are homes directly on Kamehameha Avenue directly across the Kane intersection that probably have been there for 50 years. So take that into account. Commissioner Tsai?

Mr. Tsai: As a seconder for the original motion, I have to agree with the fact that I think the applicant's making a really good faith effort in making sure, you know, their truck, delivery trucks can turn right, and I think I'm gonna vote no on the amendment myself.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I have to agree with cutting on the traffic. That's a very busy area in itself already, but you know, without even having these extra trucks. So if we have that on as a condition, we're helping these residents who live there to let them know that they're coming in, they're doing a lot of stuff here that's improving that area and just having this roadway where they're saying we're not gonna use this road to me helps these residents know that there is some care going out there and some consideration towards them.

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

Ms. McLean: That unless restricted by road closures or emergencies, the applicant shall ensure that all of the applicant's delivery truck traffic shall utilize the Kane-Kaahumanu intersection and not the Kane-Kamehameha intersection.

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

Ms. McLean: Two ayes.

Chair Hiranaga: Opposed?

Ms. McLean: Four noes, motion dies for lack a majority.

It was moved by Mr. Hedani, seconded by Mr. Tsai, and

The motion to add the condition: "That unless restricted by road closures or emergencies, the applicant shall ensure that all of the applicant's delivery truck traffic shall utilize the Kane-Kaahumanu intersection and not the Kane-Kamehameha intersection." FAILS.

(Assenting - W. Hedani, I. Lay)

(Dissenting - M. Tsai Ball, P. Wakida, W. Shibuya)

(Excused - D. Domingo, J. Freitas)

Chair Hiranaga: We'll go back to the main motion. Any further discussion? Seeing none, we'll have the Deputy Director restate the main motion.

Ms. McLean: To approve the issuance of the Special Management Area Permit with the conditions included in the staff report with the one minor correction to Condition 10 deleting, "and Environmental Management."

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

Ms. McLean: Six ayes.

Chair Hiranaga: Motion carries.

It was moved by Mr. Hedani, seconded by Mr. Tsai, then

VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.

(Assenting - W. Hedani, M. Tsai, I. Lay, K. Ball, P. Wakida, W. Shibuya)

(Excused - D. Domingo, J. Freitas)

Mr. Frampton: Thank you.

Chair Hiranaga: We'll take a 10-minute break.

A recess was called at 11:24 a.m., and the meeting was reconvened at 11:29 a.m.

Chair Hiranaga: ...State Land Use Commission Special Use Permit in order to operate the Haiku Nani Short-Term Rental Home, a two-bedroom short-term home on property situated in State Agricultural District at 1640 West Kuiaha Road, TMK: 2-7--12: 264, and the Planner is Gina Flammer.

2. MR. JOHN SAYRE requesting a State Land Use Commission Special Use Permit in order to operate the Haiku Nani Short-term Rental Home, a two(2)-bedroom short-term home on property situated in the State Agricultural District at 1640 West Kuiaha Road, TMK: 2-7-012: 264, Haiku, Island of Maui. (SUP2 2012/0026) (G. Flammer)

Ms. Gina Flammer: Good morning, Commissioners. As your Chair just stated this is a State Land Use Special Use Permit. It's to operate a two-bedroom short-term rental that's a 1,000 square feet. It was built in 2006. You're gonna be seeing a lot of these State Land Use Special Use Permits so I'm trying to standardize the reports for you. What I've been including in them is the applicant's description and the history in their own words. I want you to read how they describe their operation. So in this case, that's in Exhibit 6. I'm also including their pictures so you can see everything that's required in the application. At the back you'll see pictures of smoke detectors. We do require that they show us that and that they also show us where their fire extinguisher is. And we're also putting in the farm plans for you to see as well as the photographs.

So just to briefly summarize, as the applicant states in Exhibit 6, he currently lives in the San Francisco Bay area. He visits the property about six or seven times a year. He states that during his visits he works on the land to maintain and extend the agriculture and that he intends to move full-time to the home in 10 years. He currently rents the property when he's not there through a professional property manager who's also responsible for overseeing and care taking the property. It's rented to a maximum of four guests. It's only a two-bedroom for a period of one week to six months. The property does have a implemented farm plan consisting of agriculture which is orchard and pastureland. And he states that he has rented the pasture area to the same person for the past 10 years. He also explained that when he took over the land it had been used for pineapple and grazing so in order to nourish the soil and provide a windbreak he did plant hundreds of trees which I don't believe are part of the farm plan. And that he did plant the orchard for food and he does some beekeeping on there as well to attract the bees and he is working on the commercial aspect of the orchard.

I did put together a power point just so you can see the slides in color, big and also so I can explain the farm plan to you with photos. So here's a picture. It's in a two-story home. However, everything is up on the upper level. Parking is on the bottom. When you come in the front door, there's the main area, you have the kitchen. One of the bedrooms. Here's the second bedroom and then a sitting area, and I like this picture because it shows you where the pasture is. The implemented farm plan, about 75 percent of the land is currently in agriculture, almost three is in pastureland and then they've got an orchard which is expanded. There's also a ...(inaudible)... There's a picture of it in Exhibit 9 so you can see where everything is. 10, I included the applicant's description as part of the farm plan. Tells you all the different trees that are planted. It's hard to

show a large pasture area in a photo, so I just took different pictures from different angles. So this shows it to you from...there's a, the west on the other side. This is looking south when the orchard is to your back. And then I went all the way up to the top and tried to get a picture of it. I couldn't quite capture the whole thing in one picture but it gives you an idea of how large the area is.

The fruit trees, there's over a 100. So it was again hard to take meaningful photos. So I'm just gonna show...it's gonna look like the same photo, but it's not, there's different trees. I made sure I didn't just take three pictures of the same tree. And then just so you can kinda see they are fruit bearing at this point. It does take a while for fruit trees to develop. And they are continuing to expand so I just wanted to show you a picture of that.

I do have the property manager, Margot Tolman if you have any questions. That concludes the presentation.

Chair Hiranaga: At this time, I'll open the public hearing.

a) Public Hearing

Chair Hiranaga: Is there anyone here that wishes to testify regarding this agenda item, please come forward? Seeing none, public hearing is now closed. I'll open the floor to questions from Commissioners. Commissioner Wakida?

Ms. Wakida: Did I read in the information that you gave us that the applicant had been, has been operating this as a short-term rental?

Ms. Flammer: Yes, and I what I'm doing in the report is I'm including in the beginning description area whether or not they checked, check list Item 26, and supply us with their, it's an A-6 tax clearance form.

Ms. Wakida: Okay, and how long have they been operating?

Ms. Flammer: I can have the property manager answer that question.

Ms. Margot Tolman: My name is Margot Tolman. ...(inaudible)...ERA Pacific Properties. I started managing the property in 2007, and discussed with the owner what options they have renting the place. His main goal is to come as often as he can to work on this land. And the past years we did not really active pursue the vacation rentals. We had occasionally short-term tenants staying less than six months. The last three years, we have the property rented from the November to May. It's consistent ongoing. We provide to a couple of Germany. They are residing six months on the island.

Ms. Wakida: So is it, is it the intent of the owners. It sounds like you've been renting it on a fairly long-term basis, three, six months. Is it the intent of the owners to continue you that? Or are you going to be pursuing more short terms rental or shorter term rentals?

Ms. Tolman: It's really depends on the market. Our goal is to rent the place. However, we have inquiries guests staying for a longer time period and we're absolute open to rent it for a longer time

period. The owner's goal is really to have somebody on the property. It's better for the home than having it unoccupied.

Ms. Wakida: Thank you.

Chair Hiranaga: Just for clarity, so the applicant is not present? Did he give a reason for not being here?

Ms. Flammer: They asked if the applicant was required to be and I explained it's the property manager that we're really interested in hearing from, that's the person that's running the operation.

Chair Hiranaga: So the reason the applicant's not here is because the Planning Department told him it was necessary?

Ms. Flammer: Yes. I'd like to hear from the person that's actually running the operation themselves on a day to day basis.

Chair Hiranaga: Personally I prefer to see the applicant face to face. That's my opinion. I'm not sure if that's carried by the other Commissioners. Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: My standard questions relating with care of the public especially customers. The nearest fire hydrant for fire protection?

Ms. Flammer: You know, we no longer look at that. The understanding—

Mr. Shibuya: But I look at that.

Ms. Flammer: No, no understanding. I'm gonna explain why.

Mr. Shibuya: I can explain why too.

Chair Hiranaga: Can you allow the Staff to respond to your question and then you can ask another question? Thank you.

Ms. Flammer: We require that the property be built to County standards for a residential dwelling. When we see proof of that, we know that fire protection has been taken into account. We do take some extra steps. You know, I talk about the smoke detectors and the fire extinguishers. The Fire Department did not ask us to include where a fire stand, a fire hydrant is put. So we don't include that on the application anymore. If you feel it needs to be on there, you could make a request, the Department could consider, again, adding that on. I think they that felt that it was redundant.

Mr. Shibuya: I personally would like to where the fire hydrant or stand is located. It's very important because you now have nonresidents residing in this and we need a standard of care that is above the resident requirement and for me, this is very important. So I would like that information.

Ms. Flammer: I'd be happy to pass that along and we have...we have regular meetings for the

short-term rental team. We can discuss that at that meeting. Thank you.

Chair Hiranaga: Maybe Deputy Director of Public Works would like to comment when someone comes in for a building permit, isn't it one of the requirements that a fire hydrant or standpipe be within a certain radius?

Ms. Dagdag-Andaya: Probably, when...well, when we get a building permit application it gets reviewed through the Fire Department. So Fire Department will review for their Codes. I don't think—I'm not sure if it's within our Code, but I know it gets reviewed for fire protection. So I would think at that point that those kinds of things would be addressed.

Chair Hiranaga: Maybe if you could for the future just check what Fire Department's requirements are when they issue a building permit that may satisfy the concern of the Commission.

Ms. Flammer: I could do that. We have the option of asking the applicant to provide additional information to us too.

Chair Hiranaga: Or if it's a standard requirement that you know, standpipe of pipe in Ag District be 500 feet or your don't get the building permit then you don't need to keep asking that question.

Ms. Flammer: Okay, that was a good suggestion. Thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Gina, I concur with Commissioner Shibuya's comments relative to safety, yeah, and transient vacation rentals, you're basically in the hotel business and when you're in the hotel business there's a higher standard of care that has to be exercised to ensure that the guests of that facility are protected to the point where they're not exposed to dangers that would not be obvious. Recently we had a case where I'm not sure if it was one that I approved or this Commission approved, but with the recent rains that we had they had a either a TVR or B&B get flooded and swept away. Fortunately it wasn't tragic where somebody wasn't sleeping in the unit when that happened and they would have died and that would have exposed both the County as well as possibly this Commission, you know, to liability for approving something that maybe shouldn't have been approved in that case. So I take Commissioner Shibuya's comments very seriously in terms of safety for the guests.

Ms. Flammer: I understand that. Looking at it from a government regulatory perspective, when the bill comes back to you, you might consider additional criteria. We don't have the authority as the Department to add on new requirements. We wouldn't be able to unilaterally come up with a policy that would require a larger fire stand or require it closer to the house for this use. That would have to come through legislation. You will have the opportunity to see the bill again. It's nice that it goes back to Council. Maybe that's something you wanna think about when it does come back to you.

Chair Hiranaga: Well, I mean, Commissioners can comment, but the intent is not to require a new standpipe or a new fire hydrant but it may influence their vote on whether to approve the application or not.

Ms. Flammer: Thanks for the clarification.

Chair Hiranaga: Thank you. Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Gina, does the County have any kind of an economic test for agriculture operations?

Ms. Flammer: There's three different departments that look at agriculture right now. The Real Property Tax Division, the Water Department, and the Planning Department. Each of those departments have codes that relate back to different sections. I believe the real property uses a State Code. As far as I understand the Water Department is the only one that's ever looked at putting an income on Ag. I believe they ended up going with the Federal requirement which is I think a couple thousand dollars, somewhere in there. There's been a lot of discussion about attaching numbers to ag. There's lot of difficulties with that. I think because of those difficulties, the Planning Department and Real Property do not use dollar amounts to quantify whether or not something's Ag.

Mr. Hedani: Wasn't there a \$35,000 threshold at one time?

Ms. Flammer: There is if you're on more than five acres in the Ag District for a bed and breakfast. There's a provision for that and if you'd like to have a third dwelling, farm dwelling on Ag land, we require a \$35,000 of farm income in order to approve that additional dwelling.

Chair Hiranaga: So that five-acre threshold was not part of the STR Ordinance?

Ms. Flammer: No, Council thought differently when they looked at it this time. There's been a lot of discussion, a lot of education from farmers about what is real ag and what kind of income comes out of real ag and they decided this time they didn't want to attach a dollar amount to it.

Chair Hiranaga: I tend to concur. Commissioner Hedani?

Mr. Hedani: In this particular case there's a 100...I don't have a problem with this because there's a 100-fruit trees on the property which to me is agriculture. What happens to the fruit?

Ms. Flammer: I'll let Margot answer that.

Ms. Tolman: Originally this property was 32 acres and got subdivided. John's friend is taking care of the orchard. Part is just going to friends and neighbors, and they have sold some of the products as I understand at Mana Food in Paia depending on how much...and they do have the bees in that orchard too.

Mr. Hedani: So the orchard...the products of the orchard are actively consumed. They're not just left to rot in the field?

Ms. Tolman: No, not it's not rotting. It's consumed.

Chair Hiranaga: Commissioner Shibuya. Again, with public safety and concerns. You mentioned that you do have bee hives. Where are these bee hives located?

Ms. Tolman: The bee hives are on the northern tip of the property. So if you look at the shape of the property it's like a triangle. The northern tip at the end of the orchard are the bee hives.

Mr. Shibuya: Okay, so they're quite a distance away from the public—

Ms. Tolman: They are away and I haven't really seen any bees close to the home itself.

Mr. Shibuya: Right, very good. I used to raise bees and one of my biggest problems were ants. Do you have that same problem?

Ms. Tolman: Ants?

Mr. Shibuya: Ants and mites.

Ms. Tolman: No.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, we're ready for the staff recommendation.

b) Action

Ms. Flammer: The Planning Department recommends approval based upon the following conditions that are found on Page 3 and 4 of your recommendation. Again, I'm gonna point out to you No. 7, the last one, that says, "the farm plan shall remain implemented during the duration of the permit. Evidence of implementation shall be submitted as part of the renewal application." It's also part of the planner's site visit when they go out for the renewal. So in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Department's report and recommendation prepared for today's meeting February 26th, as the findings of fact, conclusion of law and decision and order and authorize the Director of Planning to transmit said written decision and order on behalf of the Commission.

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

Ms. Wakida: I move that we...to approve the recommendation prepared by Staff.

Mr. Ball: Second.

Chair Hiranaga: Seconded by Commissioner Ball. Any discussion? Commissioner Wakida?

Ms. Wakida: Yeah, just one question. How long is this permit for, I'm sorry?

Ms. Flammer: This permit that we are considering runs for three years. It is attached to a Short-Term Rental Home Permit. That permit is granted administratively by the Department and all of those permits start with an initial one-year period.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: In this particular case I support the application, I have only objection in the sense that I don't have the information that I asked for and for that reason I'm gonna be voting against it.

Chair Hiranaga: Any other discussion? I'd like to just make one comment. Again, I can recall only one B&B or one STR application or one Conditional Use Permit application for this type of a use where the applicant was not present, and in my personal opinion, the fact that applicant makes an effort be it coming from Canada or Europe to be here shows that they are very, very intent on receiving the approval. And based upon the advice from the Department this particular applicant is not present so I will not hold that against that person, but if you look back at the previous meeting where we had a rather contentious application in Kihei, it came down to a split vote and for me, I made the deciding vote. If that applicant was not here, I can't say I would have voted for the application because there were neighbors that were opposed to that application. So in my perspective the applicant should make every effort to be present on any type of application, SMA, SUP, whatever, and that's just my personal opinion. Commissioner Wakida?

Ms. Wakida: I would like to concur with that. I think it's important that the owner, the applicant come to the meeting in the future.

Chair Hiranaga: There may be questions that the property manager basically is not authorized to answer. It puts that property manager in a bad position.

Ms. Flammer: Do you want me to add that to our agenda just for discussion items for the...the policy is not set by individual planners. Is that something you want the Department to consider? Is that what you're asking?

Ms. McLean: We'll discuss that internally. That's not something that the Commission needs to set our internal meeting agendas.

Chair Hiranaga: Yeah, I think it's a personal preference of each Commissioner and I'm just giving you my opinion. Commissioner Lay wishes to state something.

Mr. Lay: Just a quick question follow up on that. This photograph that they're showing us over there is that five acres?

Ms. Flammer: 5.8.

Mr. Lay: Okay, thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I concur with the Chair's comments.

Chair Hiranaga: Any further discussion on the motion? Seeing none, call for the Deputy Director to restate the motion.

Ms. McLean: To approve the issuance of the State Land Use Commission Special Use Permit for a three-year period subject to the seven conditions detailed in the staff report.

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

Ms. McLean: Five ayes.

Chair Hiranaga: Opposed?

Ms. McLean: One no.

Chair Hiranaga: The motion carries.

It was moved by Ms. Wakida, seconded by Mr. Ball, then

**VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended by the Department.
(Assenting - W. Wakida, K. Ball, I. Lay, M. Tsai, W. Hedani,
(Dissenting - W. Shibuya)
(Excused - D. Domingo, J. Freitas)**

Chair Hiranaga: We'll take a five-minute break.

A recess was called at 11:24 a.m., and the meeting was reconvened at 11:29 a.m.

Ms. McLean: Public hearing item on the agenda, request from Steve and Jette Slater for a State Land Use Commission Special Use Permit to operate the Maui Chalet Short-Term Rental Home, a two-bedroom short-term rental home in the State Agricultural District at 45 East Waipio Road in Haiku, TMK: 2-9-005: 054. Gina Flammer again is the Staff Planner.

- 3. STEVE and JETTE SLATER requesting a State Land Use Commission Special Use Permit in order to operate the Maui Chalet Short-term Rental Home, a two (2)-bedroom short-term home on property situated in the State Agricultural District at 45 East Waipio Road, TMK: 2-9-005: 054, Haiku, Island of Maui. (SUP2 2012/0010) (G. Flammer)**

Ms. Gina Flammer: Okay, good morning. In this particular case we have a two-bedroom home. It's about 1,500 square feet built in 1997. The current owners did...no, actually they did not build it. The lot on which the STR is located, it's part of a condominium property regime, property condominium regime dividing it into two different lots. I do have several maps in here showing you just so you can see. The applicants live on 1A, the short-term rental home is located on Lot 1B. Just so you know the farm plan we do require it for the entire 3.8 acre area and they do have an implemented farm plan consisting of agriculture of fruit trees, edible plants and flowers as well as some agricultural conservation even though they do some...have plantings down there. I did include photos of the agriculture and the conservation areas as well as the farm plan description and a list of the over 160 plants. There's been additional plants planted since that list was done. So again, I'm just gonna go ahead and show you some pictures.

Here you have the front of the house. It is a log home that I think that was brought from Finland. Hold on a second. I wanted to show you the entrance since it was kinda long and I wish I had pictures the last time we discussed a long entrance. But this way you can see that it's flat and graveled. There's the front of the house. The inside of the main area.

Okay, so the implemented farm plan, I did give you the photos and the diagram of it. It's a little different than some of the other ones you've seen. It's more of a botanical nature. There's huge emphasis on food security and you'll see as I go through the pictures, it was a two-hour tour. It was very educational for me. It was interesting to hear the applicant's discuss how many people they could sustain on the property. It was one of my more interesting planning moments. They were discussing, vigorously with each other whether it could be between 10 to 20 people that could be sustained by all the plants on the property and it was a quite an education for me to learn that there are a lot of green leafy vegetables have protein in 'em. The applicants, a large part of their diet does come directly off that property.

So here's the plan itself. That's for the Lot 1B, in your report that there is both Lots 1A and B as shown. The numbers correspond to the plants in the list. There is a description there that breaks it down according to our own farm plan rules. I didn't give you a percentage this time because almost the entire property is planted out in edible agriculture. I'm gonna go through show you some plants and see if I can remember what we're looking at here. I took this off the balcony so this is just to show you that how they planted is they did it in a tiered approach. Even though they have large acreage, they did their best to maximize the ag on the property. So on the perimeter of the property you see large fruit trees. In this case, I think we're looking at mango, you can see a little bit of banana in the back. As you get closer to more of the center section, you can see some of the smaller shrub trees. And then as you get up even closer they did underplantings. So they really tried to take advantage of every part of the property.

If we take a look here, we're looking at the tapioca kind of up in the front, the lighter leafy, and then she's showing us the picture to the right what nutmeg looks like. I knew some of the stuff in this picture here we got papaya, you can see some mango, there's the turmeric right there at the bottom, more mango up in the back. This is a miracle fruit right there. I did wanna show you pictures of what some of the individual fruits look like. If you look up at the top, we're looking at mountain apple, cacao which is the longer oblong shape to the right, and then some star apple fruit is down around at the bottom. Pomegranates also grown. That's what nutmeg looks like before it gets ground up and turned into a spice. This is the hibiscus spinach. The applicant did include some of the nutritional qualities of some of the plants. I threw this one in the staff report so you could see that a lot of thought has really gone into pretty much every single planting on the property. In this picture here we have mangosteen. This is vanilla bean. You can see up in the right what the bean actually looks like itself. Here's an example of a really thriving lychee tree. So to the right, we have some ulu which is breadfruit. We have some bay laurel which is right in the front that's for those of you who cook recognize that spice. Again, here we're looking at tapioca. The katuk is down in the right-hand side. So we're looking at more of what a katuk plant is and I think there's a write up on your staff report about what that is. Cashews. I was curious what a cashew tree looks like, so there we go. And then at the end I put the fruits that I knew what they were. So we had papaya, we have some pineapple down at the bottom, a banana, and then we have a citrus up at the top.

I do have the applicants here. They reside on the property next door, the lot next door I should say and they do maintain the property themselves. So if you have any questions, they can answer that for you. Thank you.

a) Public Hearing

Chair Hiranaga: I'll open the public hearing at this time. Anyone here wishes to testify regarding this agenda item, please come forward? Seeing none, the public hearing is now closed. I'll open the floor to questions from Commissioners? Commissioner Hedani?

Mr. Hedani: Gina, can you explain why it was condominiumized?

Ms. Flammer: I can have the applicants address that.

Mr. Steve Slater: Steve Slater. We lived on Maui for over 30 years. We've always rented. We rented from a man from Finland and he went out of his way to owner finance that property to us when he had to leave the island. So we ended up buying what at that time was a three-quarter of a million-dollar property with \$5,000. That's all we had. We were desperately trying to pay him back after the five years that he gave us owner financing. So we condominiumized and we're trying to keep it in our family. My sister who lives in Seattle purchased the other half of the condo. That way she could finance it as her retirement home and keep it for our kids. We've...you know as far as trying to do anything but short-term rental off and on, we do live in that house some of time. When we don't look for...we're not trying to be a business. We're trying to survive with having a very high mortgage from having had no down payment. In fact, when the crash hit in 2008, everyone I know including the realtor, we tried to sell the house, actually I could go into a whole story about how we were all set to retire and then one person from the County questioned something on the building permit that chased our...(inaudible)... and the crash hit, we had no option to do...if we did long-term rental without any control that house is more like a boat than a house. It's very unique. It's an amazing house. The man from Finland had it shipped over because his father was involved with a company. It's like nothing you've ever seen. Jette is the power house behind everything. She's washing that house with...(inaudible)... to keep it clean. It's not the kind of place you can just rent to a family. The mortgage is so high that even with the vacation rental and the costs we have now, we are still bleeding almost a \$1,000 a month. We have my uncle helping us trying keep it in the family. This is not a commercial interest by any means.

Jette, she's originally from Denmark. Like I said, we've lived on Maui 30 years full-time. We're permanent residents. She originally is from Denmark and is trained as floral designer, was very highly paid as a floral designer. She has turned that whole area into her heart. We're not here to...(inaudible)...and we just survive. It's amazing being a citizen trying to go through this. The idea is that, you know, we have to have a higher standard for short-term versus long-term. We couldn't possibly keep this type of botanical garden growing long-term. We've tried. We've tried to rent long-term and the people that wanna get it they're gonna wanna bring in their, you know, big families. They're gonna be just outrageous on the house. It's our retirement to save the value of this house so that we can eventually move into...probably by the house back from my sister if she doesn't move here, but you know, it's...there were a lot of reasons to condominiumize, but the main one was to keep it in the family. We also have a daughter in Honolulu that's going to come back when she's done with university and now we have a granddaughter that may come in one day. So

we're not trying to be a business. We just wanna survive ...(inaudible)...and this land is very different. This is not...

Chair Hiranaga: Could you speak into the microphone please?

Mr. Slater: I said, this land is very different. We have a neighbor for instance right now who is bulldozing an enormous amount of his property so he can put a few cows on it and get his ag permit. It's like so many people in our area are bulldozing this incredibly rare tropical area. We're on the edge of 350-foot cliffs. We get the evening squalls. This is not the same type of land that you find almost anywhere on Maui including a lot of Hana. It's, you know, you kinda have to grow what will grow and you have to go with the flow with it. We also support a huge amount of birds and wildlife. You know, we're selling quite a bit, we have seven star apple trees. If you look at your notes, it's not just one of each tree. Sometimes there's as many as 15 of the palms on those notes. We tried to sell. We sold to Mana Foods off and on. It's very competitive. We both work. Jette is working seven days a week on this project.

Chair Hiranaga: Okay, I think you answered the Commissioner's question.

Mr. Slater: Yeah, okay. Better more than less I feel. Anything else?

Chair Hiranaga: Commissioner Ball?

Mr. Ball: You mentioned the permit issue has that been resolved since...

Mr. Slater: It wasn't a permit issue, it was in 2007, a woman called Sharon Norrod came through. We had just finished the condominiumization. We had a couple from the science center up there that was thrilled with the property. I mean, you would not believe the difference of this property. Everything was set, we were becoming best friends with them, and she questioned why we didn't have the blueprints for the garage building which is not part of anything to do with this. It's just a storage building. She questioned that we didn't have the blueprints from the previous owner and that they were in the Wailuku Post Office that was condemned for asbestos and it was our business to have duplicates even though the man had gone back to Finland and we had no chance. Got him on the phone, tried to do this...you know, get him to testify there was a final building permit. We decided not to contest it because she said if we just admitted it that she would sign off and then the buyers went to a lawyer and said, well if the County of Maui can't stick to a final building permit then maybe you better be careful what you buy on Maui and they went back to New Mexico. So otherwise we wouldn't be in this business. We really hope we can stay legal. We're very honest and you know, we're trying to live on our land. We don't go out much. I do computer consultant training from home.

Chair Hiranaga: Okay, thank you. So Gina just for clarity, all the improvements on the property is permitted?

Ms. Flammer: They went through Miscellaneous Inspections.

Chair Hiranaga: So that's a yes?

Ms. Flammer: That's a more than yes.

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: I know this area and there's a lot of streams in this area and do any of the...do you have to cross any of them to get to the property, I guess?

Chair Hiranaga: Please come to the microphone.

Mr. Slater: There's two entrances and neither of them require a stream crossing.

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

Mr. Shibuya: Do you have a fire hydrant or are you using the water tank as your main source of water?

Mr. Slater: Well, there's three water tanks and they're all interconnected all three. So there's one water tank that I think is maybe as close as 75 feet from the house. It would be a very easy thing for...it's right next to the driveway where a fire truck could throw a hose. We have ladders from the upstairs to come out. The windows because the house is so differently built from Finland, the windows are five-foot square if you look at the picture of it. They all open. Every single window in the house is openable. So as far as escape in a fire, it's made because in Finland they air it out, but you know, the upstairs has its own balcony with a ladder. The other window on the other side of the upstairs, you could actually walk to the roof of the carport. So we feel that we are very safe with whoever we would rent to. We do keep all the fire extinguishers, smoke detectors, and we're right next door. If there were anything to happen we would be right over there and we're there a lot. We're not...I mean, we rarely go out. So we're really watching and our...the people that rent are very thankful that we are kind of watching them because you know, that area of tropical Maui is of such interest to people, and the comments we get that our hospitality in making sure they understand everything and we're keeping them safe. I mean, I think we're doing a great job.

Chair Hiranaga: Great. Thank you. Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: How far away is the nearest fire station?

Mr. Slater: Paia. I believe. I don't think Makawao would be closer. I think it's Paia. So same thing if we had...if for chance we had a fire hydrant I don't think it would make any difference. I think the water tank...like I said, we're in a very, very unusual microclimate. We almost get rain every single night. We live...the tanks are continually full. We have the reserve tank that we don't touch that is piped down, but we don't think the fire company could come in time, which is...you know, it's a 20-minute drive from Paia and we do what we can, and we have enough hoses. We even had some auxiliary pump if something were to happen, we could guarantee that it wouldn't be a danger to people. We may lose the house, but we'd have everybody out of there. You'd have to be...it would be impossible not to be able to get through one of the windows.

Chair Hiranaga: Thank you.

Mr. Shibuya: Thank you.

Chair Hiranaga: Any other questions, Commissioners? I have a question. So if this is a condominized property and you are the legal owner of Unit A, and your sister–

Mr. Slater: My sister, Linda Slater, who lives in Seattle is school teacher supervisor.

Chair Hiranaga: She owns Unit B?

Mr. Slater: Right.

Chair Hiranaga: But you are going...the STR is for Unit A only?

Mr. Slater: Only, only.

Chair Hiranaga: And you occupy Unit B unless Unit A is vacant then you might go over and–

Mr. Slater: Right. I am a computer repair person too, and I actually do holography. I make a mess of our house I'm sad to say. My wife loves it when we go over there to get a break. I treat our house like a workshop.

Chair Hiranaga: So this question is more to Gina. Why would this not qualify for a B&B Permit because it is a single lot? They are...it's condominized, but it's still one lot. So confused why?

Ms. Flammer: Yeah, you're asking the first question the applicants asked. There's a provision in the B&B Bill which is unique which says if you're on ag land you do not qualify it that is condominiumized. So condominiumized ag lots do not qualify to apply for a Bed and Breakfast Permit. Council felt differently when did the Short-Term Rental Bill.

Chair Hiranaga: Thank you for that concise answer. Any other questions, Commissioners? Seeing none, we're ready for the staff recommendation.

b) Action

Ms. Flammer: The Maui Planning Department recommends approval based upon the six conditions that are in the staff report. In consideration of the foregoing, the Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the February 26th meeting as the findings of fact, conclusions of law and decisions of order and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Chair Hiranaga: So Gina, it was pointed out to me under the recommendations you have a typo error in the numbering.

Ms. Flammer: Where's that? Oh, is that why I have six? Right, there are seven. Okay, so seven conditions that are in there. We'll fix that when we write the approval letter. Thank you.

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

Mr. Shibuya: Move to adopt the recommendation from staff.

Chair Hiranaga: Is there a second?

Mr. Ball: Second.

Chair Hiranaga: Moved by Commissioner Shibuya, seconded by Commissioner Ball. Any discussion? Commissioner Wakida?

Ms. Wakida: Just one, Gina, is this a three-year permit with a one-year like you said on the previous application?

Ms. Flammer: It's the same situation where you're dealing with two permits here. So the one that you're reviewing today is a State Land Use Special Use Permit is granted for three years. The short-term rental home all of those are granted initially for one-year with a renewal of up to two years.

Ms. Wakida: Thank you.

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

Ms. McLean: To approve the State Land Use Commission Special Use Permit to operate the two-bedroom short-term rental home subject to the seven conditions in the staff report.

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

Ms. McLean: Six ayes.

Chair Hiranaga: Motion carries. Congratulations. Glad you made the trip out here.

It was moved by Mr. Shibuya, seconded by Mr. Ball, then

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

Chair Hiranaga: Moving onto Agenda Item C-2. Deputy Director?

Ms. McLean: Thank you, Chair. This is a request from Max and Tracey Ludwig for a five-year time extension on a State Special Use Permit to continue operating the Haiku Makai Bed and Breakfast, a one-bedroom in the main farm dwelling and two in the second farm dwelling on 2.27 acres of land at 2266 North Holokai Road in Haiku, TMK: 2-8-004: 067. Danny Dias is the Staff Planner.

C. COMMUNICATIONS

1. **MAX and TRACEY LUDWIG requesting a five (5)-year time extension on the State Land Use Commission Special Use Permit condition in order to continue operation of the Haiku Makai Bed and Breakfast consisting of one bedroom in the Main Farm Dwelling and two bedrooms in the second Farm Dwelling in the State and County Agricultural Districts on approximately 2.27 acres of land located at 266 North Holokai Road, TMK: 2-8-004: 067, Haiku, Island of Maui. (SUP2 2001/0019) (D. Dias)**

Mr. Danny Dias: Thanks, Michele. I'll be really brief. Good morning, Chair Hiranaga and Members of the Maui Planning Commission. As stated, the item before is a request for renewal to a State Land Use Commission Special Use Permit in order to continue the operation of a bed and breakfast in Haiku. The bed and breakfast is called Haiku Makai B&B. We don't have a power point presentation. I think it's straightforward enough. This project may be familiar to some of you folks. It was brought before this Commission in 2009. Some of the details. It has three bedrooms. Two bedrooms are located in an accessory dwelling located at the front of the property. The third bedroom is located on the first floor of the main dwelling and of course, the owners live above. The property is approximately 2.27 acres in size and is being actively used for growing various fruit trees. The applicant produces and sells the vast majority of the fruits grown on the property and when I did my site visit there, the applicant did provide those receipts. Most of the fruits are sold to either Mana Foods in Paia or Whole Foods in Kahului and I believe the income produced is around \$9,000 a year. So there's definitely some legitimate ag going on on this property.

The last thing I wanna point out, if you want, you can turn to Exhibit No. 3, if you look, Exhibit No. 3, that's the 500-foot notice map. The brown parcel is the subject parcel. Directly to the south of it is another B&B called Maui Ocean Breezes, and a little to the southeast there is another B&B called Kukui Plantation LLC. I just wanna note that all three of these bed and breakfasts did come to this Commission for both the SUP approval and B&B approval. And one last thing 'cause I know this was brought up with the other items, if you look at Exhibit No.4, if you follow North Holokai Road sort of to the left of the exhibit, that little...there's a...it shows a standpipe that's on the corner of the property. That concludes my little presentation. The applicant, Max Ludwig is also here for any questions. Thank you.

Chair Hiranaga: Okay, at this time, I'll just 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. I'll open the floor to questions from Commissioners. Commissioner Hedani?

Mr. Hedani: Danny, what's the purpose of the 500-foot radius if properties adjacent to each other are gonna be both B&Bs?

Mr. Dias: The 500-foot radius when they first come in, if there's another B&B within 500 feet then it automatically bumps it up to Planning Commission review. With Ag property it kind of doesn't make that much sense because the SUP has to come before you anyway. But like if we're talking residential areas then that would be a trigger for this Commission's review.

Mr. Hedani: So there's no prohibition of another B&B operating within 500 feet?

Mr. Dias: No, no. It's up to this Commission's discretion.

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

Mr. Shibuya: Just curious, Danny. Were there any visitor complaints?

Mr. Dias: No. ...(inaudible)...

Mr. Shibuya: Thank you.

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

Mr. Dias: The Maui Planning Department recommends that the Maui Planning Commission approve the time extension for the State Land Use Commission Special Use Permit subject to six conditions.

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

Mr. Shibuya: Move to accept the staff recommendations.

Mr. Hedani: Second.

Chair Hiranaga: Seconded by Commissioner Hedani. Any discussion? Seeing none, all in favor so indicate by raising your hand.

Ms. McLean: Six ayes.

Chair Hiranaga: Motion carries.

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

**VOTED: To Approve the Five (5)-Year Time Extension of the State Land Use Commission Special Use Permit as Recommended by the Department.
(Assenting - W. Shibuya, W. Hedani, I. Lay, M. Tsai, K. Ball, P. Wakida)
(Excused - D. Domingo, J. Freitas)**

Mr. Dias: Thank you.

Mr. Ludwig: Thank you very much.

Chair Hiranaga: Next agenda item is Communication C-2. I'm wondering if we should...you think we can conclude this in five minutes? Okay, we'll have the Deputy Director state the agenda item.

Ms. McLean: Thank you, Chair. Attorney, John Rapacz is representing Paul Laub relating to an

appeal of the Planning Director's Notices of Violation for shoreline and SMA approvals for property located at 1003 Front Street in Lahaina, parcel 4-5-003: 002. What's posted on the agenda is for the Commission to approve a proposed settlement agreement. Attorney Rapacz is here along with Mimi Johnston from the Corporation Counsel.

2. JOHN RAPACZ, ESQ. representing PAUL LAUB appealing the Planning Director's Notices of Violation (NOV 2009/0011 & 0012) for failure to obtain Shoreline and Special Management Area approvals for property located at 1003 Front Street, TMK: 4-5-003: 002, Lahaina, Island of Maui. (APPL 2009/0003) (T. Kapua`ala)

Ms. Mary Blaine Johnston: Good morning, almost afternoon. Deputy Corporation Counsel Mary Blaine Johnston representing the Director of Department of Planning. This case dealt with five Notices of Violation that were given to the property owner, Mr. Laub. Five for shoreline violation because the property is located right on the water in Lahaina and five for Special Management Area. They were issued, the violations were issued in August of 2009, and I will say since the beginning we have worked with Mr. Laub and Mr. Rapacz, and Mr. Rapacz can explain a little bit about the more serious of the violations. Everything as of October of last year was addressed, taken care of and we sat down and talked about what would be given the facts of this case would be a fine that would be appropriate. I think you were given copies of the proposed settlement agreement. Should have been in your packet. And what the agreement is is \$5,000 fine for the SMA violations and a \$10,000 fine for the shoreline violations. And Mr. Rapacz may want to speak a little bit further.

Mr. John Rapacz: Thank you, Mimi. Good morning, Commissioners. My name's John Rapacz. I'm here on behalf of Paul Laub and Mr. Laub and Adina ...(inaudible)... are here also in the audience. Just one quick correction. Mimi mentioned five Notices of Violation for SMA, five for shoreline. It's actually two Notices of Violation. Each one had several items in it. I believe there were 10 to start with but we immediately removed three of the violations. There was a small hale that was just removed. There were small items like that we could take care of immediately. The other items required after-the-fact permitting. The only significant item was the placement of some rocks on an embankment directly in front of the home. On this strip of Front Street it's all walled off by seawalls except for this property when an older seawall had crumbled away and the ocean had come literally right up to the house. And following a storm event, Mr. Laub did bring in some rocks and piled them and unfortunately did not then proceed within the next six months to get his Emergency SMA Permit for that work. So we have followed up on that item and the others that remain. There was an outdoor shower. There were small things like that. In terms of permits, we did have to get after-the-fact SMA Permit, Shoreline Setback Approval, Flood Development Approval, Building, and Plumbing, and Electric Permits. We got all of those. We paid the after-the-fact fees totaling \$11,000 in the permit and after-the-fact permit fees. And also, what I think probably is most significant is that there were and the County has agreed and it states in the Settlement Agreement there were no adverse impacts to the beaches, to the shoreline environment, it didn't affect public access. It was strictly on this property and didn't affect the public in any other way. So as a result, we were able to agree on fines in a amount of \$15,000 in addition to the approximately \$11,000 that were already paid for the after-the-fact fees and permits. So we would ask for the Commission's approval on the Agreement.

Chair Hiranaga: Thank you. Questions, Commissioners? I have a question. Regarding the fee amount, the fines, the amount of the fines, does that cover the administrative costs of the County or is that taken into consideration?

Ms. Johnston: We didn't compute it that way. We just tried to look at the nature of the violations in the, you know, the attention to them and the constant progress to correct them. I think we focused more on that on seeing what the administrative...There's not been much time, yeah, Mr. Rapacz had requested, both appealed the NOVs to the Commission and also requested a hearing. We didn't have to go through the hearing so most of the time that's been spent as far as on the County's part has been very minimal. So I don't know if that really answers your question or if you had...

Chair Hiranaga: Probably yes.

Ms. Johnston: Okay.

Chair Hiranaga: Deputy Director wishes to comment.

Ms. McLean: Thank you, Chair. Typically County costs are attempted to be recouped by the after-the-fact fees. And so, in general those are satisfied by the payment of the after-the-fact fees which had been satisfied so that the fines that we're talking about are fines rather than fees for County costs.

Chair Hiranaga: And the \$15,000 fines what are those called? Are they punitive or?

Ms. Johnston: They're just the fines that are imposed by the code.

Chair Hiranaga: Damages or...

Ms. Johnston: No, it's just a fine.

Chair Hiranaga: Just a fine.

Ms. Johnston: ...(inaudible)...I mean, he's corrected the problem and gone through all the time to do that and this is just the punishment as it were.

Chair Hiranaga: Okay, thank you. Any other questions, Commissioners? Seeing none, the floor is open to a motion. Commissioner Wakida?

Ms. Wakida: Move to approve the proposed settlement as presented by counsel I guess.

Chair Hiranaga: Is there a second?

Mr. Hedani: Second.

Chair Hiranaga: Seconded by Commissioner Hedani. Any discussion? Seeing none, we'll have the Deputy Director restate the motion.

Ms. McLean: To approve the proposed settlement agreement as presented.

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

Ms. McLean: Six ayes.

Chair Hiranaga: Motion carries.

It was moved by Ms. Wakida, seconded by Mr. Hedani, then

**VOTED: To approve the proposed Settlement Agreement.
(Assenting - P. Wakida, W. Hedani, I. Lay, M. Tsai, K. Ball, W. Shibuya)
(Excused - D. Domingo, J. Freitas)**

Chair Hiranaga: And we are recessed for lunch. Reconvene at 1 o'clock.

Ms. McLean: Thank you, Chair. This is...you have before you a Final Environmental Assessment prepared for Mr. Walter F. Hester, III in support of a Shoreline Setback Variance application for the construction of a retaining wall at Keonenui Bay in Napili. TMK: 4-3-015: 003. The action posted for you today is whether to issue a Finding of No Significant Impact on the Final EA or taking some other action. Jim Buika is the Staff Planner.

D. NEW BUSINESS

- 1. MR. WALTER F. HESTER, III requesting an Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Shoreline Setback Variance application for the construction of a retaining wall located at Keonenui Bay, TMK: 4-3-015: 003. Napili, Island of Maui. (EA 2009/0007) (J. Buika)**

The entity deciding on the acceptance of the Final 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. Jim Buika: Good afternoon, Chairman Hiranaga and Commissioners. My name is Jim Buika with the Planning Department. I have with me today, the applicant's authorized representative, Ms. Jennifer Maydan from Chris Hart and Partners as well as Paul Weber, the project engineer, and owner, property owner, Walter Hester III. With the Chair's permission I would like to provide some opening remarks and then turn it over to the applicant's representative to do a presentation on the project summary and the Final EA. Thank you.

The purpose today is to review the Final Environmental Assessment as required by Chapter 343, HRS pertaining to Environmental Impact Statements regarding proposed Hester retaining wall to stabilize the sea cliff located at 4855 Lower Honoapiilani Road, Lahaina, Napili, Maui on approximately .44 acres of land. The parcel is occupied by a single-family residence on R-3 zoning. The review by the Maui Planning Commission is to assess the potential for environmental impacts as well as to assess mitigation in place by the applicant in order to minimize potential environmental impacts. In considering the significance of potential environmental effects, the Maui Planning Commission shall consider the sum of effects on the quality of the environment and shall consider every phase of the proposed action, the expected consequences both primary and secondary and the cumulative as well as short-term and long terms effects of the action.

If impacts have been minimized with a finding of no significant or cumulative impacts, the Maui Planning Commission can concur on a Finding of No Significant Impact. The applicant's representative is designed...presentation is designed to first present modifications to the project based on the Maui Planning Commission comments during the Draft Environmental Assessment process and to walk the Commissioners through the requirement environmental significance criteria process. Please keep in mind that the following...following this Environmental Assessment review, the Maui Planning Commission will again see this project as a Special Management Area Major Use Permit and a Shoreline Setback Variance as a public hearing item at a future date.

Today is the second Maui Planning Commission meeting in which you have reviewed this project. Previously at the July 10, 2012 Maui Planning Commission meeting, the Maui Planning Commission reviewed the proposed project. From that meeting, the Department transmitted to the applicant a list of 11 comments and requests from the Maui Planning Commission for additional project information. As a result of the Maui Planning Commission discussion, the applicant has significantly changed the proposed project. There were six additional agencies which had comments that are addressed in Appendix A of the Final Environmental Assessment.

The trigger for the Environmental Assessment is the work in the shoreline setback area along the shoreline to stabilize the cliff on the property. The Maui Planning Commission is the accepting authority for the Final Environmental Assessment. From the Planning Department's perspective, the applicant has complied with all Chapter 343 mitigation requirements. Thus your task today is first to review the project against the environmental significance criteria you find in Section 11-200-12, Hawaii Administrative Rules. And from this review the Commission may take one of the following three actions on the document today. One accept the Final EA and issue a Finding of No Significant Impact Determination. Two, is to defer the Final EA, asking for additional information and it'll come back to you at a future date. And the third option is to prepare an Environmental Impact Statement where the Commission determines that the proposed action may pose a significant impact and require preparation of a more detailed Environmental Impact Statement.

With the Chair's permission, I would like to ask the applicant's representative, Ms. Jennifer Maydan, to present the project in the context of the Final Environmental analysis. And following your questions and deliberations, the Department will provide the Commission with its conclusions of law and recommendation. So at this point Chair, I'd like to turn it over to Jennifer Maydan for a short presentation.

Ms. Jennifer Maydan: Good afternoon, Chair Hiranaga and Commissioners. I'm Jen Maydan with Chris Hart and Partners. And as Jim noted, also here today is the applicant, Mr. Walter Hester, and the project engineer, Paul Weber.

The subject parcel is in the Napili approximately seven miles north of Lahaina and one and a half miles south of Kapalua. Access to the parcel is via Honoapiilani Road. The subject parcel is adjacent to the shoreline along Keonenui Bay between Haukoe Point and Alaeloa Point. The subject parcel is less than half an acre and is located at the far southwest end of the bay on a high bluff.

The properties along the northern half of the bay are occupied by Kahana Sunset Resort and Condominium. The 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 nestled between two headlands which protrude 400 and 500 feet seaward. Vertical rock and concrete walls protect the entire...protect the properties along the entire bay with the exception of the subject property.

The picture in the top left shows the length of the bay. North of the subject property fronting the Kahana Sunset, the shoreline line consists of a sandy beach protecting the property. Moving south along the bay the beach narrows dramatically transitioning to an irregular rough and rocky shore in front of the subject property.

The original single-family residence was constructed on the project site 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 at the subject property in February of 2003. Over the years, each parcel with a sheer bank fronting the bay has been susceptible to seasonal undermining with a 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 seasonal erosion and bank destabilization in the bay is caused by a continuous bedrock layer of clay and cinder substrate that is susceptible to erosion. The bank is not made up of a stable solid rock formation resistant to erosion.

The existing condition of the bluff along with prior documentation of erosion at the subject site indicates 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, and 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 of 2011, the residence was demolished and a new residence is now under construction. In this site plan, you can see the outline of the original residence. And the site of the new residence approximately 50

feet mauka.

Now this brings us to the proposed action. The applicant proposes to construct a 10-foot high structurally engineered terraced sloped retaining wall sited on the rock shelf within the bluff at a base elevation of about 15 feet. The purpose of the project is to enhance public safety and create a long-term solution that will stabilize the bank to prevent future erosion and undermining. The proposed retaining wall will require a negligible amount of excavation and backfill and will be confined to the area above the beach and mauka of the shoreline.

The proposed retaining wall will be sited on the existing rock formation in the bluff. The wall will start at about 15 feet above sea level, and the height of the wall will be 10 feet. The length of the wall will be approximately 150 feet. The retaining wall will have two tiers each five feet high with a four-foot high planting bench...sorry, four feet wide planting bench. The top of the retaining wall and the bench will be planted with overhanging vegetation which will soften the visual impact of the wall. Construction of the wall will involve concrete-filled Dura-Bloc supported by micro piles drilled to lava rock for vertical support and grout injection ground anchors for lateral support. The mud rock is not being supported by the wall, so a program of monitoring is proposed so that any distress or defects in the mud rock can be treated before any collapse can take place.

All construction activity will be staged at the top of the back rather than on the beach and will be mauka of the certified shoreline. Best management practices will be used during construction of the wall to protect the marine environment from impact including a continuous silt fence at the beach level, a floating silt fence at the toe of the bank that will act as a barrier during high tide levels and use of low impact equipment.

The height and slope of the existing bank varies throughout the length of the property from south to north. Section A, which is this one here and depicted right here, Section A depicts the proposed retaining wall design at the northern end of the property where the bank is virtually vertical. Section B of the proposed retaining wall, this one here on the left is designed at the midpoint along the property and is where erosional caves have formed. And Section C depicts the proposed retaining wall designed along the southern end of the property where the cliff face extends towards the point.

At the July 10, 2012 meeting, the Maui Planning Commission, they reviewed the Draft EA and asked the applicant to address a number of comments. The Commission asked the applicant to explore two alternative wall designs. First explore designing a 10...a 6 to 10-foot high wall combined with sloping the bluff inland at a two to one ratio. And as a second alternative design the Commission asked the applicant to site the base of the wall further mauka on the existing rock shelf and stepping it back away from the shoreline.

Alternative one, the half wall with sloped bluff was deemed infeasible due to interference with the newly installed onsite drainage system which is a critical component of preventing further collapse of the bank. Alternative two, the terraced retaining wall was a workable alternative, therefore the preferred alternative design has been revised to be a 10-foot high retaining wall broken into two tiers constructed on the existing rock shelf at an elevation of about 15 feet.

The Commission also asked the applicant to confirm that the proposed wall will be supported by a competent rock layer. Project engineer, Paul Weber conducted a site visit to map and evaluate

the rock shelf in the back. His findings confirm that the rock shelf exists throughout the length of the bluff and will serve as a structurally sound base foundation for the proposed retaining wall.

The Commission also asked the applicant consider removing the CRM rocks and concrete at the base of the bluff. This action was deemed unnecessary and infeasible because it would create additional safety hazards and require State authorization.

The applicant asked...was asked to obtain expert opinion regarding potential impacts on coastal processes and other properties in the bay. In response, Jim Berry, the project coastal engineer, states that the proposed retaining wall will reflect wave action in similar manner that is...as the existing natural bluff, therefore the impact on the shoreline and other properties of the proposed wall will be negligible.

And the finally, the Commission asked the applicant to explore designs that provide lateral access along the proposed wall. Upon careful analysis, this request...of the this request the project team concluded that creating lateral access would require construction of a corridor through the embankment which would be incompatible with the retaining wall design and the existing drainage system. Additionally, the bank and shoreline area fronting the subject property is extremely unsafe and the public should not be encouraged to go further than is now available.

So as I mentioned, the preferred wall design has been changed in the Final EA as a result of comments from the Commission. The wall design changes from the Draft EA to the Final EA. The Draft EA design was a terraced retaining wall spanning the full height of the bank over 25 feet high. It had two tiers with a planting bench at 20 feet. The wall was mauka of the certified shoreline and above the beach and the wall was sited on the natural rock layer. The revised EA wall design is a terraced retaining wall spanning only the top 10 feet of the bank. The full height of the wall is 10 feet. There's two tiers with a planting bench at half height. The wall is still mauka of the certified shoreline and above the beach and the wall is still supported by the natural rock layer.

So here are the engineering drawings for the previously proposed wall on the left in the Draft EA, and the current proposed retaining wall in the Final EA. Again, the Draft EA wall design was a 25-foot wall spanning the full height of the bank and in the Draft EA it's a 10-foot wall only on the top portion of the bluff.

The Draft EA as transmitted to Federal, State, and County agencies for review and comment. We received seven comment letters on the Draft EA. The comment letters and response letters are included in the Final EA, Appendix A. The Planning Commission's comments were the only significant comments that necessitated changes to the draft, to the EA.

As Jim noted earlier, your task today is to determine if the proposed action will not have a significant impact on the environment and that potential impacts have been adequately mitigated and as such accept the Final EA and issue a Finding of No Significant Determination. Section 11-200-12 of the Hawaii Administrative Rules provides 13 significance criteria to evaluate a proposed action. The Final EA prepared in support of the proposed retaining wall supports the following conclusions regarding the significance criteria.

The proposed wall will not result in an irrevocable commitment to loss or construction natural

cultural resources. The proposed action will not curtail the range of beneficial uses of the environment. The proposed retaining wall enhance safety in the shoreline area immediately beneath the project...the subject property and will also aid in protection of nearshore waters from erosion borne sediment. The proposed action will not conflict with State or County long-term environmental practices and goals, policies and goals. The proposed action will not substantially affect the economic or social welfare and activities of the community, County or State. The proposed action will not substantially affect public health. The proposed action will not result in substantial secondary impact. The proposed action will not involve substantial degradation of environmental quality. Mitigations will be implemented during the construction phase in order to minimize impacts to the environment especially with regards to construction runoff. The proposed retaining all will help to prevent soil erosion associated with degradation of coastal waters. The proposed project will not produce cumulative impacts and does not have considerable effect upon the environmental or involve a commitment to larger actions. The project is the last remaining property along the 500-foot, feet of the bay between the two rocky headlands that is not armored. Therefore, construction of the proposed retaining wall will not encourage additional development of seawalls. The proposed project will not affect rare, threatened or endangered species or its habitat. The proposed wall will not substantially or adversely affect air and water quality or ambient noise levels. Short term construction, related air, noise and dust impacts will be mitigated through implementation of standard mitigation measures. The proposed action will not substantially affect or be subject to damage by being located in an environmentally sensitive area. The proposed wall will be constructed inland of the waterline and best management practices will be implemented to mitigate construction phase impacts on the nearshore marine environment. In the long term the wall may improve turbidity conditions in the bay given that hardening the upper cliff face will mitigate further erosion of the silty clay substrate. The proposed action will not substantially affect scenic vistas or view planes identified in County or State plans or studies. And the proposed action will not require substantial energy consumption.

So in conclusion, the proposed retaining wall will not result in significant impacts to the environment and is consistent with requirements of HRS Chapter 343. So thank you, Chair and Commissioners for hearing our presentation today, and we'll be happy to answer any of the questions you may have.

Chair Hiranaga: Thank you. At this time, I'll 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. Are there any questions from Commissioners? Commissioner Wakida?

Ms. Wakida: Just one clarification. In the beginning of your presentation you reference mud rock and monitoring it. I don't know how exactly you put it, but I was just wondering if you could give a little more information on that monitoring process?

Chair Hiranaga: Commissioner Wakida, could you speak into the microphone.

Ms. Wakida: Oh, beg your pardon. If you would give a little more information on what you meant by monitoring the mud rock?

Ms. Maydan: Yes, thank you, Commissioner. If it's acceptable to the Chair, I'm gonna ask

Paul Weber, the project engineer to come up and answer that question?

Mr. Paul Weber: Good afternoon, Chair and Members. I'm Paul Weber. I'm the engineer for the project. To give a little background on that question. We have a three-layer geologic system in this bluff. The top layer is red sandy clay. Sometimes they're called red dirt. The middle layer is mud rock. And although mud rock is hard it is also more subject to erosion than intact basalt which is the third bottommost layer of the formation. Almost all of the bluff that's exposed is mud rock to about elevation 15 and then red sandy clay, red dirt, to about elevation 25. In this current proposal for the design, the retaining wall is stabilizing the red dirt, but the support of the retaining wall is taken down to the basalt layer by using micropiles that are underneath the retaining wall and they're drilled all the way down to beach level. The retaining wall itself is not sitting on the mud rock. However, slow erosional processes maybe a storm here, a storm there, could take out some of that mud rock which should require some monitoring. Our idea of monitoring for this project would be an annual inspection of the face of the mud rock and to report any indications of deterioration of the mud rock from any event. That would be something that would be done professionally. And then of course, if there was any kind of a disturbance, material showing up on the beach for instance, we would go out and take a look at that and find out what is actually happening on the bank.

Ms. Wakida: Thank you.

Mr. Weber: You're welcome.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I have a question on, kinda caught me off guard was about your public access laterally where you're saying, no, we're not gonna have that. And for me that hits hard because how many times we've walked on down a shoreline come across a private property and we can't go any further when before it was open to us. And then you're telling us right now, no. That kinda puts a statement out there to us, you know, as the public we wanna be able to access these different beach areas and when it came before us the first time, you said that would be taken into consideration and now you're outright saying no which kinda says something to us. I was wondering if you'd like to say a little bit about that?

Ms. Maydan: Thank you, Commissioner Lay for your question. There is nothing about the proposed action that blocks public access to the beach. It is the natural formation of the bluff that prevents the public to access the beach from this point here. We did take the Commission's request to assess the possibility of providing some sort of lateral access for the public along the wall, but looking at the design of the wall and with the existing drainage, with the existing drainage that is installed in the backyard it was ...(inaudible)... not feasible to widen the wall and make some sort of lateral access.

Mr. Lay: Follow up. On your bluff area that you're saying that we cannot bypass, can it be bypassed on the top?

Ms. Maydan: I'm sorry, can you ask that again?

Mr. Lay: If I walk on the shoreline, I'm gonna reach a point where I can't go any further, right?

Ms. Maydan: Correct.

Mr. Lay: If I was walking above would I be able to go around?

Ms. Maydan: With some, with some bushwhacking.

Mr. Lay: See what I'm looking for is for some public access in that area so we walk along the shoreline.

Ms. Maydan: Chair may I?

Chair Hiranaga: So you're...Commissioner Lay, you're talking directly about lateral access?

Mr. Lay: Yeah.

Chair Hiranaga: And this structure is outside of the certified shoreline, correct? It's on private property?

Mr. Buika: Yes it is. Commissioner Lay, Jim Buika, Planning Department. I'd like to respond to your question. The Department agrees with the applicant that lateral access it would be very, very tricky here. Please remember that we do have the Special Management Area Permit coming up following this where we can address it maybe from this...from the Final EA we can address this in the SMA Major Use Permit and the Shoreline Setback Variance. I have walked with the applicant. Out here there is a wall and that has been noted by the Department of Land and Natural Resources and then beyond to the left of this figure is the whole point out here where fishermen can access it and that's where you're talking about here. There is a wall here preventing people from coming onto the property. We will address this wall in the Special Management Area Permit and it potentially can be taken down. There is a corridor through here. You can get through. And to answer your question, yes, you could walk up on the yard. You could walk up on the bluff, on the private property. The problem is you really can't down with the terrace work they wanna do here it would be practically impossible to build in some sort of staircase going down. We had explored...there are, there is, again on the next two properties there's like a walkway out front and then it eventually goes down to a staircase. So there is a remote possibility going across three private properties that we could access the bay this way through here. So I believe we can keep this open as part of the discussions for the SMA Permit and I won't go into the details now, but the next item on the agenda, the Kahana Sunset is willing to put in a vertical access from the road as part of their master plan, strategic plan. So for this bay we will be able to. I know that's not part here but it may pose a solution. This is very unsafe right here. If you walk here, it's just a sheer drop of 20, 25 feet off of that cliff and would be difficult to put a public access there without again, raising a safety concern over the environment.

Chair Hiranaga: Jim, at the base of the cliff is it rock rubble?

Mr. Buika: Is it rock rubble? No. It's a sandy beach.

Chair Hiranaga: The area that you said that was very dangerous.

Mr. Buika: Oh, okay. Oh at the bottom. Okay, here's a good picture, if we can get the lights here. This is...yeah, so it is rock. I mean, it's lava outcrop right here.

Chair Hiranaga: Is that high tide or low tide?

Mr. Buika: It would be a low tide. Low tide. Yeah, usually the waves do come up covering the sand here. So this goes up outside the picture. Okay, here we are right here, right? This is pretty much from...is that from that? Yeah, this is the old plantation that was taken down. So we would have to come along here, it is this drop right here and then we would have to traverse the property, go across the next property over here and then come down over to through two properties and then come down to a staircase off of the property, about in the middle of the bay. So that would be the only feasible lateral access from that point and the Hester property does extend out around that corner here also. So it's a very thin, narrow piece there. May we have Walter Hester talk, the property owner?

Mr. Walter Hester: My name is Walter Hester and I'm the owner of the property. And I would just like to make a comment that this picture, one that's more high tide. You can see the property where the water is higher up where this is low tide, number four. But I guess my only comment is that I'm right there on the water and I, myself, can't access the beach through my property. So it's really just a 20, 25-foot drop and I guess to put stairs or something else would be, you know, would be a big project or something familiar that would change the environment and look of the beach and what you have. So just so you know, I can't get to that beach either from my property.

Chair Hiranaga: I guess for clarity are you concerned about lateral access or vertical?

Mr. Lay: Well, where is, does the public access, and I understand it's at the high tide mark but if you got an undermining going on is that high tide and maybe you can go straight up or are you looking at just...(inaudible)... I mean how does that...(inaudible)...work?

Chair Hiranaga: Lateral access is walking along the shoreline. Vertical access is coming from Honoapiilani Highway trying to get to the beach. So which access are you—

Mr. Lay: Well, both actually, but—

Chair Hiranaga: Both.

Mr. Lay: Where the public access ends laterally would be a question of mine too. I mean, if we got undermining going on there, and that's your high tide line underneath there doesn't it go straight up? How does that work?

Chair Hiranaga: Jim, can answer, but I would say it's wherever the shoreline's been certified.

Mr. Buika: The shoreline is certified at the base of the—

Unidentified Speaker: Cliff?

Mr. Buika: --pretty much the water at highest wash of the wave annually goes up along the base

of the cliff here. So that would be looking down in this area here. You can see here, right here there is no beach at some point. So having a lateral access and somehow down onto the beach at this point could be problematic in itself and that sometimes people would be going down into rushing waves without any actual beach to walk on. So...and as I said, there is an alternative solution for this bay. Right now this entire bay does not have a public access. There is public access beyond on the point where all the fishermen do use, via Hui Road out on that way that we had discussed last time that's a very popular access. But actually coming around into the bay is problematic and difficult to do.

Chair Hiranaga: Jim, at low tide can you wade through the water along the coast?

Mr. Buika: No, you cannot actually—

Chair Hiranaga: You'd have to swim?

Mr. Buika: I haven't tried it. I didn't think I want to try it.

Chair Hiranaga: 'Cause I don't know if lateral access requires that you not get wet.

Mr. Buika: No, you would not even be able to...just shimming down these rocks, being about to get around, you would not be able to...I don't think there is ever...water is always up against these rocks because of the prevailing—

Chair Hiranaga: So you have to swim?

Mr. Buika: Yes, you would have to swim.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I'm very familiar with this area and I don't think that the access through Hester's property will be the proper way and I think in our next application with the Maui [sic] Sunset they'll provide an access which is actually the better access because the beach is bigger down there and all that sort of thing. Yeah, top photo is kind of a...the top on the right, No. 2, is kind of a rare sight when you see beach all the way to the end. You can kinda walk there but then the waves come and you get wet. Up on the bluff up there there is that wall there preventing people from coming down, and it's not...that access is very limited to the time of year or you know, tides and all that because the water comes up to that area. So, but if that wall was gone there's one that sits on the bluff that Jim was talking about, I really think that one should come down because that really prevents lateral access and as limited as the lateral access is in that certain section it's very limited by that wall. So I think that wall should come down, but it that's not...that has nothing to do with Mr. Hester. But, I just don't think the lateral, the access from Honoapiilani Highway should be coming there because it is a drop off right there. It makes more sense to come down from Kahana Sunset area.

Chair Hiranaga: Yeah, and you know, we're reviewing the Final Environmental Assessment so we're I think perhaps these questions are more suited for when they come in for their major SMA permit where you can place conditions on that application. So we're actually looking at the completeness of this document that's been presented before us. So maybe if we could just keep

along that focus? Commissioner Hedani?

Mr. Hedani: I actually concur with Commissioner Lay on this one and I don't necessarily buy the idea that lateral access along the property cannot be created. If you look at the entire property in Wailea, they've created lateral access along the shoreline, a rocky shoreline, with access for the public. The design as presented I have some problems with because it shows a cantilevered wall over clay rock as they describe it which is suspended over nothing with tie back. And it seems like the Commission's request for the wall to be pushed backwards has been simply blown off and that they pushed the wall as far forward as they can to make it infeasible to have lateral access along the wall in order to access the beach.

Chair Hiranaga: I guess...

Mr. Buika: We can address those comments with some of the profile pictures.

Chair Hiranaga: I guess I'm looking for guidance from either the Deputy Director or Corporation Counsel as far as the Final Environmental Assessment. Are we focused upon the design of the wall or whether it provides or does not provide lateral access?

Mr. Giroux: I guess from Corporation Counsel, I think what one of the purposes of an Environmental Assessment is to see what options are available so if the board is saying that they haven't seen the options that they've felt were available to the applicant being addressed in this document then that that causes concern for the board. That has to be clarified. I think during the draft those options were put on the table. The question now is were those answered in this document to be fair to the applicant?

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: I guess just to clarify my knowledge of the area. The disclosure part is my sister owns a unit at Kahana Sunset which I'll disclose in our next item but we go down there a couple times a year and even if Mr. Hester's property provided lateral access you wouldn't necessarily...you wouldn't use it because the beach provides the lateral access and if you're gonna cross over to that point you would walk on Honoapiilani Highway and take Hui Road because that is the access and you can turn right to go to Keonenui Bay or you can go left to, I think it's called Napili Bay, but we've done that on many occasions and we wouldn't come back at it and onto that wall that I said that should be removed. We probably wouldn't go that route anyway because it's just...like I said the times where you can get down it are very rare and pretty dangerous anyway and so we probably wouldn't use it. So the lateral access really is the beach that's there. You know, as far as accessing that beach through Hester's property that wouldn't be advisable because there's no stairs. It's a huge drop off there, and to reiterate the Kahana Sunset access which they're proposing to provide would be a more logical access point for that area if you wanted to go to that area. And then it dead ends basically at Hester's property. You wouldn't go laterally onto Hester's wall and for a dead end spot there because it's not a fishing spot, it's not anything, it's just the end of the bay basically.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, I'm full agreement with Commissioner Ball's assessment and I wanna expand on a little more how I feel personally. I know this body we're tasked with making sure there's lateral access for, you know, to our beaches and so forth, but we also gotta look at the circumstance right here and I'm seeing that there's absolutely no need to provide a lateral access. Number one, we gotta worry about liability. If you do provide some sort of lateral access and if talking about 25-foot drop, I mean, what if you give access and somebody hurt himself, who's going to be responsible, the owner or the County because there was a lateral access that you're making available. And I think we gotta look at every situation and determine what is the best solution and personally I don't see the need for it and especially, I mean, I've been down that beach a few times too, and you know, the lateral access on the beach. You don't wanna climb over a wall or swim around the bay to get to that other fishing spot. You're a beach goer you stay on the beach side. You're fishing you on the other side. Done deal.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Okay, I guess this is directed at Public Works just to give us some knowledge on where a property ends and where it doesn't end. I'll give this scenario of a valley. If you have a property on a valley, you don't measure your downward, it's an upward looking down for the property line, right?

Ms. Dagdag-Andaya: I can't answer...I don't know the answer to that.

Mr. Lay: Where that would fall into play, the high tide marking is coming over? I mean, are they going over? You know, extending their property there, I mean, over something's that public?

Ms. McLean: I think the applicant can better answer the question as to whether this proposed wall would expand their property in any way. Is that the question that you're asking is whether the wall will...

Mr. Lay: Your high tide mark is your, I guess, your property public access, right? Within that tide zone, right?

Ms. McLean: The high tide mark marks the end of where State ownership typically--

Chair Hiranaga: Commissioner Lay, you need to speak into the microphone. The audio people are giving me sad faces.

Mr. Lay: Excuse me, sorry about that. So if my high tide mark is at one point and their property is outcropping over that point, are they on their property or are they on the State's property?

Ms. McLean: We would have to see the boundary survey for their property. It's quite possible that they over the years have lost some of their property that's uncommon for coastal properties to have their boundary with the shoreline recede and they actually lose square footage or acreage due to that. So it's a fluid environment. I don't...I can't tell from the depictions whether the wall as proposed would expand or extend their square footage. I can't tell that. That's something perhaps the engineer or the applicant can answer.

Chair Hiranaga: Jim, so prior to the construction of this proposed wall would a new shoreline certification need to be done?

Mr. Buika: No, it would not need to be done. It's part of this project already.

Chair Hiranaga: That was '09?

Mr. Buika: Yes, I believe so. This application has been ongoing since 2009, 2010.

Chair Hiranaga: And based upon that shoreline certification, proposed improvements are mauka of that shoreline?

Mr. Buika: Yes.

Chair Hiranaga: If you go vertically, vertically up?

Mr. Buika: Yeah, you know, this...yes, the BB prime profile you're seeing here. I think that's conceptual. It's a cartoon, it's a design, I don't think it's the actual. There is some caving on that shoreline there, but everything is mauka of the shoreline.

Chair Hiranaga: Proposed improvements do not cross over the certified shoreline?

Mr. Buika: No, they do not.

Chair Hiranaga: I think that's your answer. So it's all on private property, above and below.

Mr. Buika: Yes, and we can assure that through the SMA Permit also.

Chair Hiranaga: Deputy Director would like to add something.

Ms. McLean: Thank you, Chair. In response to your earlier question when Corporation Counsel answered that the Final EA does contain an alternative analysis. So that is something for you to consider in taking action today is whether you feel that alternatives have been adequately analyzed. Another thing to consider though is one of the proposed actions today could be issuing a Finding of No Significant Impact. So you're talking about significant impacts. When it comes to shoreline access what is the shoreline access today, and how would the project as proposed effect that access? Is there going to be a significant impact to that? My understanding is that there really isn't lateral access today so in terms of environmental assessment the project might not have an impact on that. Now when the SMA comes forward, you're looking at approving permits for a project and that might be where other things are considered, but as the Chair was asking when is the appropriate to really talk about it, certainly it can be talked about today, but you're looking at impacts.

Mr. Buika: Chair, would you like further comment from the engineer on this? No, okay, thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, one's just a clarification on the drawings. Jim, you probably can answer this. The...what is the width of the terrace?

Mr. Buika: I believe it's four feet wide.

Ms. Wakida: Thank you. And I have another question, but different topic, it's on drainage. I'm looking at Figure 8.4.

Chair Hiranaga: Could you speak into the microphone, they're giving me those sad faces again.

Ms. Wakida: I apologize again, Chairman. Figure 8.4, and I'm not talking about the drainage that's been addressed in the initial report about the retention basin. I'm looking at these little waterfalls here coming off this property and I know it rains a lot. And I wonder if you could address where the water goes 'cause it rains a lot in Napili? And how if you avoid having it back up behind the walls that are there and create further damage to the person's property?

Mr. Buika: Okay, there's been extensive drainage mitigation that has gone into the design of the house and that hillside and I'll let the project engineer or construction engineer for the project actually address that, the drainage that's in place.

Mr. John Crinion: My name's John Crinion, I'm the general contractor of the said property, and what we noticed was is exactly that. We had a drainage problem, so we had gone to Linda Taylor Engineering and she calculated the water flow through the property and how to alleviate it from going into the ocean. We've already had done that already per Linda Taylor Civil Engineering.

Ms. Wakida: Okay. I am doubting that she did a find job. I just wanted to understand it a little bit because I'm not worried about the water going into the ocean so much as I am the water collecting on the property and then, 'cause I live near the ocean and I've seen the damage that it does behind seawalls.

Mr. Crinion: The way Linda has designed this project is that it goes into a very large gravel sediment pit that we've established there, all right. Then at that point if there is a catastrophic rain or the 100-year rain, then it would reach a dam 'cause it would perk in so fast to the drainage plan. It would reach a dam and then spill over that dam and then continue into the ocean like it's been. But typically all the sediment would float to the bottom and it would just be clear water exceeding over the dammed area. So the water's alleviated once it cannot perk into the property more then it would come up, hit the top of the dam and then spill naturally.

Ms. Wakida: How far back does this mud rock go? Do you have any idea? Does it go under the house?

Mr. Crinion: The mud rock?

Ms. Wakida: Yes.

Mr. Crinion: No, I think that's below the red, the red dirt.

Ms. Wakida: Right, but I'm wondering if it goes under, continue under—

Mr. Crinion: I think this would be an answer for Paul Weber, he's the geo tech on the project.

Chair Hiranaga: Would Paul Weber like to answer that question?

Mr. Paul Weber: It's geology and one never knows where these things are going, but I've worked on several properties along lower road and we have found the mud rock to extend back as far as the road in different properties. I would expect that a large part of the property is undelaying by mud rock.

Ms. Wakida: So I guess my concern is how efficient is this percolation of water down into the soil without it eventually just getting saturated under there and creating more problems for the homeowner?

Mr. Weber: Well, certainly at some point with the right kind of storm, and I didn't do the drainage analysis but I do at times, the ground will become saturated and then the water will discharge out of the seepage pit, but that discharge is directed, it goes out through some piping. It doesn't just flow over the bluff like it's flowing over a dam. It goes out through some piping and would not be impacting the slope.

Ms. Wakida: And the piping goes where?

Mr. Weber: It's on the northern end of the property.

Ms. Wakida: Out to sea?

Mr. Weber: Out to the sea, yes.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just wanted more specific description on the outflow of that pipe, the drainage pipe if you can describe it for me please?

Mr. Buika: Can you clarify which drainage pipe you're...

Mr. Shibuya: It says there's an overflow in the dam pit, the gravel sediment pit and it will contain the spill over and the spill over goes where through some piping and where does the piping go?

Mr. Weber: The spillover, once the infiltration pond is saturated it would naturally, it does not go into a pipe, the pipes that run down mauka to makai on the north and south end that's what Linda Taylor engineered to take, to take the sheeting of water, bring it to the infiltration pond, and then once that has happened then it would naturally spill over and enter the ocean on the north side of the property which is the low point of the property.

Mr. Shibuya: Yeah, I just can't visualize it so maybe you can point it out on the chart or map?

Mr. Weber: Absolutely I can. This is the infiltration pond that we put in right here in this circle right here. We have a 18-inch lateral pipe coming down that would...and those dots right there, this is where it would feed into this, instead of bringing red dirt over the cliff, it would go into here. This is the low point that little arrow right there, this is where it would naturally has been coming down the side of the property right here and flowing directly into it. With this, the water, it gets cleaned and the infiltration, the silt would fall down and then the clear water would spill over at this point right here and then enter. No pipe. You see how close that is to that area right there?

Mr. Shibuya: Okay, I'm not too clear in terms of your retaining wall, so you would have like a water fall effect over the retaining wall is that what you're saying?

Mr. Weber: During that 100-year flood, yes. That's exactly what...this has been...this water has been coming down over the red rock bluff for I guess hundreds of years or something, I'm not sure.

Mr. Shibuya: That's a natural flow.

Mr. Weber: That's the natural flow, yes. What we're trying to alleviate is the soiled water entering.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Okay, in regards to the question I guess one of the other Commissioners brought up regarding their retaining wall expanding into...extending their property line, I just remember seeing this and actually Appendix A in our handout, in the shoreline survey map, I'm just noting that it says, the deeded areas - 19,215 square feet, eroded areas - 648 ...(inaudible)...according to this map, so if it's been eroded I guess we can pretty conclude that it's not gonna expand into the...further expand the size of that lot. It already lost 648 square feet.

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

Mr. Shibuya: Paul Weber mentioned about the dirt at 25 feet, the mud rock at 15, and the micro piles would be going into the basalt, and this retaining wall apparently is about 15 feet off the water level as I understand it and it's gonna extend 15 feet from there up another 10 more feet as a retaining wall, that's what's being proposed.

Mr. Buika: It begins 15 feet above.

Mr. Shibuya: The water level?

Mr. Buika: The water level and it extends vertically for a total of 10 feet.

Mr. Shibuya: That's correct.

Mr. Buika: Yes.

Mr. Shibuya: Yes. Okay, now he mentioned that there will be an annual inspection because they're

gonna be some possible expected deterioration. Now I think the deterioration was actually a natural cause of the soil and the conditions of that cliff is it not?

Mr. Buika: Yes.

Mr. Shibuya: Okay then, if you find...or what is the standard that says, it has deteriorated to a point where we need to take some measures, corrective measures. How do we make the corrections? What are the alternatives at this point to correct?

Mr. Buika: That would be an engineering solution--

Mr. Shibuya: I understand.

Mr. Buika: would be, would be sent to the Planning Department for consideration and distribution.

Mr. Shibuya: Has he come up with alternatives to...for us to consider at this point?

Mr. Buika: Alternatives for mitigation for deterioration of the wall?

Mr. Shibuya: Right, because the other alternative is actually a solid wall coming from the basalt rock all the way up the total 25 feet. That was one option.

Mr. Buika: Yes, right.

Mr. Shibuya: And this is the second option which is the less expensive and if there is a deterioration, natural causes, how do we fix that because now you have what appears like a floating retaining wall?

Mr. Buika: Well, I don't think the retaining wall is really floating. It's anchored 30 feet back into the substrate and into the basalt so it would maintain that portion of the integrity. There may be at some future date a requirement to stabilize the substrate below the retaining wall.

Mr. Shibuya: Right, and that's where I wanted to see what alternatives would be...what measures would be taken if that thing did occur at stages would the owner be responsible for that or the engineering department?

Mr. Buika: Would it be acceptable to the Commission to include that in the SM1, in the SMA Major Permit that comes forward, we could look at those unless it's needed for this, but--

Mr. Shibuya: Oh, okay.

Mr. Buika: --I mean, there are engineering...there are engineering solutions similar to this to extend the wall I would imagine, but we would get those...get a professional engineering drawings for the particular situation depending on where the wall collapses. Unless there is other comments from
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Chair Hiranaga: Jim, question?

Mr. Buika: Yes, sir.

Chair Hiranaga: If the mud rock area erodes does the titan micro piles act as a barrier to stop future erosion? Because the wall's sitting on it, right? You know what I'm talking about, the titan micro piles?

Mr. Buika: I'll let Paul Weber answer that if the micro piles—

Chair Hiranaga: Stop future erosion.

Mr. Buika: Stop future erosion.

Chair Hiranaga: If the mud rock is eroded away.

Mr. Weber: Definitely.

Chair Hiranaga: Definitely, yes?

Mr. Weber: Definitely they will improve the condition of the mud rock. This micro pile process involves the injection of grout in addition to putting high strength steel into the ground. This grout injection goes out into the ground. It forms a cylinder around the micro pile and it also fills in cracks and pukas and other weaknesses in the substrate. So we're taking grout all the way down to sea level. It's all encased in the ground but it has the ability to spread out into the ground and cure any defects. So there's a great deal of improvement that goes on by doing a drilling and grouting the micro piles down to the...basically to the sea level. Just the presence of the micro piles will slow down any kind of large scale failure of the mud rock substrate. And finally, my experience at any rate is most of the deterioration of the bluff takes place in the red dirt. There's the culprit is the red dirt like to pop out when it gets too wet. Sometimes the mud rock will follow it, because that's nature, but this is a very solid design. The reason for the mitigation measures is to provide long-term security for the public and for the property owners. We don't expect to do anything but if it happens, it happens, we'll have to add wall, I suppose.

Chair Hiranaga: So the question is, if that mud rock fascia is eroded, can the proposed wall stand by itself on top of the micro piles?

Mr. Weber: Oh, absolutely because the wall is supported both ways. It's supported vertically by vertically micro piles that extend down to the sea level, basalt, and is supported laterally with anchors that drill back into the ground. The entire mud rock can disappear from underneath the retaining wall and it will still be there. And this is kind of technical but I heard a question come up earlier. This is...this is not a cantilever wall. A cantilever wall depends on the ground to stay there. This is a fixed wall. It's supported by micro piles and anchored. It can't just fall over if you take the support out from under it.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: How far apart are your micro piles?

Mr. Weber: They're about eight feet on center except for when we get into the cave areas then they're closer. They're twice that spacing.

Mr. Lay: Are they in unison or are they separated as far as your vertical and your horizontal?

Mr. Weber: The vertical micro piles are separate from the tie backs.

Mr. Lay: ...(inaudible)...

Mr. Weber: Yes, they are. They get tied into a concrete beam.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Can you explain Figure 11.2 for me? I'm just questioning why you would design something like that on the left?

Mr. Weber: And are you thinking about the micro piles that are angled below the grade beam that are not vertical?

Mr. Hedani: Right.

Mr. Weber: Yes.

Mr. Hedani: Here's where I'm coming from. Over the next 100 years we're gonna have a three-foot rise, three-meter...three foot...one-meter rise in sea level, you know, in this area. That's going to affect this entire project if it lasts a 100 years. How is that wall supposed to be suspended given that situation into the future?

Mr. Weber: The micro piles that are shown there extend all the way down to basalt bedrock. Regardless of whether the sea level rises or not, that basalt, that rock is not going anywhere.

Mr. Hedani: Okay, if...(sound system malfunctioned)...must of said something bad. If I look at Section BB, the micro piles go into bedrock is what you're saying and need no clay rock, whatever you call clay rock in order to suspend that wall in the air.

Mr. Weber: No, sir.

Mr. Hedani: Okay, does that depend on the existing rubble masonry wall that's on the bottom that was used to certify the shoreline?

Mr. Weber: No, sir.

Mr. Hedani: So that could disappear and it would still work?

Mr. Weber: Yes, sir. That's the intention of the design. That's why I angled them back in those areas.

Mr. Hedani: Okay.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: If I can use an analogy here. I see the micro piles as dental implants and the retaining wall is your teeth. Is that what we're doing? Having implants in the bedrock and if the gums recede, the implants will hang onto the retaining wall.

Mr. Weber: ...(inaudible)...are you a dentist?

Mr. Shibuya: No, I'm gonna see a dentist.

Mr. Weber: It's more like a root canal, but yes, sir, a very good analogy.

Mr. Shibuya: Well, okay, I just wanna talk scientific into something very simple and people can understand.

Mr. Weber: That is correct.

Mr. Shibuya: Okay, thank you.

Mr. Weber: You're welcome.

Mr. Shibuya: Now, may I ask a question? Hydrostatic pressures, you were mentioning about the red dirt, it does all kinds of funny things especially when it dries and it gets wet. It expands and it shrinks.

Mr. Weber: Yes, sir.

Mr. Shibuya: And that's where mostly your pressure would be against the retaining wall, right?

Mr. Weber: Yes, sir. That is correct, sir.

Mr. Shibuya: So now you have a bulging effect towards the ocean, and when it's wet, and if dried it probably may swing back towards the house possibly, I don't know.

Mr. Weber: It's possible, sir, but the design incorporates those kind of pressures acting against the retaining walls, and they are being resisted by the anchors and the micro piles and I did take that into account.

Mr. Shibuya: Oh, okay. Thank you.

Mr. Weber: You're welcome.

Chair Hiranaga: Any more questions? Commissioner Hedani?

Mr. Hedani: Just a couple more. Paul, did the vegetation on the top of the bank for the Hester

residence furthest, right, furthest makai on the property, is that artificially induced or natural? Is it irrigated? Jim.

Mr. Buika: Jim, yes it is irrigated and it is artificially induced. The naupaka that is currently there I do believe, correct? Yes, it is watered.

Mr. Hedani: Okay. And this kinda goes back to Ivan's question, the masonry rubble fill on the sea caves at the base of the cliff that were installed to fill up the cliffs basically, were those accepted by DLNR as the certified shoreline and permitted?

Mr. Buika: Yeah, they are...they're not permitted, however they are outside of the ...they are on the mauka side of the State certified shoreline. The shoreline goes up to the CRM infill.

Mr. Hedani: Okay, maybe I'm not making myself clear.

Mr. Buika: Okay, I'm sorry.

Mr. Hedani: My interpretation of the shoreline is the upper reach of the wash of the waves at high tide at the highest point of the year. If the masonry rubble walls were not there that line would be at the furthest inside portion of the sea caves that those walls seal up. So the boundary should be if those masonry infill walls were not there, the certified shoreline would be 10 feet further in.

Mr. Buika: I agree with your logic, however the Department of Land and Natural Resources has certified it.

Chair Hiranaga: They accepted it?

Mr. Buika: Yes, they have accepted it, and it's Appendix B, Appendix B in your report. You can see the red line drawn against the photos. Yes, it has been accepted.

Chair Hiranaga: I think there may be some differentiation between surf caused by high surges that might have created these caves versus a normal high tide and your normal high wash of the waves, 'cause...and if you have a hurricane passing by at, you know, 50 miles from the island it's gonna create surges that typically don't occur. I don't think the State takes that into account as the high water mark.

Mr. Buika: Correct. It does not.

Chair Hiranaga: Any other questions, Commissioners? I guess I have one comment kind of related to what Commissioner Hedani said, how the one suggestion to create the 10-foot wall and then do a two to one slope was kinda just said, deemed infeasible is that because there's an existing drainage system that would be impacted? I mean, what determines something being infeasible?

Mr. Buika: Yes, that was the drainage system that would be impacted is the drain field in the yard, the gravel yard that is accommodating the runoff, sheet runoff from the property. So that would be impacted if it was sloped back like that.

Chair Hiranaga: That drainage system is already constructed?

Mr. Buika: Yes, and we can include, we can include...yes, it is, it is. I've been out there. I've seen it. It is part of the, of the project for the single-family home that is going in on the project behind the State Certified Shoreline. So that drainage system does, does sit in the setback area and the Department approved to use that, to use the setback there. It's about two, three feet of gravel rock underneath the, underneath the lawn out there in that large area to accommodate the runoff.

Chair Hiranaga: Just a comment. I think the proposed, the proposed wall is a significant improvement over their original proposal which I believe was a 20-foot high concrete wall. And I think the mud rock adds some natural aesthetics to it and having the two-tiered wall sitting on top of it I think will make less of a visual impact to people who happen to be walking along the shoreline. And then I think, and also the comment that it won't impact the wash of the wave as much versus putting a 10-foot wall at the base and then constructing a two to one slope. It probably retains the natural wash of the waves with the proposed design.

Mr. Buika: Yes, thank you for the comments. The Department agrees with your comments also.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Let me beat on a dead horse for a little bit. When I look at Exhibit B, when I see the two parallel wall, to me that represents an opportunity to lateral access. On the north side of the property there looks like what appears to be a set of stairs that it could tie into if the wall system were pulled back five or ten feet. That's basically what I see. I believe that because the vegetation—if I were the property owner sitting on this property and I didn't want people traipsing through my yard, what I would do is I would irrigate the hell out of my landscaping to make it impossible for them to cross over my property to get to the beach, and I think that's what happened over time. Vegetation's been induced, it's so thick that you can't get through it, if it were not artificially irrigated it would naturally die back to a point where traditional access along the coastline could probably be established. This is my perspective at this point. And I can't see where it would be infeasible to push the wall back five or ten feet in order to accommodate that.

I agree with Commissioner Ball that the best access is through the neighboring property at Kahana Sunset as far as parking and access or whatever to access the beach. If lateral access were established through this property over what probably was traditional access at some point in time in the past before these residences were built, what you would have is public access to the north through Kahana Sunset, public access through the south through F Hui Road, and a connecting link in between through the beach and through lateral access over this particular property which is the most difficult to traverse because of the elevations involved but I think those are not insurmountable. That's my perspective.

Mr. Buika: And the Department can comment that it is...your solution that you, that you did propose would involve three...two additional private properties, the two next to them because there would be...it would be impossible to, with this design to drop off on the Hester property down to the ocean. It would have to traverse—

Mr. Hedani: What's, what's happening at the north corner of that, of that property?

Mr. Buika: There is a, there's a gate that goes into a short stairwell that goes to the next property and you would...then you would have to get a gate cross the stairwell to the next property where there is a stair step down to the ocean in a more accessible portion of the beach.

Mr. Hedani: So that's not a set of stairs that could actually reach the beach at that corner?

Mr. Buika: No, not at all. It's a sheer drop off from there still.

Mr. Hedani: Right.

Mr. Buika: Across that, but it would...the Department has concluded that the only way to create this lateral access would be to go down on the existing stairwell two properties over.

Mr. Hedani: So we would need to wait essentially for those two properties to come before the Commission for approval for something to establish lateral access through them?

Chair Hiranaga: Okay, moving on. Any other questions, Commissioners? Any other questions, Commissioners? Seeing none, Deputy Director would like to make a comment.

Ms. McLean: Thank you, Chair. Just an observation. Of all the planners in the Department, if there's anyone who fights for shoreline access to the extent that senior management sometimes have to pull him back a little bit, it's Jim Buika. If there was an opportunity for shoreline access that was feasible and practical, Jim would have been the first one to bring it up in a very early stage. And so when I hear Jim make a recommendation that, you know, well, it's just not feasible in this area, I personally don't have to explore it any more. Just from the Department's perspective, I have confidence in Jim's judgement that he has looked at these opportunities. So that's something that the Department would support.

Chair Hiranaga: So the next step here is, I guess a motion to accept or to...the alternatives, FONSI, defer or reject.

Mr. Tsai: So move.

Chair Hiranaga: What do you move?

Mr. Tsai: Accept as stated in the application by Planning.

Mr. Buika: I can also provide the Department's conclusion of law and the Department's recommendation for a FONSI.

Mr. Tsai: Accept Final EA, issue finding of no significant impact.

Chair Hiranaga: Would you please speak into the microphone? They're giving me those sad faces again.

Mr. Tsai: Yeah, we don't want any more sad faces here. I would make the motion to accept the Final EA and issue a finding of no significant impact determination, FONSI.

Mr. Ball: Second.

Chair Hiranaga: Moved by Commissioner Tsai, seconded by Commissioner Ball. Any discussion? Commissioner Wakida?

Ms. Wakida: Just a comment. I personally think this is a very inspired solution to a difficult problem in this area. And I certainly understand about the fight for shoreline access, and we always have to be vigilant because so many, in my opinion, homeowners seem to block things off or developments. But there are some places on our island that are just dangerous to access and this particular little bit of land right here, shoreline, I believe is one of them. And the case has been made providing access I think the owner, if it was possible, would have done so. He seems willing to work with all sorts of suggestions. But in this case, I think what's been presented to the Commission is really well done.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I would have to agree with Hedani earlier on that traditionally we used to...that access was there. I always hate when they say, he doesn't do it, why should I? I wanna hear where they, we're gonna do it, if they don't it, but we're gonna do it, we're gonna make it available. That's the kinda stuff I wanna hear. We open properties and areas to the public. That's how I feel on that, that situation. ...(inaudible)...proven dangerous, but you know...

Chair Hiranaga: More fish, right?

Mr. Lay: More fish, that's right.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'm going to support this finding of no significant impact. I support it because the owner has taken some significant investments in terms of reducing the size of this house facing the frontage of the water. Also has invested in a drainage system that mitigates the runoff and further erosion of the retaining wall or the areas below the retaining wall. He's also come up with the alternative of using micro piles to support the retaining wall and I see this as a very positive way of working with this issue. And the engineers seem very confident and I support this effort.

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

Ms. McLean: To accept the Final Environmental Assessment and issue a finding of no significant impact.

Chair Hiranaga: All in favor, raise your hand?

Ms. McLean: Four ayes.

Chair Hiranaga: Keone, can you return here? We need to see your hands again please, for clarity?

Ms. McLean: Four ayes.

Chair Hiranaga: Opposed?

Ms. McLean: Two noes.

Chair Hiranaga: Commissioner votes in favor in the motion. Motion carries.

Mr. Buika: Thank you.

Chair Hiranaga: Chair votes. Correction, the Chair votes in favor of the motion.

It was moved by Mr. Tsai, seconded by Mr. Ball, then

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

Chair Hiranaga: We'll take a 10-minute break.

A recess was called at 2:25 p.m., and the meeting was reconvened at 2:38 p.m.

Chair Hiranaga: Next Agenda Item is D-2, New Business. Deputy Director?

Ms. McLean: Thank you, Chair. This is a request from the Kahana Sunset Association of Apartment Owners for comments on a Draft Environmental Assessment prepared in support of a Community Plan Amendment and Shoreline Setback Variance for proposed shoreline and site improvements at 4909 Lower Honoapiilani Road in Napili, TMK: 4-3-003: 015. The action today is for the Commission to provide comments on the Draft Environmental Assessment, and once again, Jim Buika is your Planner.

- 2. KAHANA SUNSET AOA requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment and the Shoreline Setback Variance for the proposed Kahana Sunset shoreline and site improvements at 4909 Lower Honoapiilani Road, TMK: 4-3-003:015, Napili, Lahaina, Maui. (EA 2012/0002) (CPA 2012/0003) (CIZ 2012/0007) (SM1 2012/0003) (SSV 2012/0002) (J. Buika)**

The entity who will decide on the acceptance of the Final Environmental Assessment is the Maui Planning Commission.

The EA triggers are the Community Plan Amendment and the Shoreline Setback Variance.

The public hearing on the Community Plan Amendment, Change in Zoning,

the Special Management Area Use Permit, and the Shoreline Setback Variance will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

Mr. Jim Buika: Good afternoon, Commissioners. Jim Buika, Planner with the Planning Department. Just as a prelude, I have two opening slides and then I'd like to turn it over to Mr. Raymond Cabebe, the authorized representative from Chris Hart and Partners for the Kahana Sunset AOA. My opening comment is that this is a good project that has grown from Emergency Permits that some of the old timers on the Planning Commission probably saw in 2009-2010. At that time, the Department had...as part of the emergency repairs that are granted by the Director, we do...the Department does report back to you about the actions ongoing under the Emergency Permit and these, this Environmental Assessment, Major Use Permit and the variance coming before you resolve those Emergency Permits plus they, they do address...this project does address one of the requests from the Maui Planning Commission at the time to design a plan for a strategic retreat for the Kahana Sunset property. And although they do have buildings near the shoreline, I think in the spirit of those comments from the Commission they are doing some good strategic retreat here. So I'll turn it over to Raymond just after, just giving you the context of what is going on today.

The purpose, we're here to review the Draft Environmental Assessment only. It's the first time you've had a chance to see this document. So it is an informational document and you will...our request to you is to ask questions, ask for more information so that we can proceed to the Final Environmental Assessment stage, and at the future date, the Maui Planning Commission will hear an SMA Major Use Permit and a Shoreline Setback, a variance. The Final EA, not this document, but the Final EA will answer all of the Maui Planning Commission and other agency comments to the satisfaction of the Maui Planning Commission and all other commenting agencies. The Maui Planning Commission will be the approving agency for the Final EA on an anticipated Finding of No Significant Impact for the applicant action

There are other agency comments to date that have been included in the Draft EA and these will be fully answered with responses from the applicant in the Final EA. The Planning Department will provide formal comments on the Draft EA in addition to the Maui Planning Commission comments gathered today. So those will go out together. And also the Draft EA is published currently on the Office of Environmental Quality Control's Environmental Notice. It was up there as of February 8th, and for a 30-day comment period. And again, the Department's role today, in today's proceeding is to ensure that all of your questions get recorded and transmitted to the applicant for responses part of the written record. And again, what we will do is we will include in the Final Environmental Assessment a specific...all of your questions, request for information and specific responses similar to what we did for the last application for clarity's sake. So at this time, I'll turn it over to Mr. Raymond Cabebe, Chris Hart and Partners, will give a presentation and he'll also just let you know here is in the audience some of the engineers and representatives from the AOA also.

Mr. Raymond Cabebe: Good afternoon, Commissioners, Chair Hiranaga. I'm Raymond Cabebe with Chris Hart and Partners representing Kahana Sunset AOA. Today we're asking for you, asking from you for comments on the Draft Environmental Assessment in support of applications for an SMA Use Permit, Shoreline Setback Variance, Community Plan Amendment, Change in Zoning for this project.

Our presentation will consist of an introduction of our project team, and we'll give you an overview of existing land use and current designations. We'll show you maps and photos of the existing site and we'll describe the proposed actions in connection with the aforementioned applications. We'll review the most significant agency comments and how we have addressed them and at the request of the Planning Department we'll also go through the environmental significance criteria for the project.

Our project team that is here today, we have Jacqueline Scheibel and she's the co-chair of the Long Range Planning Committee for the Kahana Sunset AOA. Jordan Hart and myself with Chris Hart and Partners, the planning and landscape design consultants. Dr. Marc Siah, he's a civil and coastal engineer. We also have Dr. Kiumars Siah, who's the structural engineer.

Kahana Sunset is located in the northwest coastline of Maui at Keonenui Bay between Alaeloa and Haukoe Points. It is surrounded by single-family homes to the north and south with condominiums to the east and further north is the Alaeloa Condominiums, the project you were just reviewing is just to the south of that.

This is a tax map showing the Kahana Sunset property in relation to the other properties in the area. The existing site consists of 79 hotel/condo units in six apartment buildings. Four of them are three-story, two of them are two-story and it's on 4.467 acres. Kahana Sunset was constructed in 1971, and also includes a one-story supported, support building with offices, manager's residence and a laundry. Amenities include a pool, cabana, gazebos, barbeques, outdoor shower and parking.

This aerial map shows how the buildings are situated. In the context of this project we'll be referencing the buildings closest to the shoreline, Building A here, and Building F. The West Maui Community Plan designates the property as single-family as well as the surrounding parcels are all single-family except for the Door of Faith property, it's to the north here, and also the Napili Villas that are...it's to the east. This is the zoning map. It shows that the property is in R-3, Residential and most of the properties that are on it are R-3 also except for Napili Villas.

In 1968, a variance was granted for the property. The owners at the time, The Yabui Family originally requested a change in zoning to Hotel, but the Planning Commission at the time recommended Apartment zoning, and since A-1...the A-1 Zoning Ordinance had not yet been adopted, the Planning Commission at the time recommended a variance.

And just to go through a little bit of the history on this property, like I said, there was a variance granted in 1968. It was constructed in 1971. In the 1970's, Kahana Sunset received proper permits from the County, State, and Federal agencies for a seawall and also for the hardening of the face of the bank that fronts Building A which is like a 20-foot high bank... and 1996. In 2003, there were repairs to the seawall fronting Building F. And there was a Emergency Permit also in 2009, for when the seawall and the lanai fronting Building F collapsed. And in 2010, there was another Emergency Permit for a seawall, for the seawall fronting Building A, that was just for repairs and most recent is the 2012 permit for the bank that's fronting Building A. Remove some unstable soil and gunited the top and the face of the bank and reconstructed the retaining wall.

These are some of the photos of the property. These are in our book too. This is the most recent

one here showing the 2012 improvements. The new wall that's up there in front of Building A and also the face of the wall being gunited. Coming down from that portion of the property that's in front of...on the seaward side of Building A is the steps that the come down and goes to the lower level of Building A on this property here. It's coming down this way. And Photo 3 is a seawall that comes around the south side of Building A that's in this area here. And this section right here is the portion that's damaged and it's going to be replaced. It's gonna be taken, actually taken out in its entirety and moved back about 10 feet. Photo 4 is the beach looking south in front of Building F. And this shows the wall that fronts that building. In Photo No. 5, shows the existing drainage outfall. It's a 36-inch pipe that opens up right here. There's a cover on it that opens when there's flow through it, it's located right to the south of Building A up here. These are the steps that now go to the beach area. That this is gonna be removed also and moved back about 30 feet.

This is the project plan that is in place that we're proposing right now showing the new wall that's stepped back from the original wall. I'll show you how that is related. This is building F here with the existing all, and Building A with existing walls fronting it.

This project has four components to it. It's a demolition, reconstruction of the seawall right in the central part of the property, there's drainage improvements that 36-inch pipe is about 300 feet long that's gonna be replaced, and there's another smaller pipe that's gonna be up sized, there's gonna be another pipe put in here to replace a surface drainage structure. There's also gonna be landscape improvements back in the courtyard. They're gonna cut the bank in a little bit to expose more lawn, and the fourth part of it is the community plan amendment and change in zoning from Residential to Hotel.

Okay, the first part is the seawall, we're demolishing 114 feet of it and constructing about 125 feet of it back about 10 feet on this side here and the steps are about 30 feet back of the steps that are there now. There's a gazebo right here that's gonna be relocated across the walkway here. The showers are located right here currently and it's gonna be moved back in here. This is a topo map of what used to be there as far as south of the steps. There's this wall that was called a serpentine wall. It was determined that this wall did not have any permits so the State asked for it to be removed and it was removed in 2010, I believe and just the end part of it here where it connects to the steps is still there. This is before the collapse also of the lanai area of Building F. So when that was reconstructed, the wall extended all the way to the end of Building F here. This portion of the wall is gonna be removed. It's in...it's badly damaged right now and there's cracks and there's also right behind the wall there's sink holes. And this is a plan of the proposed wall where it connects up into the seawall that's on the south side of Building A and wraps around down here, comes down...you can see the old wall, where the old is supposed to be. Here's a shadow of it. And you can see the difference of where the new structure will be. And at this point I'm gonna bring up Dr. Kiurmar Siah to talk about...he's the structural engineer on the project and he's gonna talk about the wall, seawall.

Dr. Kiumar Siah: Good afternoon. I thought I'm here to just answer your questions. Basically as Raymond was—

Chair Hiranaga: Please identify yourself?

Dr. Kiumar Siah: I'm sorry?

Chair Hiranaga: Please identify yourself?

Dr. Kiumar Siah: I'm Kiumar Siah. I'm the consulting structural engineer for Kahana Sunset on this project. And as Raymond was saying the structural components of the project consist of rebuilding a replacement seawall for the old one. Over here, you see the old one, remnants of the old one, and what you see in red is the new seawall. Basically with your discussion on Hester's application before this meeting, I understand you are quite familiar with the area, so all the other areas have seawalls and this one has a seawall have failed and this part that was removed. So the weak point is what we have to think about and this is the proposed solution for that unprotected portion of the shoreline along that entire bay. We're doing...what we're proposing, we are basically straightening and continuing this seawall that is there without this at the moment at the existing...that Building F is unprotected as all of you know because of the flanking impact of seawalls. If there's nothing there that that this area is subject to erosion and a loss of additional land.

By doing so basically...can you go to the...basically we are...as you see over here, we have a discontinuous seawall. Prior to that if you look at that, that was the start of the serpentine wall. Would come out like that, come here, come here, we don't see it, come back right here, and then it goes...right now is the unprotected part we are planning to continue this thing up there, if you would please go back to the previous one? That's basically...that's the end of the existing seawall. We are continuing it, providing a new stairs approximately 30 feet from the existing one, and over here a 10 to 15 from here. We are closing the gap between basically the only part that doesn't have a shoreline protection. And by doing so, the amount of a beach that has been added to the old beach is more than 3,300 square feet. That's a considerable amount. As far as the nature of the seawall, it would be, it would be a retaining conventional concrete reinforced retaining wall with a texture matching the existing walls. So it would be consistent with the other part. And that would fulfill the requirement for this structure as far as I am concerned. And these are just additional details through the stairs. Basically more information how to build it, if you have specific question, I'd be happy to answer.

Chair Hiranaga: Thank you. We're gonna reserve questions for later.

Dr. Kiumar Siah: Thank you.

Mr. Cabebe: I'll bring up, Dr. Marc Siah, now to talk about the drainage improvements.

Dr. Marc Siah: Good afternoon. My name is Marc Siah. I'm a civil and coastal engineer. I have done, we have done three types of studies on this project. We've prepared a master drainage plan, we prepared the preliminary engineering report and we did a coastal engineering report for the project. Kahana Sunset development, the complex, because of the natural lay of the land and topography has been historically a terminus for the natural runoff of all the off land properties above which ultimately drains into Keonenui Bay. Therefore, the drainage flow on the property is comprised of three components.

One component of it is the water coming from the upland countries currently being covered by Napili Villas and some other properties up there that they have their own drainage infrastructure which collects the water on those properties, conveys it into two retention/detention basins separately, and then the outflow from those retention basins comes via a 24-inch pipeline culvert

under the lower Honoapiilani Road and drains into the Kahana Sunset drywell. This is the first component.

Second component of off site water coming to the property is the all water runoff, surface runoff generated on the right-of-way on the road. And the third component of the flow is whatever runoff is generated on the property. Just as a ballpark figures not exactly, the total amount of water coming, first component, coming from Napili Villas and other properties up, is 44 cfs, cubic feet per second. The water from road right-of-way is around 9.123 cfs, and the enter water runoff generated on the property 4.47 acres of land is 12.4 cfs. So total amount of water runoff based on a 10-year storm based on the design standard draining from upland areas, the roadway right-of-way and the property Kahana Sunset property comes around 63 cfs. The contribution to that total of Kahana Sunset to that total is around 18 percent of it. So Kahana Sunset is basically a depository for the runoff of, runoff generated outside of the property. Anyway, the drainage through the drainage, preparation of drainage report, we have evaluated the capacity of the existing, the drainage infrastructure on the property which constitutes of manholes, drain lines, intakes, open channels, all those things and we have concluded that the entire system that are all shown on that slide I think it's...so I said, there's a contribution from Napili Villas and offland flows that comes through this existing storm drain, 22-inch culvert comes into Kahana Sunset property and goes all the way to the main dry well. The other contribution from the roadway right-of-way, comes through that existing 24-inch line over there and ultimately all these two exterior flow enter into this existing storm drain manhole on the property. From here onward, there's a 36-inch outfall that carries the total flow into the bay.

This is the existing system. We have through the conducting of the engineering study, evaluated the capacity of all these lines and all the lines, intakes, manholes, drainage channels, roof gutters, all these components they're all adequate with except of two, two components. One is this main outfall, 36-inch main outfall which the size is adequate but it seems due to the age and whatever else, maybe settlement whatever, the pipe has cracked and they have done some repairs in the 80's. They have lined certain portion of it, so they...we recommended to replace this portion which is around 300 feet of a 36-inch pipeline. There is another existing storm drain which is a 6-inch, we found that this is not adequate. We're gonna replace it with a 8-inch. Same length but in a 8-inch. Then we're also improving some intakes structures, inlets, drain inlets, one over there and one over here and a portion of the open channel we're gonna be replace it with a underground pipe. So basically the improvements are really minor except for the 300, 300 feet of 36-inch pipeline. So that's what we're gonna do. And that's the extent of the drainage report.

Mr. Cabebe: The third part of this project is the landscape planting improvements. Basically like I said before, we're just taking that wall, the slope back here, putting in a, I think it's a four-foot high wall, and then there's a three and a half foot wall on this side and just opening up new lawn areas. The plantings are gonna be changed to native planting, drought tolerance type planting. Then the forth part of this, is the Community Plan Amendment and a Change in Zoning from Residential to Hotel in the community plan, and R-3, Residential to H-M, Hotel, for the Maui County Zoning. This matrix shows the comparison with Kahana Sunset to the existing zoning and the also the proposed zoning and how it was dealt with in 1971. The variance itself that was granted in 1968, basically allowed for Apartment use. At that time, the Apartment use included short-term rentals. So that's how that property is used right now. It's short-term rentals in apartment buildings. At 4.4 acres it more than exceeds the minimum area regulations. The buildings are one to three stories high. For

R-3, Residential that exceeds the limitations there. So the variance allowed for it in '71. The H-M Zoning allows for six stories so it's well below the allowable for H-M Zoning. Unit density, R-3, Residential has a one unit per 10,000 square foot limitation. Kahana Sunset exceeds that but the variance allowed for it. Lot coverage, there's no lot coverage in R-3, and there's no floor area ratio maximum in R-3 also. But those...Kahana Sunset is 22 percent lot coverage and 40 percent on the floor area ratio and that's well below H-M Zoning. Kahana Sunset meets all the front and rear yard minimums. At that time, in 1971, there was no SMA at that time, so there were no shoreline rules and there was no shoreline setback, so basically they used just your rear, rear yard setback for whatever zoning that you are in. If you look at the old permits, Building A had a 15-foot rear yard setback. Building F had actually a 50-foot setback. Side yards, it meets all the side yard limitations. Parking, the variance allowed for half a stall per unit, and that's the same as H-M Zoning. Kahana Sunset has 1.3 stalls per unit so that exceeds that limitation. There's actually...I said four parts to this project, there's actually five because Kahana Sunset is proposing a beach access down along the south, it's south boundary. Just a blowup of it. It's about 200 feet long. It's about...the width varies because there's a rock wall that kind of runs down along here and it's not really right on the property line, so it varies between three, about three feet to about five feet wide. And this shows it a little bit better. It will step down, it will follow the existing grade and step down in various places, and when it gets down to Building F, it's gonna be concrete and the concrete stairs. The upper portion will be gravel.

I think it's important to note that there's no, there's not going to be any parking provided for this beach access. It's just whatever street parking that's out there it's gonna...has to be used for the beach access.

For this project, these are the permits that are gonna be required, an SMA Use Permit, Shoreline Setback Variance from this agency, Flood Permits from Planning, Building Permits and Grading Permits from Public Works. Community Plan Amendment and Change in Zoning, we need recommendations from this body, but ultimately the Maui County Council is gonna decide on that. And in terms of the certified shoreline, they're gonna...Kahana Sunset has to resolve some issues. They're likely gonna have to obtain some sort of easement from the State.

These are some of the significant comments from agencies. I mentioned before the shoreline certification was submitted to the State in October of 2011. In December of 2011, we received a revised map back from the State stating where they think the shoreline is, and it's in your Appendix E, it shows what was submitted and also what the State comments were. If Kahana Sunset obtains the authorizations to complete this project, the old seawall will be demolished, the new seawall will be constructed, the shoreline will be resurveyed and resubmitted for certification and then at that point, Kahana Sunset will resolve any encroachment issues and then it would, we anticipates it will obtain a certification at that point.

The Department of Business, Economic Development and Tourism had three major comments there. Climate change adaption of...erosion rates and the obvious climate change aspect of this project...sea level rise was considered and was...this is the reason why Kahana Sunset decided to relocate its new seawall further mauka. Any alternative to shoreline hardening would have to be in the context of the whole bay with the cooperation of all of the owners in the, along the shoreline in Keonenui Bay. And they got a concern about development within the shoreline area and the Community Plan Amendment and Change in Zone was requested primarily to bring the property

into compliance with the existing use and other than what is proposed in this EA, no further development is planned within the shoreline area. As shown earlier, the Kahana Sunset has begun developing a concept plan for beach access. This will be further refined as comments come in and will be included in the Final EA.

Department of Health had some water quality issues. It's not expected this will be impacted because storm flow is not expected to increase, and because of the onsite filtering actually some water quality will improve slightly. A National Pollutant Discharge Elimination System Permit is not expected to be necessary since an acre, less than an acre will be disturbed and no additional runoff water is expected to be generated.

And you had a question about the Army Corp. of Engineer Permits. We got a letter from the Army Corp. stating that Section 10 or 404 Permits will not be necessary since navigable waters are not be impacted.

DLNR had some comments. They talked about the flood hazard. Flood Hazard Permits are gonna be obtained for the structures that are required to have some, to have permits. The seawall is necessary to prevent flank erosion is as Dr. Siah said, flank erosion to the habitable buildings will be prevented and also prevent erosion and siltation into the ocean. There are sink holes behind, which you saw in the photos there. There are sink holes behind the building...behind the seawall and those are likely...less likely to occur since the seawall is being moved mauka and it'll have a more substantial foundation. They had a comment about the beach access and we have addressed that.

The drainage alternatives, as Dr. Marc Siah talked about, only 18 percent of the potential storm runoff that's coming through that system is coming onsite, from onsite areas. And the onsite system was designed to capture specifically the onsite runoff. And in the context of storm runoff and filtering the inlets, the Kahana Sunset believes that it's employed adequate mitigation.

There will be BMPs to utilize...that will be utilized in the event that any listed species such as turtles or monk seals come on shore. And the Office of Conservation and Coastal Lands had a concern about when the work was scheduled. Work will be scheduled when tides and waves are lowest to reduce the likelihood of impacts nearshore waters. Excavated sand will be returned to the beach, and if clay soils are unearthed during beach widening, it will be excavated and replaced with beach quality sand. And again, we had, they had a comment about the beach access path which we have addressed.

There are a couple more comments. From Department of Environmental Management, the disposal of the demolition waste will be done at the construction waste site. Public Works had a comment about the Hayashi seawall design. The Hayashi seawall design was ruled out because it was deemed not appropriate due to the location of the proposed seawall in relation to the shoreline and the slope of the beach. I don't know if you're familiar with that Hayashi seawall, the design is...the seawall actually mimics the shoreline profile to try to minimize and dissipate wave energy. It's so far back from where the wash of the waves are, it wouldn't be feasible. And we had a meeting with Public Works last month concerning the drainage along the roadway. That was something that's not really part of this Draft EA. And so, we're waiting for another letter from Public Works that's gonna address just what the project is entails. Like I mentioned before,

Army Corp., we got a letter from them saying that the permits are not required.

Jim just told me don't go through all of these significance criteria. These will be addressed in the final. It's just the standard criteria that you have to go through for an Environmental Assessment.

In summary, we feel that the Draft EA identifies all the potential impacts and provides adequate mitigation. We also feel that agency comments were adequately addressed and will be incorporated into the Final EA, and that a finding of no significant impact or a FONSI is warranted. At this point in the project, we're in the comment period for the Draft EA that will end on March 11th, and we just ask this body for your comments. Thank you.

Chair Hiranaga: Thank you. At this time, I'll open the floor to public testimony. Is anyone here that wishes to provide public testimony at this time? Please come forward? Seeing none, public testimony is now closed. I'll open the floor to questions from Commissioners. Jim, I have a question. Why is the, why is the Community Plan Amendment and Change in Zoning combined with a Shoreline Setback Variance request?

Mr. Buika: Well, a Change in Zoning and a Community Plan Amendment...or a Community Plan Amendment requires an Environmental Assessment. So this Environmental Assessment is being done to meet the requirement of the Community Plan Amendment to look at impacts of changing the community plan designation. So that's the only connection in it. We will require from the Planning Commission your concurrence and recommendation to the Council to change the community plan. So just to conclude, the...as part of this master plan is to, is to do everything at once since we are doing an Environmental Assessment is to do the required Change in Zoning and the Community Plan Amendment at the same time, along with the SMA Permit and the variance, Shoreline Setback Variance.

Chair Hiranaga: Okay, so since an EA is required for a Shoreline Setback Variance, the applicant decided to do a Community Plan Amendment and Change in Zoning at the same time, but it's not mandated?

Mr. Buika: Probably opposite of that in that they were, they wanted to have the land use entitlements match the existing use. So the EA is covering both. So yeah, I think their plan was use the EA, one EA to cover all of the land use actions also, land use changes.

Mr. Jordan Hart: Jordan Hart from Chris Hart and Partners. In addition, the land use consistency is required for an SMA Permit.

Chair Hiranaga: Thank you. So what was the discussion on all that drainage improvements? I didn't see the correlation? That one consultant was talking about all the...

Mr. Buika: It's a major part of the project to improve the drainage at the same time. It's just one component, one of five components of the project. So that was just the background on all of the drainage improvements that will be covered by the SMA and the Variance. That pipeline goes into the setback area also.

Chair Hiranaga: Okay. Commissioner Ball?

Mr. Ball: In the act of disclosure, my sister owns a unit in Building E, and I have no financial interest in that. I will not be recusing myself either.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Just a follow up. The drainage study that have to do or is it a cause of the all the sinkholes and collapse that has happened in the property? Is that gonna resolve the problem? They're not fixing the drainage issues?

Mr. Buika: I can leave that to the engineer. I know that was speculated for some of the collapse earlier was the saturated sands behind the seawall, but I'll let Marc Siah, the civil engineer.

Dr. Marc Siah: As I mentioned earlier, as part of the EA, the drainage situation on the property has to be assessed. We looked at all aspects of the drainage system from collection to conveyance and found the system to be adequate except for one or two minor things, minor components. By minor...although the outfall, 36-inch line is not minor, but because of the fact it's replacement, I consider that minor. And also as part of the EA, we had to address the preliminary...prepare a preliminary engineering report which evaluates all the components of the development from construction to roadways to power supply to drainage issues and all of the issues of it. It has to be addressed in the EA, for that we did the engineering report. And in order to establish where to put a new seawall, that is moving the existing, collapsing seawalls, and replacing it with a new one further back, we did a coastal engineering study that we established where the toe of the new proposed wall to be way outside of the highest wash of the wave during the most severe storm as compiled by 25 years of buoy data from University of Hawaii at Manoa. Sorry, I don't know how to turn this off.

So based on this background there was no sinkhole developed on the property due to the inadequacy of the drainage infrastructure or I'm not aware of any sinkhole on the property...I'm aware of failure of the faces of the wall, some of it actually is not wall, it's the rock formation, the reef formation and now there is one or two small sinkholes behind the existing collapsing wall somewhere over here because that wall is failing due to various reasons, and behind it, there are one or two small sinkholes maybe three, four feet deep that obviously because of the movement of the wall, that sinkhole has developed, but that has nothing to do with the drainage or engineering part of it.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: I just wanna make sure guys are taking appropriate measures to either conduct studies or doing whatever engineer analysis, if I may put it out there to avoid any future sinkholes or collapsing like the lanai...the case with the lanai, I guess with the Building F that has happened before. You know especially with the climate change and so forth coming up. I just wanna make sure you guys are doing a due diligence on that.

Mr. Cabebe: Yes, the design of the seawall is founded on bedrock and that you can see on the sections there is really substantial foundation to it compared to what it was there before. That was part of the reason why there was a...I don't know which study was, but one of the studies said that the seawall...I think it was the soil study that it was caused because of the foundation not being

founded on bedrock.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just want to find out the policy in terms of runoff water from the mauka side property owners? Is there anything in our provisions that requires these homeowners to ensure that the water runoff does not impact those properties down below? Is there such a law or is there such a code that requires such a thing? I'm not looking at you just for you, but-

Chair Hiranaga: Maybe you should look behind you?

Mr. Shibuya: Oh, maybe behind me, okay.

Ms. Dagdag-Andaya: This is...I guess, the issue is with the neighboring properties and all of their runoff entering into the Kahana Sunset? Is that question you have whether or not?

Mr. Shibuya: Yes.

Ms. Dagdag-Andaya: I think in that area there, we have noticed or we know of the drainage situation, and are working towards a plan to mitigate that. And that would be included in our Phase IV, Honoapiilani Road project. That is currently still in the works. We're working with other landowners in the area, the community and trying to come up with a design to mitigate some of the drainage issues that are occurring there. But with respect to drainage from other properties, our rules would address that private landowners do address the drainage onto their properties, I think some of these other existing properties are a little bit on the older side. So our rules were in effect, after some of these areas were established. But in moving forward, we are trying to work with community and trying to come up with, with a plan that works for everyone that would address drainage issues as well as roadway issues as well.

Chair Hiranaga: Deputy Director of Planning wanted to add to that.

Ms. McLean: Just to concur with what Rowena said. The uphill or adjacent mauka properties generally were developed prior to some of our existing, the level of review we give with SMAs and also that Public Works would impose for runoff. So the proper way to correct that as she described would be for when roadway improvements are done and drainage updates can be done to the public system at that time.

Mr. Shibuya: So in the meantime, then these property owners, Kahana Sunset has to deal with that runoff water from mauka. And is there a time line when the city or I mean, the County's gonna fix that storm drainage system for the roadway? Is there a time?

Ms. Dagdag-Andaya: Commissioner?

Chair Hiranaga: Deputy Director of Public Works?

Ms. Dagdag-Andaya: Currently we don't have a time line. However, that project has been in the works for some time now. One of the issues does involve trying to come up with a plan that the

entire community is satisfied with. So we're working on that. This is one of our projects that we would really like to get started on. We've also talked about this with the members of the Kahana Sunset, their Long Range Committee, and with other neighbors in the area, and everyone's really anxious to get started with it. It's just trying to find a good plan to put in place.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, I have a two questions. One has to do with Figure 10 in our... it's says, the concept master plan, I just wanna be clear what portion of the wall is being replaced in this picture? It's under Figures, Figure 10.

Mr. Cabebe: I think this is, is this Figure 10 here?

Ms. Wakida: Yes.

Mr. Cabebe: The new wall is...starts here, and extends in, turns in here, goes to new stairs, the new wall extends here, and ties into the wall that's fronting Building F.

Ms. Wakida: Did you bring an engineer?

Mr. Cabebe: Yes.

Ms. Wakida: May I ask him a question, please?

Mr. Cabebe: About the wall?

Ms. Wakida: Yes. And this is about...oh, yes, beg your pardon, we did see you. This is Drawing S-3. Okay, I would like a little more explanation about how this wall is being built. Down on the bottom here it says existing soil. So you're building these footings down in what is the existing soil?

Chair Hiranaga: Could you please reidentify yourself?

Dr. Kiumar Siah: Sorry, I'm Kiumar Siah again. I'm the structural engineer, and I try to remember.

Chair Hiranaga: It happens all the time.

Dr. Kiumar Siah: The answer to your question is in order to get-

Chair Hiranaga: Please speak into the microphone. Thank you.

Dr. Kiumar Siah: After we remove the existing collapsed retaining wall, you'll be down.

Ms. Wakida: Yes, and what's down there. What's the existing?

Dr. Kiumar Siah: At least we have to go to the existing, bottom of the existing retaining wall.

Ms. Wakida: I see, but–

Dr. Kiumar Siah: And then depending on what we have, depending on the condition...if it's sand, obviously we cannot use the sand, but we have done the same design...this design is basically continuation, the same design based on the assumption that the existing condition that that we had in front of Building F, after we had the collapse would be the same. And over there we found out actually if you go to the bottom of the existing retaining wall which failed and we go down the four to five feet at that point, we have reached a very substantial existing ground that we don't need. We start from there. That's where I said existing. So that's basically after you remove the existing failed wall and remove any loose soil or sand.

Ms. Wakida: As I understand your explanation, so once you remove the existing wall, and what's underneath if it isn't sand, is it mud rock or bedrock?

Dr. Kiumar Siah: Mud rock, bedrock, it is basically a soil which is capable of resisting the applied stress enough soil bearing capacity which is not prone to erosion. Just like what as I mentioned, we have in the failed part on 2009 that they replaced it, we are doing exactly that. Actually this design if you look at the design that we had for 2009, which replaced the collapsed seawall, this is that same thing.

Ms. Wakida: Okay, well, I don't know if I had my question answered. I just wanna know what the seawall is gonna be sitting on ultimately, and you don't know that until you get down there or?

Dr. Kiumar Siah: I'm sorry?

Chair Hiranaga: I think that was his answer. He doesn't know what's there, but they'll go until they find something suitable to–

Dr. Kiumar Siah: Correct, correct.

Chair Hiranaga: –place the wall on.

Ms. Wakida: You will dig down until you find a–

Dr. Kiumar Siah: Yes.

Dr. Marc Siah: Stable substate.

Ms. Wakida: –stable substrate.

Dr. Kiumar Siah: Yes.

Ms. Wakida: Thank you.

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

Mr. Hedani: The existing seawall that failed, are you gonna use the same design for the new wall?

Dr. Kiumar Siah: No, the existing seawall actually is not a retaining wall. It's a gravity, boulder rock wall, grouted rocks on top of each other. This is a reinforced concrete wall with a footing.

Mr. Hedani: And that's gonna be fixed on basalt rock or whatever?

Dr. Kiumar Siah: That was what we were talking about. Based on adequate stable substrate. It might be entirely rock. It might be rock, some rock, but some sort of a dependable soil which is capable of satisfactorily resisting the soil pressure.

Mr. Hedani: I guess this is a question more for Jim, than for the civil engineer, what is the...the erosion rate for the areas shows 10 to 15 feet per year. Is that the annual erosion rate for this area?

Mr. Buika: I'll have to look it up. No, not 10 to 15 feet per year. The highest we have on the island is five feet per year.

Mr. Hedani: I saw a measure of 5, 10 or 15 on the...erodes annually...(inaudible)...

Mr. Buika: It's approximately one foot per year annualized erosion hazard rate. It ranges from point 8 feet per year at transect 13 to about one of the property to 1.2 feet per year on transect 5 on the other end of the property. So approximately one foot per year average. So there is still an erosion rate going on here.

Mr. Hedani: Thank you.

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

Ms. Wakida: Well, I'd like to understand the drawings a little more, thank you. The width of the footing here is that...as I understand it what's sitting on top of the existing soil is a footing, sir? What's sitting on top of the existing soil is a footing that you've put in? Or is that, looks like rocks?

Dr. Kiumar Siah: Those are boulders and then grouted, and then on top of that you have the footing.

Ms. Wakida: Okay, and that's how wide?

Dr. Kiumar Siah: How wide? Nine foot and 10, and I know they're...that's 3 and 12 feet.

Ms. Wakida: It extends 12 feet back into the property?

Dr. Kiumar Siah: Yes.

Chair Hiranaga: That's the footing? Excuse me, we cannot have you speaking from the audience without identifying yourself.

Dr. Kiumar Siah: This is the face of the seawall.

Ms. Wakida: Correct.

Dr. Kiumar Siah: The sand in front of it, all the rest of it is behind mauka of the wall. This is the face. This is what you can see.

Ms. Wakida: Yes, I understand that. I was just surprised at how deep it goes.

Dr. Kiumar Siah: And that is what required by design.

Chair Hiranaga: I think the width of the footage is required based upon the stress placed upon it by wave action, that's why it's so wide.

Dr. Kiumar Siah: The width is basically does three things for us. The width based on the width, you can calculate what would be the maximum soil pressure on the soil. That's number one. Number two, the width would determine how much extra weight of the soil on the backfill would be on it. That would help us prevent sliding. The width also, that weight of the retained wall on top of the width also will...(inaudible)...counteract the overturning duty lateral pressure. So the width does three things.

Ms. Wakida: Thank you. I had one more question, but I will yield to somebody else.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I'm not sure who can answer this, but what I'd like to see is an exploration of the possibility of providing for public beach parking. We just heard testimony from the prior applicant for an EA that they cannot provide lateral access from the south to this beach. Right now the beach is a private beach because there's no public access from any source. You folks are intending to provide public access from the nearest public highway I guess, Honoapiilani, Lower Honoapiilani Road. I don't know if parking is allowed on Lower Honoapiilani Road at that area because kind of like a blind curve, it might be dangerous to park along the street. So the question is can parking be accommodated on site?

Mr. Buika: We'll note that and explore that and report back in the Final EA.

Mr. Hedani: Thank you.

Mr. Buika: That's good. Good comment, thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I would, let's see, I guess, Jim, you could answer this. The face of the wall is gonna be textured to match the existing wall, so I would assume that means they're gonna be embedding rocks into it to match what's already there?

Mr. Buika: I'll let Siah Kiumar answer that.

Dr. Kiumar Siah: I'm Kiumar Siah ...(inaudible)...

Chair Hiranaga: Thank you.

Dr. Kiumar Siah: The short question, the short answer to your question is no because what you see is the existing textured concrete. How they do that, you use special forms which is not smooth on the inside and you pour concrete as if you use concrete. By the time you strip the forms off, you get a textured concrete and you will see the same. This is the existing. It'll be the same continuation.

Ms. Wakida: And around on what ties it on the other side though, isn't that...is that textured concrete as well?

Dr. Kiumar Siah: At the very end, no. That's a stone gravity wall, which doesn't by the way, this is a good time to say, the existing wall that failed, I mentioned that it was a gravity wall. It didn't have any footing. That's another reason for the failure which would not be true for this reinforced concrete conventional retaining wall. Did I answer your question?

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'm curious in terms of the water volume that comes out during storms, and there's a 36-inch, I believe, culvert or conduit coming out towards the sea. Where would this be located and how are we treating that outflow of water? Is it gonna go over a bed or rocks or is it just plain sand because it'll erode the sand?

Dr. Marc Siah: I'm Marc Siah. The existing formation is a reef formation which is covered by a few feet of sand which washes away, erodes, accretes, erodes, accretes seasonally. Therefore, for this outfall, at the end of the outfall there's a flapper gate which automatically opens when there's water in the pipe, and closes if wave action impacts it. The water exits the pipe on the sand and the existing reef formation. Where as an engineer I would like to put revetment on it, but Department of Public Works would not permit that. So it's a reef formation with...covered by sand, which intermittently is washed away and accreted, washed away and accreted few times a year, maybe more than a few times a years, 15, 16 time.

Mr. Shibuya: Thank you very much.

Dr. Marc Siah: You're welcome.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Jim, this is probably for you. I would like the applicant to explore...they're asking for the H-M, Hotel zoning and that's six stories. The land, the properties north and south of this are residential, and everything along there is very low rise. I would like this project to consider maintaining a three-story height limit if they should choose to go to a hotel.

Mr. Buika: Okay, I'll record that comment. Thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: This is a question for Raymond. Raymond, you mentioned that there were...were there encroachment issues with the Department of Land and Natural Resources relative to this property?

Mr. Cabebe: Are there or? In the Draft EA, I think it's Appendix E, there's a shoreline map, shoreline survey map that was submitted and when it came back from the State, they moved the shoreline, I believe on the wall fronting Building F, the surveyor had called out the shoreline at the face of the wall, but the State wanted the shoreline to be on the mauka side of the wall, mauka face of the wall. So that's one obvious encroachment. Some of the encroachments are also along the middle section where the, where the new wall is gonna be, and wherever they had delineated their line, we made sure that the new wall will be mauka side of that wall. So all that encroachments in that area will be taken care of by this project. At the top of the stairs fronting Building A, there's a, there's an outcropping there, there's a little rock wall that comes out there and the State, I think, determined that to be a small encroachment also over there. So...

Mr. Hedani: So you guys are working out easements for those encroachments?

Mr. Cabebe: We will be. We're gonna wait till we get the entitlements for this, for the new wall and get it resurveyed again. So that we can, you know, just take care of all the easements all at once.

Mr. Hedani: But those would be subject to easements from the State?

Mr. Cabebe: Yeah.

Chair Hiranaga: Jim, following up on Commissioner Wakida's question regarding the proposed zoning H-M, why is that zoning required? Is there something lesser density or intensity?

Mr. Buika: Right now the zoning is R-3, it's Residential. So it's not...it's not a residential use, it's an apartment building.

Chair Hiranaga: I understand that. My question is, is there a less intense zoning that could be applied versus Hotel?

Mr. Buika: Oh, such as Apartment?

Chair Hiranaga: Possibly.

Mr. Buika: We can...I will...I'll let Raymond answer that. Okay, he's done a full analysis of this here.

Mr. Cabebe: We looked at Apartment Zoning, and since they have short-term rentals there right now, that wouldn't be appropriate for that zoning. H-1 which is a low density hotel zoning, their maximum is two, two stories. We have three-story buildings on this property. So we're trying to make the existing buildings and the existing use fit into an appropriate zoning and H-M is what we came up with.

Chair Hiranaga: So it either goes from two stories to six stories?

Mr. Cabebe: Yeah.

Chair Hiranaga: So I think as part of the EA, we'd like to have that confirmed that no other lesser zoning would satisfy the existing improvement?

Mr. Buika: I'll make a note of that.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Or should the H-M be the only appropriate one that the applicant consider the three-story limit.

Chair Hiranaga: Well, that could come with the Major SMA permit. You're placing a condition on the property. I'm sorry, Deputy Director?

Ms. McLean: That could also be a zoning condition 'cause that's where the standard comes from.

Chair Hiranaga: So that would be a recommendation to Council?

Ms. McLean: Correct.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: You guys said that you were setting back the shower from the existing spot to further back. I'm wondering can we make this shower because public access is gonna be coming through there, can we make this shower public?

Mr. Buika: I'll note that to be addressed in the Final EA.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I think this is probably my last comment. Chris Hart and Partners seems to do a good job on some of their, maybe all of their Final EAs letting us know what's the new information and I just request that new information in the Final EA be flagged out in a conspicuous way including not only the responses to the Commissioner's comments, but other agencies and comments also. So that we can find them easily in the document.

Chair Hiranaga: Deputy Director?

Ms. McLean: I have a comment as well. Where the chart on Page 12, where it's compared with the existing zoning and the proposed zoning. You might wanna confirm what the parking requirement would be, because you have three stalls per one unit. You probably intended for that to be the other way around. But let's just confirm that with ZAED of the H-M parking requirement would be so, we're just sure we have covered. Thank you.

Chair Hiranaga: Commissioner Hedani, you spoke about some encroachments. What encroachments is that over property lines or over the certified shoreline?

Mr. Hedani: They talked about encroachments with the DLNR relative to the establishment of the shoreline.

Chair Hiranaga: Oh, so into the State land?

Mr. Hedani: Right.

Chair Hiranaga: That's the existing improvements or proposed improvements?

Mr. Buika: Those are existing improvements. There will be no proposed improvements that would be encroachments.

Chair Hiranaga: Commissioner Hedani, you got a question?

Mr. Hedani: Yeah, can we verify, I guess, Raymond, can we verify that the project complies with the existing County ordinance on lighting, down lighting?

Mr. Buika: Okay, we'll verify that the project complies with County ordinance with respect to down lighting, correct?

Chair Hiranaga: Jim, I guess you could maybe review the list of questions from the Commission?

Mr. Buika: Sure I had nine that I've recorded that are follow up questions. First one from Commissioner Hedani is to explore public beach parking. Second from Commissioner Shibuya, unless it's been answered, question on the water volume that comes out to the ocean and where this would be located and how it will be treated. I think that's a good one. Third one, from Commissioner Wakida, that the applicant, ask the applicant to explore H-M zoning and to consider that there be a three-story height limit as part of the SMA and Change in Zoning as a condition. Fourth one from Commissioner Hedani, is to explain the encroachments, the existing encroachments more fully and describe the process for getting the property resurveyed and eliminating those encroachments. Number five, from commissioner Hiranaga, explore...as part of the EA, explore lesser zoning options to comply with the existing uses. Commissioner Lay, number six, can we make the shower available for the public, public's use. Number seven from Commissioner Wakida, that the applicant flag the responses and changes from the Draft Environmental Assessment to the Final Environmental Assessment for easy reading and reference. Number eight from the Deputy Director is to referencing to the Chart on Page 12, confirm parking requirements for the H-M zoning requirement that they're met. And then finally, number nine from Commissioner Hedani, verify that the project complies with County ordinance with respect to down lighting. Any additional ones from there that I missed?

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'd like to have a consideration that the upper, higher elevation neighbors such as Kahana Villas as well as the neighbors in the area that they would be aware of and capture their

onsite water as much as possible. Because much of the problem here is two-thirds of the water that they're dealing with is actually storm water runoff and my biggest concern is hydrostatic pressures in the ground that if you over saturate this area, you're gonna have plumbing problems and you're gonna have the conduit for electrical problems arising from this because what happens is that these conduits and culverts will float and thereby disrupt or break especially if it's the electrical conduits which are underground. They're encased in concrete, these will rise and guess what, we've got an electrical problem.

Mr. Buika: Should we have the applicant do outreach to the surrounding Villas upstream about...from, with the drainage report is that helpful?

Mr. Shibuya: Well, I would like to have the ...(inaudible)... You know, it's kinda...it's not really Kahana Sunset's problem...well, it is their problem, yes. You can have an outreach, but the community needs to set up on this one. 'Cause all of their storm drainage goes into this one 'cause all of their storm drainage goes into this one area. Maybe the community or the Planning Department.

Mr. Buika: I think Public Works can do that for us.

Mr. Shibuya: Public Works can do that, okay. Somebody do it.

Ms. Dagdag-Andaya: We'll try.

Mr. Buika: Can we have a comment from Jacque Scheibel, who's the...

Chair Hiranaga: Is she part of the applicant?

Ms. Jacqueline Scheibel: I'm Jacqueline Scheibel, and one of the things I've done for the last 10 years is paid very close attention to any property that's potentially going to be developed. And we've filed three or four interventions when I've see a property that's going to be developed so that we could look and see what they were going to do in terms of how are they going to handle their water runoff? What were they going to do with collecting their water? What was going to happen to the water that was coming off their roof. And most cases, they weren't going to handle it adequately. And Pua Kahana is a good example. We were able to stop that development. And I hate to stop...well, I don't really hate to stop development, if it's not going to be adequate, it should be stopped. And so that's what we've been doing to try to protect Kahana Sunset for right now. Just to look at what's coming down the line, and if we see any development because it has to be noticed, and if it's noticed, we go to the hearing, we ask to see what are the plans, and, and we look at how are they gonna handle their water runoff. And I think that's all we can do. I think Public Works does a tremendously a good job with what they're able to do. But they're very handicapped right now. And so this is what we're doing right now to try to protect the property because as you point out, it is really a problem and what could happen eventually is just as you described. So I really thank all of you for what you're doing to help protect the, all the property for the County of Maui. I thank you for what you're doing.

Mr. Shibuya: Thank you.

Chair Hiranaga: Deputy Director of Public Works?

Ms. Dagdag-Andaya: Commissioner Shibuya, I believe there's a HRS, Hawaii Revised Statute as it relates to drainage, and the treatment of drainage from private land owners. So if it goes onto their property or if runoff comes from one property to another then that becomes a civil issue. However, in our own ordinances we cover just the storm flows that effect our drainageways or our roadways or any of our facilities. So that's why part of that new project is, I mean, that's one of the reasons for that project is to protect our, our County facilities, but if it involves one landowner to another within the HRS it does say that the property owners need to take care of their land...their own runoff so it becomes a civil matter at that point.

Mr. Shibuya: This is where my concern is. That I'd like to keep peace in the family, our ohana. If we watch out and be considerate of those that are the recipients of our runoff water, then we be sensitive to it and we have some drainage systems that we can at least mitigate it or hold all the water. This problem is not going to be going away soon. As more people need housing, we're gonna have more impermeable areas and we're gonna have more storm runoff. So we've gotta look at this thing quickly. Thank you.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: If there are no further comments from other Commissioners, I move to accept the Draft EA with the additional comments.

Chair Hiranaga: We're not accepting the Draft EA. We're providing comments for the Draft EA. Could you restate condition, proposed question 10?

Mr. Buika: I wasn't able to formulate what exactly that's why I tried to do some sort of communication with the Napili Villages and Kahana Villas that are upstream as far as the drainage.

Chair Hiranaga: Yeah, I have a concern with this particular request for placing a burden on the applicant to reach out to existing developments to see if they will voluntarily step up to control their surface runoff because when the permits were issued for those developments, they complied with County ordinance, that's an assumption and maybe at that time, those ordinances are not as restrictive as they are now. But to place some type of a request to the applicant to go out and see if anybody's willing to voluntarily step up, I'm not sure I would support that as a comment from the Commission. Commissioner Shibuya?

Mr. Shibuya: That was not the intent of the applicant. It was always the intent of maybe the County taking some role, active part in this in either educating or somehow meeting with those future developers as well as current landowners.

Chair Hiranaga: Okay, so we're not adding that to the comments in the EA?

Mr. Shibuya: I would like to at least have the issue identified so that at least we'd more sensitive and more caring and considerate of others.

Chair Hiranaga: So you want the applicant to do the study?

Mr. Shibuya: They've already done the study in a sense that they are capturing two-thirds of the total flow that goes through their property.

Chair Hiranaga: They're not...but they don't know where it's coming from exactly. You're asking them to identify sources and to possibly see, you can mitigate the amount of flow coming off of these sources?

Mr. Shibuya: No, they've measured it already.

Chair Hiranaga: I know.

Mr. Shibuya: There's two conduits right now, two pipes, two, 24-inch pipes.

Chair Hiranaga: I guess for clarity if you could explain what you want the applicant to do?

Mr. Shibuya: I don't want the applicant to do any more, it's just I wanna minimize the impact for the applicant. And it is a community thing. It's not an applicant thing. Applicant is addressing it, and I just want the problem not to be increased as time goes on.

Chair Hiranaga: The applicant prepares the Environmental Assessment. So are you asking them to do something?

Mr. Shibuya: No, I'm not asking them to do anything. They've already done what they have done.

Chair Hiranaga: Okay, thank you.

Mr. Marc Siah: I could possibly help if possible?

Chair Hiranaga: I think we've resolved it. So any more comments? Are we satisfied? Commissioner Hedani?

Mr. Hedani: This is a comment. Just for their information, for their consideration. I don't know if the Kahana Sunset has considered beach replenishment as a solution for erosion, but I've located a source of beach quality sand that's available for up to 200,000 cubic yards that you could purchase if you were interested in replenishing the beach. It's land based and it's beach quality sand. You'd have to do a grain size analysis in order to match it, but it's entirely possible. We're not pursuing it because it's a \$150 per cubic yard, and we're pursuing a source that's a \$100 per cubic yard. But I just wanted to make you aware that there is a source available in Hawaii that can be accessed.

Mr. Buika: Thank you.

Chair Hiranaga: So are we good with the nine comments? Yes? No? So if we could have a motion from one of the Commissioners to transmit the nine comments as the comments from the Commission?

Mr. Tsai: So move.

Mr. Lay: Second.

Chair Hiranaga: Moved by Commissioner Tsai, seconded by Commissioner Lay. Any discussion? No Discussion. All in favor say, aye. Opposed? Motion carries.

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

**VOTED: To Transmit the Nine (9) Comments Regarding the Draft Environmental Assessment to the Applicant.
(Assenting - M. Tsai, I. Lay, W. Hedani, P. Wakida, W. Shibuya)
(Excused - D. Domingo, J. Freitas, K. Ball)**

Mr. Buika: Thank you for your thoughtful comments and suggestions.

Ms. Wakida: Thank you for your work, Jim.

Chair Hiranaga: Moving onto Item E, Acceptance of Action Minutes of February 12, 2013 and Regular Minutes of January 8, 2013 and January 22, 2013. Motion to accept?

E. ACCEPTANCE OF THE ACTION MINUTES OF THE FEBRUARY 12, 2013 MEETING AND REGULAR MINUTES OF THE JANUARY 8, 2013 AND JANUARY 22, 2013 MEETINGS

Ms. Wakida: So move.

Chair Hiranaga: By Commissioner Wakida. Seconded by Commissioner Hedani. All in favor say, aye. Opposed? Motion carries.

It was moved by Ms. Wakida, seconded by Mr. Hedani, then

**VOTED: To Accept the Action Minutes of the February 12, 2013 Meeting and Regular Minutes of the January 8, 2013 and January 22, 2013 Meetings.
(Assenting - P. Wakida, W. Hedani, I. Lay, M. Tsai, W. Shibuya)
(Excused - D. Domingo, J. Freitas, K. Ball)**

Moving onto Item F, Director's Report. Deputy Director?

F. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

a. Amending the SMA Boundaries

Ms. McLean: Thank you, Chair. We have nothing to report under SMA Boundaries.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I'm getting a little concerned about this because as we drive from Lahaina there's things going on just mauka of the highway particularly where it's very narrow. And we, the County, apparently has less jurisdiction over because it's not within the SMA area. So that stretch along there where the highway butts up to the ocean, I think we need to take a look at that pretty soon.

Ms. McLean: Ultimately, the Department intends to propose amendments to at least the Maui Island SMA boundaries using the criteria that's in State law and your SMA Rules to determine areas that should fall within the SMA, 'cause typically they follow the coastal highway which isn't necessarily an indicator as you just pointed out. So it is something that the Department intends to propose. It involves a lot of work with our GIS Team who were almost solely devoted to the Maui Island Plan, and now that that's been adopted, once we get that in final form then we can start working on other projects.

Chair Hiranaga: They won't be working on the community plan?

Ms. McLean: It won't require the entire team for Lanai and Molokai which are the next two plans.

Chair Hiranaga: Molokai...Lanai and Molokai?

Ms. McLean: Lanai and Molokai.

Chair Hiranaga: Thank you.

- 2. EA/EIS Report**
- 3. SMA Minor Permit Report**
- 4. SMA Exemptions Report**

Ms. McLean: For the next few items, EA/EIS Report and SMA Minor and Exemption Reports, those were in your packets in if you have questions, I can follow up.

- 5 Discussion of Future Maui Planning Commission Agendas**
 - a. March 12, 2013 meeting agenda items**

Ms. McLean: And you also have the memo from Clayton Yoshida for the items so far scheduled for March 12th. Three public hearing items and three nonpublic hearing action items scheduled so far.

Chair Hiranaga: Any discussion on the agenda items? Seeing none, the next regular meeting is scheduled for March 12, 2013. If there's no objection, this meeting is adjourned.

- G. NEXT REGULAR MEETING DATE: MARCH 12, 2013**
- H. ADJOURNMENT**

The meeting was adjourned at 4:15 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Keone Ball (excused at 4:00 p.m.)
Kent Hiranaga, Chairperson
Wayne Hedani
Ivan Lay, Vice-Chair
Warren Shibuya
Max Tsai
Penny Wakida

Excused

Donna Domingo
Jack Freitas

Others

Michele McLean, Deputy Director, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Department of Public Works