

**URBAN DESIGN REVIEW BOARD  
REGULAR MEETING  
MAY 7, 2013**

**Approved 07-02-2013**

**A. CALL TO ORDER**

The regular meeting of the Urban Design Review Board (Board) was called to order by Mr. Clayton Yoshida, Planning Program Administrator for the Current Planning Division, at approximately 10:00 a.m., Tuesday, May 7, 2013, in the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Board was present (see Record of Attendance.)

Mr. Clayton Yoshida: It's 10 o'clock according to Verizon Wireless time. So I call this meeting to order. My name is Clayton Yoshida. I'm the administrator of the current division of the Maui Planning Department. And with me from the County are your regulars, your Deputy Corp Counsel, Michael Hopper; as well as your Secretary to Boards and Commissions, Leilani Ramoran-Quemado. We also have our Administrative Officer, Allan DeLima, and our Small Town Planner, Erin Wade, and our Molokai Planner, Ben Stickler.

So the – I guess Kay Okamoto was the Chair, but her term ended at the end of March. So maybe we could go around the table and people could give like a 30, up to a 30 second, introduction about who they are and maybe a little bit about their background because one of the things is we're going to have to elect officers or at least somebody to chair today's meeting if we don't elect officers today.

**B. INTRODUCTION OF NEW MEMBERS - FRANCES FEETER, DAVID GREEN, and ROBERT SPILKER (alternate)**

Mr. Yoshida: We have the new members that's Frances Feeter from Molokai, David Green from Lanai, and Robert Spilker, an alternate member. So maybe we can start with Morgan.

Mr. Morgan Gerdel: My name is Morgan Gerdel. I'm an architect. Our firm specializes in mostly custom homes. We do some commercial work. I'm also a LEED accredited professional. I guess that's about it. Thanks.

Mr. Bryan Maxwell: I'm, I'm Bryan Maxwell. I'm a landscape architect. I've been on island, on island for about 20 years or so, and I've been on our council for a couple of years now.

Ms. Jane Marshall: I'm Jane Marshall. I have a firm, Marshall Design Studio here on Maui. I am an interior designer and I specialize in house renovations. I'm also a certified lighting designer, and I was born and raised here.

Mr. Robert Bowlus: Lucky you. I'm Bob Bowlus. I'm an architect. Most of my career was in San Diego. I worked there for a long, long time, but I've been retired and I've been, I guess, on Maui full-time for almost 20 years now. And I am still practicing, but substantially retired.

Mr. David Green: My name is Dave Green. I moved to Lanai about six years ago, so I live down in Manele. I have been for the last three and a half years a member of the Lanai Planning Commission. And I tried being an architect for about year at Iowa State University and decided that I was going to do something else. So, but my interest in architect has, has been long standing.

Mr. Robert Spilker: Hi, I'm Bob Spilker. I'm a licensed engineer. My last job was with the Highway Department. Before that, I was on the mainland and I built power plants, mostly in . . .(inaudible) . . .

Ms. Frances Feeter: I'm Frances Feeter from Molokai. We lived in Pukalani for three years before moving to Molokai. We've been in Molokai 21 years. My husband served a term on the Molokai Planning Commission and I've always been interested in the looks of our community and making it better.

Mr. Andrew Carson: Good morning. Andrew Carson, University of Hawaii, Maui College. I teach classes about renewable energy, sustainability, energy efficiency, green building, da, da, da. Been there for six years and been here for six months, I think. Okay, thanks.

Mr. Michael Silva: My name is Mike Silva. I'm a civil engineer and a licensed land surveyor. I'm also a LEED accredited professional like Morgan. I work with Ronald Fukumoto Engineering. I think this is going on to my fourth year, I believe. Thanks.

Mr. Yoshida: Okay, thank you. The other regular member is Linda Berry. She's an architect with RSK Architects. And we have three alternate members who are not here. Wendy Fujinaka and Marie Kimmey who are architects, and Gerard Steiner who is an engineer.

So the next item of business is either to elect the chair and vice-chair for this coming term, 2013-2014, or at least, if not that, somebody to chair today's meeting just to kind of direct the discussion. So, I guess, it's up to the board as to if they want to hold the elections today or at least elect somebody to chair today's meeting.

### **C. ELECTION OF OFFICERS FOR 2013-2014 YEAR - CHAIR AND VICE-CHAIR**

Ms. Marshall: How about Corporation Counsel chairing today's meeting?

Mr. Michael Hopper: It needs to be a member, but nice try.

Mr. Silva: I guess I was always thinking that Linda would be voted in as chair. She's not here so I guess that wouldn't be appropriate to vote her in while she is not here.

Ms. Marshall: I'd second it.

Mr. Maxwell: Well, I don't know. She's retired so is she – I don't know, when does her term

ends?

Mr. Yoshida: I believe her term ends next year.

Mr. Maxwell: Yeah, I don't know. Is that something she'd want to do?

Mr. Yoshida: Well, Leilani will check on the website to see –

Mr. Silva: From practice you mean she's retired?

Mr. Maxwell: She's retired from RSK now.

Mr. Silva: Okay.

Mr. Yoshida: So, what is the preference of the board? Do they want to hold elections for officers today?

Ms. Marshall: I was going to suggest Linda be chair too, so I propose we wait until she's here.

Mr. Silva: I second that.

Ms. Marshall: Anybody else have an opinion on that?

Mr. Bowlus: It's a great idea.

Mr. Hopper: If you'd like then you can take nominations for a chair pro tem which would be for the – to serve as chair for this meeting, and this meeting only. That's all you would need to do. You wouldn't need to worry about vice-chair, and then postpone the elections to next week. The elections should still be on the agenda. Not next week, but next meeting. And then that should still be on the next meeting's agenda. But if you wanted to elect, nominate and elect the chair for the purpose of this meeting, you can certainly do that. It's recommended. I don't think you could really get through a meeting without anybody chairing it though. It be kind of hard.

Mr. Bowlus: Do we have a volunteer? I'd nominate Michael to chair today's meeting.

Ms. Marshall: I second it.

Mr. Maxwell: I'll vice-chair for you today too.

Mr. Silva: I see. Alright, I volunteer.

Mr. Yoshida: Okay, any other nominations for chair for today? Okay, if not, all those in favor of Michael Silva for chair, to serve as chair for today, please signify by raising your right hand. Any opposed? Okay, congratulations. You can sit by the gavel there.

**It was moved by Mr. Robert Bowlus, seconded by Ms. Jane Marshall, then unanimously**

**VOTED: Mr. Michael Silva as chair, pro tempore, for the May 7, 2013 UDRB meeting.**

**D. ADMINISTRATIVE APPROVAL OF THE FEBRUARY 5, 2013 AND MARCH 5, 2013 MEETING MINUTES**

Mr. Silva: The next item on the agenda is approval of the minutes. Does anybody have any comments or revisions to the minutes? Seeing none, so those are administratively approved.

**The February 5, 2013 and March 5, 2013 Urban Design Review Board meeting minutes were administratively approved.**

**E. ORIENTATION WORKSHOP**

- 1. County Policy Against Discrimination (Allan DeLima)**
- 2. Rules and Responsibilities - Chapter 2.26 Maui County Code (Clayton Yoshida)**
- 3. Meeting Schedule (Clayton Yoshida)**
- 4. Sunshine Law (Corp. Counsel)**
- 5. Ethics (Corp. Counsel)**
- 6. Country Town Design Guidelines (Erin Wade)**
- 7. Signs and Sign Variances (Trisha Kapuaala)**

Mr. Silva: Next item is orientation workshop. We're going to be – I guess the first item is County policy against discrimination, Allan DeLima.

Mr. Yoshida: Yes, we'll call on our Administrative Officer, Allan DeLima, who has a very busy schedule so that's why he's first.

Mr. Allan DeLima: Just give me a moment and I'll bring up my presentation. Hi. Good morning. As Clayton mentioned, my name is Allan DeLima. I'm the Administrative Officer for the Planning Department, and I'm here this morning to give you a brief overview of the County's sexual harassment policy. And trust me, this is very brief.

What you see up on the screen is a copy of the Maui County Sexual Harassment Policy. And for those of you who are new members you should have them in your packets and if you don't, please let Leilani know, and I will make sure that you do receive copies of them.

Now the definition of sexual harassment. Sexual harassment means unwelcome sexual

advances, request for sexual favors, and other verbal or physical conduct or visual display of a sexual nature directed by an officer or employee to another officer, employee, or a private individual.

All personnel must refrain from the following conduct. Making unwelcome sexual advances or request for sexual favors, making remarks of a sexual nature, using gender based or sexually abusive language and sexual innuendos, visually displaying materials of a sexual nature, physical contact of a sexual nature, and any other similar actions.

The County of Maui has a zero tolerance policy against sexual harassment and will not condone or tolerate sexual harassment in the work place. This policy is applicable to board and commission members, as well as county officers and employees.

Now the process for filing a complaint. An individual who feels subjected to sexual harassment should immediately make a complaint to his or her supervisor. And for board or commission members who feel subjected to sexual harassment, their complaint should be made to his or her chairperson. If the chairperson is the alleged offender, the report should be made to the county's equal employment opportunity officer, the EEO. And the county's EEO officer is our Director of Personnel Services.

And the options for filing a complaint. They may be filed with our Planning Director, our Planning Deputy Director, the Board or Commission chairperson, the Director of Personnel Services, again, who is the County's EEO officer, the Hawaii's Civil Rights Commission, and the Federal Equal Employment Opportunity Commission. And you are encouraged to first seek internal remedies before going to these outside agencies.

That makes me feel young. I remember it. Now the complaint may be informal, verbal or written and unsigned allegation, or it may be a formal, written and signed allegation.

And the investigation process. The investigation will be conducted in unbiased, fair and discrete manner. There will be all the appropriate safeguards to maintain confidentiality and protection from embarrassment that the law allows. An individual who is found after an investigation to be offender shall receive the appropriate warning or discipline. Any disciplinary action prior to implementation will be reviewed by the Director of Personnel Services, and approved by the County's EEO Officer. And there should be no retaliation or discrimination against the individual who has made a complaint, conducted an investigation or acted as a witness. Retaliatory conduct is illegal and constitutes a separate violation.

Well, I promised you a brief presentation and that's it. If there are any questions, I'd be happy to entertain them. If not, thank you for your attention.

Mr. Silva: Thank you Allan. Next, we have Clayton with a couple of items, rules and responsibilities, and meeting schedule.

Mr. Yoshida: Yes, thank you Mr. Chairman, members of the Urban Design Review Board.

Again, the authority of the board is explained in Chapter 2.26 of the Maui County Code, and it's the intent to protect and preserve the architectural character of a community, to encourage the identification, preservation and enhancement of the architectural character of a community, and encourage the formulation of Countywide comprehensive design policies, guidelines, programs and plans. This board, the composition of this board consists of nine members and four alternate members, so this board is unique in that it has alternate members. And it also has various requirements for its composition that it must two registered architects, one registered landscape architect, two registered civil engineers, and four persons with interest or experience in urban planning, fine arts, beautification, conservation, or historic preservation. One member has to be a resident of the island of Molokai. One member has to be a resident of the island of Lanai. And also, the requirements for the four alternate members, two of them have to be registered architects, one has to be a registered landscape architect, and one has to be a registered civil engineer. Then you all are appointed by the Mayor and approved by the Council.

As to powers and duties as set forth in Chapter 2.26.040, you advise the appropriate planning commission on matters within their jurisdiction and carry out duties as delegated by the appropriate planning commission or as provided by law. Such as in these rural towns we have Country Town Business Design Guidelines, and they're approved by the Planning Commission through their rules. So now they have to be approved by Council Resolution. They will come to you, these proposed design guidelines come to you for your review and comments, and that's what you did with the, last year, with the Council Resolution on the proposed 2011 Lanai City Country Town Design Guidelines and Standards.

You also review and advise the Department on design related matters involving projects within the County such as public projects, major public projects, the Kihei Police Station, the elementary school that's coming up, . . . (inaudible) . . . Elementary School that's coming up here below Wailuku Heights. And also on the Country Town, performance with Country Design Guidelines such as the proposed Rock and Brews eating establishment in Paia or the shed roof at Paddler's Inn in Kaunakakai. The a -. And then you also advise the commission, the appropriate planning commission, on special management area design relative to special management area permits. Say if a project needs a special management area use permit you would – the applicant would bring their design plans to you, architecture, landscape architecture, lighting, signage if that's available, color scheme, and you would make your recommendations to the appropriate planning commission who is the authority on the SMA Use Permit. And the commission could incorporate your recommendations as conditions of the SMA Use Permit. And then, of course, you have your rules of practice and procedure that were adopted, I think, in 2001. Are there any questions on powers and duties or Chapter 2.26?

Mr. Spilker: I have a question. If you're a registered engineer and you retire and let your license lapse are you still eligible?

Mr. Yoshida: Well, I guess we leave it to the, I think, probably the Mayor's Office, to do the –

Mr. Spilker: I'm still licensed. But I'm saying, you know, for the next five years, am I going to

pay for something I'm not doing anymore, just to be eligible?

Mr. Yoshida: Yes. We trust that, you know, in your review of your nomination by the Mayor and confirmation by the Council that they approved your sitting on this –

Mr. Spilker: No, no. I'm still licensed.

Mr. Yoshida: Okay, you're still licensed. I see.

Mr. Spilker: What I'm saying is, this appointment is for five years, and licensing comes up every year. Now, obviously I'm not a practicing licensed engineer anymore. So do I have to keep renewing my license to be eligible for these boards? Or if I let it lapse, is the fact that I was a licensed engineer count?

Mr. Yoshida: I see. Well, I guess, in licensed, in your profession, does that constitute registration?

Mr. Spilker: I'm in registry. Okay. Because I mean, I'm still registered in Texas, New Jersey, and New York because they let you go on the inactive status. But they don't allow that in Hawaii, inactive status.

Mr. Yoshida: Yeah, I think the requirement is just that you be registered.

Mr. Spilker: Not necessarily in Hawaii.

Mr. Yoshida: Well, it doesn't necessarily say or state that. I guess just, you know, you have this professional background so you're registered.

Mr. Spilker: Okay.

Mr. Yoshida: Okay, also as far as meetings, right now we meet once a month on the first Tuesday of the month at 10 o'clock, here. Before the great recession of 2008, we used to meet twice a month. But the number of applications went down significantly after the recession started, so we cut back to once a month. I guess if the need warrants, we get a lot of applications, we may go back to twice a month. But for now, once a month. And so the travel, if you're traveling from off-island, Leilani is your contact person. And we need to have at least five members here to constitute a quorum. Okay, any questions on meetings?

Mr. Silva: The current load for SMA applications is still low, so or do we have a number or how many have been coming in?

Mr. Yoshida: Yeah, I think it's picking up a little bit. I mean, back in the, the last time, the boom period, maybe about 2005, we probably were processing 30 SMA Use Permit, receiving 30 SMA Use Permits a year. Back in 2012, last year, we probably got eight. Maybe the first four months of this year, we may have received five. So it's not at that 2005 place, but it seems to

be picking up. And you would just be dealing with, if there's any vertical construction. If somebody just wants to do a subdivision, subdivide land, put in infrastructure, you wouldn't look at that unless they got design guidelines then you may review the design guidelines. Okay.

Mr. Silva: Any other questions? Alright, thank you Clayton.

Mr. Yoshida: Then we'll move to the attorney.

Mr. Silva: Next up, Michael Hopper.

Mr. Hopper: Can I use the computer?

Mr. Silva: Sure. And Michael will be going over two items, Sunshine Law and Ethics.

Mr. Hopper: Hello? Okay. Hi, I'm Michael Hopper. I'm with the Department of Corporation Counsel, and I am essentially a County attorney. And I provide legal advice to the board during its meetings, and there's a couple of laws I'm going to go over with you today. The Sunshine Law and then the County Code of Ethics.

The Sunshine Law is found in Hawaii Revised Statutes Chapter 92, and it applies to boards and commissions at the State, at the County, and various other types of boards and commissions throughout the state. Essentially it's the state's open meetings law that requires, that applies to you as board members. And it applies to you both while you're sitting in at meetings, and also how certain conduct outside of meetings, so it's a very important law that applies to all boards and commissions including the Urban Design Review Board. Basically that's what I went over. It does, has several goals here. I'm not gonna just read every single one of them verbatim, but basic idea is that the policy of the state is that everything that you do as a board should be open to the public, the votes public, the votes public, the – any action taken public, and notice given to everybody of – notice given to the public of what's going to be discussed at your meetings essentially so that board business is not conducted in a, in a secret manner of any kind.

This means that every meeting of the board is open to the public, and anybody who wants to attend is allowed to attend. Any interested person can submit data, views, arguments in writing on any agenda item. All interested persons shall have the opportunity to present oral testimony on any agenda item, and the board may make reasonable time limits for oral testimony. The County Council has a three minute time limit typically. Most boards have three minute time limits. The City and County of Honolulu Council has one minute. And if you're a board and you've got maybe two or three people testifying, you don't necessarily have to have a time limit. But if you're going to impose time limits it should be stated prior to public testimony and applied consistently to all testifiers.

One thing that is required all meetings is notice. There needs to be written public notice at least six calendar days before the meeting occurs. There needs to be a list of all items to be considered at the meeting. A date, time and place for the meeting. And this involves filing an



agenda which is a document that you have here. There's an agenda for each one of your meetings. The agenda is actually filed with the County Clerk and is supplied to a variety of people who may need the –. How do I get this thing down here to disappear or does this stay on? Stays? Okay. It's a little irritating. But in any case, this is filed with the County Clerk and is made available to the public. No additions to the agenda are allowed unless there's a two-thirds vote of all members to which the board is entitled. You're entitled to nine members, and so, in fact, even if you have this vote, no item shall be added if it is of reasonably major importance, an action thereon will affect a significant number of persons. I generally advise conservatively not to add anything to your agenda once they are filed. It's very rarely that you can't wait until the next meeting to add on something to agenda. So typically if there's nothing on the agenda, I would advise against discussing and certainly taking action on that item. And adding items to the agenda can be iffy because like this last sentence, to me, is subject to interpretation. And somebody who's, you know, something maybe of major importance for somebody, they may bring that up even though the board may not think it is of major importance. So, again, I'm very conservative with that typically when I advise boards.

Minutes must be taken of all meetings. They're mandatory. At a minimum they need to have the date, time and place of the meeting; members of the board present or absent; the substance of all matters proposed, discussed or decided, and a record of voting on those matters; and any other information requested to be noted by the members. The public record needs to be made available within 30 days of the meeting. This meeting is being recorded that's why you've got all the microphones and are always being requested to speak into the microphones. And so we do take verbatim minutes which frankly is easier to deal with. But this, it doesn't necessarily require verbatim minutes, but because everything is being recorded here, it's typed up and that's what you approved earlier, or you authorized administrative approval earlier in this meeting, was the minutes. But minutes have to be taken and made available to the public within 30 days of the date of the meeting.

What is a meeting? It is it defines the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision. More than two members of a board cannot gather to discuss board business. Basically two of you can discuss board business, with each other, outside of a meeting. You cannot make a commitment to vote, and you can't seek a commitment to vote from the other member. Once you've discussed something with one member, you can't go and discuss that same piece of board business with another member. That's prohibited. They consider that a serial communication even if you don't mention what just discussed. So a good rule of thumb is when it comes to board business, just don't discuss it outside of a meeting. There's very little good that can come of that.

There's several exceptions. One of them is an investigative group exception. I can give you more details on that if requested. But it essentially allows less than quorum required to investigate a particular issue, and it has some very specific procedural steps. But it would allow less than a quorum, which in your case, quorum is five members, so four or fewer members could decide they want to investigate an issue. And while they go and investigate they're not subject to the sunshine law so they can go discuss with each other, with other people, board

business, but there's a lot of restrictions on that. For example the full board needs to be briefed on what they did, and the full board needs to vote to take action only after they've been briefed. But, again, that's relatively complicated. And if you've got an issue that comes up where you think you'd want to impose that, in order to take advantage of that, I can advise you as that happens.

What is board business? It is matters over which the board has supervisor, control, jurisdiction or advisory power, and that are before or are reasonably expected to come before the board. A good rule of thumb is using your agenda. If you know something is on your agenda or is gonna come before you particularly dealing with specific projects, that's definitely something that's considered board business. Now more general things, typically you can look at, you know, general things like training and things like that as not necessarily board business. But certainly specific projects that need permits for review and advice and recommendations from you is going to be considered board business and therefore should not be discussed outside of a meeting. Or if it is, no more than two may discuss that issue outside of the meeting.

This is the investigative exception. I won't go over all the details, but if you have a group – for example on the Molokai Planning Commission, they wanted to revise some of the rules. They want to review their rules of practice and procedure. Well, that's kind of difficult to do if you can only get together at a meeting to review those rules. So they formed an investigative group of four people to get on their own to review the rules and then make recommendations to the full board. And that's what they did, and they eventually went forward to vote to have some rules revised in a certain manner. So that's an example of what could happen there.

New for 2012. Normally in the past if you had less than a quorum which was no more than a – if you had only four members here and you had a nine member board, you had to close the meeting basically. You couldn't take public testimony, you couldn't have presentations, the meeting had to end. And that could get problematic if you had people visiting from off island or if we were our neighbor island board and commissions because, you know, it can be expensive to fly staff out. New for 2012 is that testimony, presentations, and questions on agenda items are still allowed if a meeting is canceled due to lack of quorum so that you can still do certain things, like for example, hear public testimony from people, receive a presentation, other things. But the members must create a record, essentially minutes, and report back to the full board before any action can be taken. So you can make – the board can't make a vote to do anything. Whether it's to send a letter, to recommend approval or denial of a permit, do anything else like that until they get a record of that meeting, including minutes, and review that prior to taking action. But it can be helpful if there's members of the public who wants to testify or if there's, if there's someone who wants to give a presentation to the board. As long as that's, you know, as long as that's recorded and the board, you know, doesn't take action, then that's permitted, and the meeting doesn't have to be closed down immediately. Again, no action is allowed to be taken. So if you've got, for example, today there's a request to make recommendations to the Planning Director on something within the Country Town Design Guidelines, you could theoretically have a presentation on that item, but you could not make any recommendations until the full board, at least five members, are there to vote on the, to vote on the action.

I should also make a note of there's, there's, you know, quorum issue and then there's also the voting issue in your rules in order to take any action as a board. That includes making recommendations on any item. That includes passing an item such as granting a sign variance. That includes really taking any action of the board. So if you wanted to send a letter on behalf of the board, you would need at least – you would need a vote of at least a majority of the members to which the board is entitled. You're entitled to nine members, and so you need a vote of at least five members in order to take any action. Your rules state that if you are silent when the vote comes up that's considered an affirmative vote in favor of the item. So when there's – when there's a vote taken and, and there's a, there's a request to show hands for everybody in favor, you can raise your hand or not raise your hand. But when they say, and all opposed, if you don't raise your hand when they ask for opposed, then you are – then you voted in favor of that item. There's no right to abstain unless there is a, unless there is a conflict of interest. And there's actually information on that in your rules as well. But there is no right to abstain generally on an item. You have to vote for or against it, or you're conflicted out because of some ethical issue. So that's, that's very important.

In addition, in 2012, less than a quorum may attend and participate in informational meetings on items related, items related to board business. The members attending must report back to the full board at the next meeting. So that's if, if there's maybe a public meeting being held on something that's board business, you can attend that meeting, but you've got to report back to the full board at the next meeting before action can be taken. This gets a little iffy when you're talking about like training sessions and things like that. Typically those aren't considered directly board business. They're kind of general training issues. And board business is usually limited to when there's actual items on your agenda. This was created for, I think, a lot of times Council members would be at, for example, community association meetings or something, and there might be something that would come up at that meeting the Council is considering legislation on and they may want to, you know, attend that meeting. The Office of Information Practices, which is the state office that advises and is responsible for enforcing the act or the sunshine law, has taken a pretty strict interpretation of that and, and I think, some Council members were not very happy that they couldn't attend some of those meetings. So there's a bit more leeway in those cases.

Another exception to the sunshine are executive meetings, or what they call executive session. This is having a meeting that is closed to the public. There must be a vote taken at an open meeting of two-thirds of the members present. And there's a variety of, of reasons allowed for an executive meeting. They're in HRS 92-4 and 92-5. And one of the most common is to consult with your attorney which is me, on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities. Again, you still need a two-thirds vote of the members present at the meeting. But once that happens you actually can go into executive session, which is a private meeting. But it's for certain, specific purposes. And in that meeting you're not permitted to discuss voting, you know, or to certainly not to take votes. But it's for the sole purpose of, for example, getting legal advice if that's the reason that the meeting is requested. So that, that's usually strictly construed. And if there's items that can be discussed in open session, they need to be revealed in open session than rather during an executive meeting.

Contested cases, special rules apply when you're, you're conducting your adjudicatory functions. I think the only time this board would do that is if you're granting a sign variance potentially. And even in that case, there's public hearing requirements. Typically the sunshine law does not apply if you're doing contested case hearings. The commission can decide to have it apply and have the meeting open which is frankly usually what it does. But contested cases are their own animal. You really don't have to worry about them as much as other boards like the Planning Commissions and the State Land Use Commission. Almost everything they do is a contested case. But for you guys, there's not a whole lot. You're typically advisory to the Planning Commission, the Planning Director, et cetera. And there's only a few cases where you would actually be doing a so-called contested case.

Enforcement. Any action taken by the board, where there's a sunshine law violation can have several repercussions if the court finds a sunshine violation. One is voidability. They could void any action that you took if it was against the sunshine law. An injunction could be issued by a court to prevent, for example, a development from going on that was, was approved. If there's an intentional violation of the sunshine law, that is punishable by a misdemeanor. Again, there has to be a finding of an intentional violation of the sunshine law, but there's actually a criminal penalty for an intentional violation of the sunshine law. So if you've got doubts, you can certainly ask for legal advice or we can ask for advice from the Office of Information Practices. I'm not sure if there's ever been an intentional violation found, but there is that penalty in the law. And there can be removal from the board based on the violation of the sunshine law.

So that's it for the sunshine law. I'm going to move on to Ethics. But in the mean time are there questions? In fact, the, the packet I gave you, this isn't intended to answer every question. And certainly as items come up we will deal with sunshine law issues. The packet I gave you has a lot of frequently asked questions that I can't go over today, but that's, that's intended to cover a bit broader of the range that I've discussed. So please if there's any questions I'd be happy to answer them.

Mr. Silva: I had a question. I know it's come up before in this board and I just need to be refreshed. A lot of business or our decisions are based on looks and aesthetics and how like a new project or development would fit in with the surrounding areas. So some of us when we get the agenda and we don't know the area, we might go out to look at the project location before the meeting. Now is there any special wording or any kind of, any kind of way we could bring that up and not be considered a meeting?

Mr. Hopper: No.

Mr. Silva: Does that pose a problem?

Mr. Hopper: Yeah, you should not be visiting sites and gathering information on your own. You can have a site visit through the board, but the potential issue that could create is not so much with the sunshine law because it's one member going. But more with the due process type issue for the applicant in that if one member goes and sees the site without the rest of the members being there, without the applicant being there, they may have an argument that there

is a discrepancy in the type of information that was given. It will be kind of like if a – let's say there's a civil trial and one of the jurors decided they were going to go and visit the crash site on their own if there was a car accident or something and the rest of the jurors didn't do that and that person went and did their own investigation, that would probably disqualify that juror from deciding the case. What they kind of consider you is basically kind of members on a jury and they want the information to be, to be consistent among the members. So if you want to go and have a site visit, that's certainly allowed, and that is done pretty frequently. But that's something that the whole board needs to go to in order to have that site visit. So that's something that should be on an agenda. It will state the date and the location of the visit. It should be open to the public as well. And it's certainly been done before. The Council does it a lot. I'm, I'm not sure if this board has done it. Certainly the Planning Commission does it a lot. But I can't advise you to go and do –. I mean, if you were, if you just happened, if you just drive by it every single day and see it or you're already familiar with the area, that's kind of unavoidable. But what I wanted to reduce the risk of is a member doing that, doing their own investigation. When the applicant comes up, they say, you know, I went here a week ago, and this was the condition there. How do you explain that? Well then it, it might be a case where that board member is going to be requested to recuse themselves because they got information that the full board didn't have access to, and so that's something that I've advised other boards in the past. I'd advised against doing your own investigation without the, you know, without the board being there and having it as part of your agenda.

Mr. Silva: But because there are public places you could say I am familiar with this area, I know how this is because it is a public area.

Mr. Hopper: I mean that's, that's inevitable. I mean, you don't have to recuse yourself because you're familiar with an area. But intentionally when that item comes up to do your investigation is, is a bit different than that. I mean, frankly, you're on the board because you're, you have an expertise on items and you've worked, and you've lived in different area so, you know, Molokai members will probably going to be more familiar with the locations on Molokai. It's, it's inevitable and kind of the reason you're there. But for the full board, I would have to advise that a visit like that to happen as a group. And I don't think there's typically been problems with scheduling with site visits and things. I mean it might be a little more expense, but frankly probably not, not much.

Mr. Silva: Thank you. Any other questions?

Ms. Marshall: Mike, when I decide – I made a decision in this board and after some reflection, I was new, I changed it and I couldn't sleep at night because I felt so bad about my original vote that as a private citizen I wrote a letter to the Planning Department. And I know you remember this, and I just wondered, did anything ever happen to that? Was there any – did that cause any trouble?

Mr. Hopper: I don't know. I didn't – I didn't advise the Planning Commission which went on and heard that project after that. I wasn't sure if –. I mean, I'm sure they got the letter, and, I mean, you know, what you do as a private citizen is not necessary something the County, you know,

can, has any say on obviously. I mean, it's up to the people as private citizens. But, you know, I don't know if anything happened of that. I think, as I recall it, that was on, if it's the project I'm thinking of and I think it is, I think that project went on and did get approved. But, I mean, it, it is something where you may, you may have a meeting where there's, you know, not necessarily a lot of people that show up or people that show up and testify one way or the other, and just be aware, normally if the board takes a vote and then there's action in reliance on that, like, you ask for changes to be made to the project or some kind of, you know, typically you'll say, you know, there's aesthetic issues here or you recommend changes here or there and then that's taken – and then that's been voted on and the recommendations been made and it goes on to the Planning Commission. We've been asked a few times about the ability to do a reconsideration after that's happened. And, and it can be very difficult if, after the vote, there's been reliance on the comments of the, of the Commission and steps taken forward for the second step in the application process. So normally if, if there's a vote taken very carefully consider that, that vote because afterwards it's very difficult to go back as a board and address votes that are already made on the project. Because if there's changes that have been made there may be a loss of that ability to go back and do a reconsideration. Maybe if it's like right after the vote's been taken, but we've had that come up not just with this board, but with other boards. And, you know, if there's questions at the meeting, or additional information you want at the meeting, the better move is to defer and get that information rather than to take action. I'm not saying any of that happened with this board before, but it's – I've been in other boards and in one board it resulted in over a year of quasi-judicial litigation. It wasn't this board. It was another one. But where, where somewhat, where there's, where the board kind of has a problem with a vote that it already took. So that's the best advice I can give you and only to advise after you've taken an action, there's very limited ability to go back and, and change that action. Now if someone wants to send a letter as a, as a private citizen, that's not necessarily something we can, you know, that we can say no on, but that, that going forward, that's not the word of the Urban Design Review Board, that's, that individual's issue.

Ms. Marshall: In this particular case, there's a certain amount of pressure involved being on an island because in this particular case people came from as far away as Montana, and it just adds a certain amount of pressure to, you know, close the deal. And I guess the lesson is that, that it's okay to defer the decision if we have to.

Mr. Hopper: Yeah, I mean, if – you know, if – there's, there's that issue, and then, I mean, there's your, your, you know, requirements as commissioners to, you know, do a full review, a full review of the project. But, I mean, in that case, I don't know if there was additional information that was out there. I don't know if it was reviewing the information that was there, but, you know, getting as much information as you, as you need to make a decision is essential and, you know, you will probably be pressured from one side or another from time to time, and it's up to you to, the way I look it, is review the law and then make the decision based on the criteria that you have – you have a review sheet of standard concerns that you have in your rules that, that you state that every applicant needs to address those basic issues when they come before you. I would recommend reviewing that when they come forward. A few years ago when – there were – it was very common to have deferrals based on the items not all being met in that list. I'm not recommending that that's the way to go certainly, but just to note that

in the past there's been, there's been strict application of those, those rules, in those submittal requirements. But, I mean, the best advice I can give is for the board to follow what the criteria are in the law, and follow them based what the mandate is from either, if you're dealing with the County Code, if you're dealing with your rules, if you're dealing with design guidelines and go by those. Because I've seen multiple times an action taken – again not necessarily by this board and by this board where afterwards someone comes up later and says, I didn't know about this, you know, we don't like this decision or something like that. You know just be aware that it's not necessarily only the people testifying publically. It's – there is a legal requirement, you know, for the recommendations on projects and things like that. So onto the Ethics?

Mr. Silva: Yeah.

Mr. Hopper: Okay, sorry to take so long on that. Okay, the County Code of Ethics applies to each of you because you're members of a board and commission, or you're members of the Urban Design Review Board. So the Code of Ethics does apply to you as board members. The Code of Ethics is located in the Maui County Charter. It's actually directly in the Charter, and that's where you'd find it. It's Article 10. There's certain prohibitions. You're not permitted to accept gifts. And this is – let me see – yeah. Gifts, you know, there's no de minimus exception technically to accepting any gifts. Having said that – I mean, and if the gift that's being given you feel is intended to influence your vote on an item, the rule is basically don't accept it. I mean, use, use common sense. You know, I mean, if someone brings donuts to a meeting that hasn't been a problem in the past. You can have a donut. And, and normally if you go to like a, if you go to a seminar or something and they've got, you know, food set up for everybody and the developer paid for the food. But, as long as it's open to everybody that's not necessarily a problem. But, you know, I've had cases where not necessarily again with this board, but where there's been, you know, members have come in and they've got free hotel tickets on their chairs or something like. Don't accept things like that, and you know, just use common sense because, you know, you're a board member, you may not think and it may be absolutely true that you can take a gift and have that not influence your vote in any way whatsoever, but the public perception is very important as well. So just keep that in mind, use common sense.

There's also a requirement that states that board members may not engage in a business transaction or activity or have a financial interest which may tend to impair the independence of judgement in the performance of official duties, or fail to disclosure such interest. This board has its own unique ethics rule in fact because there are, there are so many of you who are – because the board requires that there be design professionals many of you obviously are still practicing as design professionals and so there may be cases where projects you work on because it's Maui and there's not necessarily a huge number, for example, landscape architects or, or, or engineers of certain types, et cetera. You may have cases where projects you work on come before the board and there's specific rules to the Urban Design Review Board on that.

You have a rule which is 12-101-17 in your rules. It's entitled Disclosure of a Conflict. Generally, like other boards it requires you to disclose a conflict of interest that you think you may have to the board. But in addition, it states that section B states the following: whenever a member or alternate member of the board, or the member or alternate member's firm or

employer represents a client who requires board review of an application, the member or alternate member shall not participate in the client's presentation to the board. The member or alternate member may answer technical questions posed by other members of the board, that the member or alternate member shall not advocate on behalf of the member or alternate member's client. And basically if your firm has a project coming forward, you (a) would need to recuse yourself from sitting on the board for that item, and (b) if you were, for example, their landscape architect, and you could sit with that group. And if someone from the board had a question that the landscape architect should be answering, you can answer those questions. But you should not be the one, for example, doing the presentation, the main presentation, or advocating on behalf of the project. And that's a pretty strict rule, but it is in your rules and I believe it codifies a Board of Ethics opinion that was given years ago. But, anyway, that's if your firm is involved in a project that needs board approval, or you are involved in something that needs board approval. So again, and if you've got any potential conflict, or penalties or fines, a potential removal from office. But if you've got any doubt, you can get an advisory opinion from the Board of Ethics. They're required to give opinions within 45-days. As a first step you can certainly ask me, and I can look into the ethical issue. But if we've got any doubt on an issue, we can certainly ask the Board of Ethics for an opinion. They're required to give one in a certain amount of time. And if they don't give it, it's deemed that they approve of the conduct or they don't find a problem with the requested opinion.

If you obtain an advisory opinion and act accordingly, or in accordance with already published opinions of the board, the officer shall not be held liable for violating any of the provisions of this article. So that's a good kind of safety net if there's an issue that both you and myself have kind of some trouble finding out that's always an option to go to the Board of Ethics. And that's all I have on Ethics, and I will try to move forward here unless there's any questions. Yes?

Mr. Gerdel: What if you're a sole practitioner and you have a project to present to board and you don't have someone that can present for you?

Mr. Hopper: That can be problematic. It, it does say the member or alternate member may answer technical questions, but that member shall not advocate on behalf of the member or alternate member's client. So that's, that's pretty strict there. Now I don't know if the ethics opinion that this was based on addressed that issue, but it, I think, it has in past cases led to any members not – people not even applying to be on the Urban Design Review Board because it can be restrictive, and it can be, it can be tough that way. So, I don't know if I've ever had a case of a sole practitioner. But the rule does say that you can't advocate on behalf of clients if you, you know, if you're on the board at the same time, even if you are recused from the board. And so, I mean, they don't want to have – it seems like what they don't want to have is someone kind of in the middle of the meeting sitting there through half the meeting and getting up, going over here, and then start advocating. And I think that just didn't sit well with Board of Ethics members, and that's kind of a problem that they had. But I'm not saying it's not very restrictive. I mean, I think, that's, that can be tough on people who, who are trying to earn a living obviously.

Mr. Gerdel: Thank you.



Mr. Silva: Any other questions? No? Michael, any other items? Are you done? Okay. Thank you. Next up we have Ms. Erin Wade, Country Town Design Guidelines. And I guess either Clayton or Leilani, we have Trisha up after Erin, so kind of notify her, please. Thanks.

Ms. Erin Wade: Good morning everyone. My name is Erin Wade. I'm the Small Town Planner. I'm just going to do a brief overview today of some of the Country Town Business Design Guidelines and why we bring those projects to you that are in those areas.

Okay, so the purpose and intent of Chapter 19.15 in the Maui County Code is essentially to establish development standards for businesses in the rural community, to preserve and maintain the unique urban design character and country town atmosphere, and then to generally incorporate the communities that are listed here. Essentially these are the titles of the design guidelines documents, however, as an example, like, Makawao also has some, in Pukalani, some in Waiakoa, and some in Keokea. So while these documents specifically you would refer it to as the Makawao Town Design Guidelines, there's actually several little pockets of Country Town Business District zoning in several areas that are around Makawao.

So design guidelines apply to all structures that shall be done in a similar and compatible architectural style character with that of the surrounding commercial buildings. Design guidelines are rules and regulations of the Planning Commission. So essentially you folks are advisory to the Planning Department and the Planning Commission – your recommendations.

Typical elements within these design guidelines include scale – and what Michael Hopper referred to as the Urban Design check list essentially includes all of these elements, same elements – scale and massing, height, roofs, facades, canopies, building entries, doors and windows, wall finish, ornamentation, color, signs, building lighting, potentially historic buildings, and new construction. The project siting is also a key factor that we look at including setbacks, off street parking, exterior lighting and landscape planting, site furnishings, open storage, any type of a roof device so this says . . . (inaudible) . . . solar panels have been a big one lately that have been reviewed.

And finally the design guidelines also discuss the street and utilities in a few of the communities specifically Makawao town itself and Lanai City both have discussions about what the streets standards should be including the travel ways, width how drainage should be addressed, street lighting and street landscape planting.

So the process essentially for review when something is in a Country Town Business District is we do an initial review of the application for completeness and then – oh, I should've taken that out – it is no longer forwarded. So the third dot, depending on the age of the structure, the application may be also be forwarded to SHPD because often in the Country Town Business District the structures are 50 years or older unless it's a new construction project so it often gets routed to SHPD as well.

The fourth is determination is made whether the application is consistent with the design guidelines or not. If staff and SHPD, together, have determined that the application is

consistent and it's in the Country Town Business District, it often is not routed to the Urban Design Review Board because we don't need to bother you. Everyone just kind of cheer for, you know, the project. However, if there are concerns or things that we feel that are not consistent with the design guidelines we do forward it to you for your review and recommendations. And that's the end. Are there any questions? Now, I'm extremely relieved.

Mr. Silva: Thank you very much Erin.

Mr. Hopper: Quick clarification Erin, they're forwarded to the Planning Department and then this Commission gives the Department recommendations on whether or not it meets the guidelines. This Department doesn't – or this Board doesn't actually decide that itself. So you would want to vote, like the application later today, to provide your comments on whether or not the project meets the design guidelines. But the final decision on that is by the Director, correct?

Ms. Wade: Correct. Yeah. I said that in the beginning.

Mr. Silva: Thank you Erin. Wait for Trisha? Okay, she should be on her way. You guys want to take a five minute break? Stretch your legs until she gets set up. So we'll meet back at 10 after.

*(The Urban Design Review Board recessed at 11:04 a.m., then reconvened at 11:07 a.m.)*

Ms. Trisha Kapuaala: Congratulations and welcome new board members. My name is Trisha Kapuaala. I'm the Zoning Administration and Enforcement Planner that handles variances and appeals. I primarily staff the Board of Variances and Appeals, and about once, twice, a year I come to see you. I have a very quick presentation.

Okay, signs and variances which are governed by Maui County Code, Chapter 16.13, Commercial Signs. I'm gonna go over the purpose and intent of this Chapter, the definitions that would apply to you, rules and regulations and also we'll talk about, of course, the variance and appeal process.

So the purpose and intent. Very quickly I'm just going to read over it and please let me know if you have any questions or concerns. That the people of Maui County have a primary interest in controlling the erection, location, maintenance of signs in a manner designed to protect the public health, safety and morals, and to promote the public welfare while providing a method of effective advertising. (B), that there is a marked increase in the number and size of signs advertising business activity. That the increase number and size of such signs, coupled with the increase use of motor vehicles make it imperative that the public's streets and highway be kept free from signs which distracts motorist attention from driving and which detracts from signs promoting traffic safety. That the indiscriminate erection, location, illumination, coloring and size of signs constitute a significant contributing factor in increasing the number of traffic accidents on public streets and highways. That the construction, erection and maintenance of large signs suspended from or placed on top of buildings, walls, or other structures constitute

a direct danger to pedestrian traffic below such signs especially during periods when winds of high velocity are prevalent. That the size and location of such signs may, if uncontrolled, constitute an obstacle to effective fire fighting techniques. That the people of Maui County have a primary interest in preserving the quality of life in the County by retaining the natural beauty of landscape, view and attractive surroundings of the County. That such unique aesthetic qualities of the County also constitute an attraction for visitors and that a major source of income and revenue of the people of the County is derived from the visitor industry. That was the purpose and intent that the County Council used to adopt the sign ordinance. Now – oh, we're still continuing. I'm sorry. I thought this was a one. That the indiscriminate, erection, and maintenance of large signs seriously detracted from the enjoyment and pleasure of the natural scenic beauty of the County which in turn has a detrimental effect on the visitor industry and thereby the economic well being of the County. That it is necessary for the promotion and preservation of the public, health, safety and welfare of the people of the County. That the erection, construction, location and maintenance of signs be regulated and controlled.

So we actually – we actually wish we could regulate more on signage on Maui. We actually have sign laws in the Hawaii Revised Statutes that prevents people from putting billboards up. We only allow one sign per business. One ground sign per street. They can only be so big based on the length of your property or the length of your building. If anybody wants to put any more than what's allowed as far as size, location, the amount, they will always come to see you.

So the definition of a sign means a device, fixture, placard, structure or direct application on real property, either outside a building or inside, within three feet of a window or door which is visible from a public right-of-way or adjacent property that uses any color, form, graphic, illumination, symbol or commercial message to advertise, announce the purpose of, identify the purpose of a person or entity to communication commercial information of any kind to the public provided the term shall not include window displays, score boards, grey stones, commemorative plaques, government signs, automobile bumper stickers or signs held or worn by an individual. It's a lot.

You notice we say three feet within a window or building, a door, so people will use this method to advertise. They will put a poster board, three feet away from their window or door to communicate their commercial message, their sign. We also regulate color. If people are putting flags up in their logo color we have to enforce on them. So if McDonald's which as red and yellow uses bright flags to cause, you know, motorists to turn their attention towards McDonald's and their red and yellow signs, we have to say, take it down. If they were to choose any other color we would say it's okay. Illumination, symbol. Bumper stickers are not considered signs. We've been seen increasing numbers of commercial messages or signs on trucks and building – just cars. People put stickers. They – what is that called when they wrap their car now days? Wrap their truck? There's no law regulating that. It's okay. Or held by an individual. People will have, hire people to stand out and hold their sign on the sidewalk and it's okay because it's being held. It's not securely fastened. Other than that you cannot have sandwich board signs. That's actually a violation of the County Code because it's a hazard, you know, in case of an accident or wind. So those types of things we actually will collect.

Okay, that's the definition of a sign. Definition of a commercial message means any wording, logo or other representation that directly or indirectly names or advertises a business, non governmental or non profit organization, product, service or other commercial activity. So the County Code, Chapter 16.13A is our sign ordinance. And just in case you guys ever see anything to be concerned about or want to see where the sign code is –. You know what, I'm gonna have it posted on your link. From the County's homepage, if you just click on Boards and Commissions and look under the Urban Design Review Board, I'm going to post a link for the sign code. So right under here, under additional information, you have your rules and practice – rules of practice and procedure – I'll put in the sign ordinance. But other than that you can get to Maui County Code by just doing a quick search Maui County Code and you'll get to this unicode.com and then you can search for Chapter 16.13. You could also get to it by the County's homepage. If you go to online services there's an alphabetical listing of different services we provide, and you will find Maui County Code. You can get there manually using this method, going to Chapter 16. I'm sorry, Title 16, for Building and Construction, and then 16.13 for Commercial Signs. And you can print anything from here.

So again we regulate the building identification signs, business identification signs, ground signs, promotional signs are what we call banners. You're allowed six per year, per business, for 14 days at a time. So again that's something that is not regulated enough. We're a complaint driven agency where if someone puts in a complaint, then we go after them. If not, we generally don't just randomly enforce this just because we're driving down the street. But at any time if a complaint comes in it's, it's a can of worms. People are competitive and will start pointing fingers to their competitors or other businesses in the area, and it's just a non stop enforcement game, so –.

Other signs – subdivisions are allowed signs. Projects for construction, they're allowed signs. Directional signs, you're allowed so many pointing to where to go to, the drive through, you know, in a fast food restaurant. Wind signs. By the way, Front Street has a complete different sign ordinance. They're, they're historical, so we try to keep it in the whaler's character, and they're allowed different signs. Also, you know, about Business Country Town Design Guidelines, we use that as well. But those would come to you.

Okay, so variances and appeals. The board may grant a variance if it finds that due to the particular physical surroundings, shape or topographical condition of a property, structure, activity involved. That if, that due to the – all those things – compliance to the provisions of the sign ordinance would result in hardship to the applicant or owner, which is not is not mere inconvenience or economic hardship. This is the main thing that it's not just a mere inconvenience, or it's not based on economic hardship. And that is because no matter who the applicant or owner is, this, the reasons for your granting the variance should remain constant. It shouldn't be where one applicant owner or owner has this most feasible method which is this sign variance, and once they sell it that those conditions no longer exists. Variances run with the land, and not with the applicant, not with the owner. So I think a lot things that you see are applicant based, are owner based, this is what I'm proposing. But it shouldn't be that way for variances. It should be based on the land, based on the structure, and no matter who owns it the conditions still apply. Other than that, if you were to base it on economic hardship, then only

people who can afford it would be able to qualify. Any questions? Yes?

Mr. Gerdel: I noticed a lot of businesses have the painted store front windows, is that controlled by the sign code?

Ms. Kapuaala: Yes. The new sign code that was recently adopted did have to address that. A lot of it was political pressure. They, we allow a percentage of your window space to be, to be painted. So it's in the new sign ordinance which I don't have a copy. You know what, I might. Would you like to see it? Or, I can e-mail it to you later.

Mr. Gerdel: Yeah, I can look it up. I guess I noticed that, I mean, you can have unlimited sized window and paint unlimited size sign on it, right?

Ms. Kapuaala: You know, what is the – I gotta look. I gotta look now that you –. I used to regularly enforce this but now we have different staff taking care of the sign code on a regular basis, so –. Before, it was just not allowed and the businesses and sign markers rallied basically, and Council adopted a new ordinance that addressed it.

Mr. Hopper: Trisha, I found it. It's 50% of the window area is allowed. Before, they just counted the window as part of your total signage that you could have. So you can have a smaller sign on the top and then just have a sign on your window. So I wasn't sure you couldn't say coffee in your window. It's just that if you already had sign on the top that said such and such coffee you couldn't then put another sign in the window that said coffee. Council changed that and said in addition to your other signs, signage, you could have up to 50% of your window covered by an advertisement. If it's not an advertisement, then I think that it's, it's a bit different. Your department can talk about that. So, I mean, if you just wanted to, I don't know, paint a picture of Santa Claus or something during Christmas time, that's not necessarily a commercial message. But if you, you, I think, write something that you're advertising a business, that's limited to half of your window space. But you're right, the larger your window is, the bigger you can have them. Hence the problem that was pointed out that, that's the action that was taken.

Ms. Feeter: I – does this sign ordinance apply to only commercial sign?

Ms. Kapuaala: Yes. Correct. This sign ordinance is specifically for commercial signs. The only ordinance that the Planning Department administers that is non commercial are actually for political signs.

Ms. Feeter: Okay. We have a number of signs put on Molokai expressing opinions on all kinds of things. And some of are very big, and I just wanted wondered.

Ms. Kapuaala: Oh, yes. Yeah, if we were to have to enforce on that, a lot of it would have to be taken down. In the agricultural district, perhaps, you might see signs because on Kamehameha Highway it's all ag, right, and you can only have a small sign and it must be of natural materials, like wood or metal. Banners are plastic now days, you know, or nylon. It gets tough when you're trying to advocate for messages like those.

Mr. Silva: So it's your department, I guess, it works on complaint driven?

Ms. Kapuaala: Yes.

Mr. Silva: So you don't go out and/or searching.

Ms. Kapuaala: No. No. The wisest use of our personnel is to be complaint driven especially when it comes to signage. And I think, I mean, once you're knowledgeable of what the ordinance allows, you'll see a lot out there that could easily be enforced on. Yes?

Ms. Marshall: An example of clever capitalism, I think, this might be the perfect loop hole with regard to your regulations, or the County's regulations, is it appeared – I can think of two significant sized trucks that might as well be on blocks on Dairy Road. What are your discussions about things like? It's just that it happens to be – it looks like a truck, but it's not a truck. It's a sign.

Ms. Kapuaala: I know. I think might know what property you're talking about, and I can actually go there after. But –

Ms. Marshall: Do they ever move? I've never seen them move.

Ms. Kapuaala: Right. And people use that as a method of advertising.

Ms. Marshall: Very clever.

Ms. Kapuaala: The, the, the sign ordinance actually prohibits that if it's an unregistered vehicle. So if it's a registered vehicle it's parked there. The only time we have to enforce on that is they would put an arrow, and directional advertising like that is not okay on a vehicle. So if they have an arrow, we just, they just remove it, and then they, they park their car or truck in the same location and it's fine with us.

Okay. So variances. Here's the criteria that you must find. There's two. The first one is if, if you can find that a variance may be granted for a structure or activity which is undertaken by a public agency or by a public utility regulated under the HRS Chapter 269, that's the Public Utilities section in the Hawaii Revised Statutes. Or, a private facility or improvement which is undertaken by a private entity and is clearly in the public interest provided that the proposal is the practicable alternative which best conforms to the purpose of this chapter. You hardly see this being applied for. Most of the time you will see part two, and a variance may be granted for a sign if the following criteria are met. So, (a), unique circumstances or special conditions exists which are peculiar to the land, structure, or activity involved. So land, structure or activity involved. If it's ever an activity the staff would probably recommend that you have a condition that if that activity cease that the new – that the variance would, would terminate, you know, so that the new business owner wouldn't be able to utilize the same variance. (b), that the proposal is the most practicable alternative and (c), that the granting of the variance would not be contrary to the purposes of this chapter.

That's it for the slide show. I just wanted to point out – for variances I will always give you a short presentation of the area because it has to do with the area. It's land based, you know. And because you can't go out there for a site visit – of course you can request one and then we would schedule one and we'd all meet down there and Leilani would have her microphone and try to get the public's comments. But most times we'll try and show you the area. Here's Dairy Road. Valley Isle Motors. This must be grand-fathered. Today, you cannot have sign that exceeds the height of the structure. So, this must be grand-fathered, or else it is non conforming. It might be illegal, non conforming. Ground signs, one per lot. They must be 12 feet high. That's the limit. If it's going to exceed that, they have to come and see you. King's Cathedral is going to be coming in for a height variance. They want to put a cross on their ground sign and it exceeds the height limit.

Mr. Maxwell: Is that the one they stopped building?

Ms. Kapuaala: Yes. They stopped building. They thought their building permit approval constituted a sign permit approval. Yeah, all of our signs we like to have sign contractors apply for it, not building contractors. Matson. You granted a sign variance for Sport's Authority to have a second sign at this Borders's location. This imagery is outdated. It, it still shows Borders. And as you can see, the trees cover it. You can't even see unless you're in the intersection. It still says Borders. And I think you conditioned it upon them making this sign smaller. I think both signs ended up being smaller. You know what, I think these were like 500% over what the sign code allows today because it was adopted by the UDRB when there was no sign code. And so I think the UDRB at that time just looked at aesthetics purely, the proportion of the size, size of the sign to the building, et cetera, et cetera. These were anchor tenants, so they got huge signs. And today, cannot, without a variance. I wonder if we can see what –. Oh, here's one, Sport's Authority.

Ms. Marshall: . . . (inaudible) . . .

Ms. Kapuaala: Not the one? I think Ba Le's does theirs now.

Mr. Silva: Mr. Pineapple.

Ms. Kapuaala: Mr. Pineapple.

Ms. Marshall: Is there an arrow on that thing?

Ms. Kapuaala: He has a trailer, yeah?

Ms. Marshall: And I was thinking . . . (inaudible) . . .

Mr. Spilker: There's another one across the street.

Mr. Silva: Amigo's.

Ms. Kapuaala: You also did a variance for the Courtyard, Marriott Courtyard. Oh, it's not there.

Mr. Bowlus: It should be there.

Ms. Kapuaala: I think you wanted to see this Welcome to Maui sign to match Costco's ground sign, but it was only mentioned in the minutes and not as a condition, so they're not going to do it. It's not a condition of approval. That would've been really nice, and I should've caught it. If I had brought it up to you during the meeting, then I think we would have a better corner right there. Big K-Mart, they have a huge sign. If they ever need to change it out, you know, if, if it's irreparable and they have to do something to it, they're going to lose that sign size. Costco wanted a sign on the parapet here. We denied that. Everyone – reason being, everyone knows where Costco is, including visitors.

We have another sign coming to you, Aloha Petroleum. Let's see, by Home Depot. So that's the Aloha Petroleum and they have no ground sign and that is because – sorry if I'm going a little too fast for you – that is because Home Depot sign is the only ground sign allowed. So they applied for sign permit to allow a gas sign, you know, the prices, and we said, we cannot. Sorry, you're the same property. You're allowed one ground sign because you're fronting one street. So what they did was they put it on their building, their canopy or where the gas station is. No permit. They can't get one, and they're trying to do the right thing and come in. So they'll be coming to you at the next meeting.

Yeah, then we have King's Cathedral coming in. They are constantly coming in for banners. So I think that sign stays, but other than that, they, whenever they have special guests, they come in for banners. So it will be good. They can have an actual sign now, but they got to comply so that's why they're coming to see you. So other than that, that concludes my presentation. I'll be happy to answer any more questions.

Mr. Silva: One question I have. So, when we see signage plans, is it only for variances that are outside of the code limits that you send to us?

Ms. Kapuaala: Yes. I, I mistakenly said appeals. I think if there's ever an appeal that it would go to the BVA. I have to look at that, but I'm pretty sure that if there was ever an appeal, it's the Director's decision. And Director's decisions go to the BVA. But you know what, that doesn't make sense. They should come to you. And I should be amending your rules. Right now you have no public hearing procedures in your rules. So what we did was we mimicked what we do for variances in a truncated way. For variances, at the Board of Variances and Appeal level we have them notify their adjacent property owners that they're going to apply. Then we have them notify them that when the hearing is – time, date and place – and give them the opportunity to submit letters or come to the hearing. We publish in the newspaper, 30-days prior to the hearing. And then we also ask the applicant to publish three consecutive weeks, once per week, prior to the hearing. What we did for your, for your public hearing is just have them notify their adjacent property owners that they're going to apply, notice them of the time, date and place of hearing, and then we make them publish 30-days prior to the hearing date. And so that, to us, is proper notice to give the opportunity for the public to come and support



or contest. So I need to adopt rules. And at the same time I can take a look at maybe having you see appeals. How do you feel about that? There's never been appeals before for signs.

Mr. Silva: It seems appropriate if we would be making the calls on the variances.

Ms. Kapuaala: I think so too.

Mr. Maxwell: But we're just doing recommendations, though, right?

Mr. Silva: No.

Ms. Kapuaala: No. This is a adjudicatory function. You are the final authority and any decision that any aggrieved party can appeal your decision to Second Circuit Court. And they could in turn reverse your decision, remand it back to you for further deliberation, or, uphold your decision. It is a contested case because they are challenging a code. You're the body that can seek. They can seek. They can – that can grant relief from the code.

Mr. Silva: Any other questions? Alright, thank you Trisha.

Ms. Kapuaala: Wonderful. Thank you.

Mr. Silva: So that wraps up our orientation. I trust our new members are up to speed and ready to go. It's a lot of download, I know that.

Mr. Maxwell: Ask us in about 15 minutes.

## F. COMMUNICATIONS

1. **MR. WILLIAM SPENCE, Planning Director, requesting comments relative to the Molokai Country Town Design Guidelines on the proposed plans by FRIENDLY PROPERTIES, LLC for the proposed construction of a warehouse with office for the Friendly Market Center on property located in the B-CT Country Town Business District at 90 Alohi Street, TMK: 5-3-002: 124, Kaunakakai, Island of Molokai. (CTB 2012/0009) (Ben Sticka)**

**Proposed Improvements on the 19,182 square foot parcel of land includes the construction of a 7,544 square foot warehouse and loading dock with office and a parking lot with 13 parking stalls (including one handicapped accessible stall), 3 loading area stalls, roadway, and drainage improvements.**

**The Board may provide its comments on the proposed project design relative to the Molokai Country Town Design Guidelines.**

Mr. Silva: Next item on the agenda is the communications. And I guess there is nine so we are all active.

Mr. Spilker: I'm one of the nine?

Mr. Silva: It's a real deal today. So, first item on communications (*Mr. Silva read the above project description into the record.*) And we have Ben Sticka from the Planning Department.

Mr. Ben Sticka: Good morning Chair and members of the Urban Design Review Board. Again, my name is Ben Sticka, Planner for the island of Molokai, here in Maui County. This item is before you today known as Friendly Market, and is located within the Special Management Area which requires your review pursuant to Hawaii Revised Statutes Section 205. The State Land Use District is Urban, Community Plan is Business/Commercial, and the County of Maui's Zoning is Business Town Country. The proposed project includes the construction of a 7,544 square foot warehouse and loading dock with an office located on a 19,182 square foot lot. The property has street access from Alohi Street to the north, and is adjacent to Kamoi Street to the west. The project includes 13 parking stalls, including one handicap accessible stall, three loading area stalls or zones, roadway and drainage improvements. The project has been reviewed by the Zoning Division, and has verified that the proposed project meets all required height, setback, parking, and loading zone requirements. The proposed project has generally been designed using the guidelines for the Country Town Business District of Kaunakakai to reflect the existing aesthetic character of the neighborhood. However, staff does find the following design elements contradictory with the design guidelines. Specifically I'll speak to a few of those.

The first one is regarding the site design section, 1.1, citing of structures speaks to orientation of the building entrances should be towards the primary street frontage. And we note that the building on the site plan, as you can see does not reflect that requirement. The second point that we noted was regarding architectural design section 3.2, height and mass, maintaining the human scale proportions. Speaking directly to the shade cover that you can see, and it's proportion to, actually, providing some type of shade to pedestrians at that level. And also hoping that the applicant – and then we didn't see and perhaps the applicant can provide clarification on this that the actual material be corrugated instead of a standing seam on that. And the final thing that we noted was regarding architectural design section 3.6, wall finish, and 3.9, ornamentation, regarding no fake veneers, metals, vinyl, rock or imitation materials. Avoiding – and letter B on that – avoiding applied or pasted on look. And that's just looking at the half moon wagon wheel, and the palm tree, what appeared to be palm tree embellishments. Additionally, for this project, no signage is intended for the proposed warehouse. Staff does understand that this is a warehouse use and that the warehouse supports a main street business. However, staff is ultimately relying on the board for guidance and recommendation to the Molokai Planning Commission.

The representative for the project, Luigi Manera and Rob Stevenson are here, with Architectural Drafting Services, to give you a little bit more insight information. And I'm here, as well as they are, for any other questions you guys may have. Thank you.

Mr. Silva: Thank you. Yes, so is there a presentation?

Mr. Sticka: They're just gonna set up the power point.

Mr. Silva: Okay.

Mr. Hopper: Just a quick question. Is this in the Special Management Area, and are they going to need an SMA Permit for this or is it outside?

Mr. Sticka: It is within the SMA. Correct.

Mr. Hopper: Okay.

Mr. Yoshida: I believe the valuation is less than \$500,000 so it would be a Minor Permit.

Mr. Hopper: So the commission – so this board wouldn't be giving its comments even though the Planning Commission is going to have to review the minor permit, right?

Mr. Yoshida: That's correct. It's more toward the Country Town Design Guidelines conformance.

Mr. Hopper: Okay. Thanks for clarification.

Mr. Rob Stevenson: Good morning board members. Aloha. My name is Rob Stevenson with Architectural Drafting Service here. And we're here representing the Friendly Market Center proposed warehouse and office. As Ben said it's located at 98 Alohi Street. TMK: (2)-5-3-002:124 in Kaunakakai.

The applicant is Friendly Properties LLC. Consultant, Architectural Drafting Service. The architect is Tom Hackett, and the location again is in downtown Kaunakakai, just mauka of Kamehameha V Highway, fronting Alohi Street, and adjacent to Kamoi Street. Project area is 19,182 square feet. State Land Use District is Urban. Molokai Community Plan is Business/Commercial. Maui County Zoning Business Country Town. Special Management Area and it is in flood zone X, protected by a levy with areas to be – areas determined to be outside of the 2% annual chance flood plains.

Overview of the proposed project is located in downtown Kaunakakai. It's an inland parcel, and has street access from and fronting the makai side of Alohi Street, and is directly adjacent to Kamoi Street as we've said. The proposed improvements are a construction of a 7,544 square foot warehouse and loading dock with office, and a parking lot with 13 parking stalls, three loading area stalls, and roadway and drainage improvements. The proposed warehouse, drainage, and roadway improvements have been designed utilizing the guidelines of the Country Town Business District of Kaunakakai to reflect the existing aesthetic character of the existing neighborhood and neighboring buildings in the surrounding neighborhood. The proposed use is a warehouse with office is a non conforming use within a Business Country

Town Zoning District, and requires a County Special Use Permit. And because of that requirement, that's where you're going to see some of the discrepancies between the compliance with the Business County Town Design Guidelines just because of the physical infrastructure required for the warehouse.

The onsite utility improvements include various patches of existing concrete and the chain linked fence. There's an existing 12 inch water main and existing wastewater connection bordering the property. Site utilities will consist of water, wastewater, electrical and drainage systems.

So if we look at the design guidelines, all the design guidelines that you see listed here are design guidelines of the project conforms to. And the first one is citing of structures – orient the building entrances towards the primary street frontage. Although it's not on the primary street frontage, it's oriented towards the street frontage. The building setbacks, 1.2. It complies with all the building setbacks, the side streets of Mohala, Kamoi, Alohi. Uniform eight foot building setback, and side and rear yard building setbacks may vary. Off street parking, all of the provisions that you see, provision B, provides parking and define circulation for disabled persons. C, screen parking lot with landscape and planting as follows: one crown shade tree for every five parking stalls are in compliance with the County's off street parking and loading ordinance. No. 2, one crown shade tree in the three foot wide planting island or triangle for every five parking stalls, and so on. There's a minimum two foot wide planting buffer along the side and the rear yard of the parking lots, and a minimum four foot planting buffer along the street fronting the parking lot as you can see in the L1 and L2 plans. And it complies with the County's requirements with off street parking and loading ordinance.

Landscape and planting, again, complies with all the listed items you see. Incorporate tree shrubs and ground cover to soften the mass of the building. Root barriers as you can see on the L1 and L2 sheets. Provide and maintain automatic irrigation system which is on the L2 sheet as you can see. Select plants that are appropriate in size, irrigation requirements and growth patterns for their location. To the extent practical, use, encourage the use of native Hawaiian plant species and plant matrix where it says see the plant matrix in the reference section and that's in the design guidelines. There's some existing trees there that we're choosing to use simply . . . (inaudible) . . . in their place. And I think that's it for the landscape plan.

For the site lighting, there are, there are no overly bright and distracting lighting fixtures. If you look at, I believe, it's plan E2 or E3. You'll see the lighting fixture, the down – the down facing lighting fixtures there. That's what we have for all the exterior lights. And shielded walkway light fixtures will direct lighting on the ground area.

Architecture. These are some of the, some of the criteria that Ben was talking about. Maintain human scale and pedestrian orientation. Difficult because it's set back. We needed the setback because the trucks are going to be backing into the warehouse to load and unload in the parking lot so it's difficult to do that. To be compatible in scale with existing business district along Ala Malama Street and with surrounding developments. It is compatible in scale. Similar

height, similar materials and similar colors.

Height and mass. Limit the building heights to two story maximum or 30 feet. If you look it's just under 30 feet. The color to elevation you can see the dimensions. Height and – oh, we've gone over that. Pardon me. Roof and canopy. Incorporate pre-finish deep corrugated traditional metal roofing. And pardon me, we have a sample of the deep corrugated metal roofing that will be, if you look at the, the color rendering, you see that little shade eyebrow around the building, will be this, this material and this color.

Encourage simple shapes and light weight form. It's pretty much a big square building which is simple, simple shaped. It has, it has a recess where the loading dock is. And can seal mechanic equipment from view. There is no mechanic equipment. There won't be any air-conditioning or any types of things like that, so it won't have any mechanical equipment.

Entryway doors will be oriented to the street. You can see that the entry door is facing the street.

Ms. Marshall: What's this called?

Mr. Silva: Sorry to interrupt. Can we just – can you explain what's being passed around?

Mr. Stevenson: Pardon me. That is the, that is the paint and the concrete finish, the stucco finish that will be on the exterior. And let me pass this around as well.

Ms. Marshall: Is this the finish of the –

Mr. Stevenson: Of the roof.

Ms. Marshall: It is?

Mr. Stevenson: Yes. So the entryway doors, it is oriented to the street. It is easily accessible to persons with disabilities. Provide the three foot minimum width at doors. The doors on the front of the building, so there is that three foot minimum width. And no clear exposed aluminum. We don't plant to use any clear exposed aluminum on the project. Ornamentation. It says integrate ornamentation with the building facade, and avoid the applied or pasted on look. If you look at the ornamentation on the elevations, you'll see, you'll see two types of ornamentation. One of them is the kukui leaf. And being that the kukui blossom is the flower that represents Molokai, we chose to use a kukui leaf on the ornamentation. And then the other half or –

Ms. Marshall: . . . (inaudible) . . .

Mr. Stevenson: That's correct. And the other one if you look up above that it looks like a half moon or half of a wagon wheel, and that is the Friendly Market Center logo. And both of those are going to be stamped and recessed into the stucco finish.

Ms. Marshall: And then painted like an embossed impression.

Mr. Stevenson: Yes. So the color. Minimize the use – minimize the use of several different colors. Three color maximum. We've got two that we'd, that we'd like to use the roof and the siding, and then just the trim, which will be an off white. Soft and muted colors are encouraged. These colors are consistent with some of the colors that are used in the Kaunakakai, the surrounding Kaunakakai area. Utilize matte or eggshell finish. We'll be using a, a matte finish paint. And again, to be compatible with adjacent building and business district along Ala Malama Street.

Lighting. Use incandescent for exterior lighting. Shield the source of light from public view. No glaring, bright, or harsh lights. No moving or blinking lights. No exposed can or ball shaped light fixtures. Avoid historically traditional fixtures from other periods. And avoid hi-tech or contemporary design fixtures. The exterior lights that we're going to be using, again, are on that E-page, or the pole mounted lights.

Identification of the building materials. The building exterior walls consist of stucco and we made a revision. The report that you have shows that there will be – there was an incorrect color in there. The revisions on the power point are correct. Stucco will be painted red in color. The roofing material which you won't be able to see because it will be hidden behind the facade which is on top will be gray in color. And the canopy material consists of metal and will be red in color. And as Ben stated there will be no signage intended to use on the building. And graphic elements will be incorporated into the building facade as we've just discussed.

So if we look at the plans, we have the same thing here that you folks have in your, in your package. This is the plot plan of the subject, of the property. This is the floor plan. The warehouse in the right, the loading deck – I'm sorry, the warehouse on the left, the office on the lower left corner, and the loading area on the right hand side. The front elevations, we did, we did talk with Planning Department yesterday and made some revisions that aren't reflected in the packet that you have. The siding will all be stucco. And if you look at the little circle around the kukui leaf emblem there, it says that there will be, there will be impressions into the, into the stucco finish. Here's the foundation plan. All concrete foundation. The roof plan. Again, that will be hidden behind the, the building facade. The roof framing plan. And you can see the metal roofing. The eyebrows as we call it, on the left and the bottom edges there.

Cross section. The civil engineering plans. And it shows the parking, the parking lot, C2. C3 shows the, the driveway elevations. And these are the signage for the parking lot. Details for the civil drawings. And the electrical specifications. And E2, as you can see on the right hand side, there's the lighting fixture we're talking about. And the lighting diagram for the interior.

The landscape plan we have numerous landscape plans around the perimeter with the two foot buffer. And we have the automatic irrigation system with all of the valves listed on L2. The elevations with height dimensions, you folks have that in your packet. This is what the building will look like from the top. This is what the building will look like from the front. You can see the front door on your left, and the loading dock on your right. And then the rear elevation is down

below. And the left side elevation you see on top is the side that will be visible from Kamoi Street. So that will be what folks see as they're walking, if they're walking or driving down the street. And the right side elevation, the neighboring property is the Atlas Ace Hardware which is a hardware baseyard.

This is our overview color rendering of the project. As you can see it's a beautiful building and will really help to enhance the character of downtown Kaunakakai. And we thought we'd, we'd show you what the neighboring properties looked like. So if you look to the west, the neighboring property, that is the Atlas Ace Hardware, directly to the west. And that is their storage and loading yard. Off to the distance is the old MECo building which is a deep corrugated warehouse type building. If you look to the north of the property is an empty lot which is part of the old Midnight Inn that's no longer in operation. If you look to the northeast of the property is the U.S. Post Office. Directly to the east is the Molokai Drugs Building and Kamoi Snack and Go. And that building was redeveloped in the, in the past few years. And they've done a wonderful job in bringing that type of character to the neighborhood. And as you can see it has a lot of similar design elements as the proposed warehouse. The red, deep corrugated metal roofing is one of them. As you can see their parking lot is situated in front of the building so the building is also set back as we proposed in the warehouse. If you look to the southeast is a, is a auto service station. And then there's a NAPA Auto Parts just to the right of that. If we look directly to the south that is our Molokai Drive-in and it's just a, a concrete block building with a, with a metal roof.

And we also wanted to give you an idea of some other properties on the block which this is the other grocery store in, in the neighborhood. And as you can see they have a warehouse building in the top right, which is a corrugated metal, metal building that was designed and built as a warehouse. And the picture from the bottom right is actually from across the street at Ala Malama, the main street, looking to the corner of, of the grocery store, and you can see the warehouse in the back.

Another property on the same block is Cleaning Services Business, and you can see the, I guess you could say the very rustic character of that building in, in the neighborhood. And as you can see from these photographs that this building as we propose it will certainly bring some beautification to the neighborhood as some of the other properties appear to be in somewhat of a state of disrepair, so we hope to actually bring up the aesthetic character of the neighborhood with this proposal. And that is our power point presentation and we're happy to answer any questions that anyone may have.

Mr. Silva: Great. Thank you. That was a nice presentation. First, I want to open it up for public testimony. Seeing none we will start with questions from the board. Morgan are you ready?

Mr. Gerdel: I noticed you have the building setback from –

Mr. Stevenson: Alohi Street?

Mr. Gerdel: Right.

Mr. Stevenson: Yes.

Mr. Gerdel: Is that a required setback or is that –

Mr. Stevenson: It's, it's just a function of loading and unloading the trucks.

Mr. Gerdel: Okay.

Mr. Stevenson: Because if we were to have the building right on the, right on the street there wouldn't be any way to get 18-wheelers to unload.

Mr. Gerdel: Right.

Mr. Stevenson: So that was –. And in putting that setback for the trucks, we've utilized that same setback for the parking.

Mr. Gerdel: Okay. Thank you.

Mr. Silva: Bryan?

Mr. Maxwell: Yeah. Just a couple questions. You said that you're going to use native. One of the things was to use more native plants, and I saw a couple were used in there, but one of the things I didn't see was, you know, you're using that, the kukui as the symbol. Is that something you guys were gonna try to plant also? I know you had shower trees, but –

Mr. Stevenson: The rainbow shower trees are actually existing.

Mr. Maxwell: Oh, they're all existing? All?

Mr. Stevenson: Not all of it, but the rainbow shower trees that are listed there are existing. That's why, that's why we chose to use that.

Mr. Maxwell: Okay. How about along the side of the building where – I mean, just –?

Mr. Stevenson: Along, along the side –

Mr. Maxwell: I think you had palms or something.

Mr. Stevenson: We had some palms and some kukuis. But that's – we didn't actually specifically put the kukui in there, but that's something that if the owner would like to do that we'd, we'd consider that.

Mr. Maxwell: It's just if you're, you're using the symbol, you might as well at least have one or something like that. It'd be kind of nice.



Ms. Feeter: . . . (inaudible) . . .

Mr. Maxwell: What's that?

Ms. Feeter: It's a little big for that side, a kukui tree. We have one in our backyard. I wouldn't recommend putting it there.

Mr. Maxwell: The other thing, I know that you're using the corrugated. Were you guys at some point going to be putting solar or anything like that on top of the warehouse?

Mr. Stevenson: Perhaps.

Mr. Maxwell: Okay.

Ms. Feeter: Could I say something right here regarding solar? I would like to commend Friendly Market. They were one of the first, if not, the only commercial building to put in a complete photo voltaic unit on their store. They have something like, how many? I can't remember how many panels. Their whole roof of the store is covered which is such a great thing. We obviously are just so delighted with that.

Mr. Maxwell: Okay. I, I guess, what I was just going to ask if that material – I don't know enough about it, but I just think, if that material is enough to accept solar voltaic.

Mr. Stevenson: Actually that material is only going to be used for the eyebrow on the facade.

Mr. Maxwell: Oh, that's not the –

Mr. Stevenson: Yeah, the other roofing.

Mr. Maxwell: Because I, I personally don't have a problem with the standing seam if that's what it takes to put the solar on. Now, your, in answering his question regarding orientation of the building. So if they, if they pull in they'll pulling – so they're having somebody slow down traffic or something for the trucks? Or, how – when they pull in to back in? How's that work?

Mr. Silva: If you could state your name.

Mr. Luigi Manera: Yeah. Luigi Manera. Chairperson, member of the board, thank you. There are in particular is Alohi Street, there's very little traffic at all. And that's why we choose to make the truck enter from that road versus the main road, Kamoi Street, because there's less pedestrians, there's less car passing by.

Mr. Maxwell: So, you know, you guys were going through – I'm not familiar with the area as well – you know from this is the – is the grocery store on this side of the street or that side of the street?

Mr. Manera: Opposite.

Mr. Maxwell: On this? Lower?

Mr. Manera: South.

Mr. Maxwell: And the Ace is over here?

Mr. Manera: Yeah, the Ace is on the, on the right.

Mr. Maxwell: Okay. And because of that, you know, I see that there's a lot of, there's like one office, but then there's all the extra parking which was a requirement. Is that something that customers are going to use or is that employees are going to use?

Mr. Manera: It's only for the employee.

Mr. Maxwell: So they're gonna be on the other side.

Mr. Manera: Right. Correct.

Mr. Maxwell: Okay. Alright. That's all.

Mr. Silva: Jane?

Ms. Marshall: I'd like to ask the planner how he feels about that explanation about why the building is oriented that way so that the bulk of the traffic is on the slower street. How do you feel about that?

Mr. Sticka: The, the, the orientation for, for that seems to be, you know, appropriate for the warehouse, you know, intent of what the user is going to utilize the actual site design and the actual placement of the, the use of the property that, that probably makes the most sense for that orientation.

Ms. Marshall: In your tour of the neighborhood, did you show a picture of the market across the street? Why, why wouldn't you show a picture of the market across the street? This is directly supporting, right?

Mr. Manera: Yeah. Okay. Well, in regard of the orientation and why we choose the, we have a meeting in between the owner, the trucking company, and they both agree that's the best way to have some kind of 40-foot container in there was that particular area. That's why we reach to the point.

Ms. Marshall: I understand and it sounds like everybody's in agreement, but I'm not familiar with – we haven't done a site visit. But, what – can – you don't have a picture of the market? If you don't have one, you don't have belabor it. It just seems odd that that wouldn't be photo number

one or as number two.

Mr. Stevenson: But your point is very well taken and –

Ms. Marshall: Do you have all of these symbols, like, the graphics that you're planning to use on this building or on that building too? I mean, it'd be neat to see a visual relationship because looking at this, you know, as a, as a single entity, you know, some of the graphics are questionable. I just wondered if there was a relationship to something that is across the street.

Mr. Stevenson: Sure. I can appreciate that. Thank you very much. And I apologize for not doing that. There really is no explanation other than we were focusing on the specific TMK.

Ms. Marshall: Do you have the, the kukui graphic? Is that a, is that something that's across the street? Is that, is that happening on the existing building?

Mr. Stevenson: The kukui graphic is not on the, is not on the one across the street. The only graphic on the one across the street is the, is the, the half circle wagon.

Ms. Marshall: Is this a, is this a literal representation of what you're planning to do or is it a place holder based on something that will be designed down the road?

Mr. Stevenson: No. Literal. Literal representation.

Mr. Maxwell: You know how we just had the Google Earth thing? Do they have that down your guys main street?

Mr. Stevenson: Yeah we do. I can, I can do that.

Mr. Maxwell: You know what I mean?

Ms. Marshall: Good idea.

Mr. Maxwell: We just did it.

Ms. Marshall: Site visit.

Mr. Maxwell: Site visit right here. It was just for me, it was a little hard because we're going here, here, here and here, and I'm not sure where north and south were.

Ms. Marshall: Yeah. See what the relationship is to the building that's supporting that.

Ms. Feeter: . . . (inaudible) . . .

Mr. Silva: Usually how we handle, we go around and ask questions.

Ms. Feeter: We wait until you get to me?

Mr. Silva: Usually. It's nice that the first one is from Molokai for you.

Ms. Marshall: The colors make sense now too.

Mr. Silva: If you could use a mic if you do . . . (inaudible) . . .

Mr. Stevenson: And that is the, that's the Friendly Market Center right there. That's the entrance to the, to the grocery store and you can see the wagon wheel, half moon, you can see the facade. And we can – I'll show you from the back too.

The property in front of you is the subject property, the proposed warehouse location. And that's the parking lot as it exits on the other side of the property from Main Street.

Mr. Silva: Yeah thank you. I think that definitely – that helps everybody.

Ms. Marshall: Thank you. And the purpose of this warehouse is to store supplies for selling in the –

Mr. Stevenson: Yes.

Ms. Marshall: – grocery store across the street?

Mr. Stevenson: It is.

Ms. Marshall: And there's no refrigeration.

Mr. Stevenson: There's no refrigeration. The only refrigerated store the Friendly Market has is in their current warehouse location. But they wanted to be able to store more dried goods and more things to better serve our community. Because I don't know if you're familiar but we only get a barge twice a week that comes into Molokai, and it's often that we run out of certain things, and so, to better serve our community. And also in case if there's any type of a natural disaster then they'd be able to have stores of a, of durable goods on Molokai because currently there's no warehouse space on Molokai other than what the individual establishments have on their own property. So this would be the actual, actually the first, stand alone warehouse on Molokai.

Ms. Marshall: I don't know if Andrew had a chance to look at the electrical drawing. Does that – does it look like there's any plans for future refrigeration?

Mr. Carson: I didn't look that carefully. I'm taking his word for it –

Ms. Marshall: Okay.

Mr. Carson: – that they're not doing that.

Ms. Marshall: There's no signage whatsoever. You're identifying this building at all.

Mr. Stevenson: No.

Ms. Marshall: On the chain linked fence, what are your plans for it's final appearance?

Mr. Stevenson: The chain linked fence is actually going to be removed.

Ms. Marshall: Oh. Good.

Mr. Stevenson: And it will be represented as you see on the, on the –

Ms. Marshall: And that's a metal, like a painted aluminum stick fence?

Mr. Stevenson: Painted metal fence, yes.

Mr. Silva: So Ron, is there horizontal numbers? Sorry. I mean, I just see all vertical. So that's no horizontals?

Mr. Stevenson: . . . (inaudible) . . .

Mr. Silva: Okay.

Mr. Stevenson: But, they're just – small supports.

Ms. Marshall: Your exterior pole fixtures in the parking lot, I think there's just three of them, but there's not identified as a type even though the interior fixtures are. And then there's a note somewhere else in the presentation and I think it, it's probably something that you're not going to do. But it says using incandescent exterior lighting. Since you haven't specified that pole fixture, what, what are your plans? You can be generic about it. What are your plans for those pole fixtures?

Mr. Stevenson: They're just going to be the generic pole fixture like you see there with the incandescent down lighting.

Ms. Marshall: I, I –. We'll I'll save that for comment.

Mr. Stevenson: I'm sorry. Perhaps I don't understand your question.

Ms. Marshall: You shouldn't use incandescent lighting for parking lot fixtures, but I know there's three of them there. But you are going to be setting a precedent. You're going to be the nicest building on this intersection.

Mr. Stevenson: Well, what, what – and pardon me, perhaps I mis-spoke or I misunderstood. Whatever the design guidelines say is what we'll be using.

Ms. Marshall: Thank you very much.

Mr. Stevenson: Thank you.

Mr. Silva: Bob, questions?

Mr. Bowlus: I just have a couple of quick questions. On the, on sheet A3 the architectural elevations you have the right side elevation. It looks like it's two separate materials. One looks like it's a brick pattern, and the other one is vertical lines. Are they both stucco with different patterns?

Mr. Stevenson: Yes. As a matter of fact, in speaking with Planning yesterday we realized that there was an error on the plans that were sent to you folks and we did correct them on the power point. So they will be – it's all stucco.

Mr. Bowlus: It's all stucco?

Mr. Stevenson: Yes.

Mr. Bowlus: So, is it, is it scoured somehow into a brick pattern or is it going to be –

Mr. Stevenson: No, it's, it's – what you see is incorrect. It will be a smooth stucco finish.

Mr. Bowlus: A smooth stucco finish. Okay.

Mr. Stevenson: And our apologies for that error.

Mr. Bowlus: Okay. And are there going to be, are you considering any skylights for interior lighting? You've got a big flat roof up there.

Mr. Stevenson: No.

Mr. Bowlus: And a lot of lighting needs I would assume even in a warehouse.

Mr. Stevenson: No, not that I'm aware of. And I believe a good portion of that is because there's some ultraviolet light can damage some food products.

Mr. Bowlus: I see. Okay. I think I have –. Well I guess the other one, I was just concerned about the landscaping plan. The – I heard you say that the rainbow shower trees are, are existing. It says there's four here, but evidently two of them are existing and two are new 10 gallon trees. I'd just like to know where those existing trees are, and I couldn't really tell on that photograph.

Mr. Stevenson: Sure.

Mr. Bowlus: The one on the corner.

Mr. Stevenson: Right here on the corner –

Mr. Bowlus: Existing?

Mr. Stevenson: – is existing.

Mr. Bowlus: Okay, and those are gonna stay?

Mr. Stevenson: And the other one back here is existing.

Mr. Bowlus: Okay.

Mr. Stevenson: And those, those will stay.

Mr. Bowlus: Alright, it looks like it will be a beautiful building. Thanks very much.

Mr. Silva: If I could, on the civil plans, it does say that the one in front corner is a monkey pod.

Mr. Manera: . . .(inaudible) . . .

Mr. Silva: Okay. Is that it Bob?

Mr. Bowlus: That's it. Thank you.

Mr. Silva: Robert, you have any questions?

Mr. Spilker: I had one question. The loading area is visible from the street, and I see it's got fluorescent lighting in it. What, what color – you know, what will people see looking in through that open unloading area, in terms of color or finish?

Mr. Stevenson: That's a, a good question. I'll let Luigi answer that.

Mr. Silva: So if you could please state your name once again.

Mr. Manera: Yeah. Luigi Manera. If I understand correctly you wanna know the color of the light? No?

Mr. Spilker: The inside, the inside of the loading area.

Mr. Manera: Okay.

Mr. Spilker: Okay, there's fluorescent lights up. If there's no trucks there, it's directly visible from the street. I just wanted to know what kind of color you had planned.

Mr. Manera: In the wall?

Mr. Spilker: On the interior walls of the loading area.

Mr. Manera: Well, right now we're planning to leave that gray, concrete. No finish at all. Either way you, you don't see those lights.

Mr. Spilker: No, I know you need the lights. But I'm saying it will – the lights will go on so it will illuminate the interior. I was just curious if you considered that in your architecture treatment for the colors.

Mr. Manera: Right now we're planning to leave it just, just the concrete finish gray. Same like we show in the picture.

Mr. Spilker: Okay. My second question is I'm gathering that in the process from the loading dock to the warehouse you come down this ramp.

Mr. Manera: It's to unload all the goods and going to the warehouse, yes.

Mr. Spilker: Using fork lifts?

Mr. Manera: Yes.

Mr. Spilker: I noticed that the ramp is about an 18% slope. Is that acceptable for fork lift use?

Mr. Manera: Apparently yes. Based on the fork lift they using right now. It seems like –

Mr. Spilker: And they have an 18% slope? Because when you come down the slope, you can tilt.

Mr. Manera: I, I understand.

Mr. Spilker: And I believe, I'm not sure, but doesn't the County recommend 15% max?

Mr. Manera: I don't think there's a requirement for that.

Mr. Spilker: No, I mean on –

Mr. Manera: No, no.

Mr. Spilker: On, on –. Not for the fork lifts but for trucks or cars or driveways or something like that. I think –



Mr. Silva: Roadway.

Mr. Spilker: Based on maximum slope. I'm, I'm just concerned that you can tilt. That if you have big load on the front of a fork lift, and coming down a too steep slope, the front of the fork lift will tip because that big block in the back is . . . (inaudible) . . .

Mr. Manera: I understand what you saying. Maybe some adjustment will be made later, later on in the future. But right now –

Mr. Spilker: Well if you make the slope longer you block the door so . . . (inaudible) . . .

Mr. Manera: No, no, I understand.

Mr. Bowlus: The four-foot, eight seem like awfully high for a loading dock any way. Is it, is that standard? Is that what it's going to end up being, four-feet, eight?

Mr. Manera: Yeah. Something like 52 inches.

Mr. Bowlus: Wow. Okay. I mean if it's lower – it seems lower would be more reasonable and that would give you a general ramp.

Mr. Spilker: Well, yeah, the only thing I was concerned of is you tilt over a folk lift because the slope is too steep.

Mr. Bowlus: Right.

Mr. Silva: Done? Any other questions?

Mr. Spilker: No, those were my two questions. I would recommend that you look into the slope and the fork lift.

Mr. Manera: Sure. Thank you.

Mr. Silva: Frances?

Ms. Feeter: I studied this pretty carefully so I don't really have too many questions. I really commend you. Of course, it's, it's much more convenient to have the driveway coming in this way. If it was coming out on the other street it would be a major traffic problem with the drug store driveway across the street so that's an excellent thing. The landscaping is beautiful. How many of you have been to Kaunakakai? You know this, this is going to be one of the nicer places around. I just recently sent an e-mail to Gladys Baisa and Stacy Crivello about the property in back of Midnight Inn which has become a haven for derelict cars and we have that too much over the island. So to have something that looks this nice in downtown Kaunakakai and really serves a purpose. I'm very pleased. And I think Luigi or Rob mentioned the fact that, of course, you know we have barges only twice a week, and sometimes not then. Our

merchants are really at the give and take of Young Brothers if they decide to raise their rate, there's not much you can do about it. Prices on Molokai are already so high that if he can store more goods to have on hand I'd appreciate it. I also appreciate having the building expenses be as low as possible because if they're too high you know the price is passed onto the consumers and it's already high enough. Our gas is \$5.30 right now. So things are higher in Molokai and we appreciate the efforts of our merchants to do something to help this and helping is having a warehouse full. I don't know how many times I've gone to the grocery store, and well it's not there yet because the barge hasn't come in or they don't have enough space to store. So I personally would really appreciate having this. I can't say enough for the, the planning that has gone into this. It looks to me like it's, it's really the ultra for a warehouse, and it's certainly shows up some of the other buildings in the area.

Mr. Silva: Thank you Frances. We do appreciate your input in a local resident. Andrew, questions?

Mr. Carson: A couple of questions. First of all can somebody talk to me about what kind of sustainability is put into the design.

Mr. Manera: Like what, what you mean?

Mr. Carson: Let's talk about energy efficient perhaps.

Mr. Manera: Well, okay. We did apply to MECo for solar like you mentioned earlier, to have solar panel. So far that particular area in Kaunakakai is saturated. We cannot have any more panels. So that was the biggest obstacle. So we are on the list. We're already on it for about one year now. Hopefully it's going to be open. If that happen, I mean, I hope so, we all know, we all hope that this is going to happen soon.

Mr. Carson: Okay, let me restate my question.

Mr. Manera: Okay.

Mr. Carson: Just for the record, photo voltaics are power generation and not necessarily efficiency, so let's talk more about efficiency, specifically let's focus on lighting. It looks like the interior lighting you're going to use is two or four bulb, four foot fluorescent fixtures. That's what I thought I saw. It might have been spec somewhere. I didn't see that.

Mr. Manera: I think there is some spec somewhere in there. I'm sorry, I'm not an electrical engineer. I'm not going to – I don't know –

Mr. Carson: Alright.

Mr. Manera: So that –

Mr. Carson: Just based on what I saw, it looks as if it's fluorescent ceiling fixtures.

Mr. Manera: Look like to me too. Yes.

Mr. Carson: Okay. And so is there any thought of using a more energy efficient lighting source?

Mr. Manera: If I'm, if I'm, if I'm right on this, I believe in the existing building they have – they have the LED light. So I'm very sure he's gonna use the same.

Ms. Marshall: These – they're specified as T-8. You're right. They are fluorescent. Yeah.

Mr. Carson: So the plan that you've submitted specifies it as fluorescent lighting, but you say that you think they're going to use LEDs.

Mr. Manera: Yeah, and the reason I say that is because in the existing Friendly Market right now they use those LED lights.

Mr. Carson: Okay. Just wanted to clarify that. No air-conditioning at any place in the place?

Mr. Manera: No.

Mr. Carson: That's good. Okay.

Mr. Manera: Only dry storage.

Mr. Carson: The exterior lighting, it said in your plan here that you intended to use incandescent lights which are well known to be highly energy inefficient. So clarify that please.

Mr. Manera: We have three of those.

Mr. Carson: Right.

Mr. Manera: And the Friendly Market and the warehouse is solely operated in between eight in the morning and five in the afternoon. I don't see why we have to use any light at all. But we have to show some light because of the design review board.

Mr. Carson: So are you telling me that these exterior lights won't be turned on at night?

Mr. Manera: No.

Mr. Carson: It will not be turned on at night?

Mr. Manera: There's not light right now in any building in town, even Friendly Market or any, any other store.

Mr. Carson: Okay. Alright. Alright. And just – maybe you can – what is the purpose of this little awning?

Mr. Manera: The purpose of the awning is the guidelines of the Kaunakakai Business Country Town. That's all. If it was me, I'm not going to spend the money and do it, but unfortunately there was in the guidelines to put.

Mr. Carson: So you're just complying with the guidelines.

Mr. Manera: I comply with the guidelines.

Mr. Carson: Very good. Thank you. That's all.

Mr. Silva: Thank you Andrew. David, questions?

Mr. Green: I just want to clarify. The loading area is totally open. There are no doors. You don't pull any doors down at night or anything like that.

Mr. Manera: No.

Mr. Green: So the trucks back up, everything comes out of the back of the truck on the dock, comes down the ramp, and goes into the little door on the side. Is that correct?

Mr. Manera: Yes.

Mr. Green: Okay. I guess a couple of my other questions have already been answered. The only other thing is what you call the front elevation. It's showing there, it just seem pretty stark and it's got a small door, and a big facade. I just wondered why you didn't put a couple of your kukui leaf motifs on that wall as well just so, just so it doesn't look so stark and plain.

Mr. Manera: It could be done. I'm – it's all about money, you know what I mean. Is already way out of budget and we tried to maintain some kind of decency.

Mr. Green: That's it. Other than that, apparently gas on Molokai is really cheap.

Mr. Silva: Coming from the Lanai resident. Okay, I don't have any questions. You guys did a good job covering all of mines, so we'll go around with comments. And this again is for the director – comments to the Director for the proposed design relative to the Molokai Country Town Design Guidelines. Morgan?

Mr. Gerdel: Okay, I have a couple of recommendations. I think to better meet the design guidelines, you could look at using a lighter earth tone for the building, with maybe red accents. And that would bring down the scale because right now the color is kind of monolithic so it looks really large in relation to what's around it. So I think maybe using a lighter color like a tan with the red accent color would break – for the roofing – would break up the scale a little bit.

Mr. Stevenson: May I? May I?

Mr. Gerdel: Okay.

Mr. Stevenson: The color scheme is to identically match the existing Friendly Market Center Grocery Store. That's the intent.

Mr. Gerdel: Okay. Yeah, I guess, I mean, I can understand that. Maybe it's a matter of using that color in a smaller portion of the building. But I think because it's so large and it's red, it kinds of really jumps out at you. So maybe there's a way to do that using multiple colors to break down that scale. The other comment I had was you could look at reducing the height of the canopy, if that's possible, to kind of get more human scale, maybe the bottom of the canopy could be like 10-feet off the ground versus 13 or 14. Okay. And then I thought you could also add some windows at the office or maybe on that front elevation to soften it a little bit. Yeah, that's all the comments I have.

Mr. Silva: Bryan?

Mr. Maxwell: You took one of mines. Yeah, actually, you know, the one part along the one street, the canopy wraps along the main street I guess. That one could probably be lower. The other one, you said, it has to be higher because of the trucks, yeah? Is that what you were saying? They bump into it or no?

Mr. Manera: No.

Mr. Maxwell: Okay. On the front, so, is there a way, you know, there is a big, like you said, the blank wall, maybe there's a place that you could put above ground planters or something just to maybe landscape along there. That might be an option. Just along there. You know what I'm saying? I would also just kind of revisit the native plants. That was my recommendation. Go back and try to, you know, if you could hit 50% of the plants of native that would be awesome. Okay. And I don't know what kind of mulch material you're using if it's just cinder or rock or which is but – what you may want to do is do some type of maintenance strip along that side of the building so you don't have termites or whatever else bugs going up against. That's about all I have.

Mr. Silva: Thank you Bryan. Jane?

Ms. Marshall: I'd like to suggest another way that the owner could save some money and that would be to reconsider using that kukui graphic at all. I would suggest that reconsider it. I know those things are personal, but it just looks, in my opinion arbitrary and lame. I also suggest even though you only have three exterior lighting fixtures, Molokai has to start somewhere and I think that light source should be an energy efficient light source even if – you're starting a precedent. And I also think on a smaller scale that you should just double check the clearance on the interior strip side of the bathroom door for ADA compliance. Thank you.

Mr. Silva: Thank you Jane. Bob?

Mr. Bowlus: My only comment really is to say that I guess that the applicant should be commended for providing what is evidently a much needed service on Molokai and, and, trying to do a good job, so thank you.

Mr. Silva: Very good.

Mr. Stevenson: We'll convey that to the applicant.

Mr. Silva: Robert, do you have any comments, conditions?

Mr. Spilker: No comment.

Mr. Silva: Frances?

Ms. Feeter: I think I've made my comments. I, I would like to be done as economically as possible if there's any way it could be changed to save money I would like that.

Mr. Silva: Thank you Frances. Andrew?

Mr. Carson: A couple of comments. Sorry, I didn't catch your name from the Planning Department. Ben?

Mr. Sticka: It's Ben.

Mr. Carson: Ben. You had mentioned three things that the Planning Department was concerned about. The orientation of the building, I'm fine with that. The awning and the scale of the awning, to me, it looks kind of goofy, to be quite honest about it. Either change it or I'd probably say, just get rid of it. I don't see why just to comply, it looks it's kind of stuck on there. And you also mentioned the wagon wheel decoratives, and I'm kind of in concurrence with the other member that I think the wagon wheels, because they're existing, I like that. But the kukui leaf thing looks contrived. Also, I'd like to suggest that you consider LED lighting for all of the interior and exterior lighting considering that you're only using three exterior lights, that cost is going to minimum. And, again, I agree with trying the set the standard. Continue with your roof top solar, and also consider some type of energy storage in conjunction with that. In fact, MECo maybe a little more compliant at your request if you come up with some kind of energy storage proposal to incorporate that. Consider potential water storage for landscape irrigation. And consider doing an energy or carbon foot print analysis both before and after construction. Thank you. That's all.

Mr. Silva: Thank you Andrew. One question for you Ben. Was the awning that we were talking about, that was included in the Country Town Business, the guidelines? Is that why it's here or is there a requirement for it to be here?

Mr. Sticka: Yeah, just, just a moment.

Mr. Silva: Sure.

Mr. Sticka: It, it is a requirement.

Mr. Silva: Okay.

Mr. Sticka: And the only reason it's there is for compliance.

Mr. Silva: Okay. So, just to let you know it is in there for requirement. I don't think we'd be able to take it out.

Mr. Carson: Right. I'm, I'm just commenting, right. Yeah.

Mr. Silva: Okay. Okay.

Mr. Carson: Yeah, I'm not suggesting that they take it out. I mean, to me it's not an aesthetically pleasing project necessarily, but, hey, it's a warehouse.

Mr. Silva: Okay. Thank you. David, comments?

Mr. Green: Just that I like Bryan's idea of putting some landscaping up there instead of the kukui motif on the side of the building, on the facade there.

Mr. Silva: The front elevation?

Mr. Green: The front elevation, yeah.

Mr. Silva: Okay. I don't have any comments. I think everybody, again, did a good job summarizing all that. Ben, do you have a list of comments that we have for –

Mr. Gerdel: Mike, I have a –

Mr. Silva: Sorry, Morgan. Any other questions? Morgan?

Mr. Gerdel: Yeah. Well, actually it's another recommendation, hearing comments from the other members. Maybe to be cost effective you could kind of focus on the front elevation, that store front for the detail and maybe the rear elevation on the other sides, they don't need as much decorative treatments because the front elevation is really where everyone is going to see the building.

Mr. Maxwell: Morgan, are you talking – I'm sorry – are you talking about just the front, where the loading is or the main road, or both of those?

Mr. Gerdel: I guess I was talking about the store – or the false front that has the entry door. Like if you could focus the detail and the windows in that location, and the other sides aren't as

important. They're just sides of the warehouse. But adding some details there would, I think, help the project.

Ms. Feeter: Can I ask a question?

Mr. Silva: Sure.

Ms. Feeter: About this awning, is it absolutely required? Or could they eliminate it?

Mr. Silva: Because it was in the, the design guidelines, is why they had to included. So being that it is here, you know, presented to us.

Ms. Feeter: I mean there's been some comment that it really looks tacked on and, and since it's a warehouse, could it be eliminated?

Mr. Silva: Ben, do you have a weigh in on that?

Mr. Sticka: I would recommend to the, to the board to, since it is part of the, the guidelines that we do in fact keep it. But from the recommendations, maybe, it will kind of help address the concerns of the board on that. I can read through that with you guys.

Mr. Silva: Okay. Let's – is there any other comments or questions from the board?

Ms. Marshall: I think that Morgan's comment makes sense because if this front elevation is deceiving, the loading area is recessed and I can see why the designer put the marque where they did because it lines up with the soffit of the loading area. But it's not the way you're going to experience it.

Mr. Silva: You mean the height?

Ms. Marshall: The height.

Mr. Silva: Yeah.

Ms. Marshall: You see. You're not going to experience this that way. That loading dock is recessed. And I think that Morgan's comment is also a good one because I think that it will actually be of some use in the rain if it's more connected to the door below. It doesn't really look it would take any, you know, any kind of driving rain and protect that doorway. So at least it would actually provide some cover.

Mr. Silva: Okay. Bryan, did you have any?

Mr. Maxwell: I was just thinking of what Robert was talking about from the loading dock thing, and I think just because they're going to be loading stuff there, I think, all that area is gong to be covered up so I just don't know if it's going to be necessarily an issue. And if there was a



lighting issue, if they – maybe it's just that they shield it if that becomes an issue, where it's shielded light where you don't see it. I don't know.

Mr. Silva: That's the fluorescent lighting in the loading dock?

Mr. Maxwell: Yeah. And I, you know, if they're only operating before dark anyways, it's a moot point I guess.

Ms. Marshall: The interior lighting is going to be on during the day because there's no other illumination source. There's no – it's going to be on all day. I think it's just the parking lot lighting that they said would not be on.

Mr. Silva: I did have one more comment that we did want to add was just to verify the ramp slope that a fork lift could be able to go up and down safely.

Ms. Marshall: Is there a crime issue? I mean, I don't know Kaunakakai at all. I mean, it seems like that parking lot being really dark is just asking for, like, it to become a place to park and smoke pakalolo.

Ms. Feeter: I kind of doubt – so much know the town and the police station is only two blocks away.

Ms. Marshall: Okay. It's good to get some context.

Ms. Feeter: I would be more –. I'm also glad. At first I thought these were windows and I was glad they aren't because of the breaking and entering. So I doubt if that would happen downtown. There are a lot of other places to go.

Mr. Silva: Bryan?

Mr. Maxwell: Yeah, just one last thing. I know that you're the civil engineer and I know it's a different island and stuff, but what, what do you guys do regarding any oil capturing or anything like that?

Mr. Silva: There is a new – oh, no, they didn't include it. There are permanent best management practices, a code that they adopted, mostly it talks about cleaning the water quality, like dirty water, like silt and that kind of runoff. If they're – there is products that we have used on different projects that have an inlet, and there's a tray around the inside of the inlet, and when water falls in it pulls out and absorbs the, the oils, petroleum.

Mr. Maxwell: Is that something – because they are going to have rigs, they're going to have heavy equipment and stuff, is that something that needs to be thought about?

Mr. Silva: Yeah, it's something to think about. Again, it's not a requirement. It's going above and beyond what is required by code, so it's definitely something we can recommend. But

again there's the added expense. What happens is you have to also have a maintenance program to pick up and dispose of – they're like in socks, so you'd have to come and dispose of those and add new ones. But they do have, the proposed plan does have grated inlets where they could easily add these trays. And it's something we could do if we're –

Mr. Maxwell: So just for water quality, I don't know, does it rain a lot there? It's very –. And that could be a problem, though, because oil does sets in when it does rain, like in Kihei, just all that oil comes down.

Mr. Silva: Yeah.

Ms. Marshall: But it's not required?

Mr. Silva: No. Nothing like that is required. That's all voluntary. So, yeah, it's something that you want to add?

Mr. Maxwell: No, just, it's just a recommendation. They can decide if they want it or not.

Mr. Silva: Yeah, okay. So we can say consider installing a – what do you call them – the petroleum removal device in the drainage system?

Ms. Marshall: Is it hundreds or thousands of dollars? I mean, what's expensive here? Is it a huge expense?

Mr. Silva: It's –. There's probably, yeah, there's probably thousands because I think there was two or three inlets, and they're probably a few hundred dollars each. And then have the maintenance.

Ms. Marshall: The maintenance is expensive. So once you put it in, you're buying off on a regulatory agency checking your maintenance procedures?

Mr. Silva: No.

Ms. Marshall: No?

Mr. Silva: There's maintenance. There's no regulatory agency that would check it. So it would be fully on the landowner to do the proper maintenance. If they had it installed, the trays, and they decided they don't want to do it anymore, they would just remove, again, the socks, that absorbs the oils, and it would just work as a regular inlet.

Mr. Carson: Typically you would remove that sock after every heavy rain, right, and put in a fresh one? A couple, three times a year maybe?

Mr. Silva: So, yeah, the maintenance of labor going to Molokai, that's the expense.

Ms. Marshall: Somebody who's an –

Mr. Spilker: The problem is I think what do you do with the sock, right? It's disposal. I mean, we've now contaminated, and I'm sure Molokai doesn't have a –. So now you've got to ship it back to Honolulu or something.

Ms. Marshall: That's an interesting conundrum. It really is.

Mr. Silva: Yeah. So again I think we can word it as consider. I think that's where we want to go. Okay, Ben, if you could summarize and we can try to get a concurrence as a board.

Mr. Sticka: Alright, I'll go through the comments and please correct me if there needs to be something else added or taken away. It was just brought to my attention by Erin. She'd, she'd mentioned to me that – and just to get your guys feelings on this that the actual canopy that you guys have before you is actually called a boxed ribbed, and it is not actually corrugated. So what is the board's feelings on that. Since the canopy is required, it is technically suppose to be a corrugated material and not the boxed ribbed as you guys have before you, so we can –

Mr. Silva: Any thoughts, Board?

Mr. Gerdel: I would recommend the true corrugated because that would fit in better with the town. I don't know if that box corrugated is any where in Molokai or not, but I think the corrugated is more traditional.

Mr. Bowlus: Yeah, I've got a question.

Mr. Silva: Robert?

Mr. Bowlus: On the existing, the existing Market, is it got a canopy like this also?

Mr. Manera: No.

Mr. Bowlus: No, there's no canopy on the existing Market at all?

Mr. Manera: No.

Ms. Feeter: No.

Ms. Marshall: I agree with Morgan especially if we lower that canopy. I think it would be a better scale.

Ms. Feeter: What's the difference in cost?

Ms. Marshall: It's cheaper.

Mr. Green: It would probably be cheaper.

Ms. Feeter: That would be good.

Mr. Sticka: Okay, I'll go through these. The first one we have is using a lighter earth tone with red accents. Reducing the height of the canopy to a pedestrian scale ensuring the use of corrugated metal.

Mr. Silva: Can I just interrupt one thing? I guess we're always picky on how we are writing it in the letter. We are recommending or we are, you know, have to consider or if you could add those in front here. Because if we say, you know, use a lighter earth tone. I guess it's always a recommendation anyhow to the director.

Mr. Sticka: Okay. Recommend the use of windows on the front elevation. Recommend the landscape plan to reflect native plants, 50% of all plants utilized. Recommend reconsidering the use of the kukui graphics. Recommend all light sources to be energy efficient. I guess with the caveat that all, all, recommend that all exterior and interior lights to be LED and/or energy efficient. Ensuring the use of ADA compliance wherever required. Recommend consideration a roof top solar and energy storage. Recommend the consideration of water storage. And also recommend energy and carbon footprints.

Mr. Carson: Analysis.

Mr. Sticka: Analysis.

Mr. Carson: Before, based on design and after, based on result.

Mr. Sticka: Thank you. Recommend providing additional landscaping along the, or adjacent to the front facade. Recommend focusing more design and detail on the front elevation. And recommend that verification for the ramp slope that it's appropriate for a fork lift. And finally recommend that installation of a petroleum removal device.

Mr. Gerdel: I just want to add to the comment, more detail on the front elevation. If we could say in place of the detail on the rear and side. Because I think the rear and side details aren't really doing much.

Mr. Sticka: Thank you.

Mr. Silva: Robert?

Mr. Spilker: Can I go back and ask a question? I've just been looking through the drawings. I don't see the fence in there. It shows in the pictures, but I don't see it on, on the drawings the

–

Mr. Sticka: The, the only – the appl – I'm sorry, the representatives, they're indicating to me

that's just on the –

Ms. Marshall: Renderings.

Mr. Sticka: – rendering.

Mr. Spilker: Well, how tall is it going to be?

Mt. Stevenson: Five feet.

Mr. Spilker: Five feet? Well, it shows it higher than the, than the truck cabs here. It looks more like eight or 10 feet. Never mind. Because I was going to say if it was that tall then maybe people from the street would not see all of the facade and everything with the, with the eight or ten foot fence. But if it's only five feet, no, never mind.

Ms. Marshall: I think you're right. It does look tall.

Mr. Spilker: I mean, with the truck.

Ms. Marshall: No, you're absolutely right.

Mr. Silva: I had one, one item that, that Bryan had mentioned was the maintenance strip along the Alohi. Is that the street or no? The other street? The side, the side frontage.

Mr. Stevenson: The Kamoi frontage?

Mr. Silva: I believe so. Is that right Bryan?

Mr. Maxwell: I think – whatever the main – this one coming down.

Mr. Silva: Yeah.

Mr. Sticka: I'm sorry, what was the recommendation?

Mr. Maxwell: Just putting a landscape maintenance strip along there. And that can just be like gravel or something. Put 18 inches away from the building just so you keep the planting – and it's an easier way to spraying for termites.

Mr. Sticka: Thank you.

Mr. Bowlus: I have one other comment.

Mr. Silva: Bob?

Mr. Bowlus: On the recommendation that we use a lighter color. I'd like to maybe note that's

not unanimous because I'm not sure that's the right solution. I think it's probably more important that the color that's used to match the existing market and tie the two together. So I don't want to recommend that they change their color scheme for this whole building.

Mr. Silva: Okay.

Mr. Gerdel: I'd be okay with modifying that to muted or to match existing market building.

Mr. Bowlus: Yeah. Okay. Thanks.

Mr. Silva: So is the color depicted different than the existing market?

Ms. Feeter: Same.

Mr. Silva: It's the same? The existing market the same color as the proposed warehouse?

Mr. Stevenson: Yes, the market, the existing color of the market is the same color as the concrete tile that was passed around.

Mr. Silva: Okay. And are we suggesting using a muted down of that same color or different hue?

Mr. Gerdel: I guess, I don't know, that looked really bright to me, but I don't know what the existing market looks like, so –

Mr. Bowlus: Not the tile, the metal. The metal is a bright, bright red. The tile bears more of a terra cotta color and they match.

Mr. Gerdel: Yeah, that's more muted.

Mr. Bowlus: Okay, withdraw that recommendation.

Mr. Silva: Okay, so Erin Wade would like to make a comment please.

Ms. Erin Wade: Sorry, I'm totally jumping in on Ben's deal. But one of Mr. Gerdel's comments was to break it up by possibly doing two separate colors, and I wondered if perhaps the building color and the awning color being the same is adding to the mass. So if the awning color, if you're going to do the corrugate, if you just stuck with a simple brushed metal look, you know, like a steel or an aluminum color, would then give you the band, and it's a lower height, and that's going to break up the massing possibly a little bit. And maybe it gets to what Mr. Gerdel's comment was and it still sticks in keeping with the historic function appearance of the building.

Mr. Gerdel: Yeah, I think that's right. I was . . . (inaudible) . . . more that the colors are the same, that the colors are bright colors.

Mr. Silva: So are we okay with revising the comment for the – to remove the color of the building, but changing the color of the awning to a brushed metal color. Correct?

Mr. Gerdel: Or we could say a contrasting color so it's not the same color.

Mr. Silva: Do we want to be specific? Contrasting? Okay, we're good with that. Any other comments that we want to discuss anybody is uncomfortable with or in disagreement with?

Mr. Carson: Can you just re-read the last one about the petroleum?

Mr. Sticka: What I have written down is the recommendation for to consider the installation of a petroleum removal device.

Mr. Feeter: That's not a requirement.

Mr. Silva: Correct.

Mr. Sticka: It's a recommendation.

Mr. Carson: And do we want to specify drainage or storm water runoff?

Mr. Sticka: How would you like me to – how would you like it to reflect?

Mr. Carson: I'm kind of proposing that as a question.

Mr. Silva: You could say in the drainage system.

Mr. Sticka: So, recommend consider, consider the installation of a petroleum removal device in the drainage system?

Mr. Silva: Correct. Sure, Michael?

Mr. Hopper: This is a comment. Again, there's a lot of comments on a variety of different issues. The director's authority is to review the design guidelines and take your comments into consideration with respect to those guidelines. I'm not sure if every single one dealt with the design guideline issue. They may have because this guideline do cover a variety of things. But, you know, the director's authority after the recommendation unlike the Planning Commission where this is going. This is going to the Commission, but technically not with your recommendations because it's a Special Management Area Minor Permit, not a Major Permit that's required to go to you. The director's review is going to be limited to the design guidelines and whether or not the project meets that. And so, I think, your comments are going to be incorporated into that analysis. But I just wanted to, to note that, and you know, for the record.

Mr. Silva: Yeah, that is good to know. I think, being that it is so broad, they probably do apply but it's good to keep us in line. Any other comments?

Ms. Marshall: One more.

Mr. Silva: Sure.

Ms. Marshall: I want to thank you for your presentation and for being so patient. You know, this went long, but we're just very detailed oriented people by nature, and I hope you have a very successful project.

Mr. Silva: So we would be looking for a motion to proceed with a recommendation has Ben had summarized.

Mr. Bowlus: So move.

Mr. Silva: Thank you Robert. Do I have second?

Mr. Green: Second.

Mr. Silva: Seconded. All in favor, aye? Raise your hand. What do we do? All opposed, nay, raise your hand? Showing none. Thank you. Done. Good luck to you guys. Thanks for coming over.

**It was moved by Mr. Robert Bowlus, seconded by Mr. David Green, then unanimously**

**VOTED: Recommend approval with the comments and recommendations as discussed.**

**(Assenting: R. Bowlus, A. Carson, M. Gerdel, D. Green, F. Feeter, J. Marshall, B. Maxwell, R. Spilker**

**Excused: L. Berry)**

## **G. DIRECTOR'S REPORT**

### **1. Status of the ability to access UDRB agenda documents from the County website.**

Mr. Yoshida: Good afternoon Mr. Chair.

Mr. Silva: Yes, next item, the Director's Report. So status of the ability to access UDRB agenda documents from the County website.

Mr. Yoshida: Okay, so good afternoon Mr. Chair. In consultation with our County Information and Technology Service people and the desire – well the department's, one of our performance measures to be more transparent and have more information available to the public, we are going to try a pilot project with this board for your June meeting in which we will have the



agenda packet electronically accessed on the website. We will send you a notice that it's available on the website. If you don't want the hard copy agenda packet you can let Leilani know in the next two weeks. And so – but if you still want to receive the hard copy agenda packet you can do that also. So we'll make that available and try that as a pilot project. Hopefully if it's successful we'll extend it to other boards and commissions. We serve eight boards and commissions, so other boards, eventually working our way up to the Maui Planning Commission that has – meets often, from nine o'clock in the morning to five o'clock in the afternoon.

Mr. Silva: Question Bryan.

Mr. Maxwell: Just, you know, I think that's a great idea. I, I don't have, but is that something that you guys would do, make available, or we could bring in an Ipad and you'd have wireless? I mean, if we're going to go guinea pigs, is there something where we can access that right, sitting here, so we don't have it. Because if we don't have it, all of sudden we need it.

Mr. Carson: Is there wireless access in this room?

Mr. Maxwell: That we could hook into?

Mr. Yoshida: No.

Mr. Silva: You would need to download prior to –

Mr. Maxwell: So we still need a printer.

Mr. Silva: You could download it to your device if you wanted to bring –

Mr. Maxwell: I guess that's a good idea.

Mr. Yoshida: Well, I guess, we can, we'll we can check with the Information and Technology Service people and see if they can –. But then, you know, if people don't want to get the paper, but just want to review the plans, electronically.

Ms. Marshall: Is everyone able to print architect size C-sheet?

Mr. Spilker: No.

Ms. Marshall: Yeah, so that's another thing.

Mr. Silva: Yeah, I would think the larger size sheets we would still want prints.

Mr. Yoshida: So we'll, we'll try it.

Mr. Silva: Some of us.

Mr. Yoshida: Pilot program.

Mr. Silva: So the process would be if we only want electronic we let Leilani know.

**2. Agenda Items for the June 4, 2013 meeting.**

Mr. Yoshida: Yeah, so she doesn't have to produce an extra set of hard copy packets that may reduce the amount of hard copy packet that she has to . . . (inaudible) . . .

Okay, our next meeting is scheduled for June 4<sup>th</sup>. Again, we deferred the election of officers for 2013-2014. Trisha said we're having sign variance application for Aloha Petroleum in the Home Depot vicinity in Kahului, and we have scheduled the SMA Use Permit plans for the Department of Transportation Airports Division Consolidated Car Rental Facility at Kahului Airport. It's a multi-story facility, but you just have one facility and they have all the car rental companies.

Mr. Bowlus: That's in June?

Mr. Yoshida: Yeah. So those are the items that we have on the agenda.

**H. NEXT MEETING DATE: JUNE 4, 2013**

**I. ADJOURNMENT**

Mr. Silva: Thank you Clayton. That's the last item, so meeting adjourned.

There being no further business brought forward to the Board, the UDRB meeting was adjourned at approximately 1:00 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE:**

**PRESENT:**

Robert Bowlus  
Andrew Carson  
J. Morgan Gerdel  
David Green  
Frances Feeter  
Jane Marshall  
Bryan Maxwell  
Michael Silva  
Robert Spilker, Alternate

**EXCUSED:**

Linda Berry, Vice-Chair

**OTHERS:**

Clayton Yoshida, Planning Program Administrator, Department of Planning  
Allan DeLima, Administrative Officer  
Erin Wade, Small Town Planner  
Ben Sticka, Molokai Planner  
Trisha Kapuaala, Staff Planner  
Michael Hopper, Deputy Corporation Counsel