

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
OCTOBER 23, 2012**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Ivan Lay at approximately 9:04 a.m., Tuesday, October 23, 2012, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Mr. Lay: ...calling the Planning Commission to order. Today is October 23, 2012. We have quorum. The Commission will now take testimony from those individuals who cannot be present in the meeting when their agenda item comes before the Commission. If you testify now, you'll not be allowed to testify when the agenda item comes before you, before us in the Commission unless any new or additional information will be offered. You'll be allowed a minimum of three minutes to testify for your testimony. Does anyone wish to testify at this time, public testimony? No. Okay.

Moving onto our first agenda item, and this is Stanford Carr Development on behalf of Harry and Jeanette Weinberg Foundation requesting comments on the Draft Environmental Assessment for us.

**B. NEW BUSINESS**

1. **STANFORD CARR DEVELOPMENT, LLC on behalf of THE HARRY AND JEANETTE WEINBERG FOUNDATION, INC. requesting comments on the Draft Environmental Assessment prepared in support of the Section 201-38, HRS approval and a Special Management Area Use Permit for the proposed Kahoma Village Project consisting of approximately 203 housing units including 69-single family units in clusters, 32-single family dwellings with a rear service entry, 102 multi-family units, three resident parks totaling 1.75 acres, parking, landscaping, and associated roadway and utility improvements on approximately 21.6 acres of land at TMK: 4-5-008: 001 (por.), Lahaina, Island of Maui. (EAC 2012/0022) (SM1 2012/0008) (K. Wollenhaupt for K. Aoki)**

**The Department of Housing and Human Concerns is the accepting agency of the Environmental Assessment.**

**The public hearing on the Special Management Area (SMA) Use Permit after the Environmental Assessment and Section 201-38, HRS processes have been completed.**

Ms. Kathleen Aoki: Good morning, Commissioners. My name is Kathleen Ross Aoki and I am the Planner assigned to this project. This morning we have the planning consultant, Colleen Suyama from Munekiyo & Hiraga, who will be doing a short power point presentation for you. We also have Jay Nakamura representing Stanford Carr. And they also brought with them their team engineers and building and landscaping architect if you have any questions. Their project is a 203-unit Kahoma Village Project located in Lahaina. So with that, I'll turn it over to Colleen.

Ms. Colleen Suyama: Good morning, Commission Members. We do have a short power point presentation for you. To begin with our project team as noted, Stanford Carr Development is on behalf of the Harry and Jeanette Weinberg Foundation and Jay Nakamura is here from Stanford Carr Development. We are the Munekiyo & Hiraga, Inc., is the environmental consultant for the project. Alakea Design Group is the architect for the project and Mike Kujubu, the architect, senior architect is here. SSFM International is our engineering and traffic engineer and both Fiona Van Ammers is the engineer for the project, Michael Packard is the traffic engineer and both of them are here. Our landscape architect is Miyabara Associates and Mike Miyabara is also here to answer any questions. Our flora and fauna consultant was Robert Hobdy. Our archaeology was done by Xamanek Researches and our Cultural Impact Assessment was done by Hana Pono.

This is a regional location map of the project. If you look here, this is Honoapiilani Highway running on a north-south direction. Kenui Street is on the south portion of the boundary as well as Front Street is along the west portion and then we have the Kahoma Street channelization to the north of the project. And immediately north of the project is the Lahaina Cannery Mall.

This is a view of the project site. Recently this year the project was cleared of vegetation and that was done in coordination with the Fire and Police Department because there was fire hazard as well as vagrancy problems on the property. And in response to the numerous complaints from the neighbors within the neighborhood about the problem, they coordinated the clearing of the project with both the Police and Fire Department.

As noted Kahoma Village it is on the Maui Island Plan which is under review by the County Council identify as Lahaina infill, 51 percent of the project will be affordable housing, and as noted by Kathleen, 203 single-family units and multi-family units are proposed for the project consisting of 69 cluster courtyard single-family units in two to six unit clusters, 32 carriageway single-family units and 102 multi-family units. They're also proposing to provide at least 1.75 acres of park land.

The reason we are here is there are several approvals that are required. The first approval is the Environmental Assessment which is under review by the Commission today pursuant to Chapter 343 of the Hawaii Revised Statutes. They're also are applying for 201H-38 HRS, Affordable Housing Approval by the County Council and they also have filed a Special Management Area Permit with the Planning Department and the Commission.

In terms of Chapter 343, the trigger involved in this project is that they will have to...because this is a vacant lot, they will have to make utility connections to...within the County right of way and the use of County lands is the trigger for the requirement of why at least a Environmental Assessment was required. The approving agency is the Department of Housing and Human Concerns because the first application under review is the 201H, Affordable Housing application. For your information, the Draft EA was filed and published with the Office of Environmental Quality today on October 23<sup>rd</sup>, and the comment deadline is November 23<sup>rd</sup>.

Also the reason that we are here today is the first step which is to receive comments from the Planning Commission on the Draft EA. Conceptually this is the project site. Honoapiilani Highway to the east, Kenui Street to the south, Front Street to the west and the Kahoma Stream channel to the north. For your information, approximately a little over three acres of the Kahoma channel was

dedicated from the original property owned by the Weinberg Foundation to do this channelization as well as for the County of Maui to put their sewer force main within that area. The project as result, it reduced the area of the original project to approximately 21 acres. And what they're proposing to do, these are the single-family cluster units on the exterior of the project site. The carriageway units are located here, and the reason why it's called the carriageway units is that there is a service alley between the units in which they would do all their services from, and then they're also proposing multiplexes, six-plexes within the project site for the 102 multi-family units. In terms of park land, the 1.75-acre park land including a larger park area between all of the multi-family units and two other park sites along the exterior of the project.

Also what's important is that the project went to a community meeting before filing, and as a result of that community meeting and the concerns that were brought up by the public, the original access to the project was the first was off of Kenui Street directly across Waivee Street. There were concerns that were raised by the community that that was too close to the Honoapiilani intersection as well as the Waivee Street intersection and that may cause traffic conflict at that intersection. Say they moved it further west along the Lahaina Apartments that are directly across of the project, across of Nakeli Place. And also on Front Street there were concerns that the original access was across from the Mala Wharf entry that goes to Mala Wharf and the Lahaina Jodo Mission, and as a result of that, they moved the access further south along...across from Puunoa Place and that was to try to resolve some of the concerns that the community had about traffic conflicts.

This is the floor plan of the cluster courtyard homes. There are approximately five different floor plans that are proposed. This is the common driveway, and then you would have two to six units along that common driveway, but each of them would have their own individual basically lot.

This is a rendering of what those single family units may look like from the street. You would have a nice street frontage, one and two-story buildings. They are trying to make it compatible for people to walk as well as to bike within the area. This is one of the projects that Stanford Carr Development has done. This is the Cottages of Kehalani. As you can see you have one and two-story buildings. This is the common driveway that goes in that provides access to all of the units. The other type of units, single-family units that are proposed are the carriageway homes. There is approximately three different floor plans that are identified. Basically you have your street frontage here, and then you have your alley in the back, and the alley provides services to all of the carports in the back. You would also have your services for like your trash collection and mail collection, and the street frontage would basically be you go in, there's a nice, you know entry level into each of the projects. This is a rendering of what the project would look like from the street front. This is one of the projects that Stanford Carr Development has done in Oahu. It's called the Peninsula Project in Hawaii Kai. As you can see, this is the street frontage with the nice porch entry into the building. And this how the service alleys in the rear would look like. You would have your garages, your trash collection as well as your mail collection within these service alleys.

Also included are 102 multi-family units within what they call six-plex buildings there's basically six units within the project. One-story units on the edge, on the exterior of the project and four, two-story units in the interior of the building. This is an architectural rendering of how the buildings may look like. The one-story element on the exterior and your two-story element on the interior. They've done this project, this type of project before in the Kehalani Gardens. You have your one-story element and then your two-story element in between. And also, in this case they're showing a

covered parking, carport, but for the Kahoma project it will be all exposed on grade parking. This is a rendering of what that major, the park one would look like. You would have your multi-family around the park area. There may be something like a play...play area for kids as well as they're looking at maybe a gazebo that's part of the park site.

In terms of potential impacts, our archaeology assessment found no archaeological or cultural remains on the project. However, the archaeologist recommends that during construction, any ground altering work that they also do an archaeological monitoring plan in which you would have an onsite archaeologist during ground disturbances. The Cultural Impact Assessment did not find any cultural practices or uses within the project site. Our flora and fauna consultant found no federally endangered or threatened plants or fauna found on the site. However, they did find approximately tobacco tree plants that were on the site and this is the nonnative habitat of the Blackburn's Sphinx Moth. However, examination of the plant did not find any moths or their larvae, and the applicant will work with the State in the removal of the tobacco trees to follow the proper protocol. There also was concern raised that seabirds such as the Hawaiian Petrel and the Newell's Shearwater may traverse the project site. So one of the things that is being recommended that in the lighting for the project they be downward lighted or shielded in some way.

In terms of infrastructure, the project site because this is an infill project within Lahaina Town there is available existing water, sewer, and utilities that are available to service the project. There's also in terms of drainage as stated before, little over three acres was given to the County to implement the Kahoma Stream Flood Control Project as well as to install the sewer main, force main within that area. They also are proposing to do subsurface drains and a detention basin to handle the runoff on the project. And in terms of traffic, there were no traffic improvements recommended by the traffic study.

This is again the site plan. If you look at the site plan, this is the major park that's in there. A portion of this would be used as the retention basin and wherever possible along underground...under the paved areas they would be doing subsurface drainlines. And in terms of traffic, other than roadway widening improvements on both Front Street and Kenui Street in which they would do curbs, gutters, sidewalk, and pavement widening there was no other recommendation made by the traffic consultant that they had to go beyond that. And what's also interesting is that when the County realigned Kenui Street to be directly across the street on the other side, what they did is they realigned the roadway onto the Weinberg property. So the road is actually on the Weinberg property need the intersection. So as part of this project it would basically be dedication of that road widening to the County of Maui officially.

In terms of the benefits of the project, 51 percent of the project will be affordable housing. Approximately 1.75 acres of park land which will be privately owned and maintained but open to the public. There would be road widening improvements. One would be the existing roadway on the...Weinberg Foundation would be dedicated. They would do pavement widening as well as curbs, gutters, and sidewalks and the sidewalks are important because it will provide access within the area to areas such as the Lahaina Cannery. Right now on Kenui Street there is no sidewalks and Front Street there are just this asphalt pavement that goes along Front Street right now. So it would provide safer pedestrian access within the area. Over three acres was contributed to the Kahoma Stream Flood Control Project as well as the County sewer force main. And the clearing of the vegetation on the property discourages vagrancy and criminal activities within the area.

And just to reiterate today's purpose is to receive comments from the Commission because a Special Management Area Permit will be reviewed by the Commission at a later date. Thank you, and our consultants are available for any questions or you know, clarification the Commission may need.

Mr. Lay: Commissioners, I'd like to hold back on our questions towards the owners and the Planners until after public testimony if that's all right with everyone? At this time, I'd like to open public testimony. We have a list? Does anyone wish to testify on this? At this time, I'd like to close public testimony. Commissioners, you have any questions? Commissioner Ball?

Mr. Ball: Is the traffic expert available?

Ms. Suyama: Yes. Mike Packard, the traffic consultant is present.

Mr. Lay: Please identify yourself.

Mr. Mike Packard: My name is Mike Packard. I'm with SSFM International.

Mr. Ball: In testimony, previous testimony there was a statement that there was no impact foreseeable in the future with this project, but we're getting some documentation from a member of the public who also lives there, who is also a police officer out there that there are problems currently in a specific area and he offers a solution. I don't know what you think of this comment. Page 19 of the...Appendix K, and it's from Chad Viela. Are you familiar with that?

Mr. Packard: Potentially, if you could clarify it. I don't know which one you're referring to.

Mr. Ball: Here why don't you just sift through it?

Mr. Packard: So this is in reference to the intersection of Honoapiilani and Kapunakea which is north of the project, actually a couple streets north of the project and the noted concern is that there's existing backup for the left-turn movements mauka bound headed further north of Honoapiilani. One of the issues there is that the approach is the mauka and makai approaches of the intersection don't have protected left movements. They move at the same time and therefore, the left-turn movements have to wait for all the makai bound traffic to clear before they can make it...make that left-turn themselves. The issue being there's not sufficient signal time for them to make that turn therefore, that it ends up with delay and backup back Kapunakea. What we saw was an existing problem which should potentially be mitigated through signal retiming. The suggestion in the comment was to add a double left-turn on that makai section so two lefts could be made at the same time. The problem with that, and that's something that we could examine at a further time, but it would actually have to change the signal timing to be what's considered a split phase and so only that mauka bound traffic could go at once, and then the makai bound would go after that. Problems with that is actually it would delay Honoapiilani even further. It would also prohibit right turn movements to be free flowing. Currently since there's no blockage of the right-turn lane, cars can go up and make that right when there's a free gap in Honoapiilani. So what the current signal is doing is it's delaying side street movement for the benefit of the major movement along Honoapiilani and currently Honoapiilani in that section is rather congested and there's a volume of traffic there. A lot of that is gonna be alleviated through the bypass construction, but the

existing signal works to help Honoapiilani flow better while delaying Kapunakea. And if the belief is that additional time needs to be added to that side street movement. I mean, that's something can work through signal optimization as long as it's working along the corridor to help progress Honoapiilani traffic. So in my report, I actually recommend signal reoptimization and timing because over time you're always going to need improvements to address the current traffic ...(inaudible)...

Mr. Ball: Okay, thanks.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: Just to review that portion here on operations, Page 15, it does say that in 2017 without the project roadway segment LOS that the Kapunakea Street and Kenui Street north bound is an F LOS and south bound is D as in delta, and Kenui Street and Papalaua Street is north bound D, and south bound is D rating. You will be addressing this particularly?

Mr. Packard: So what that is that you're referencing is actually the roadway segmental level of service and that is for without project operations. So if this project were not to occur in the future 2017 conditions this is how the roadway itself will be operated. This has nothing to do with the project's traffic being added. So what this is saying is along Honoapiilani conditions which if I can reference you back to Page 11 of that report, existing roadway level of service along Honoapiilani, along those segments is D, along both those segments. D to give you a reference as to how that affects things. It's fairly common for an urban area to have level of service D or worse during the peak hour segments and what this is analyzing is your a.m. peak hour and p.m. peak hour, people going to and from work. We commonly accept those lower grades of traffic delay because if you built and added additional roadway to accommodate the peaks only, in your off-peak times you would have huge roads with not much traffic going on them. So to avoid having to always build additional roads to handle increased capacity, we accept these lower level of service during the peak hours to accommodate it. What this shows is without the project, yes, it will be F during that in the north bound between Kapunakea and Kenui, and the envisioned improvements of the bypass is to alleviate all the traffic that's going north-south along that area and as additional improvements and additional bypass segments are open that traffic will be alleviated and therefore, you won't have this level of service concern.

Mr. Shibuya: Okay, with all due respect Mr. Packard, I just wanna remind you that this is just a comment and I hope you can be able to address it because these Oahu type standards are not applicable on Maui particularly on Honoapiilani Highway as well as Lahaina Road, Front Street. It's just unacceptable. So please address it.

Mr. Lay: Commissioner Ball?

Mr. Ball: While the traffic guy is still up there. So there's no access to Honoapiilani from the project, right? Everything's flowing down to Front Street? Is that right?

Mr. Packard: There's two access points, one's off Kenui and one's off Front Street, but you cannot get from Kenui to Honoapiilani. There's a right in, right out on Kenui off Honoapiilani.

Mr. Ball: And are you gonna signal down at Front Street or is that just a go for it?

Mr. Packard: No, that's a two-way stop control. And Front Street and Kenui Street at that location are both 20-mile per hour posted speed limits. There's also a raised crosswalk on the south side of the Kenui-Front Street intersection which further encourages traffic to slow for the observation of pedestrian crossings. So the way these streets have been designed thus far is to actually control traffic so people aren't using those roads as throughways. It's supposed to be a local road for immediate residential access.

Mr. Ball: But we know everybody uses that as a throughway.

Mr. Packard: True. And that's because of the delay along Honoapiilani.

Mr. Ball: So there's with design and there's things with reality then, right? I mean, yes, there's 20-mile an hour posted signs there, but there's a solid line of traffic, you just hope that somebody will let you out and with 200 units in the project times it by two maybe less with vehicles, right, trying to exit that...the reality this doesn't make the 20-mile an hour...you know what I mean? Maybe a three-way stop—

Mr. Packard: Yeah, I see what you're saying.

Mr. Ball: Maybe a three-way stop may be something that has to be considered at one of those intersections because otherwise those guys in the project are never gonna get out of there.

Mr. Packard: The level of service at that intersection, the two-way stop control, Kenui and Front Street showed no existing problems, and the proposed traffic is not anticipated to affect that to a level that's going to require signalization. Signal warrants didn't pass there, and actually the two-way stop control there has left turn movements along Front Street to turn up Kenui or turn makai down to a private road which is a very small residential road. The existing concerns along Front Street are at Mala Wharf and the boat traffic that goes in and out of there. And that is an existing concern at a difficult intersection because it has that that V approach. It was believed that that intersection's out of the scope of this project since we have...we moved our access point further south to not add additional conflict there. And traffic coming out of this project is likely going to head up Kenui if they're going to traffic in the north bound direction.

Mr. Ball: Towards the schools or something like that.

Mr. Packard: Yeah. And if they are going to head in the other direction, they are going to head out Kapunakea as we discussed before therefore not conflicting with the movement in and out of Mala Wharf.

Mr. Ball: And Kapunakea is the Safeway light?

Mr. Packard: Yeah. Yes.

Mr. Ball: 'Cause I know that thing is a problem.

Mr. Packard: Yes.

Mr. Ball: You know, just going out there on a regular day that that seems like that Safeway exit is too close to the intersection.

Mr. Packard: It is too close. It is too close.

Mr. Ball: So it's, you know, stacked up there every...(inaudible)...

Mr. Packard: My belief was, you know, you have capacity constraints at that intersection. You don't have any more room to add lanes there. Everything's built right up to the edge. So the only way we have to fix that is through additional signal timing. You can add vehicle detectors on the side street to actually account for the number of vehicles that are waiting there to make sure that the signal light can expand to handle all that side traffic. I believe there's detectors there out there already. It just requires an optimization of the signal time.

Mr. Ball: And I don't know, maybe it's a question for Planning, I don't know if you could require the complex to change their exit there? To fix...to kinda help the problem I guess a little bit--

Mr. Packard: The Safeway exit.

Mr. Ball: --Yeah, you know, just push it down a little bit, down ...(inaudible)...

Mr. Packard: It is unfortunate that that exit's there. That is a large contributor to the problems with people coming of Honoapiilani and trying to turn in there also and having it backed up.

Mr. Ball: Right they get backed up that way, yeah.

Mr. Lay: Deputy, you wish to comment on that?

Ms. McLean: Sure. What's before the Commission today is the Draft Environmental Assessment. So today is offering comments.

Mr. Ball: Trying to fix the world here.

Ms. McLean: So these are comments that the applicant will address in the Final EA. What will come to the Commission is the SMA Permit, and so that would really be the opportunity for the Commission to put conditions or restrictions on the development. And if this is something that you really want to convey to the applicant, you are serious about then, that's something they do need to spend some time on in the Final EA addressing that and also in their SMA application that will come to you.

Mr. Lay: Commissioners, do you have any more questions for our traffic expert? Commissioner Hedani?

Mr. Hedani: This is a personal comment. In West Maui in general, in the State highway in particular, I've seen so much pavement laid down that seems unnecessary. You get a 25-lot



agricultural subdivision and then you put down 200 yards of asphalt, 10 to 20 feet wide for acceleration and deceleration lanes for an agricultural subdivision with 25 lots and it looks like a four-lane freeway essentially that Honoapiilani Highway has been transformed into. In this particular case, I'm thinking the opposite of what they're suggesting that you do. Kenui Street is 20-miles per hour right now, and the recommendation is to widen Kenui Street. So you take the pavement and you make it wider so everybody that's driving on the street will go, wow, this is a really wide street, I can go faster and you end up with a situation where instead of 20-miles an hour, everybody's going 40-miles an hour down the street, and it becomes unsafe for pedestrians and children that might be in this particular subdivision. Has any consideration been given to keeping the street width at a minimum for a 20-mile an hour zone and increasing landscaping and pedestrian access along the sides to make it a complete street?

Mr. Packard: Can you handle the widening? If you give me one second, Fiona Van Ammers, our civil engineer, address why we had to do the widening. But with regards to the control of access for pedestrians and such, you're completely right in that having a more controlled situation helps keep traffic slow and therefore, makes it safer for pedestrians and bikes. By adding these additional lanes, but widening, by changing such, we do make it more available for vehicles. It's a two-way street, but delaying vehicles, you keep things slower so vehicles have a harder time, but it makes it easier for pedestrians and bikes and people in the area to do other modes of traffic. And the hope is an area like this would have a more multi modal type of use. You have the shops right next to it. You have the beach right next to you. The people who live here travel to/from work, but the hope is the rest of the time you can spend it walking, biking, finding other modes of traffic to get to your desired destination, and therefore the impact of traffic is lessened than would be somewhere further up mauka area where you have no choice but to drive out. This is a flat area which lends itself well to pedestrians to walking and biking.

Ms. Fiona Van Ammers: Hi, Fiona Van Ammers from SSFM. In regards to the road widening, the reason for the road widening is actually to address County standards for road design. Currently only half of the road has been developed so you have...well, you have two-lane travelway and on the south side of Kenui you have sidewalk, on street parking, landscaping, et cetera. So the intent is to widen it so that you can have a shoulder, potentially on street parking, landscaping, sidewalk, et cetera on the development side. So it's...the purpose isn't to widen the lane or to increase laneage.

Mr. Hedani: So it would increase parking along Kenui Street?

Ms. Van Ammers: Potentially. That would be a recommendation coming from the County of Maui.

Mr. Hedani: So the lanes themselves would be the same width?

Ms. Van Ammers: Correct. Currently we have it...our design shows the shoulder and then a sidewalk and landscaping. So you'd have, I think it's six feet of landscaping of landscaping, six-foot shoulder. I'm sorry, six-foot sidewalk.

Mr. Hedani: So there would be landscaping between the sidewalk and the street?

Ms. Van Ammers: And the development.

Mr. Hedani: What about on the street side?

Ms. Van Ammers: You would have a shoulder. So you would have a six-foot pavement of shoulder. Four to six feet of pavement. So you have your travel lane and then you would have a shoulder. That's typical of road design. But currently because that side of the street wasn't developed, nobody developed that side so they didn't put a shoulder, the sidewalk, the landscaping.

Mr. Hedani: I guess—

Mr. Lay: Commissioner Hedani, follow up.

Mr. Hedani: I guess my comment would be to prioritize the people and deprioritize the cars. Landscaping next to the sidewalks on either side of the sidewalks to make the sidewalk safer, shaded with trees to make it comfortable to walk in the Lahaina sun, and if the cars have a really hard time, wow.

Ms. Van Ammers: I agree. I think the intent of the project is to make it a walkable community and I know that the landscape architect and the architect have worked on the site to make it useable and pedestrian friendly. I think that's the intent of the project.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: Just clarification I guess, the use of the words. You say, "shoulder." I use, "curb." Is that the same thing?

Ms. Van Ammers: Yeah. So you—

Mr. Shibuya: Or is it the rounded type of curb?

Ms. Van Ammers: No, it will be a curb and gutter.

Mr. Shibuya: Curb and gutter with the storm drain?

Ms. Van Ammers: Correct.

Mr. Shibuya: And from the curb, it goes in and extended into the sidewalk for six feet is that what you're saying.

Ms. Van Ammers: Correct.

Mr. Shibuya: There's no open space or utility lane space?

Ms. Van Ammers: No.

Mr. Shibuya: Okay, so the curb and concrete already walkway.

Ms. Van Ammers: Right.

Mr. Shibuya: And then the landscaping.

Ms. Van Ammers: That's the current conceptual design.

Mr. Shibuya: Okay. And yeah, I echo Commissioner Hedani's suggestion of if you wanna make it walkable and comfortable, please put shade trees without the roots screwing up the sidewalk and the roadways.

Ms. Van Ammers: Correct.

Mr. Shibuya: Okay, thank you.

Ms. Van Ammers: Root barrier support.

Mr. Lay: Commissioner Ball?

Mr. Ball: On the Kahoma Stream is there any plan, I don't know if it's even possible for a pedestrian bridge over that? Or is that back area fenced or I don't know if this is a question for you or for...

Ms. Van Ammers: At this time, we don't have any proposed pedestrian crossing. You mean from the site? There is a walkway. I believe there is a bridge with a sidewalk on Front Street.

Mr. Ball: Right.

Ms. Van Ammers: Yeah.

Mr. Ball: I'm just looking and thinking of like kids being here, and you know, the potential for them to cross the stream is greater than them walking down Kenui and then down Front Street.

Ms. Van Ammers: I believe it will be fenced off and also that would...the backyard would front that stream. So you-

Mr. Ball: Well, I see a little park up at the top by Honoapiilani Highway, and the park is kind of up that side too.

Ms. Van Ammers: Adjacent.

Mr. Ball: I just know how kids operate and they're gonna choose the shortest...

Ms. Suyama: Commissioner Ball-

Mr. Lay: Please identify yourself.

Ms. Suyama: Colleen Suyama. I went on a site inspection to the project site. Along Kahoma Stream it is fenced. There is a service road to provide service into the channel and that channel is fenced for safety reasons. 'Cause you don't want people getting into Kahoma channel because that's a potential liability for the County of Maui.

Mr. Ball: I don't know if it's even possible to be proactive and put it...look at a potential pedestrian bridge over that stream 'cause I don't think you can do it, but maybe we can look at that and prevent something 'cause just 'cause there's a fence there doesn't mean the kids aren't gonna cut or jump it or...you know what I mean?

Ms. Suyama: We can consider it and we can—

Mr. Ball: Yeah, I mean, I don't want it...you know, I don't think it's possible, but we should look into it.

Ms. Suyama: Right, we can look into it and then we could coordinate it not only with the County. You would have to coordinate it with the Corp of Engineers.

Mr. Ball: Right, right.

Ms. Suyama: Because they would probably be other permitting requirements.

Mr. Ball: It may be cost prohibitive in that kind of thing, but...

Mr. Lay: Commissioner Hedani?

Mr. Hedani: Guess this is probably for Colleen. You're good at answering questions. Immediately adjacent to this project is a one-acre site that has 40 units on it, the Maui Surf Apartments that we just reviewed. At 40 units for one-acre of property, you know, they produced a lot of affordable housing for West Maui on one acre of property. This particular property has 21 acres of land zoned A-2, Apartment.

Ms. Suyama: That's correct.

Mr. Hedani: The intent of the zoning I think was to address to some degree the affordable housing needs for West Maui. The project is 51 percent affordable. I like what I see. I know Stanford Carr has an excellent track record in terms of delivering of what he says he'll deliver. Question that I have is if you have 21 acres, the adjacent property was able to produce 40 units of housing, this particular parcel should be able to produce 800 units of housing for West Maui. from a density standpoint, if the densities are equal. I'm not saying that 800 units would be the correct number of units, but when you look at the problem of affordability in West Maui that's pointed out in the report where the average price of a single-family home is \$700,000 and a condominium is \$400,000, it's not within reachability for a lot of the young people that are coming on board that might be interested in something like this. I know there's a desire for single family, you know, as the ultimate goal, but I think from a stepping stone perspective, optimizing the amount of units you can deliver at the best possible price would be to me a greater good for the community by delivering something that's affordable even if the density is higher. The density can be higher. The open space can be greater at the same time. Have you folks...I guess my question is to challenge Stanford Carr Development to come up with something different from what they've done in other areas and to optimize the affordable housing opportunity that this parcel represents.

Ms. Suyama: There's two things to it. When we went out to the community they were actually

community people who thought the 203 units was too dense. And then we had to explain to them that, you know, by zoning, the A-2 Apartment zoning, they could actually put more units than what was being proposed. And then for the Maui Surf project, you were talking about rental apartments versus owner-occupied or you know, owner bought...to gear to a market that was...who wanted home ownership. So that's the big difference. I mean, if they wanted to do just a housing project, maybe you would have done more multi-family units than what's being proposed, smaller units too, rather than, you know, something that would be on the market for sale. And they were trying to get as much single-family units as possible, because if you look at the way the site plan is, the lots are a lot smaller because it's gonna be condominiumized rather than subdivided based upon the Subdivision Ordinance. And therefore, the lots are actually smaller than what you would find in a standard subdivision which at this point, the smallest lot is about 6,000 square feet. So in that case, you know, they tried to optimize the single-family units as well as providing opportunities for affordable multi-family units that are larger than what a rental unit would be. So they've already considered, you know, should they do something that's more dense. And in terms of the community when we went out to the community meeting, they were more amenable to this type of development than having a housing project next to them, and that's I think a lot of times when you deal with existing communities that's always a concern as to what type of housing market that you're gearing towards.

Mr. Lay: Follow up?

Mr. Hedani: Follow up question. My only comment to that would be the people that would oppose increased density for a project for affordable housing are generally the people that already have homes and already have housing. They're not the people living in the bushes that, you know, not that this project is intended to serve the people living in the bushes but it's getting to the point where when the average price of a single family home is close to three-quarters of a million dollars, you know, there's no opportunity for young people.

Ms. Suyama: Well, you know, to answer your question whether, you know, consideration can be given to, you know, higher densities, I think I would like to bring Jay Nakamura up because he's actually representing Stanford Development and I don't wanna make any kind of representations that they may not be able to fulfill.

Mr. Jay Nakamura: Jay Nakamura, Stanford Carr Development. Could you...sorry, could you please repeat the last part of your question?

Mr. Hedani: To me the question is, you know, how do you make affordable housing available in West Maui from my perspective. You have a great opportunity. You have a 21-acre property. It's all zoned A-2, Apartment. It's been sitting there for 50 years waiting for something to happen. Now is the time for something to happen. I'm thinking that it's a lost opportunity in terms of only delivering 200 units on 21 acres, only 51 percent affordable with the rest going to market. The people in market can go carve up the mountain like they're doing right now, you know, building farms on 30 degree slopes in West Maui and raising Mercedes Benzes. But I think this particular property has an opportunity to produce more for the community in terms of affordable housing and can Stanford Carr look at it as an opportunity to optimize the delivery of that property?

Mr. Nakamura: Okay so, I think we did...we know that the property was originally zoned for a higher

density and I know we looked at other mixes where you had higher densities of affordable multi-family, but what we found in speaking with our market consultant, there's really a demand for different product types, different price points. So if you notice even in the single-family we have those cottage type smaller single-family homes and carriageways. So the goal was to create a diversity in addition to product type but also price points 'cause there's not only a demand for affordable homes, there's a demand maybe for moderately priced, smaller single family units as well as just market single-family homes. And we had to balance that as Colleen said with the comments, overwhelming comments we were getting from the neighborhood which they're probably trying to limit the amount of cars, and if you can imagine 800 units versus 200 how that could impact traffic just the overall area with the sheer number of families and people living there. So I think we're trying to balance both, but I do believe that from the market side what we were being told that there really is a demand for both affordable and multi-family and single family homes. So we're trying to balance both and address the needs of the market and that's kind of what we done at even our neighborhood here in Kehalani where you'll find a variety of entry level multi-family, single-family. So the demand is coming from different sectors, different price points. So I think that's what we're trying to achieve rather than just creating one...a homogeneous project for one particular segment of the market.

Mr. Lay: Commissioner Hedani?

Mr. Hedani: Yeah, don't get me wrong. I think the project is a nice project. I think it's a positive project. I just think some additional thought might be able to produce more.

Mr. Nakamura: Okay, we appreciate the thought.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: I'd just like to change the subject here and move it along if possible. I wanna come back to the basic ownership of land. Is this a...can I get a track record in terms of where this property was obtained or who owned the property and how the title was transferred over. Was it a quiet title type of a acquiring or was this a deed type of written deed or was it a warrant type of title?

Mr. Nakamura: You mean with the history the current owners?

Mr. Shibuya: This property, yes.

Mr. Nakamura: The Weinberg Foundation.

Mr. Shibuya: Yeah, going back into history because the reason why I'm asking is that this area was a historical area and many kupuna, alii owned this land and somehow, somewhere it transferred over from 1849 and I just want the track record in terms of who were the...I just don't want to have a contested situation here because you're investing a lot of money and this is a great project, I like it. The problem is oops. I don't want the oops. So if you can show me that we've taken care of this. We've dotted the i's and crossed the t's, that's fine.

Mr. Nakamura: Yeah, I can't speak to your question. I'd have to do more research to confirm, but

appreciate the comment. So we'll look into that and we'll report back to you later with...

Mr. Shibuya: Thank you.

Mr. Lay: Commissioner Ball?

Mr. Ball: Are these all fee simple?

Mr. Nakamura: It's planned for fee simple ownership.

Mr. Lay: I would like to the traffic expert one question.

Mr. Nakamura: Thank you.

Mr. Lay: Our public access, we have it coming out with Kenui Street where we gonna go into the project. I used to ride bike a lot in this area when I was small kid, and when I go to and from a different area on my bike I would take the straight bee line. Do we have a public access going Kenui onto Wainee Street? I'm looking like some kind of raised crosswalk or something for kids that wanna go to McDonalds. They can hop on their bike. I mean, I'd rather them going on that back road than on Front Street or on the highway. I'm wondering if that accessibility available?

Mr. Packard: There is a connection between Wainee...Wainee passes from Kenui Street all the way to Papalaua. So it provides a more local, low traffic option. And so that would cross that bridge to get over to like McDonald's area.

Mr. Lay: On Kenui, on your entry in there is there gonna be a crosswalk right there going across the street or is the accessibility going up next to your project on a walkway?

Mr. Packard: I'm not sure we addressed that, but that can be considered for crossing.

Mr. Lay: I'm thinking about the kids. I mean, if you're gonna go to the shopping area, you know, they would take the shortest route, and I'm looking at that being the shortest route to get to, you know, your Lahaina Center, your McDonalds and all your different projects over there. So...

Mr. Packard: Understood.

Mr. Lay: Commissioner's any more questions? Commissioner Shibuya?

Mr. Shibuya: Maybe this is for the Staff to answer or give me the answer. Because it is an infill not a new development do they have to provide a source of water? Because we have a law, that ordinance that requires, the show me the water. But if it's an infill, infrastructure is already available, so what happens here?

Mr. Lay: Deputy?

Ms. McLean: I wonder if the applicant might be able to address that since they've done preconsultation with the Water Department.

Ms. Suyama: My understanding is that the project at building permit would be subject to it. However, as part of the 201, affordable housing project which the Council approves, they can give waivers to certain projects as part of some of the things that the project would not have to comply with in terms of County requirements. But at this point, if they don't get any waivers from the County Council, they will be subject to Show Me the Water Bill.

Mr. Shibuya: Can I ask Corporate Counsel if he can chime in and give his thoughts on this?

Mr. Lay: Corp. Counsel do you wish to comment?

Mr. Giroux: You know, at this point, you know, this is for information and if that's something you wanna know is that if this would be applicable to the Show Me the Water Bill, that would be a comment.

Mr. Shibuya: Okay.

Mr. Giroux: But my experience with doing the 201H is that that it usually is something that's waived because of the affordability. And if it is an infill, you know, the infill and affordability usually end up with that waiver.

Mr. Shibuya: Okay.

Mr. Giroux: But I think that's a good question to ask is that if, you know, if it is, you know...under the statute or ordinance would it fall under the Show Me the Water Bill.

Mr. Shibuya: Right. And I'm just trying to make sure that we don't have any show stoppers because it's a wonderful project. I'd like so that it has a smoother sailing, I'd rather have the wind to the back of the person pushing them along rather than having wind in the face.

Ms. Suyama: Right, and that's one of the reasons why you go through the 201 Affordable Housing process first with the Council because that will determine the ability of the applicant to produce the housing, you know, by providing at least 51 percent affordable. If they can do more than that, you know, they're trying to see. And it's gonna be based upon what are some of the waivers that are granted by the County Council in the process. And that's why once we get the 201H approval, then we come back to the Commission with the SMA Permit because a lot of these questions would be answered at that point.

Mr. Shibuya: Okay, thank you.

Mr. Lay: Commissioner Hedani?

Mr. Hedani: Colleen, I'm looking at Page 7, that talks about the 201H-38, Hawaii Revised Statutes and I'm confused at this point. The project if it receives 201H-38 is exempt from all statutes, ordinances, charter provisions, rules of any governmental agency relating to planning, zoning, construction standards for subdivisions, et cetera. If it's approved as a 201H, why do you have to still comply with all of the rules, regulations, charter provisions, zoning ordinance, and other subdivision requirements, you just exempted yourself?



Ms. Suyama: Because they can...the Council needs to provide you with that exemption and if they don't provide the exemption from certain requirements then you're still subject to it and that's why even the SMA permit, they still need to get an SMA Permit because that's not a permit that is normally exempted by the Council, but they are seeking like, you know, consideration for like the Show Me the Water Bill, making sure that the park dedication is the 1.73 acres because there are things like you provide parking and comfort stations as part of a park site. So they are seeking a lot of these County exemptions. If they're granted then they'll be incorporated into the project. If they're not granted, then the applicant will have to either incorporate into the project and go through another permitting process which is the variance process through the County. So seeking a variance from the restriction or the County Code.

Mr. Hedani: Okay, so it's basically up to the Council?

Ms. Suyama: It's up to the Council what they will grant the applicant in terms of the exemptions from the County ordinances and Codes.

Mr. Hedani: It's like being half pregnant.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: Just a clarification of another subject and this deals with home ownership. And because they are sharing a common driveway or highway or roadways and they're sharing facilities such as the park in this subdivision is there a CC&R? Is there such a organization, community association?

Ms. Suyama: Right. My experiences with like Kehalani who has the same type of concept is that usually you have a master association for like the master common areas like your park and open space areas and then when you get into where you're sharing facilities, there's usually smaller association or some kind of body that governs how those cluster housing is managed so that if there are conflicts, you know, it's between like...in this case it would be between two to six owners in the cluster housing like...so there are mechanisms that are enacted when they sell the property to ensure that there's some way of paying for those improvements because you're gonna be responsible for the common areas that you share as well as if there is conflict between homeowners, how do you resolve those conflicts?

Mr. Shibuya: Yes, like you have guest parking and they park in front your garage and so we're trying to minimize conflict here.

Ms. Suyama: Right. And usually in the association documents that you create or the CC&Rs, you have methods by which you resolve these issues.

Mr. Shibuya: Okay, so there is that master as well as a individual?

Ms. Suyama: Right. Normally they will have a master association as well as they may have smaller associations within the project to just deal with those projects.

Mr. Shibuya: Yes, I'm just looking for peaceful coexistence tool if you will.

Ms. Suyama: Right, and you know, hopefully are nice to their neighbors, you know, and considerate of their neighbors. Hopefully they go back to the old days of you know, trying to look out for what your neighbor, you know, consideration.

Mr. Shibuya: Right. I understand that.

Mr. Lay: Commissioner Ball?

Mr. Ball: I just have a comment to say about the project that I think the units size lends itself well to the amount of property that it's on contrary to what Commissioner Hedani said. We're not trying to solve Lahaina's housing problem with this project. When you create a project, you wanna create a quality of life for the people that live in that community and that starts with not having somebody right next to you and not having 20 people above you and that sort of thing. So I think the concept is real nice with the different choices that you have whether you're multi-family or a single-family. So just a counter point, Commissioner Hedani's suggestion. I don't know if that's even...I don't know if you crossed his out now because ...(inaudible)...

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: My comment actually was leading towards this. If you are having a master type of community type of association then you have at the park some kind of a community meeting area because if you're talking about ohana, you just don't have a playground, you have a place where you can resolve some of these issues together.

Ms. Suyama: Currently in the plan there isn't like a community meeting room, but I could give...have Jay come up and see whether they would consider that.

Mr. Shibuya: Okay, thank you.

Mr. Nakamura: Jay Nakamura again from Stanford Carr Development. To respond to your first question. We definitely would have CC&Rs that would govern the entire project. We're not at the stage yet where we would determine if we'd have sub associations maybe for just the multi-family affordable buildings. Sometimes you have that arrangement as well for a different product type. But yes, we definitely have CC&Rs to cover the entire community ensure just that just like what you talked about that, you know, people are not parking in front each other's homes or in areas where they're not supposed to, just having oversight on the common areas, how the parks used or guest parking for that matter. I'm sorry, what was the second?

Mr. Shibuya: In terms of having an opportunity before the community to express themselves and to resolve some of the issues that they may have. Is there a common area or is there a common facility that they can meet at to have this kind of a forum or someway to resolve some differences? It's just a thought.

Mr. Nakamura: So actually, our landscape architect is here and he has a plan for a gazebo to be developed within the central park. The park if you look at the site plan is somewhat central to the whole neighborhood so that's meant to be sort of a gathering place. So he's proposed a gazebo for that area.

Mr. Shibuya: Right, okay. I'm not looking for something elaborate. I'm with the Baldwin High School Foundation and the kids right now are meeting all over the place and what we have is benches. But if you make that benches in such a way like a quadrangle and a tree with a shade students will gather around and deal with it there and have their meetings there and this is the kind of thing that...and it doesn't look like a structure while it is a structure but it's open.

Mr. Nakamura: But definitely designed to be like a gathering place, right?

Mr. Shibuya: Absolutely.

Mr. Nakamura: My landscape architect is nodding so he'll give that consideration.

Mr. Shibuya: Thank you.

Mr. Lay: While we're on the landscaping subject, may I have your...some questions for your landscaper. Please identify yourself?

Mr. Mike Miyabara: Hi, good morning. My name is Mike Miyabara of Miyabara Associates. We're the project landscape architects. And as Colleen went over...well, what we want to create in general, I won't go through a long dissertation, but we wanna create an overall neighborhood for this whole project and with a variety of unit types, we wanna you know, develop a unified community. Part of it is a streetscape. But the main focal point is the park, the park that's located in the central area. And to kind of further elaborate on Mr. Shibuya's...Commissioner Shibuya's comments, we show a gazebo but it may not necessarily be a gazebo as we picture it. It could be just a, you know, but it's meant to be a gathering area for the community, the immediate community although the park is open to the public. We are aware of...you know, I'm born and raised in Lahaina so I know how hot it is so trees are very important, but there are no such thing as rootless trees, so we have to be careful how we design it. But we are very cognizant of those kinds of issues, but we do wanna create a very nice, pleasant community. And so I think the parks, the streetscape and the way the...you know, the units are configured I think we'll contribute to that.

Mr. Lay: I have a question, your park that's right next to the Honoapiilani Highway, we know...well this is gonna be like a buffer zone from the highway to residents in there but what I'm wondering about for...we're gonna have children playing in there. Is there a buffer for them? I mean, we see a park as a tranquil place where you can sit down and relax and with the highway right there, is there anything to block that from going on and protect the kids as far as flying balls and that kind of stuff?

Mr. Miyabara: Yeah, first of all there is a grade change between Honoapiilani Highway and the project and the park area. And I think part of the perimeter development is there's gonna be some, you know, if you look toward the Wailuku end there's been a lot of highway improvements. And adjacent developments have had these sound walls installed. I think we—correct me Jay, I hope I'm not overspending, but we were talking about, you know, creating at least, you know, just for the privacy for those units as well, so there will definitely be a buffer. It will be a buffer and a sound wall. So it will be a safe place. It will be a safe park.

Mr. Lay: With foliage?

Mr. Miyabara: Definitely with foliage, yeah.

Mr. Lay: Commissioners, I'd like to take a short ten-minute break right now and reconvene at 10:20.

A Recess was called at 10:10 a.m., and the meeting was reconvened at 10:20 a.m.

Mr. Lay: ...or Planners? Commissioner Shibuya?

Mr. Shibuya: I was looking in terms of energy conservation and energy...renewable energy powering. I know you're gonna do the energy conservation by using good insulation and perhaps even getting to LEED, but I'm also looking at in terms of if it is affordable, the power rates for Maui especially...is much higher than the normal, and so therefore...and when I say normal, I mean normal United States, mainland United States. I would like some means of reducing the financial burden of the homeowner with possibly some renewable system such as photovoltaic. If you use solar water heating that's conservation. But if you have a photovoltaic you're actually generating electricity and I'd like to see some initiatives in that area and perhaps even providing some partial covering for some parking areas that the whole community can benefit from. This canopy mounted ...I mean these photovoltaic modules mounted on these canopies could provide good shade, could provide some like a trellis type of effect for the area. So I'm just bringing that out. There's opportunities of using the heat pump to generate electricity. So these are different opportunities that you can take a look and see if you can put in some of these things. Thank you.

Mr. Lay: Seeing we have no more questions...oh, Commissioner Hedani?

Mr. Hedani: I'm not sure where I saw this, are we still asking questions like, for like Colleen or whoever? Can I pick on Colleen?

Ms. Suyama: Yes, Mr. Hedani, you can pick on me.

Mr. Hedani: A while back I saw something, I think it was in the Maui News for this property that had like a hair brain idea for a harbor on the site?

Ms. Suyama: Oh, I remember. Yeah, that was part of the Maui Island Plan. There was a person that testified that they wanted to develop a harbor from Mala Wharf into the Weinberg property. However, this project was already being planned and my understanding is...this person who wanted to do this did not contact the Weinberg Foundation because the property for the Weinberg Foundation is now being slated for this housing project.

Mr. Hedani: Yeah, my only comment was I thought that that was the most hair brain idea that anybody could ever come up with.

Ms. Suyama: Right. There was a person who came up and testified during the Maui Island Plan saying that he had this proposal to do this harbor at the Mala Wharf.

Mr. Hedani: With a couple thousand units on it, right?

Ms. Suyama: I'm not sure what was the...but it was to develop it and it was to include not only the State property where the Mala boat launching ramp, but they would also include the Weinberg Foundation property as part of this whole development scheme.

Mr. Hedani: Well, my own personal comment is I would vote for this project.

Mr. Lay: Colleen, would you like to read over some of the...Kathleen, excuse me, the concerns and conditions that the Commission has gone over.

Ms. Aoki: Sure. Okay so, I tried to take note on the comments that were made, but ultimately it's up to all of you to decide whether or not you wanna include them or not include them in your vote. The first one was to address the level of service D for Kenui Street and Front Street and that it's not acceptable to say that it's okay. So some kind of clarification on that level of service. The second comment was concerns about getting out from Kenui Street onto Front Street. It's capacity issues there. Three was prioritize people not the car. It seemed as though you folks were discussing Kenui Street and you can clarify whether it was both Kenui and Front Street because both of those streets are gonna have to be improved with curb, sidewalk, gutters, et cetera and the landscaping and trees. So you can discuss further on that what you want. Another comment which was just echoed the last one I just read, and then trying to avoid roots, you know, undermining the sidewalks. Keone had a comment about looking at the potential for a pedestrian bridge between the project along Kahoma Street, crossing Kahoma Stream. Wayne had a comment to come up with something...for the developer to come up perhaps with something different and optimize the parcel and its potential density. Another comment was wanting the record of ownership to be clarified. Another comment which was Ivan yours, and again, I'm not quite sure you've mentioned a crosswalk but I'm not sure if you meant at Kenui Street and Wainee Street or Kenui Street where the actual intersection is gonna go or maybe you want both? So, consider that. Is this project subject to Show Me the Water, please clarify. Sharing facilities, will there be CC&Rs which they were answered but you could still include it as part of your comments to the developer. Will there be AOA, HOA? Warren, suggest the project incorporate some kind of gathering place not necessarily a structure type facility but somewhere where people can meet. And is there a buffer along Honoapiilani Highway, the Park, and residences. Again, they answered the question with a buffer and a sound wall, and foliage. And covered...there was a just suggestion now about actually including covered parking, and with that the opportunity to consider energy generation. And then if we wanna include Wayne's comment about the harbor proposal, you could clarify to have the applicant clarify that particular proposed development on the property. So that's what I have.

Mr. Lay: Commissioners, you wish to comment on your comments? You wanna exclude or include anything else? Commissioner Hedani?

Mr. Hedani: One additional question, Kathleen, and this would be inclusion of bus stops within the project so that Maui Island Bus could stop for the project residents.

Mr. Lay: Okay. We need a motion to accept those comments.

Ms. Domingo: Second.

Mr. Lay: Moved by Commissioner Freitas, and seconded by Commissioner Domingo. Anyone wish

to say anything? All those in favor? Commissioner Shibuya?

Mr. Shibuya: You wanna comment, I'll give you a comment. I think this is a wonderful project and I look forward to seeing it concluded very soon. Hopefully we can begin constructing so after. Thank you.

Ms. Aoki: Chair, I have a question? Could you just clarify though for your comment on the sidewalk?

Mr. Lay: Both.

Ms. Aoki: Both. Okay, thank you.

Mr. Lay: Okay we have a motion and second. Everybody in favor of this motion raise your hand.

Ms. McLean: Six ayes.

Mr. Lay: Motion carries.

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

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

Mr. Lay: Our next agenda item we have the Downtown Commercial Project, this an EA for the project.

Ms. McLean: If I can comment for the record, the next item is a request from the Krausz Companies requesting comments on a Draft Environmental Assessment for the Downtown Kihei Commercial Project and that's on Piikea Avenue at TMK: 3-9-002: 030, 076, 080 and 158 in Kihei. The EA triggers are the Community Plan Amendment and work within the County right-of-way and the Planning Commission is the accepting agency for this EA. And Ann Cua is the Staff Planner.

**2. MR. DAVID PYLE, Executive Vice-President of THE KRAUSZ COMPANIES, INC. requesting comments on the Draft Environmental Assessment prepared in support of the Downtown Kihei Commercial Project including drainage, landscaping, utilities, lighting, and roadway improvements including the reconstruction of Piikea Avenue at TMK: 3-9-002: 030, 076, 080, and 158, Kihei, Island of Maui. (EA 2012/0003) (A. Cua)**

**The EA triggers are the community plan amendment and work within the County right-of-way. The Maui Planning Commission is the accepting agency of the Environmental Assessment.**

**The applicant has also applied for a Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit. The public hearing on these applications will be scheduled for a date after the Chapter 343, HRS process has been completed.**

Ms. Ann Cua: Good morning, Chair, Members of the Commission. Michele outlined basically why this project is before you. It is the first step in probably a three-step process that you'll be seeing this application. You'll see the Draft EA, you'll see the Final EA and then you'll see the land use applications and the Special Management Area Permit in the context of a public hearing. And actually, you will later see the SMA Permit for action after the land use applications are decided upon by the County Council. The OEQC publication date for the Draft EA is October 23, 2012, and the 30-day public comment deadline is November 23, 2012. And our goal today is to present the project to you, entertain any questions that you may have and then get comments that we will incorporate in a letter to the applicant that they will have to address as part of the Final EA. So I saw how you did the last one, I would ask that after the presentation is done and you ask all your questions, if maybe we could go into a section where you have comments that you want to offer on the Draft EA because we wanna really consolidate what you want the applicant to address. And if they've already addressed something, and if you've asked them a question and they've already addressed it then we wanna make sure I think that we focus on the comments that you really want them to address. So with that, I'd like to introduce Colleen Suyama again, and she will introduce her team and take you through this project.

Ms. Colleen Suyama: Good morning again. I haven't been before this Commission for a while, but today I am very busy. For in terms of our project team, the applicant is the Krausz Companies and we have David Pyle and Jay Krigsman from the Krausz Companies here today. Munekiyo & Hiraga is the environmental consultant for the project. The architect is Stoutenborough Inc., and the engineer for the project Warren S. Unemori Engineering and we have Clifford Mukai, who's from the firm. The traffic consultant was Austin Tsutsumi and Associates and we have Keith Niiya, the traffic consultant here. The flora and fauna was done by Robert Hobdy and the archaeology was done by Xamanek Researchers.

This is the project location. Piilani Highway to the east of the project. Piikea Drive coming down between the project site with Liloa Drive just east of the project. Then we have the Piilani Shopping Center located here, the Kihei Community Center on Lipoa Drive and to then to the west is the Longs Drugs, Kihei Center as well as the shopping center mauka, and just to the north is the Yee's orchard that's located here.

The project is made up of four properties. The first property is parcel 30 to the north. On this property also there is an existing manmade wetland. To the south is parcel 76. Parcel 80 which is also another manmade wetland, and parcel 158.

This is site photos of the property. This is Piikea Drive looking east. This is that manmade wetland that's on parcel 30 located here. And on the other side, parcel 76 is located in this direction just little forward of this kiawe tree is where the other second manmade wetlands is located. And in the distance you can see Lipoa...Liloa Drive. The second photo, unfortunately it's a little dark, is the another photo looking east up Piikea Street in the distance this is the Piilani Shopping Center with

parcel 30 to the left and parcel 76 top the right.

The approvals that are gonna be required for this project is an amendment...I'm sorry, the land uses for the project are on the Kihei-Makena Community Plan is designated as Business. The two manmade wetlands are designated as open space. The zoning for the property are R-3, Residential. And as part of the Maui Island Plan, the project is identified as part of Kihei infill and revitalization.

In terms of what the project consists off on parcel 30 they are proposing a 4-story, 150-room non resort, local serving hotel. They also are proposing approximately 115,000 square feet of commercial and retail space, 516 on grade parking, and maintaining the three-acre wetlands on the property. On parcel 76, south of Piikea Drive they're proposing approximately 98,000 square feet of commercial retail. They're also gonna be including an approximately 44,000 square foot and 60-foot high theater building. They also are proposing to try to create a village square within the project and there will be 612 on grade and a portion of the parking as deck parking. And on parcel 80, they are gonna maintain the 3.5 acres of manmade wetlands. And on parcel 158, they're proposing approximately a 6,600 square foot commercial retail building and 72 on grade parking.

The required approvals for this project include the Environmental Assessment which is under review today by the Commission. They will then come back for a community plan amendment, change in zoning, and Special Management Area Permit before the Commission.

The reason why we're here today for Chapter 343 compliance is that the trigger for this project is the community plan amendment and that includes the hotel site that is being proposed from Business to Hotel as well as in the Urban Standards of the Kihei Community Plan there is a requirement that for commercial projects that they remain two stories and 35 feet in height. So we are requesting an amendment to allow for the accommodation of the 60-foot high theater building and the reason for that is because it's a technical reason in order to put the screen and the seating in they will require at least 60 feet. The building will have the appearance of like a two-story building. And the other reason that we are here is that the use of County lands because as a part of this project they are gonna reconstruct Piikea Drive which is between both projects. And the Maui Planning Commission is the accepting authority or approving authority for this project.

The purpose that we are here today is that we are anticipating a Finding of No Significant Impact. We also are here to receive comments from the Commission on the Draft EA. There was community involvement in this project prior to submittal of the application. There were several meetings held with the Kihei Community Association's Planning Committee, and that was to develop the Downtown Kihei project, its uses and the site plan. And part of the input from the community was that the KCA recommended that the project include a hotel for local residents and that was in response that within the Kihei area there are a lot of times when residents have guests coming over as well as they sport events and then you have teams coming from the neighbor islands or the other islands that need place to stay. And the only available space until recently with the Marriot's hotel that the Courtyard Hotel was Maui Beach Hotel that was basically catering to locals. The KCA also held general membership meetings on both April 21, 2009, and on November 23, 2011. And the Downtown Kihei project is supported by the Kihei Community Association. And that was something that was ver important to the applicants that they get community support.



This is the project location. This is Liloa Drive here with Piikea Drive in between separating the project site. Parcel 30 located here with the existing wetland. Parcel 76 located here. Parcel 80 which is the existing wet lands and parcel 158. As described previously there is a 150-room hotel located in this with parking located here and there's five additional buildings that are going to be a combination of one and two-story buildings with parking, on grade parking. And parcel 76, we have the theater building there, the 60-foot high theater building here, and also a combination of an additional five, one and two-story buildings. And as part of it, they are trying to create a village square located here, a portion of the parking in this area would be below deck parking and as you notice on top, these are canopies that they're proposing to have some photovoltaic or energy systems located above there. They're proposing to maintain the existing wetlands here and on parcel 158, you would have the commercial building which I believe is a one-story commercial building and 72 on grade parking stalls.

They are seeking LEED certification for this project and they are looking at sustainable measures in terms of site design. They are looking at things such as complete streets which is one of the things that the County is now trying to encourage. And in that case what they're proposing to do is trying to create a village setting where you encourage both pedestrian bicycle traffic as well as other modes of transportation such as accommodating bus traffic. They also are looking at, you know, multiple uses, you have your theater, commercial, and hotel uses as part of it. And they're also looking at creating public spaces such as the village square. They also are looking at water and energy efficiency. In terms of water, they are looking at methods to reduce the use of water by using climate and drought tolerance landscaping, using nonpotable water for irrigation. You know, luckily there is a nonpotable water system on Liloa Drive that they can connect to, and they're also looking at water efficient fixtures for the project. In terms of energy efficiency they're looking at incorporating other energy measures such as, you know, as we've said solar panels or photovoltaic panels on both the parking deck as well as the buildings. They're also looking at energy efficient lighting for the project. Instead of...terms of sustainable building materials in construction they're looking at best management practices to be incorporated into the project. They also are looking into implementing a waste management plan that...for both construction and operational waste management, and they also are looking at using regional or recycled materials when possible within the project. As stated earlier, there are photovoltaic as part of that energy or LEED certification. They are looking at photovoltaic cells as part of the energy efficiency. They are looking at trying to create their complete streets within the project to encourage both bicycle and pedestrian ways. They are looking also as looking into creating those public spaces like the village square as well as having opportunities within the project itself for other areas for like open closets and courtyard areas within in that project.

This is a rendering of what the project may look like which is a combination of two and...two story buildings and one story buildings. This is looking from...towards Piikea Drive and in that is conceptually is the four-story hotel. But there are design guidelines that have been included as part of the application that would be reviewed at a later date for the project.

This is an architectural rendering from Liloa Drive looking into the project. As you can see this is the pedestrian greenway that's currently existing along Liloa Drive. They're proposing landscaping along that portion and due to the grade difference, if you look at the section drawings, this is Liloa Drive located here. As you can see...(inaudible)...Into the project, similar to like Piilani Shopping Center where the shopping center is lower. So from the highway, you're actually looking into the

project itself.

In terms of potential impacts, archaeology, the archaeological report was prepared for this project and what they found was two pre contact temporary habitation sites on this project. And the recommendation, it was important for data recovery which has been completed by the archaeologist and as part of mitigation they are recommending a monitoring plan for the project and doing ground altering work, at least monitoring work would be done. In terms of the cultural resources, the cultural analysis prepared did not find any cultural practices or uses within the project area. As you can see, the project area is within the urban areas of Kihei. The flora and fauna report that was prepared by Robert Hobdy found no endangered or threatened species on the project site or their habitat except for 20 tobacco tree plants similar to the project you reviewed prior. The tobacco tree plant is the nonnative habitat of the Blackburns Sphinx Moth. The biological consultant did look at the plants. He did not find any moths or their larvae and the applicant is going to be working with both the Department of Land and Natural Resources and the United States Fish and Wildlife Service for the proper removal of the tobacco tree plant.

And in terms of lighting there were concerns that were raised that native sea birds such as the Hawaiian Petrel and the Newell Shearwater may traverse the project site going from the ocean to the mountain, and therefore, the lighting for the project would be either shielded or downward lighted to protect the potential seabirds that cross over the project site.

In terms of land uses as explained previously, the existing land uses in the area are basically retail commercial. There is a apartment rental project across of the Piilani Shopping Center and this project would be compatible with those existing land uses.

In terms of infrastructure there is existing water, sewer, and utility services available in the project area to service the project site. So there are the ability to connect to these services. In terms of drainage and traffic, I will now turn over the presentation to our engineering consultant, Clifford Mukai who did the drainage plan.

Mr. Clifford Mukai: Good morning, Members of the Commission, County Departments, I'm Clifford Mukai of Unemori...Warren S. Unemori Engineering. Just wanted to briefly describe the proposed storm water management plan. Generally—the one before that please—generally this entire area here flows from the east to the west, mauka to makai which means from Liloa Drive here, this is where the roundabout currently exists down towards to the two existing manmade wetland replacement enhancement site. Pursuant to the County's drainage master plan, a box culvert has been installed previously down South Kihei Road that drains this area down to the St. Theresa regulation reservoir immediately to the south of St. Theresa Church. And this facility as mentioned in the County's Drainage Master Plan is maintained by the County for storm water storage and desiltation prior to being discharged to the ocean. And the drainage stubouts from the box culvert have already been extended to the Longs and Azeka Centers in anticipation for not only draining the existing runoff associated with these two sites, but also to accommodate the future develop runoff. You know, it's the runoff from not only the onsite parcels but also from the existing Piikea Avenue roadway currently directly drains into the two existing manmade wetland sites. The storm water management plan that will be prepared for the Krausz Downtown Kihei Project will certainly take advantage of opportunities to intercept, detain, desilt, and improve the quality of the captured storm water while still maintaining the existing drainage patterns and while still allowing the runoff

in the area to continue recharging the existing to manmade wetland sites. So some of the proposed features would typically expected to include activated carbon filters at the drain inlets themselves, subsurface retention chambers which would further desilt, and at least two landscaped, highly vegetated detention basins here and here on both sides of Piikea Avenue which will intercept the quality enhanced storm water runoff prior to being released to the existing manmade wetlands as they currently do. Thank you.

Ms. Suyama: In terms of traffic at this time I'll call Keith Niiya of Austin Tsutsumi to explain the traffic.

Mr. Keith Niiya: Good morning, Members of the Maui Planning Commission. My name is Keith Niiya. I'm with the engineering firm, Austin Tsutsumi and Associates. Just wanted to briefly talk to you about the access plan for the proposed development. What we have here up on the screen, we have the north area of Parcel 30. We have the Parcel 76 as well as 158, and currently this is the brand new roundabout. So the project is looking at several access points primarily to divert, distribute the traffic onto the existing roadway.

The first access will be off of Liloa Drive across from the existing Piilani Village Shopping Center. This will be a full access meaning left turns, right turns and cross will be allowed at the intersection. On the south side, we're proposing a right-in, a right-out access directly across from the Piilani Garden Apartments. This is similar to what the Garden or the apartments have right now. They only allow right-ins and right-outs. So we're gonna adopt that. Coming down Piikea Avenue, first stop is Parcel 158 down here. This parcel or this project will access the existing Azeka Shopping Center Mauka intersection. So it's an existing intersection utilizing it for its access. Moving back mauka, the first access here which will give access to the parking deck as well as the north side, on the makai side of the project will be also a full access allowing left turns in and out. It will be unsignalized, stop controlled intersection. So stop will be for the two sides coming in from the development. The major access for the project will be this middle one right here. Again, it's a full access allowing all turning movements and everything. We anticipate that it will be...warrant a traffic signal for that intersection. We did...there are two other access points to the project. This...the middle one which, you know, comes kinda down their main street and everything will be restricted to right ins, right out. There will be no left turns in or out. It will allow for pedestrian connectivity between the two projects. This last one closest to the roundabout is gonna be also restricted to right-ins, right-outs and no pedestrian activity, oh and pedestrian crossing. You know, these access points that we were talking about here we did talk to the Department of Public Works about 'em, and this is what the agreement was restricting the turning movements and the pedestrian crossing. At this time, I'll turn it back over to Colleen Suyama.

Ms. Suyama: In summary, the project is an infill project on the draft Maui Island Plan. It does have infrastructure service available. It is supported by the community primarily the Kihei Community Association. It creates a downtown in Kihei which is something that's encouraged by the community plan. It is seeking LEED Certification for the project, and it include mitigation measures to minimize impacts. As stated previously the purpose that we are here today is to anticipate a finding of no significant impact and also to receive comments from the Commission on the Draft EA. Thank you.

Mr. Lay: Commissioners, at this I'm going to hold back our questions until after public testimony.

Does anyone wish to testify on this project? Okay, Commissioners, you have any questions? Oh, we're closing public testimony. Commissioners? Commissioner Freitas?

Mr. Freitas: Yeah, I have one for the drainage consultant. You have two catchment basins and if I heard you right you said that the water will go into the catch basins and then it will go into the wetlands. Why don't it go direct into the wetlands? Why does it have to have that transition?

Mr. Mukai: Well, right now the runoff from the adjoining roadways and onsite makes it way directly to the wetlands. So that means for example, the like the runoff from the roadway, Piikea Avenue, we have silt, we have oils, we have other contaminants being transported by the runoff that's being dumped directly into the wetlands. This project gives us the opportunity to intercept that, to capture all of that to come how remove some of the contaminants, the sediment, et cetera, and then allow it to continue into the manmade wetlands as currently doing.

Mr. Freitas: Thank you.

Mr. Lay: Commissioner Ball?

Mr. Ball: A couple questions on the parking for the theater, I don't know if that's enough parking, I don't know if it isn't or what? Let's say everything's built out and everything's occupied.

Ms. Suyama: Right. My understanding is the architect had worked with the County of Maui looking at what the County Code requirements were for the various uses and it is being accommodated. And I believe there are actually more parking than what they've calculated so far that by Code is required. They wanted to make sure that they have more than enough parking because they're not sure what the tenant mix is going to be like and they don't wanna be in the situation that they're very tight and then you have uses that wanna come in that will not be able to be accommodated by the proposed parking lots.

Mr. Lay: Commissioner Ball?

Mr. Ball: The existing wetlands and then there's a section here on the I don't know what street, Piikea, it's kind of the larger of the two landscaped retention basins, is that gonna be a place for the public to go into or is it gonna be fenced or...I'm thinking that they could...there might be in Building A maybe a good place where they could get their things and go out into the...maybe there would be a park like setting.

Ms. Suyama: My understanding that the reason why it's landscaped is that it can be used as part of public open space when it's not being used as a drainage basin. And you know, luckily Kihei is a pretty dry area and it's just during, you know, certain times that you have storm runoff that will go into it. But it is meant to be used not only as a buffer between the wetlands and the development but as, you know, the public or the public that are in that area could utilize the area.

Mr. Lay: Follow up by Commissioner Ball.

Mr. Ball: It's not really a follow up, so all these buildings are commercially...for commercial use, no residential or multi-commercial residential?

Ms. Suyama: Right. Right now, it is all commercial uses, you know, including the hotel and theater which are the two major tenants for the project.

Mr. Lay: I have a follow up on the drainage system. On Oahu we've had terrible instances where the drainage, so-called drainage system is used as a park or a recreation area fills up and we had that drowning. I'm wondering if there's any protection for when it does fill up where we can enclose this area and keep it separate?

Ms. Suyama: My understanding at this point they weren't intending to fence it, and I think in the situations like in Oahu where they had the drownings they were probably deeper. I'm not sure how deep this basin is that, you know, it may put...potentially pose a threat. You know, what is the percolation rate, you know, that water would be standing. And maybe the engineer can address those issues.

Mr. Mukai: As Colleen mentioned, the basins are not intended to be fenced. There is an example of a passive basin just to the north of Piilani Village Shopping Center to the north of Safeway between Safeway and the Piilani Village Phase 2 Subdivision that it is a passive basin, it receives considerable runoff but for the most part as Colleen mentioned because Kihei is dry, there's a ...(inaudible)...there and the kids use that for soccer. In this location, that certainly is a possibility where portions of the basin perhaps pads could be created with extra landscaping and perhaps picnic tables and whatnot, and there would be an onsite property manager because of the commercial nature of the development that can possibly monitor and assess any potential concern that may arise in extreme storm events.

Mr. Lay: Follow up on that. So Colleen had said...I mean, they had said that there might be a depth level where it reaches, is there like an overflow point for this catch basin?

Mr. Mukai: There typically will be an overflow and that's how it will allow the storm water it captures to gradually enter the manmade wetlands below. The top of the overflow we are, for example, on the north basin is at about elevation 10, the invert of the elevation...I'm sorry, the invert of the basin is about elevation 4. It's about our height, 6 feet as far as depth.

Mr. Lay: Okay, thank you. Commissioner Shibuya?

Mr. Shibuya: Related with this same swale or ground area where you trap the water and hold the water, you said it would be vegetated, but how is this vegetated area gonna be maintained? Is it gonna be R1 water to provide moisture?

Mr. Mukai: All of the landscape irrigation is expected to be from the reclaimed water system, the R1 water to conserve our precious drinking water resources.

Mr. Shibuya: Okay, thank you.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: Coming down to the very basic here. This is actually a infill project versus revitalization versus a new development.

Ms. Cua: It's obviously a new development, but it is infill because there is...it's definitely an established urbanized area with both residential, commercial uses all around and so we definitely consider it an infill project.

Mr. Shibuya: And the infrastructure is available and where is the water coming from? Or do they have to provide water or is this another Council makes waiver?

Ms. Cua: No, no, no, this isn't a Council make waiver. This is not a 201H project. They're gonna have to provide all the necessary infrastructure for this project, but my understanding is I don't think they're providing source.

Ms. Suyama: The applicants are...sorry, Colleen Suyama. Just to answer your question, the applicant is in discussions with the Water Department because they know they need to comply with the Show Me the Water Bill, and they are looking at alternative measures in which to provide either additional sources or you know, to work with the Water Department, you know, to provide that source for this project so that by the time they get to building permit they will have an identified source for the project so that they can implement the construction. So they are having ongoing discussions ...(inaudible)...

Mr. Lay: Commissioner Ball?

Mr. Ball: Are these gonna be built out in phases? Are they gonna be just strictly leased buildings or are they gonna be sold off or what's the intent of it?

Ms. Suyama: I'll have David Pyle come up and address the question.

Mr. David Pyle: David Pyle with the Krausz Companies. Thank you all for reviewing our project. These are for lease. So what we we're, what we're applying here is for the building permits and infrastructure and then we have an ongoing leasing program to lease out the commercial unit.

Mr. Ball: So the buildings will all be built?

Mr. Pyle: We're analyzing that. Probably, there may be some phasing, but we need to get the hotel and the theater in right a way as anchors and with the reconstruction of Piikea Avenue, Street, we need to do all our grading at once and balance the site and bring ...(inaudible)... site to the right location and then we've got to build...I'm looking at your site plan,...the street program there to encourage leasing. You'll see a couple of small buildings that are pads and those will probably come up later in time. So as the leasing momentum goes on, they might come up all at the same time.

Mr. Ball: Okay.

Mr. Lay: Commissioner Tsai?

Mr. Tsai: Yeah, do you have any idea of the time line for this project, the construction to...

Mr. Pyle: The time line we're dealing with now is this process. As we want to get it out off of the

ground as soon as possible, but it's working with the Planning and all the different permits and everything we have to do. We would like to start our permitting process in parallel of the entitlement process. So we're trying to get to that point where...we were just discussing this yesterday, where is the right point that we can start spending the money to get the plans and the plan check which is we know is a lengthy process as well and parallel so that when the entitlements come in we can start pulling permits. It's our goal to go as fast as we possibly can. I am told this process could take 18 to 24 months, so unless there's some way to get this to go a little faster, we're looking at some delay right here.

Mr. Lay: Commissioner Ball?

Mr. Ball: So with that statement, you have the funding for this entire—

Mr. Pyle: Oh, we'll have money.

Mr. Ball: —project?

Mr. Pyle: Yes, yes. And we have partners, financial partners. We have a partner for the hotel we're working with now. We have a lease with the theater. We've been working on this for some time.

Mr. Lay: Commissioner Tsai?

Mr. Tsai: Yeah, I think this is a question for the traffic consultant as well. My prior question kinda leads to my main concern about traffic and that is we have two major connector to Piilani Highway and South Kihei Road, Piikea and Lipoa and since Piikea is part of this whole downtown equation my concern is how much traffic gonna be affected and number one, and number two, I'm looking at the study over here. You have a lot of rating of D and F with certain peak hours. On South Kihei, you probably know it's hideous because you have three traffic lights between Lipoa, Piikea, and between Azeka Shopping Centers and that's just ridiculous trying to get through there sometimes. So you also putting if I'm understanding correctly, you're planning to put traffic light on Piikea across between...is that correct?

Mr. Keith Niiya: Yes, that's correct.

Mr. Tsai: Can you comment on the just whole effect of adding additional traffic because Piikea is a major connector between Piilani Highway and South Kihei Road.

Mr. Niiya: Correct. We did go through and we did do the traffic study for the development. We did look, take a look at what's happening up here at Piilani Highway and Piikea. We also took a look at what's happening down here at South Kihei Road and Piikea. Okay, if you take a look at the traffic study, there are three point, three intersections that are gonna have operations be F condition. All the rest of the intersections or the access points to the project are gonna be level of service C or better during all the peak hours. The three are, one is the existing Azeka Mauka Shopping Center access located at this point. Basically what it is is the volume is slow trying to come out of the intersection that they have a hard time making a left turns out. So what it is, what the report is showing is the traffic coming out is gonna have the problem. Piikea is still gonna operate very well. The second location is this unsignalized intersection at this point. Again, same

thing, because it's a full access intersection, the left turns coming out are gonna have a problem so it's gonna stack up inside, you know, the development. Either that or they're gonna come around and there is...and that's why we have the signalized intersection at this point basically so that people can come out and make a left turn. And then the last one that's gonna have a level of service F is up at Piikea and Honoapiilani...Piilani Highway, sorry. What we're recommending as part of our study is to actually put in the double left, what is that, east bound to north bound Piilani Highway. That will help alleviate some of the congestion that we anticipate at the intersection. It won't be any worse. The level of service won't be any worse than...(inaudible)... So if this project were not to be built, the level of service at this intersection will not be any worse than what it is...would be in the future without the project. So with or without the project would be at the same level of service. There are some projects that we've put in here such as Kihei Residential, the highschool, Piilani Promenade, Maui Lu that we know that there are some stumbling blocks on it and you know, later on as the project moves forward there are, you know, anticipations that we going to look back at our projections and see what we can do at Piilani Highway for the project, but there is also looking at monitoring the intersection in our report to say look at the northbound left turn from Piilani Highway into Piikea.

Mr. Lay: Commissioner Tsai?

Mr. Tsai: Yeah, I definitely think adding the additional left turn lane from Piilani, I'm sorry, Piikea to Piilani is a great idea. However, this is a state owned highway, right? So what would trigger or what would make it happen if this project does go through?

Mr. Niiya: If you look at our report it does state in there that it was a condition of the park to put it in, the County park just to the south. So we do know that, you know, they are, the County is working on trying to put that double left in too.

Mr. Lay: Commissioners, any questions? Commissioner Hedani?

Mr. Hedani: I don't wanna pick on Keith. Austin does a good job. I like to pick on Colleen. Colleen, actually I have two questions. The first question deals with architectural style for the shopping center. Creating a downtown for Kihei I think is a really nice and important thing to do. I think Kihei is in desperate search of a downtown heart and a center and this possibly could be it. What the is the architectural style of the center and does it convey a Hawaiian sense of place?

Ms. Suyama: The architectural style there is guidelines that are part of the application. It will be reviewed by the Urban Design Review Board and it's basically Hawaiian Mediterranean. It gonna be similar to what was approved for like the Maui Lani Project District. That type of...for their commercial project. The ones that are supposed to be somewhat in the more the residential scale. So one of the things that you look at is some of the features are coming from buildings that where originally on Maui I believe. They used the Department of Planning they had a guide book that talked about architectural style for commercial buildings within Maui County and they used that as some of their base by which the architect developed the design guidelines. And the Department has been reviewing the design guidelines. We've been trying to work closely with the Department. And hopefully when we get to the Urban Design Review Board portion of the review process they will find that the architectural design is acceptable.



Mr. Hedani: Okay, from my perspective what I was searching for is something that reflects a center that would not be anywhere USA. Something that would reflect the Hawaiian sense of place.

Ms. Suyama: Right, and they're trying to do that because they were trying to use the Department's architectural guidelines that they had developed as part of...Stan Solamillo in the Department had looked at the architectural character for a lot of these commercial buildings within Maui County and came up with a guide book to use and they use that as a base in which to develop their architectural guidelines.

Mr. Hedani: The second question that I have.

Mr. Lay: Commissioner Hedani?

Mr. Hedani: I notice that you're--

Mr. Pyle: ... (inaudible)...

Mr. Hedani: Sure.

Mr. Lay: Identify yourself, please?

Mr. Pyle: Oh, David Pyle, Krausz Companies, sorry. We were provided the vernacular of Hawaiian buildings, a pamphlet that Colleen has referenced and the architect and myself we have a library of almost every major older building on Maui. We've been in Paia. We've been in Upcountry. We've got every photo. And when you saw those...the pictures of the renderings a lot of those are components of these buildings that are already on the island and we feel like you said, you know, we don't want...we've been saying we don't want another Orange County here. We really want something that reflects the community and a gathering point. So it's very important to us.

Mr. Hedani: Okay, that's basically what I wanted to hear because I saw flashes of it on the images that were flashed onto the screen and I wanted to understand the thinking behind it.

Mr. Pyle: Yeah, we have a very large file of photos of actual buildings and we just keep pulling the little kid apart ... (inaudible)...

Mr. Hedani: Okay, the second Colleen question is I notice on the flora and fauna there wasn't any endangered species that were identified on the site. The question that I have is how come? The reason is there's two wetlands that are set aside on the site. The wetlands were set aside for the purpose of creating habitat for the endangered species. I think one of those would be the Ae'o or the Hawaiian Stilt.

Ms. Suyama: Right.

Mr. Hedani: My guess is the water's too deep for their short, stubby legs and they can't reach the bottom of the pond. The ponds look like they were, you know, somebody took a D8 bulldozer and dug this big hole in the ground and make it square so it matched the boundaries of the site.

Ms. Suyama: Right. The problem is that it is a manmade wetland. It isn't an existing wetland that was there. It was part of when Azeka's and Longs Drugs did their development. There were some wetland areas within their project and as a part of mitigation they were required to do the enhanced wetlands or to build the wetlands as part of mitigation and that's why it's square.

Mr. Hedani: My question is, is there a way to modify the existing wetlands to the point where they actually become functional habitat for the stilt?

Ms. Suyama: That is something...the problem with trying to modify the existing wetlands is one of the greatest problem is that you then go into permitting processes with the Department of Army as well as Department of Health because you need additional permitting that is very rigorous and it takes a long time to get those permits. So the applicants chose not to touch it. I mean to leave it the way it is rather than trying to do any type of development or enhancement of the project. But I can bring up David Pyle to address that if that's something that they wanna consider.

Mr. Pyle: It's a tough question, but it goes to the earlier question, how soon can we get this project going and if we have to go to Army Corp, my understanding that's years of process and those were engineered wetlands as mitigation for two other projects. We happen to own them but...and for us to start playing with those things, it's going to push this project out even further at this point in time.

Mr. Hedani: Okay.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: In support of Commissioner Hedani's suggestion and Mr. Pyle's willingness to a possibility of looking at it, I just wanna cite some U.S. Army, the Corp of Engineer kinda qualities here. As you probably...you stated in here that one of the sites is 6,000 square feet and that's the site we're talking about, and there's another one is 2,200 square feet, and then the other one was 2,000 square feet and these are noncontiguous. They're all separate entities and together they come up with .23 acre. Well, the cutoff point is quarter acre that the Corp of Engineers is more concerned on. So if these are noncontiguous, less than quarter of an acre, why would they be even involved?

Mr. Pyle: I think we're talking about the engineered wetlands.

Mr. Shibuya: That's correct.

Mr. Pyle: My understanding those were permitted, they're designed to the specs and permitted by the Army Corp and if we go and start to modify them we have to go back to the Army Corp.

Mr. Shibuya: Ah, okay. Okay, precedence has been set that they have claimed kuleana on that. They've claimed jurisdiction over it.

Mr. Pyle: And we've been in contact with Army Corp on this project and that's been our conclusion. Something I wanted to mention on the flora and fauna report is and in our design we've tried to turn some of the project towards the wetlands. And if you read in the report you'll see that the recommendation is to really turn the back of the project to the wetlands. They say that the

development's not bothersome to the migratory birds, but they don't like to be watched. So they really want humanity to look the other way.

Mr. Shibuya: Well, you can peek at them from that second story parking lot.

Mr. Pyle: Yeah, well, that's not really a second story and it's very difficult in the plan, but if you're going down the street along the theater and you go on the top deck of that parking structure that's flat. I mean, the other deck is down under it. So instead of thinking of a deck up in the sky, it's really deck below is how it's on this project.

Mr. Shibuya: Okay.

Mr. Lay: If I could go back just to the architecture and design along with the landscaping, just a consideration. Because it's in Kihei, I'm hoping that we can incorporate as much as possible shading either be trees or canopy type of structures to make it more comfortable for everyone. Colleen you wish to comment on that?

Ms. Suyama: They are...they do know that the Kihei area is hot. So within the parking as well as along the street frontages they are proposing to provide landscaping, shade trees as well as other landscaping features.

Mr. Lay: Thank you.

Mr. Shibuya: Plus a photovoltaic canopy.

Ms. Suyama: Yes, your photovoltaic canopy right here.

Mr. Shibuya: Right.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: In term of the height because I looked at the parking structure I thought it was a raised structure it wasn't. Taking the opposite view then the theater is that sunken in that you actually can excavate maybe 20 feet and then you not having a 60-foot structure, but now you have a 40-foot structure.

Mr. Pyle: David Pyle. Yes, it is. It's sunken in and only a portion like almost a quarter of the building on the higher mauka side of the site is going to be that high. The end of...

Mr. Shibuya: Oh, the...I see, okay.

Mr. Pyle: This end of the building will appear to be under 45 feet. This end because of the screens is higher but it's also depressed into the ground. We're pushing that building as far down as we can. We've got a...we've got a high water table there because we're in Kihei and we're right there so we can't go too far, but we're going down. We're pushing the limits to how far we can get it down.

Mr. Shibuya: Yeah, okay. That would be a new experience for the theater goers, you know, have wet feet seat.

Mr. Pyle: That be like one of those surround, you know, sensation films.

Mr. Shibuya: Yeah, yeah, that's right. Thank you.

Mr. Lay: Commissioner Tsai?

Mr. Tsai: Yeah, on that note, how many screens do you plan to have in that theater?

Mr. Pyle: Ten or 14. This is...this particular operator does very high quality digital film and they're not like your traditional movie theater where you've got just big, gigantic rooms and screens. He has what he calls parlors and they're like in living rooms and not all the screens. There's also large screens that show large blockbuster films, but there's also these gathering rooms that might sit 15 people and you sit in like lounge chairs with an ottoman in front you and people...and then he's got these digital displays around them and they...you can rent them out and have special events and they can cast the room depending on what the special event is. So it's a fascinating process and it's really a step above any movie theater that's on the islands of Hawaii. You might wanna look 'em up, it's called, "Cinetopia." It's a very interesting operator.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: In terms of the hotel now, the height. Will that have a hidden basement for the service galley ways for the hotel and it will be sunken.

Mr. Pyle: It's not sunken.

Mr. Shibuya: Okay.

Mr. Pyle: And there aren't as many of those services in this hotel like the large resorts. You know, this is a local serving hotel, kinda like The Courtyard that was just constructed by the airport but a little nicer.

Mr. Shibuya: Right, right.

Mr. Pyle: So you're not going to have banquet rooms and all those extra services that you normally have to account for on a hotel property.

Mr. Shibuya: Oh, bring your own coffee, huh?

Mr. Pyle: No, no, no, we've got downtown right there. You walk outside.

Mr. Shibuya: Okay, thank you.

Mr. Lay: Any questions? Ann, if you could go over the conditions or recommendation... comments.

Ms. Cua: A couple of things. One, I know Colleen talked about the public outreach that they did with the community. What she didn't mention that I want to mention was that we did have a couple of meetings with this developer--oh, I think it was two years ago, well maybe. They're saying two maybe it's three--I personally had a couple of meetings with them and so they've involved the Department from the get go and you know, we've provided our comments from the very first meeting. We do appreciate how the project is laid out, the sensitivity to the area, and just the dialogue that they've maintained with the Department. So I just wanted to kinda mention that. We've reviewed this Draft EA document and we find that pursuant to the Department of Health rules, the Department [sic] does meet the requirements for a Draft EA and so we are requesting concurrence by this body on filing the Draft EA, an anticipated FONSI determination with OEQC for publication and we're also requesting your comments.

Now I know you asked a lot of questions and a lot of them were answered. I did wanna...I highlighted a few things that I believe are comments. So rather than reiterating everything you asked that was answered, I'm just going to highlight what I think were things that we need to get down on paper for them to maybe further address and discuss. And the first thing was a comment that was made by Commissioner Lay about just the general safety of the detention basin--it was you, right? In the case of flooding or was it--

Mr. Lay: Commissioner Tsai.

Ms. Cua: Oh, I'm sorry, Commissioner Tsai. Sorry, wrong one. About the detention basin and it's just, you know, what would happen in the case of flooding and I know Colleen mentioned--

Mr. Lay: Oh, that was me.

Ms. Cua: That was you, yeah. That it wasn't, it wasn't planned to be fenced. And so maybe just a little bit more discussion on that I think. I see nodding. Okay, so that would be one. Commissioner Hedani had a couple of comments that I think even though Colleen addressed I think it might be important for you to state as a comment and one was, the importance that the architecture of the project conveys a Hawaiian sense of place. So I if that...I see nodding I would put that as a second comment. Third, because of the project's location in the Kihei area that the project should incorporate as much shading as possible. Colleen addressed that, but I think just making additional statements on that. Other than that, I would take any additional comments at this time. I've seen everything else as pretty much asked and answered.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: I just wanna add in terms of with this large property as well as lots of people coming to this area, there's increased personal and property values here that I think we need to have some kind of surveillance of some kind of security to ensure personal safety and property safety. I'd like to ensure that, but manpower sometimes too expensive and sometimes a camera might be even better that you have mounted around certain places, but of course, some people think that that's too invasive of their personal privacies, but I think that has merits in terms of security, home ...

Mr. Shibuya: ...as well as in shopping areas where people are congregated. I just don't like mischief possibilities.

Ms. Cua: So if I could, Mr. Chair, I take that as you want them to discuss possible security measures that will be incorporated into the project other than your regular police services?

Mr. Shibuya: Yes.

Ms. Cua: Okay.

Mr. Shibuya: Because regular police services is because it's an infill they're not adding the police forces they're just adding more work for the police and that's troublesome for me.

Ms. Cua: Okay.

Mr. Lay: Commissioner Tsai?

Mr. Tsai: Yeah, I also want to add in terms, just take a look at the whole impact of traffic again. I would suggest, you know, taking a look at the adding that traffic light on Piikea is that the best solution? You know, we have a lot of traffic lights around that area in South Kihei and Piikea and that is that a good idea to add another traffic light?

Ms. Cua: We can add that. I mean, we've talked about it a little bit. Any kind of traffic mitigation measures that they propose in their traffic study is gonna have to be reviewed and supported by both the Department of Public Works as well as, you know, if you're looking at Piilani Highway, State Department of Transportation. So not even they will have the last word as to what kind of mitigation measures they'll wanna put in. They're gonna have to put in mitigative measures that have been agreed to by both the County and State Departments of Transportation.

Mr. Pyle: The traffic...David Pyle...the traffic light was required by DPW. They came to us. Because we had several, several meetings about traffic and they're the ones that imposed it on the project. So we'll work with everybody and make traffic work.

Mr. Tsai: I just wanna add that too also is I saw the traffic study incorporating mostly on Piikea and down to South Kihei, I would say because of close proximity of Azeka Shopping Center in Lipoa I think maybe that should be factored into part of your study as well.

Mr. Niiya: Keith Niiya with Austin Tsutsumi. You mean incorporating what part of Azeka Shopping?

Mr. Tsai: Well, since we have Azeka Shopping Center, you guys are gonna be neighboring pretty much Azeka Shopping Center and you know, Long's Shopping Center there as well, but there's so much traffic on South Kihei Road existing currently between...on Lipoa and Piikea and also the other traffic light between the two, I would like, I will ask you guys to include that in your traffic study and deciding whether if that's...you know, the best alternative for adding traffic light and such.

Mr. Niiya: Well, just to let you know what's going on Piikea Avenue already incorporates the traffic generated by Azeka's. We went out and counted it. So there's no plans for that we know of of Azeka being increased in volume. So the way we do our traffic study is we take the existing counts, we do projections of other projects in the area that will affect the traffic in the area so we add that traffic to the existing and then we analyze that and then after that we put on the project's traffic on

top of that. So we look at three different levels of analysis. So basically what we're showing already is what's happening out there with and without the project and it also includes what the traffic generated by Azeka's. So, you know, even the operation of the signals and everything, I think what...the reason why the signal is actually in there is because when we did talk to the Department of Public Works, a couple of things, you gotta look at what happened originally. The project was supposed to have four full access points onto Piikea Avenue. Okay, so even this one and this one would be full access points onto Piikea. Concerns were because of the roundabout coming in and sight distance and everything, they actually wanted us to make this a right in, right out with no pedestrian access. But the developer wanted to have it as a full access and have pedestrian crossing. So you know, people could walk across back and forth between the two sides, but because of the concerns of the Department, they agreed not to allow any of that full access and just make it right in, right out. So we were putting in deceleration lanes, acceleration lanes all on Piikea Avenue. And you can see it here, there's a deceleration lane just for the right turns in and out of the project.

The second driveway they also had a concern about having traffic coming across and making the left turns out. That's why it's restricted to right in, right out. However, they allowed the pedestrians to be able to cross back and forth because this is what they wanted to be their main street. So they figure people are gonna cross there and so what happened is all your traffic that gets onto Piikea started to get combined all into this one intersection, this third one. And when we looked at it, you know, this intersection will warrant a signal and we're trying our best. We're adding left turn pockets, right turn pockets to Piikea so that we don't impede the flow of traffic on Piikea as part of this project. But as far as your question is concerned, we do have Azeka Place as part of the analysis already unless there's some unknown development part of Azeka to increase, you know, the amount of commercial space.

Mr. Lay: Commissioner Domingo?

Ms. Domingo: Thank you. I think what Mr. Tsai is saying here is that there's gonna be impact. I don't think on South Kihei because is gonna go to the hotel. They're gonna use South Kihei Road as well as Piilani Highway. So in the sense, Lipoa is connected to Piikea 'cause there's two areas from South Kihei Road that in case there is...if we're going into Kihei and to get out of Kihei instead of going all the way down to North Kihei, Lipoa and Piikea is the only way out and then there's one more further down, but going onto Piilani Highway. And people coming from Piilani Highway is gonna go into that center. It's gonna impact Lipoa and vice versa from North Kihei. So I think to make an evaluation on the impact on Lipoa and Piikea coming off of Lipoa and then going down to this area.

Mr. Niiya: So if I understand it, you want us to expand our traffic study to look at what happens with Lipoa between Piilani and South Kihei Road.

Ms. Domingo: Yes.

Mr. Tsai: Exactly.

Ms. Domingo: Yes. 'Cause I can agree that whatever is happening on South Kihei Road is happening right now. The way it's designed, the traffic signals are horrible. ...(inaudible)...

something that this is not gonna...it's there already so I think we need to expand that.

Mr. Niiya: Okay. And then looking at South Kihei Road.

Ms. Domingo: Yeah. I appreciate that traffic light that's on Piikea, but truly it's not gonna work. It's not gonna work, but you know what, I'll give you guys all that. It's not gonna work. But thank you very much.

Mr. Lay: Commissioner Hedani?

Mr. Hedani: Keith, you know, you guys did, well, Austin did a very good project in West Maui where they synchronized nine lights through Lahaina.

Mr. Niiya: Yes, correct.

Mr. Hedani: And it worked really slick once you guys did that. I think it's got desynchronized since then but that being said...has any consideration been given to synchronizing some of the lights on South Kihei Road?

Mr. Niiya: Yeah, we did try to synchronize the lights on South Kihei Road previously, several years back. I don't know if it's the same condition today, but there's two different types of cabinets on there that doesn't allow them to communicate very well. One is the old NEMA type which is 20 years old, and the other one is a 170 cabinet, controller. So they don't communicate very well. We tried our best to synchronize the lights, but you know, if those cabinets...I don't if those cabinets have been replaced, I think they have been and therefore, now it is possible to probably synchronize it a little bit better. Even up on the highway, you got Lipoa and Piikea, you know, they're closely spaced, probably could synchronize it a little bit better, yes.

Mr. Hedani: So I guess my question would be to explore or identify opportunities for synchronization.

Mr. Niiya: I gotta look at the developer, yeah, whether they would pay for something like that.

Mr. Hedani: Right. Thank you.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: I'm looking at the current wetland area and apparently it was a mitigation for Longs Drugs as well as probably Azeka, and if so, they probably have standards to maintain that wetland area or do they not have any standards and how do they refill it, not R1 water or is it storm water? I'm more concerned. I don't want this developer to be carrying the load. If it is a mitigation by other property owners then perhaps, you know, they can be part of that effort but not running the show.

Ms. Cua: Well, I mean, the existing wetland obviously was a result just like Colleen said. She and I were both planners at that time and it was a direct result of a displacement of wetlands in the Azekas and Longs projects and so, you know, we are assuming that these were constructed in



accordance with the requirements, you know, all Federal and State requirements for these wetlands. I don't know how maintenance possibly transferred because now you have new owners. So I don't know if the owners can speak to the maintenance of this. I don't think it's necessarily something that the County would so much be involved in 'cause we weren't so much involved in the establishment of this wetland areas except through, you know, SMA Permits probably, but again, I really don't know about the maintenance now. They are the new owners, so I would think the responsibility now lies with them.

Mr. Shibuya: Oh, okay. So now the burden is on them?

Ms. Cua: I'm thinking. I don't know. I don't want to speak for them because I honestly do not know.

Mr. Shibuya: Yeah, I don't wanna overburden them. That's what my concern is. It needs to be maintained but how do you main it, what standards?

Mr. Pyle: There are, and I believe they're recorded agreements between Longs and our landownership that they are to maintain the...their wetlands.

Mr. Shibuya: Okay. It's their kuleana.

Mr. Pyle: It's all part of what happened back then and there are recorded documents on the property.

Mr. Shibuya: Okay, so yeah, I just don't wanna--

Mr. Pyle: Your concern is good and it was taken care of before us.

Mr. Shibuya: Okay, thank you. So please note that arrangement.

Mr. Lay: Commissioner Hedani?

Mr. Hedani: I guess this is for David. As a follow up to Commissioner Shibuya's comment. I understand where you're coming from in terms of not wanting to delay the project relative to the Army Corp of Engineers. The Army Corp of Engineers a lot of times comes up with the wrong solution. Kahoma Stream is a perfect example. The channelization of the stream, you know, it will survive a 1,000-year storm, but it becomes a perfect blank slate for graffiti for all of the kids in the neighborhood essentially where you don't have any opportunity for recreational assets of what was once a stream that went through that area. In this particular case on the wetland, I appreciate the efforts that you've gone through to intercept and filter the water so that the quality of the water that goes into the wetland is vastly improved and I think because the project itself is adding water, you know, to that wetland, to some degree without upsetting your apple cart moving forward to make an effort to identify if there is an exact height that the water level should be at to optimize the habitat for the Ae'o would be nice.

Mr. Lay: For the record just, you know, repeat your name.

Mr. Pyle: Oh, that's right. David Pyle. We'll look into that. I know there are controls on how the water goes in and out and I know the wetlands were designed to at a certain level and I think Clifford can even address that. And our water that goes in our detention basins, the pipes are a certain height and a certain size and it goes in a site and the water going out regulates it as well. And also all those islands you see out there, they call this an engineered or a manmade wetland, those are all designed around nesting habits of different water fowl and migratory birds. So they're rectangular but they're not haphazard I believe, but we'll look into it further. I did a lot of research on what occurred before.

Mr. Shibuya: Good, good.

Mr. Lay: Commissioner Shibuya?

Mr. Shibuya: This is for Corporation Counsel, and it's a procedural question. I just wanted to find out, do we need to address the change in zoning for the hotel at this time or we do this later on and then also the height variation for the theater? Do we make a comment on this at this time or do we...how do we go about this?

Mr. Giroux: Well, it's an informational document. So again, this document is to be used by everybody else into the future who's gonna have to make decisions about this project. So, I mean, at this point if you do have concerns about that if there's something that they haven't addressed that they could address in this document that would be an impact, that it concerns you, then you can make that comment and see if they can address it in this document.

Mr. Shibuya: No, it's not a concern that I have. The only concern I have is that we don't have enough my stating certain things about the height of the hotel or alternatives for the theater is that adequate enough? Because for me, it's fine.

Mr. Giroux: Right, you're not using the document to make conditions. You're making the document so that they collect enough information that in the future if you make a condition there's a rational basis for it.

Mr. Shibuya: Okay.

Mr. Giroux: So that's, you know, I mean, if there's a site, plain view problem, you know, those are the issues, not oh I want to restrict you to this height or that type of stuff.

Mr. Shibuya: No. It's not neither of those.

Mr. Giroux: Okay.

Mr. Shibuya: Okay, thank you.

Mr. Lay: Commissioners, we're gonna be losing video in about 20 minutes so you guys wanna have any more comments that you'd like to add onto this?

Ms. Cua: If I could Mr. Chair? I think when I left off on my comments that I had gathered from your

questions, statements, I was at No. 4, and the forth one was about the security measures that would be in place as part of the project in addition to just the regular police services. But since that comment, I've added four more. So I'd probably go over that with you just to make sure we're on the same wave length. On the traffic issue, I know Commissioner Tsai your first comment was is the traffic light the best situation on Piikea? And then the applicant responded that that traffic light is actually a requirement of DPW. So, I don't know if you wanna still keep that comment or you want to go with the comment that Commissioner Domingo mentioned about expanding the TIAR to see what happens at Lipoa between Piilani Highway and South Kihei Road which would take into effect what mitigation measures they're proposing which is the traffic light.

Mr. Tsai: Yeah, you can include it with that.

Ms. Cua: Okay, so that would be comment No. 5. Comment No. 6, explore the opportunity for synchronization of lights on South Kihei Road. Condition No. 7, the EA should note the recorded arrangement of the wetland maintenance by the previous owners. And the final comment, which I can't totally read my writing, but identify the exact height of the wetland water level...what the water level should be to optimize the habitat, the existing habitat.

Mr. Shibuya: ...standards, standards of maintenance.

Ms. Cua: I'm sorry, what was that?

Mr. Shibuya: Standards of maintenance or maintenance standards of a wetland or healthy wetland.

Ms. Cua: That's what you meant or...

Mr. Shibuya: No, no that...

Ms. Cua: It can just be worded that way?

Mr. Shibuya: Yeah. Or use an "and" also.

Ms. Cua: Or including standards of maintenance of a healthy wetland including the optimum—

Mr. Shibuya: Right.

Ms. Cua: —depth.

Mr. Shibuya: To accommodate the Ae'o.

Ms. Cua: Okay. So do those eight comments pretty much reflect your wishes?

Mr. Lay: Call for the motion. Oh, Commissioner Shibuya?

Mr. Shibuya: Just one more, it's not a comment in a sense that I need her to write it, but it's looking at the guiding land use principles we respect and encourage life, island lifestyle, cultures, Hawaiian traditions and we also promote community responsibility, empowerment and uniqueness and here

the developer has taken this initiative and is working with...has worked with the Kihei Community Association. So it has met those two very strong directed growth plan criteria. And for sustainability they have added in photovoltaics so that's great.

Ms. Cua: So we don't need that as a comment. You're just acknowledging that.

Mr. Shibuya: Yeah, I'm just acknowledging it.

Ms. Cua: Okay, great. And we concur with that.

Mr. Shibuya: Does the Chair want a motion?

Mr. Lay: Does anyone wanna make a motion for those eight comments?

Mr. Shibuya: I'll make it, so accept the comments.

Mr. Freitas: Second.

Mr. Lay: Seconded by Commissioner Freitas. Commissioner Tsai?

Mr. Tsai: ...(inaudible)...comments after.

Ms. McLean: It's under discussion. You're under discussion.

Mr. Tsai: I just wanna make a final note. I'm in full support of this Downtown Kihei Project I think it's definitely needed, but I also wanted to just to make sure in regards to traffic, it should not be under estimated because we got a major traffic issue currently on South Kihei Road with all the traffic and on Piilani Highway, and having a Downtown Kihei although a great idea and plan, you're gonna have everybody come in there. So the added traffic to this location is gonna be pretty huge. So I want just, you know, my comments to make sure we look at all the...cover all our bases with regards to traffic.

Mr. Lay: Anyone else? Let's call for the vote. All those in favor?

Ms. McLean: Five ayes.

Mr. Lay: Motion passes.

**It was moved by Mr. Shibuya, seconded by Mr. Freitas,**

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

Ms. Cua: Thank you.

Mr. Lay: We'll be breaking for lunch for one hour be back at 1:00 p.m.

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

Chair Hiranaga: I believe the next agenda item is C, Communications. Deputy Director?

Ms. McLean: Thank you, Chair. The first Communication is from Everett Dowling on behalf of Palauea Developers requesting a transfer of Conditions 14, 15, and 17 of an SMA Use Permit and Project District Phase 2 Approval for the Palauea Subdivision, 20.7 acre cultural preserve park to the Office of Hawaiian Affairs. The property is TMK: 2-1-023: 002, and TMK: 2-1--23: 034 in Makena. Kurt Wollenhaupt is the Staff Planner.

### **C. COMMUNICATIONS**

- 1. MR. EVERETT DOWLING on behalf of PALAUEA DEVELOPERS, LLC requesting a transfer of condition nos. 14, 15, and 17 of the Special Management Area Use Permit and Project District Phase II Approval for the Palauea Subdivision 20.7 acre Cultural Preserve Park to the OFFICE OF HAWAIIAN AFFAIRS (OHA) for property located at TMK: 2-1-023: 002 and 2-1-023: 034, Makena, Island of Maui. (SM1 990017) (PH2 990004) (K. Wollenhaupt)**

Mr. Kurt Wollenhaupt: Good afternoon. The Department is actually pleased to be bringing this on the behalf of Mr. Dowling and Palauea Developers as a project whose intent is really to continue the unique archaeological, cultural, and historic resources in the Palauea Cultural Reserve and to have this project preserved and moving on into perpetuity by the Office of Hawaiian Affairs. I'm sure all the Commissioners have read the document so I won't be going into all the details. However, just by way of background, on November in the year 2000, this Commission granted approval for a Special Management Use Permit and Phase 2 Permit for the Palauea Subdivision. This consists of the item under review today, the 20.7 acre cultural preserve.

In addition, that permit also approved the 17 residential lot subdivision on a total of 44.4 acres. Palauea Developers and Mr. Dowling the developer of the planned community knew that an essential part of this project was the cultural preserve. At that point in time in the year 2000, based upon representations made by the developer to the University of Hawaii, Palauea developers had previously decided to donate the preserve to the University or to one of its affiliates so that the resources might be preserved in a proper way sensitive to Hawaiian issues.

Since that time the Board of Regents of the University of Hawaii and Mr. Dowling can go into more of a detailed description, however, in Exhibit 4, there's a timeline that would outline the summary of the transaction from the University of Hawaii to the Office of Hawaiian Affairs. At that time, discussions and a series of meetings with the Board of Regents, the Board of the University of Hawaii decided not to approve the conveyance of the preserve due to their concerns relating to owning the property. Subsequently, the University met with the Office of Hawaiian Affairs to develop of a plan for them to accept the preserve. On August 16, 2012, the OHA Board of Trustees

approved the acceptance of the preserve site, the necessary assumption of the SMA conditions related to the preserve and that is the reason we're here to day and request in order to transfer Condition No. 14, 15, and 17 to the Office of Hawaiian Affairs.

On October 4, 2012, Maui County CRC reviewed this transfer request and unanimously and enthusiastically recommended approval of this transfer of Conditions 14, 15, and 17 to the Office of Hawaiian Affairs. The CRC wanted to note, wanted to acknowledge Mr. Dowling and his organization for providing these important Makena lands for cultural preservation and thanked OHA for taking on the stewardship and commitment to this important project by agreeing to abide by the project's past conditions of approval that were approved by this body. Mr. Dowling does have a brief presentation that will visually show you where this project is and can answer any technical questions about the transfer to OHA. Thank you.

Mr. Everett Dowling: Thank you, Kurt. Thank you, Planning Commissioners and Staff. I'd like to provide a quick overview. This has been a very long process. As Kurt mentioned it started in 2000, so we've been working on this for 12 years. You can see on the left-hand side of the screen you can see the white building which is the Fairmont, Kea Lani Fairmont Hotel. These are 15 of the 17 lots. The other two lots are here. And basically this is the preserve, it goes around this area and back up. Here's Palauea Beach. The TMK exhibit.

In 2002, the Cultural Resource Commission approved the preservation plan and 2005, it approved the relocation of a small building that we had been using for a sales facility for the 17 lots. We've relocated that. Relocated that down to this area and that will serve as a, you know, a classroom facility for UH as they work with OHA and using this as an outdoor classroom to their Hawaiian Studies students.

As Kurt mentioned, we had...originally we had been talking with the University of Hawaii. It was a very long discussion over a period of many years. The University of Hawaii Maui was supportive of it. They took it to the administration in Honolulu. The administration was supportive of it. It went to the Board of Regents, and the Board of Regents was not supportive of it. So then we kind of went back to the drawing boards and UH Maui reached out to OHA to see if OHA would like to get involved and fortunately for all of us, OHA was enthusiastic about the property and you'll hear more about their plans later. Brian Moto is here from UH Maui and he can provide more detail in terms of the UH process and what occurred there. So, Brian Moto.

Mr. Brian Moto: Good afternoon, Mr. Chairman and Members of the Maui Planning Commission. My name is Brian Moto. My title is Special Assistant to the Chancellor, UH Maui College. Let me begin by expressing warm greetings and regrets from Chancellor Clyde Sakamoto. He would be here except that he's leading an accreditation team for a college in Saipan, the Marianas Islands.

Before I begin my short portion of the presentation, I'd like to introduce some of the people who are with me from the University of Hawaii, Maui College. Behind me in the gallery are our Vice Chancellor of Academic Affairs, John McKee. We also have with us some faculty members. They are from our Hawaiian Studies faculty, Kaleikoa Ka'eo, and from our Anthropology Department, Melissa Kirkendall, also formerly with the SHPD. For the record, Mr. Chairman, I'll note that another faculty member, Kiope Raymond, also of our Hawaiian Studies faculty and the Chair of the Department of Humanities was here earlier, unfortunately he has teaching commitments and so he

had to leave. I'll also, if I may, introduce Koalani Kaulukukui from the Office of Hawaiian Affairs. She's representing the Office of Hawaiian Affairs, Land Division. For the record also, I'll note that this morning Trustee, Hulu Lindsey was present from the OHA Board of Trustees, unfortunately other commitments took her away and she's not able to be here this afternoon.

As noted by Mr. Dowling and Mr. Wollenhaupt there's a long history behind this. I'll just continue from this slide on. In February of 2011, University of Hawaii, Maui College went to the University Board of Regents for approval of what was then proposed to be the conveyance of the property to the UH Foundation with a lease from the Foundation to UH, Maui College. Ultimately however, the Board of Regents decided that it would not be approving the conveyance. Now this lead us to rethink and to reexamine this process. All of the parties involved felt that this was a very important property with enormous potential, and so with the leadership of the Office of Hawaiian Affairs and with the cooperation of Mr. Dowling, UH, Maui College approached OHA to collaborate with them on a plan for OHA to accept title to the preserve and to participate in its stewardship. On August 16<sup>th</sup> of this year, the OHA Board of Trustees had a meeting convene on the campus of UH, Maui College, approved the acceptance of the preserve subject to transfer of the SMA Permit among other things, and that's why we're all here today. And as was noted before, must this month in October, the Cultural Resources Commission unanimously approved the transfer of the SMA Permit and Project District Approval and the donation of the preserve to the Office of Hawaiian Affairs.

At this time, because the...these slides now deal with the Office of Hawaiian Affairs, I will, with your permission call upon Ms. Kaulukukui.

Ms. Koalani Kaulukukui: Aloha, I'm Koalani Kaulukukui with the Office of Hawaiian Affairs. I'm a Land Management Specialist there in our Land and Property Program. I just wanna affirm that the Office of Hawaiian Affairs is very committed to stewarding this place along with UH and the community and really implementing the preservation plans that should have gone, gone into play a long time ago. When the Trustees were approached they really saw this as an important collaboration between OHA and UH that could really help us achieve many of our missions including preservation of our culture and educational opportunities in Hawaii so the trustees voted unanimously to approve the acquisition of this preserve. And as Brian Moto mentioned, the Maui Trustee, Hulu Lindsey was here today, and I'm sure if she was still able to be here, she would like to express her commitment to this project and excitement that OHA and UH can collaborate in this way. And the Office of Hawaiian Affairs is committed to carrying out the conditions associated with this property including those with this SMA Permit and I would like to request your support for transferring this SMA Permit to the Office of Hawaiian Affairs. Mahalo.

Chair Hiranaga: Is that it? That was very good. At this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide public testimony at this time, please come forward. Seeing none, public testimony is now closed. I'll open the floor to questions from Commissioners? Seeing none, we'll have the staff recommendation.

Mr. Wollenhaupt: The Maui Department of Planning recommends that the Maui Planning Commission approve the request to transfer Condition Nos. 14, 15, and 17 of SM1 99/0017 and PH2 99/0004 to the Office of Hawaiian Affairs.

Chair Hiranaga: I'll open the floor to a motion. Commissioner Shibuya?

Mr. Shibuya: I so move to accept.

Mr. Lay: Second.

Chair Hiranaga: Moved by Commissioner Shibuya to approve, seconded by Commissioner Lay. Any discussion? Seeing none, I'll have the Deputy Director restate the motion.

Ms. McLean: The motion would be to approve the transfer of the SMA conditions Nos. 14, 15, and 17 for SM1 99/0017 and PH2 99/0004 to the Office of Hawaiian Affairs.

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

Ms. McLean: Six ayes.

Chair Hiranaga: Motion carries.

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

**VOTED: To Approve the Transfer of Conditions Numbers 14, 15, and 17 of the Special Management Area Use Permit and Project District Phase II Approval to the Office of Hawaiian Affairs as Recommended by the Department.  
(Assenting - W. Shibuya, I. Lay, D. Domingo, M. Tsai, W. Hedani, K. Ball)  
(Excused - P. Wakida, J. Freitas)**

Mr. Moto: Thank you, Commissioners.

Chair Hiranaga: Communication C-2, Deputy Director?

Ms. McLean: This is a request from Giampaolo Boschetti and the Westin Maui Corp., requesting an amendment to the SMA Permit that's SMA 1985/0010 to remove Condition No. 8, an employee housing requirement on the former Maui Surf at 2365 Kaanapali Parkway, TMK: 4-4-008: 019 in Kaanapali. Joe Prutch is the Staff Planner.

**2. MR. GIAMPAOLO BOSCHETTI and THE WESTIN MAUI CORP. requesting an amendment to the Special Management Area Use Permit condition to remove condition no. 8 (employee housing requirement) on the former Maui Surf (Westin Maui) Redevelopment Project at 2365 Kaanapali Parkway, TMK: 4-4-008: 019, Kaanapali, Island of Maui. (J. Prutch)**

Mr. Joe Prutch: Thank you, and good afternoon everyone. So this is an application as Michele mentioned that Giampaolo Boschetti applied for. He's got Munekiyo & Hiraga here with Mark Roy as the applicant's consultant. So they're here on his behalf. The applicant, Mr. Giampaolo Boschetti owns the Hale Ohana Apartment Building in Lahaina. The SMA Permit, the SM1 85/0010



is a permit that belongs to...it was the former Maui Surf Hotel, now of course, it's the Westin Maui Resort and Spa. The property owner is Campbell Hawaii Investors. The owner and the resort both give this applicant permission to pursue this SM1 amendment. The SM1 amendment is essentially an amendment of a permit that belongs to the Westin Maui not to Mr. Boschetti. The SM1 Permit from 1985, just to let you know, is for an 11-story tower, pool, and related improvements for the Westin Maui. I think I'll go ahead and let Mark go ahead and give a presentation 'cause he's got a pretty thorough power point. I'll let him do that and then I'll come back for questions and answers and then I'll have analysis to give at the end of that. So if that's okay, I'll bring up Mark.

Chair Hiranaga: You have an analysis or a recommendation?

Mr. Prutch: Recommendation at the end.

Chair Hiranaga: Oh, okay.

Mr. Prutch: Analysis if necessary.

Chair Hiranaga: Thank you.

Mr. Mark Roy: Thank you, Joe. Good afternoon, Commission Members. My name is Mark Roy with Munekiyo & Hiraga.

Chair Hiranaga: Excuse me, Commissioner Hedani wishes to speak.

Mr. Roy: Sure.

Mr. Hedani: Before we proceed, Chair, I wanted to disclose that the...one of the directors of Kaanapali Operations Association is the current General Manager of the Westin Maui Hotel, and as a result of that, I will be recusing myself from voting on this particular item.

Chair Hiranaga: Thank you. Proceed, continue.

Mr. Roy: Thank you. I stood before you today to respectfully request that an amendment be made to an SMA Use Permit that was issued back in 1985, over 30 years ago for the former Maui Surf Hotel in Kaanapali. The request is to remove a condition from the permit that requires by virtue of a 1980 agreement the use of an apartment building in Lahaina Town as employee housing for members of the old Maui Surf Hotel. This apartment building is known as the Hale Ohana Apartment complex.

The condition we're requesting consideration for deletion today is Condition No. 8, and I'll just read it for the Commission. "That the applicant shall submit an agreement for employee housing to the Planning Department for review and approval relative to maintaining the existing 40-unit Hale Ohana Apartment complex, project," excuse me, "exclusively as an employee housing project for employee housing project for employees of the Maui Surf Hotel." That's Condition 8 of the SMA Permit. So we'll be talking a bit about two separate parcels of land today. It's kind of unique this request. The first being the former Maui Surf Hotel property which Joe had mentioned is now the Westin Maui Resort and Spa. That's the yellow box in Kaanapali at the top of this slide. It sits

adjacent to the beach. The second property...excuse me, the Westin property is the holder of the 1985 SMA Use Permit which is what we're requesting amendment today to. The second is the Hale Ohana Apartment complex located further south. It's a much smaller property. Sorry it's sorry it's difficult to make out on this map. It's located in the midst of Lahaina Town adjacent to the highway and is the location of the employee housing requirement that was set forth by the former Maui Surf Hotel's SMA Permit back in 1985.

So just some quick background. This is the TMK for the Westin Maui, 4-4-008: 019. We'll refer to it today a bit as the Westin Maui. It was formerly the Maui Surf Hotel. It was constructed quite some time ago back in the early 1970's, 71 I believe. It's currently owned by Campbell Hawaii Investor LLC and it's operated today by lease as the Westin Maui Resort and Spa. Couple of photos, I think we all know what the Westin looks like. This is looking at the existing resort with the Kaanapali Beach beyond the buildings in the background here. And again, looking makai at one of the main guestroom towers from the paved parking area within the resort.

The second property, the Hale Ohana Apartments is on a separate TMK: 4-5-008:004, we'll refer to that today as the Hale Ohana property. As I mentioned, it's adjacent to Honoapiilani Highway in Lahaina at intersection of Kenuei Street and that should be Waivee Street. It consists of 40 units both studio and one-bedroom apartments. The building was constructed over 30 years ago as rental units to be made available for use by employees of the Maui Surf Hotel and this was done so in accordance with two key documents. The 1980 unilateral agreement and declaration and a 1985 SMA Use Permit for the expansion of the Maui Surf Hotel. The Hale Ohana Apartments were owned at the time by developer of the Maui Surf Hotel which was Maui Surf Hotel Company, Interisland Resorts, and it has recently changed hands and is owned by the applicant, Mr. Boschetti. He acquired the property back in 2009.

Average monthly rents at this location vary between \$750 and just under a \$1,000 per month and it depends on the size of the unit and the location of the unit within the building. I would note this is slightly different this No. 2, the numbers that were in the staff report. I apologize for that but they've recently just slightly increased and the reason for that is the current owner has gone through a series of interior renovations within the units and as part of recouping that investment the rents have been increased slightly to the numbers I'm presenting today. So that's why they slightly differ.

This is a couple of shots of what the Hale Ohana Apartments look like. This is from Kenuei Street. I know the Commission today reviewed the Weinberg project. So this is actually I think standing just on the outer edge of the Weinberg property in Lahaina. So looking at the main driveway. The highway's on the left side of this slide, and as I mentioned, this complex is right adjacent to the highway with Waivee Street on the right-hand side of the slide. This is another shot looking down Waivee Street at the other side of the apartment complex. Again, you know, adjacent to the highway with the highway running along the trees on the right-hand side of this slide. So I'd like to just give a real brief summary of the two key documents that I mentioned earlier in my comments. The first is the 1980 unilateral agreement and declaration. And this was implemented at the time of a Department of Water Supply policy that was known as the West Maui Rule. The West Maui Rule was imposed I believe in the 70's and 80's and to regulate development on the west side due to concern about water supply availability, so there were water shortages within the supply system. The 1980 agreement was processed by the Department of Water Supply as an exception

to the West Maui Rule to allow a water meter to be issued for the Hale Ohana Apartments for the Maui Surf Hotel which as I mentioned before were to be made available to employees of the Maui Surf Hotel at fair market rental rates. This designation of the apartments for use as employee housing was consistent at the time with the practice of larger employers providing housing near areas of employment. This is a 30 or so years ago.

The second key document that I'd like to touch upon which is the focus of our request today is the 1985 SMA Use Permit. This was approved by the Commission back in March of '85 I believe. It was for a new 11-story tower and related improvements at the Maui Surf Hotel. So they were actually implementing some improvements at that hotel at the time. It was approved by the Commission and it came with 16 conditions of approval. Condition No. 8 which is the condition we're requesting removal of at today's meeting was one of those 16 conditions and this is the condition I read to the Commission at the beginning of the presentation. A few months after the approval of this permit, the Maui Planning Commission, the Department of Corporation Counsel and also the Planning Department issued a follow up determination letter to the applicant that Condition No. 8 had been wholly satisfied by the recordation of the 1980 Unilateral Agreement and that was the first agreement that I mentioned just now that was executed in relation to the West Maui Rules. So those were the main two documents.

I have a time line of agreements which is actually fairly useful and if I could I'd like to just hand a copy of this matrix out to Commission Members? So this is a time line of the various agreements and approvals that have been processed over the past 30 years for the Hale Ohana Apartments. To really briefly summarize as best I can it was the '80 agreements and the 1985 SMA Permit that essentially required Hale Ohana to be made available for employee housing. About 10 years ago, the County agreed that this employee housing requirement no longer applied to Hale Ohana as the West Maui Rule had been terminated by the Department of Water Supply previous to that date. A formal release and cancellation agreement of the 1980 agreement was therefore processed with approval of the County back in 2002. However, the applicant realized after processing the 2002 release and cancellation by the County that the original 1980 agreement was also memorialized in Condition No. 8 of the 1985 SMA Permit and that the complete release of the agreement required the removal of this condition by the Maui Planning Commission essentially the body that had ultimately attached that condition to the 1985 SMA Use Permit. So you know, recognizing this additional procedural requirement, the applicant has voluntarily decided to reinstate the 1980 agreement and this was done a few years ago back in 2009, and it essentially was done to allow time for an SMA amendment application to be submitted and processed in the right way requesting deletion of Condition No. 8 from the 1985 SMA Permit.

Should the Commission today concur with the request to delete this condition, the applicant would then cancel the 2009 reinstatement agreement essentially removing the restriction in entirety from the Hale Ohana property. I tried to briefly summarize those agreements. They, you know, are individual agreements. That timeline is really intended to give a high level summary of each of the four agreements, what it was, the reason for the execution, and ultimately what effect it had by that agreement coming into effect.

So moving beyond 2009, following preconsultation meetings with the Planning Department and also learning about similar requests approved by the Maui Planning Commission in the past for other properties on Maui such as the Kea Lani and Grand Wailea Resorts, the new owner, Mr. Boschetti,

filed an SMA Amendment application in December of last year for processing. This application respectfully requested deletion of the employee housing condition, Condition No. 8, from the '85 SMA Use Permit for the Maui Surf Hotel. In addition to the release of this requirement by the County back in 2002, additional information justifying the removal of the condition from the permit was also presented in the application.

As a closing element of the presentation today, we'd like to just briefly summarize some of the considerations that were presented in the application for your review as part of this request today. The applicant is as I mentioned asking for removal of this condition based on three key considerations which relate to the level of use of the apartments by employees today of the Westin Maui property ownership issues and also the general shift in affordable housing policy that has occurred in the County over the last 30 or so years.

So the first consideration is use by hotel employees. How often is it utilized these days? There has been a decreasing use of the apartments by Westin Maui by its employees over the past 10 years or so. In 2002, just over half of the units were occupied by hotel employees. Today, 10 or so years later, it's got down to about 20 percent of the units being utilized by the hotel employees. We believe this low use is mainly attributed to, you know, the availability of larger and maybe better quality units in other areas of the West Maui region maybe closer to people's areas of employment.

The second consideration is one of ownership. The Hale Ohana property was purchased back in 2009 by the applicant, Mr. Boschetti and as such, the property is no longer connected to the Westin Maui Resort property. Also, the condition recreates somewhat of a displacement concern for existing residents currently living at the Hale Ohana Apartments. For example, in the event that a request is received by the Westin Maui for one of its employees and the apartments are fully occupied, this would require the owner to potentially terminate a lease of one of his other existing tenants in order to make an apartment unit available for use by that employee.

The third justification is one of policy shifts that have occurred over the last 30 years. There's been a shift away from theory of providing employee housing to one of more developments of affordable housing across the island in the 2000's. Affordable housing is now provided as new development occurs around the island. This has provided workers and their families a high level of choice over where they choose to live in relation to their place of employment. The 1980 agreements and the 1985 SMA Permit were approved at a time when it was more common for individual employers to provide housing opportunities for their workers. Given this general transition away from employee housing over the years, Condition No. 8 of the SMA Permit we believe now conflicts with today's residential workforce housing policy that's in the County Code.

The County Department of Housing and Human Concerns has been consulted on this request and has reviewed the SMA amendment application and does not object to the request that's before the Commission today. Also rents at the Hale Ohana fall well below the recommended affordable rental rates set forth by the County and are expected to continue to do so both due to the size of the units and also their location next to a busy highway in Lahaina Town. Essentially the market rates are fairly low in this particular area and in comparison to what the County would recommend for affordable rental rates. I think it's quite significantly lower just based on market conditions. So in essence the market for this kind of product at this location is expected to allow affordable rental rates to continue very much into the future.

So in summary the removal of Condition 8 from the 1985 SMA Permit will not affect the pricing of these units by the landlord and equally importantly will not displace any Westin employees that are currently residing within the in the apartment. It will simply give the current owner, Mr. Boschetti the ability to manage his property without the restriction that has been imposed by the 1985 permit that was attached to the former Maui Surf Hotel property.

So just to tie up our request today and just to review, Mr. Boschetti who is the current owner of the Hale Ohana property is respectfully requesting the Commission's approval to delete the employee housing condition, Condition No. 8, from the 1985 SMA Use Permit for the Maui Surf Hotel. Thank you for your consideration of this request and we have both representatives of the Hale Ohana, Mr. Boschetti, and also represents the Westin Maui in the audience and would be happy to answer any questions that you may have during your review today. Thank you very much.

Chair Hiranaga: At this time, I'll open the floor to...I'll open the floor to public testimony. Is there anyone here that wishes to provide testimony regarding this agenda item, please come forward? Seeing none, I'll open the floor to questions from the Commissioners. I have a question. In the staff report you call this...so this affordable rental rates at market demand. How are the rents set? I mean, is it market rents or...

Mr. Prutch: They are market rents. They're extremely low just because of the location and I guess the building itself so much too, but the rates as he mentioned, what are they 750 probably for the studio up to 995 for the one-bedroom. And far as affordability rates I did look up the Housing Department's affordable rent guidelines and that 750 rate for a studio would fall at about 55 percent...well, for people at 55 percent of median income which is very low income, and then the 995 looks to be for one-bedroom at about the 70 percent range. So they're all well below the 100 percent median income. So they just happened to be affordable because of their location and maybe the way the units are and the size of the units not so much because the Housing Department has dictated that they're affordable.

Chair Hiranaga: So these are market units that the employees have priority to occupy?

Mr. Prutch: Yes, yes.

Chair Hiranaga: So it's just a priority to occupy?

Mr. Prutch: Yes.

Chair Hiranaga: It's not affordable rents, it's--

Mr. Prutch: No, not so much affordable. I mean, they happen to be affordable but not no...

Chair Hiranaga: There was no mandate.

Mr. Prutch: And like he mentioned if an employee wants to live there and their units are full then some other long term tenant has to be forced out. The employee has the right to do that according to the condition.

Chair Hiranaga: Just thinking back in 1980 I guess we were in a recession at that time? Some of you may not recall I guess.

Mr. Prutch: I don't remember.

Chair Hiranaga: So I guess at that time there was a strong demand for housing but lack of inventory and that's why they came up with this concept of setting market rentals that employees had priority to occupy, but the rent was still at market?

Mr. Prutch: I can only guess from reading all the material here that that's the way it was back then. ... (inaudible)...plantation style idea of providing housing for your employees, and maybe back then there wasn't a lot of housing on the west side, I don't know, but that's my assumption just because of that rule.

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

Mr. Prutch: Pursuant to the foregoing, the Maui Planning Department's recommending that the Maui Planning Commission approve the amendment to Special Management Area Use Permit, SM1 1985-10 as requested by the applicant to remove Condition No. 8 in its entirety pertaining to an employee housing requirement.

Chair Hiranaga: At this time I'll open the floor to a motion.

Mr. Tsai: So move.

Chair Hiranaga: Moved by Commissioner Tsai. Seconded by Commissioner Shibuya. Any discussion? Seeing none, I'll have the Deputy Director restate the motion for clarity.

Ms. McLean: To amend SM1 1985-0010 to delete Condition 8 relating to affordable housing requirement in its entirety.

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

Ms. McLean: Four ayes so far Mr. Chair.

Chair Hiranaga: Opposed.

Ms. McLean: And one no and one recusing.

Chair Hiranaga: So I'll have to...I'll vote in favor. Motion carries.

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

**VOTED: To Approve the Amendment to remove Condition No. 8 of the Special Management Area Use Permit as Recommended by the Department.**

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

Mr. Roy: Thank you very much, Commission Members.

Chair Hiranaga: Okay, moving onto Unfinished Business. Deputy Director?

Ms. McLean: Thank you, Chair. The first item under Unfinished Business is notification by the Planning Director his intent to process a time extension administratively and that would be for the Friends of Mokuula who requested a two-year time extension on their SMA Use Permit to initiate construction of an 84-lot parking lot and other improvements on Shaw Street, parcel 4-6-007: 002, portion of 002, and 036 in Lahaina. Erin Wade is the Staff Planner.

#### **D. UNFINISHED BUSINESS**

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

**MS. SHIRLEY ANN KAHAI, Executive Director of FRIENDS OF MOKUULA, INC. requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of an 84 parking lot and ancillary improvements on Shaw Street at TMK: 4-6-007: 001, por. of 002, and 036, Lahaina, Island of Maui. (SM1 2003/0008) (E. Wade) (Deferred at the September 11, 2012 meeting.)**

Ms. Erin Wade: Good afternoon, Commissioners. There were basically three outstanding questions last time when this item came before you that you asked for more information about. We did provide you with the original staff report and minutes from that meeting, information on the Cultural Resource Commission meeting, additional exhibits, and the aerial map that got passed out. So you received those in your packet. In addition, we did do some follow up investigation as to three outstanding questions and I think that those were, one where the two buildings that are proposed part of the original application. Two, what should be done with the new information regarding potential burials on the site. And then, three, how does this Phase 1 of the project work with the compatibility of the larger scope of the project?

So as for question one which is the easiest, the two buildings were indeed a part of the original application and hopefully you saw that in the original staff report on Page 7, description of the project. The second one was the information regarding potential burials. So I did call Erik Fredrickson from Xamanek Archaeological and spoke with him kind of at length about the procedure relating to when there is new information and an existing monitoring plan. What he said was given the age of the original archaeological work and given that there's new information been provided it could easily as they're going through the building permit process trigger another review

of the monitoring plan. So...and having spoken also with the applicants they're more than happy to have their monitoring plan be reviewed if that's what the State Historic Preservation Division would like. So there is a process for that. I also, I've actually been playing phone tag with Hinano Rodrigues about this but he did indicate in the voice mail that that would be the procedure, the additional review could occur. And then finally the larger project compatibility. There was a question at the last meeting about a public meeting conducted on August 29<sup>th</sup> relating to the larger scope of the project and what was happening. And I did ask Zeke Kalua from the Mayor's Office and answer any questions if you have them. I texted him, but you guys got through the last item really quickly so he should be on his way down. Potentially though in discussions with him he said that this...there's Phase 1 and Phase 2 as we talked about at the last meeting. The Phase 1 is the parking, the couple of building and ancillary improvements. The Phase 2 is the larger restoration of Mokuhinia and the wetlands and that is essentially a Army Corp of Engineers project along with the County of Maui. So what he said was that the Phase 1 of the project does have to occur in order for Phase 2 to take place. So the two efforts, the two...both planning project moving forward right now and then the visioning project which is moving forward for Mokuhinia are working together and that the Visioning Committee is working more to do things like...they're asking the community what they would like see. Do they wanna see water, flora and fauna or rock walls from the street? What would the vision be from Front Street? And to develop conceptual plans and rendering to illustrate that. So that is the activity that's occurring with the Army Corp of Engineers right now and it is supportive of Phase 1 of the project. So those were the three questions that were outstanding I believe and weren't answered as part of the conversation. The applicant is here, the Board President, Kimo Falconer as well as Mich Hirano, the applicant's representative and they'll be able to answer any questions you might have.

Chair Hiranaga: Thank you. Did you say you were waiting for someone from staff to appear?

Ms. Wade: Zeke Kalua from the Mayor's Office I believe was gonna be coming down. I texted him and hopefully he'll be making his way shortly. I'm sure he can be a resource for the larger Army Corp of Engineers project if you have questions.

Chair Hiranaga: Should we wait for him or continue?

Ms. Wade: I think we can continue unless there's questions regarding that, but if there's questions on other things, please feel free to continue.

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

Mr. Ball: One point we were talking about how this project was gonna be funded and there was not a clear answer either on that.

Mr. Mich Hirano: Commissioner Ball, we have Kimo Falconer who is the president of the Friends of Mokuula and he can answer...respond to that question.

Mr. Kimo Falconer: Good afternoon, Members. My name is Kimo Falconer. I'm the board



president for Friends of Mokuula. Responding to your question, most of our funding comes from operational funding which comes from our parking lot concession that is actually a permit given from the County of Maui, but that's not enough, but you got grant funding for a project as large as the Phase 1, construction of a parking lot. So we have to acquire funds...(inaudible)...grants which we also have a existing grant from the County of Maui on design for the hale as well as the parking lot. We have two separate grants. Again, not enough to do the completed project. So I would say right now we have roughly somewhere in the neighborhood about \$10 million in grant applications out. Some of them pending, most of them pending, but none of them approved as of yet. But this has kind of been Mokuula's long term thing is that we apply, we apply, we apply, and it's all contingent on getting the funding. So you know, just to more or less summarize, Phase 1 is the new parking lot which would be the, you know, the replacement of the existing parking lot on Shaw Street and Front. That was more or less our first priority to try and get that started. Now that the Corp of Engineers has stepped up with a lot of their, you know, their feasibility study, their design and their possible construction, this is gonna take place over the next maybe two to three years and if they get their funding for them there's a lot of things that have jumped in in terms of priorities. One of those is the actual restoration of Mokuula Island. And so right now we're actually, we kind of steered out thinking towards maybe doing a lot of the archaeological study of the actual island itself which doesn't mean that the parking lot isn't important, it is, but luckily with our SMA Permit it does allow us to do that kind of work, it does show up in the map that we can actually do that within that work. So funding contingent is where we are really in terms of if we had the funding we would do it. We had some new things that popped up. We have some testimony on some possible burials exist maybe below where we want to put our parking lot. So I would just ask the Commission to, you know, consider the fact that if there's...we would like to see this extended rather than allow it to expire so that we can actually move ahead and try to get this, you know, meet some of the Corp of Engineers standards that we wanna do ...(inaudible)... but again, Phase 1 on the parking lot, that is all contingent on actually getting funding. So that's my long-winded answer on funding.

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

Mr. Shibuya: Can you review on how this property was obtained by the Friends of Mokuula? Because it seems like it was a transfer or an entitlement or I don't know how it was transferred over.

Mr. Falconer: Once again, Kimo Falconer. This actually took place prior to my joining the board but there's two parcels of land. One is the existing parking lot and that's on the corner of Shaw and Front Street and that is EO from the Department of DLNR to the County of Maui.

Mr. Shibuya: What's EO?

Mr. Falconer: I'm sorry, executive order.

Mr. Shibuya: Okay.

Mr. Falconer: From the DLNR to the County. And then there's the second portion of it is the area where we talk about Phase 1 or in the back corner that we wanna do the parking lot and the hale construction. That's another EO to the County. The overall 17-acre parcel which picks up the ball field and the tennis court much of that has not been...it's still under the State, still under DLNR, but

consideration...there's a collaboration with them on moving forward to give the whole thing to the County.

Mr. Shibuya: I notice in the first parcel identification it shows several owners, and it shows the State, it shows the Salvation Army, again, State, I guess Parks and Recreation.

Mr. Falconer: That's right.

Mr. Shibuya: Were these transferred over?

Mr. Falconer: The Salvation Army parcels are still owned in fee by the Salvation Army. They're owned by the Salvation Army and the Salvation Army still operates and exists on that parcel, on those two. The other one, Parks and Recreation is the one that shows up as an executive order to the County. That's why it shows Parks and Recreation and the one on the other corner where your finger is now, that's also been executive ordered to the County of Maui from the State. Those are two that I just got through talking about.

Mr. Shibuya: Okay, the one on the top here by the Hongwanji, Lahaina Hongwanji Mission. It says State of Hawaii, Lahaina Hongwanji Mission.

Mr. Falconer: I believe that's out of the parcel.

Mr. Shibuya: It's out of the parcel?

Mr. Falconer: Yes.

Mr. Shibuya: Okay. And Wainee Protestant Church?

Mr. Falconer: That's Waiola Church is also out of the parcel.

Mr. Shibuya: It's out of the parcel. So all would be in here is this funny little shape here?

Mr. Falconer: Yes.

Mr. Shibuya: Okay. That's what I was confused about.

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

Mr. Shibuya: Apparently we're gonna make the parking lot, but if there's some historical aspects under the parking lot we haven't discovered it yet, right?

Mr. Falconer: You're talking about the new parking lot that we're proposing?

Mr. Shibuya: Yes, proposing.

Mr. Falconer: The archaeological survey that was done Xamanek which were referenced earlier, that particular study encompassed that area and historical documents, and since there are historical

knowledge of that particular area of the entire parcel, it is our knowledge that that is the least of the area that is least possible to have any kind of either iwi or potential archaeological findings. There was a dump there from Baldwin Packers, there was other things, so we know that that actually did exist there at some time. However, there's new findings, that possibly there is, so it may show up in maybe a condition under the SMA extension and if there is some documentation that burials exist we should, you know, try to rectify that as best as possible.

Mr. Shibuya: Okay, just a follow up. There's one testifier mentioned about a historical Tropical Road.

Mr. Falconer: Yes. It's called Tropical Road.

Mr. Shibuya: Is it such a thing that you can identify?

Mr. Falconer: It's actually...Commissioners, I don't know if you have this particular map, but on Shaw Street there's three residences along...if you come from mauka-makai down Shaw Street from Wainee Street there's three residences shown on this map and then you see the hatched area which is the grey area that is actually the SMA parcel. There's a small, there's a very small rectangular, it's basically identified as a path that's Tropical Road. It's historical remain for the area. Back when this was all under water there was many, many locos in this area. In fact, Shaw Street itself was a berm that people would walk on to go from mauka to makai that locos from Mokuhinia Ponds, and Tropical Road was actually how they accessed Waiola Church Cemetery to visit the cemetery. That still exists. It's there and that's why it's shown on this map as that particular area.

Mr. Shibuya: So you'll retain that? You'll mark it?

Mr. Falconer: That again, that isn't our...it's not in our kuleana but it is part of Waiola Church is my understanding, yes.

Mr. Shibuya: Chairman, I received an email from Commissioner Wakida and I made a copy but she wanted me to ask certain questions or read the questions and I made a copy, but I didn't bring it with me.

Chair Hiranaga: Did you memorize the questions?

Mr. Shibuya: No, no, no, I did not. But she knew I had questions on it, so she emailed it to me. I was wondering if Clayton could be called and asked if he could make a copy and bring it down 'cause Clayton was a cc on it.

Chair Hiranaga: Why don't we take a 10-minute recess and reconvene at 2:10?

Mr. Shibuya: Okay, thank you.

A recess was called at 1:59 p.m., and the meeting was reconvened at 2:11 p.m.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Okay, Commissioner Wakida before she went on leave gave me an email and I want to share it with the group here. She had some questions, five of them and I'm sure that the--

Chair Hiranaga: Can you limit them to two at a time please?

Mr. Shibuya: One at a time. Some of these of course, may already be covered in the presentation or discussion. I'm reading her questions. Number one, parking lot. Will the Friends be operating two parking lots? In relation to the proposed lot when will the old be demolished and what will the area be restored to in the short term?

Mr. Hirano: Mich Hirano with Munekiyo & Hiraga. To answer that question, Commissioner Shibuya, the new parking lot has been established so that the old parking lot can be excavated for the archaeological recovery of Mokuula Island. So I think the plan would be to build the new parking lot and relocate the parking to the new parking lot and then proceed with the excavation. I mean, that would be the logical sequence of events. That way there will be always parking available in that area.

Mr. Shibuya: Okay. Have the issues involving Waiola Church been resolved? I don't know what that means.

Mr. Hirano: At the last Commission meeting there were representatives of the church who came who had expressed some concern about the potential iwi on the Mokuula parking site, parking lot site. My understanding is from the president, who unfortunately had to leave for another commitment that the Friends have engaged Aha Moku which is the Native Hawaiian organization, cultural organization for Maui to come into the process to help resolve some of the cultural issues that have been expressed and concerns and I think that that is the form for resolution of the cultural concerns that have been expressed by the neighbors.

Mr. Shibuya: And number three, there is a hale similar to the proposed one across the street in the park, how will the proposed one be different? What is its purpose?

Mr. Hirano: I'd like to ask Shirley Kahai who is with the Friends of Mokuula to maybe respond to that question.

Ms. Shirley Kahai: Aloha, my name is Shirley Kahai. I'm with the Friends of Mokuula and I'm the program manager. The hale that we'll be building will be...we'll be using Frances Sinenci master hale builder and he'll be doing a double truss hale which will be a little different from the one that will be at Hui O Wa`a Kaulua at Kamehameha Iki Park. But primarily our focus will be to do training programs there, and to hold events, workshops, luau, family type luau. And it's for economic sustainability. And it will be about 1,800 square feet. So it will be a little larger than the one that is next door.

Mr. Shibuya: And what is its purpose?

Ms. Kahai: It's for sustainability so we can have workshops there. We also have a walking tour, that program that we do so it's bringing the visitors that come in to our program and they'll be able to use the facilities.

Mr. Shibuya: Thank you. And number four, is the property under proposed project leased from the County?

Ms. Kahai: It is. It is on a lease with the County of Maui.

Mr. Shibuya: And how long is this lease?

Ms. Kahai: One is...we have a lease and a license with the County. And one is for 20 years, and the other is for 30. I'm sorry. I can't remember which is which. License is 20. Okay, thank you Zeke.

Mr. Shibuya: And would will be responsible for the maintenance for the proposed project?

Ms. Kahai: You know we're meeting with the Army Corp of Engineers right now and we're working on the restoration of the ponds area and right now because the lease is with the Friends of Mokuula we are working on handling the maintenance, but with the entire restoration, I am unable to give you a definite answer on that, I apologize.

Mr. Shibuya: And what will be the County's responsibility?

Ms. Kahai: Well, the County...right now we're leasing the property from the County and with the restoration of Mokuuhinia Ponds and working with the Army Corp of Engineers the County is our sponsor for that project.

Mr. Shibuya: And I believe this question, Mich is what I had asked I think. Number five, the aerial map at the end of our packet shows different property divisions than those on the proposed project. Please explain.

Chair Hiranaga: Was that already answered?

Mr. Shibuya: I don't know. I think it is, but...

Mr. Hirano: I'm not sure what...it looks like to me the aerial photo, you mean, the yellow boundary lines and the orange boundary lines?

Mr. Shibuya: Yes.

Mr. Hirano: I'm not sure what those...are those the historic district? One is Historic District 1 and Historic District 2? So the yellow is Historic District 1 and the orange is Historic District 2. But it doesn't correspond to the property lines for the Mokuula project. I mean this is a TMK overlay on the aerial photo so there is...the Mokuula project area is represented by the TMKs. The white lines within the yellow boundary line that you see on the aerial photo. But I think more accurately in terms of the specific areas of the project, Figure No. 2 in the package that was handed out to the Commissioners which is part of an exhibit. I think that shows in this one, I think that shows the areas more accurately with respect to the license area, the lease area and the project area.

Mr. Shibuya: Okay, and that answers my other question which is with the Salvation Army's two

parcels.

Mr. Hirano: Yes, that's the white area in the middle.

Mr. Shibuya: And then the far corner one with the State of Hawaii I believe.

Mr. Hirano: That is a County of Maui pump station I believe.

Mr. Shibuya: County of Maui pump station.

Mr. Hirano: Yes. I think that's what that little square is on that.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Any other questions, Commissioners?

Mr. Shibuya: All done.

Chair Hiranaga: Seeing none, I guess we'll have the staff recommendation.

Ms. Wade: Commissioners, this is just a request for a waiver. It is up to you folks whether you would choose waive the time extension at this point. I did ask the Mayor's staff member, Zeke Kalua and share with you the project overview. So if you're interested in that, I'm sure Zeke would be prepared to share that at this time.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'm interested.

Chair Hiranaga: Okay.

Mr. Zeke Kalua: Good afternoon, Chair Hiranaga, Director and Members of the Commission. My name is Zeke Kalua. I'm the Executive Assistant for Mayor Alan Arakawa and...(inaudible)...information that you would like to know about the project.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: The money that you are collecting from the parking it goes into a nonprofit organization or it is going to the County of Maui.

Mr. Kalua: It's part of the license that goes to the Friends of Mokuula. The lease of the parking area that they have covers the grant that was given to them for the lease of the space and then we incorporate a license which allows concessions which is the parking itself. And so that goes to fund operations for the Friends of Mokuula.

Mr. Shibuya: Do they have to file a GET?

Mr. Kalua: It's my understanding that they do. Part of the license requires that every five years they have reporting their ...(inaudible)... in front of the County Council. So it's a pretty standard, pretty standard operations for pretty much anything that we do in the County.

Mr. Shibuya: And do they have special rates for businesses in that area or it's people that park there regularly versus a person like me come in one time?

Mr. Kalua: I would have to defer to the Friends of Mokuula for the parking lot.

Mr. Shibuya: Thank you.

Chair Hiranaga: Any other questions? Seeing none, thank you very much. So the staff recommendation is to waive review?

Ms. McLean: Yes.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Move to approve the request of waiver of review.

Chair Hiranaga: Is there a second? Commissioner Shibuya, second. Are you seconding?

Mr. Shibuya: Second.

Chair Hiranaga: Thank you. Any discussion? No discussion. I'll have the Deputy Director restate the motion.

Ms. McLean: The motion is to waive review of the two-year time extension in the SMA Permit to initiate construction.

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

Ms. McLean: Five ayes.

Chair Hiranaga: Five ayes. Opposed?

Ms. McLean: One no.

Chair Hiranaga: Motion carries.

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

**VOTED: To Waive Review of the Time Extension Request.**  
**(Assenting - W. Hedani, W. Shibuya, I. Lay, D. Domingo, M. Tsai)**  
**(Dissenting -K. Ball)**  
**(Excused - P. Wakida, J. Freitas)**

Mr. Hirano: Thank you very much Commission members.

Chair Hiranaga: Moving onto D-2, Deputy Director?

Ms. McLean: Thank you, Chair. Your second Communication item is from the Planning Director recommending that the Commission acknowledge its final approval authority of a County Special Use Permit 2011/0006 which has Conditions 1 to 15 due to the Council's...oh, and to the Council's passage of Community Plan Amendment 2011/0001, District Boundary Amendment 2011/0004, and Change in Zoning 2011/0004 for the Kihei Rock Crushing Facility at 500 East Welakahao Road in Kihei, TMK: 2-2-002: 078. Kurt Wollenhaupt is the staff planner.

2. **MR. WILLIAM SPENCE, Planning Director recommending that the Commission acknowledge its final approval authority of County Special Use Permit Docket No. 2011/0006 subject to Conditions No. 1 to 15 and to the Council's passage of associated Community Plan Amendment Docket No. 2011/0001, District Boundary Amendment Docket No. 2011/0004, and Change in Zoning Docket No. 2011/0004 for the Kihei Rock Crushing Facility and related improvements including upgrade of an existing waterline at 500 East Welakahao Road, TMK: 2-2-002: 078, Kihei, Island of Maui. (K. Wollenhaupt)**

**The Maui Planning Commission conducted a public hearing on these land use applications on May 22, 2012. With the passage of Ordinance No. 3976 on September 21, 2012 relating to the M-2 Heavy Industrial District, the Maui Planning Commission is now the final approving authority of the County Special Use Permit.**

Mr. Kurt Wollenhaupt: By way of background at the regular meeting on May 22<sup>nd</sup>, this body reviewed the applications that were previously mentioned those being the community plan amendment, the district boundary amendment and the change in zoning for the Kihei Rock Crushing Facility. In addition to that, the Commission further approved the County Special Use Permit with the 15 conditions. At that time, the Code for the proposed M-2, Heavy Industrial District required that this Commission actually approve a County Special Use Permit and that the Council also approve the same permit. That was a somewhat awkward procedure which apparently was endemic M-2, Heavy Industrial District. However, that being the case this body then of course made its approval of the County Special Use Permit subject to the Council's approval and also subject to the Council's approval of the CPA, CIZ, and DBA. On the 21<sup>st</sup> of September, the Council passed the Bill 73 making amendments to Chapter 19.26 relating to the M-2, Heavy Industrial District making this body the final authority for a County Special Use Permit for special uses in the M-2 District. Those special uses in this case being rock, sand or gravel, earth crushing or distribution and explosive storage. Consequently out of a measure of caution, before transmitting these documents to the Council, we wanted to make sure that the Council and that this body was aware of the new change in the M-2 and that this body actually acknowledges its final approval authority of Conditional Permit 2011/0006 subject to all of the 15 conditions previously approved by this body and subject to the Council's passage of the associated community plan amendment, district boundary amendment and change in zoning. So this is a housekeeping method so that when we get to the Council there will be no confusion as to what this body did.



Chair Hiranaga: Okay, I'll open the floor to public testimony. Is there anyone here that wishes to provide testimony at this time, please come forward? Seeing none, public testimony is now closed. For the record, I believe all of us sitting here was part of that meeting that granted the approval, but I'll open the floor to questions anyway. Seeing none.

Mr. Shibuya: So our motion would be to?

Chair Hiranaga: The action is just to acknowledge.

Mr. Wollenhaupt: Acknowledge that you're the final approving authority for the County Special Use Permit subject to the 15 conditions and subject to the Council's passage of the CPA, CIZ, and DBA.

Chair Hiranaga: Is there a motion?

Mr. Shibuya: So move.

Chair Hiranaga: Secunder?

Mr. Ball: Here.

Chair Hiranaga: Moved by Commissioner Shibuya, seconded by Commissioner Ball. Any discussion? Seeing none, all in favor so indicate by raising your hand.

Ms. McLean: Six ayes.

Chair Hiranaga: Motion carries. Thank you.

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

**VOTED: To Acknowledge that the Commission is the Final Approving Authority for the County Special Use Permit Subject to the 15 Conditions and Subject to the Council's Passage of the CPA, CIZ and DBA.  
(Assenting - W. Shibuya, K. Ball, D. Domingo, I. Lay, M. Tsai, W. Hedani)  
(Excused - P. Wakida, J. Freitas)**

Mr. Giroux: Oh, Kurt, I just wanted to make sure is there any other document that needs to be, I guess corrected or updated pursuant to the new ordinance?

Mr. Wollenhaupt: No, because the community plan amendment goes to Heavy Industrial also your office has written the language for the change in zoning and for the community plan amendment and DBA. So your language should be fine to go forward. It's really the transmission to the Council of my report that talks about the County Special Use Permit.

Mr. Giroux: Okay, so there's no language in the—

Mr. Wollenhaupt: Change in zoning that reference the CUP.

Mr. Giroux: Okay. All right.

Chair Hiranaga: Okay, moving on. Acceptance of Action Minutes of October 9, 2012 and Regular Minutes of August 28, 2012.

**E. ACCEPTANCE OF THE ACTION MINUTES OF THE OCTOBER 9, 2012 MEETING AND REGULAR MINUTES OF THE AUGUST 28, 2012 MEETING**

Chair Hiranaga: Is there a motion?

Mr. Tsai: So move.

Mr. Ball: Second.

Chair Hiranaga: Moved by Commissioner Tsai, seconded by Commissioner Ball. Any discussion? Seeing none, all in favor say, aye.

Commission Members: Aye.

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

**VOTED: To Accept the Action Minutes of the October 9, 2012 Meeting and Regular Minutes of the August 28, 2012 Meeting.  
(Assenting - M. Tsai, K. Ball, D. Domingo, I. Lay, W. Hedani, W. Shibuya)  
(Excused - P. Wakida, J. Freitas)**

Chair Hiranaga: Moving onto Director's Report.

**F. DIRECTOR'S REPORT**

- 1. Planning Commission Projects/Issues**
  - a. Amending the SMA Boundaries**

Chair Hiranaga: Anything on amending the SMA boundaries?

Ms. McLean: No, sir.

- 2. EA/EIS Report**
- 3. SMA Minor Permit Report**
- 4. SMA Exemptions Report**

Chair Hiranaga: F-2, F-3, F-4, SMA Minor Permit Report, SMA Exemption Report, EA/EIS Report, any discussion? Seeing none, moving onto F-5. Deputy Director?

**5. Discussion of Future Maui Planning Commission Agendas**

**a. November 13, 2012 meeting agenda items**

Ms. McLean: Thank you, Chair. Commissioners received a memo this morning from Clayton Yoshida listing one public hearing item, the Iglesia Ni Cristo Church in Lahaina, County Special Use Permit and SMA, and two SMA time extensions where you would be asked to waive review.

Chair Hiranaga: Thank you very much. Okay, our next regular meeting is November 13, 2012, and if there's no objection this meeting is adjourned.

**G. NEXT REGULAR MEETING DATE: NOVEMBER 13, 2012**

**H. ADJOURNMENT**

The meeting was adjourned at 2:35 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Keone Ball  
Donna Domingo  
Jack Freitas (excused at 12:00 p.m.)  
Wayne Hedani  
Kent Hiranaga, Chairperson (in attendance at 1:00 p.m.)  
Ivan Lay, Vice-Chair  
Warren Shibuya  
Max Tsai

**Excused**

Penny Wakida

**Others**

Michele McLean, Deputy Director, Planning Department  
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel  
Lance Nakamura, Department of Public Works