

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
OCTOBER 14, 2014**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:00 a.m., Tuesday, October 14, 2014, 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.)

Chairperson Lay: ...today is October 14<sup>th</sup> at 9 o'clock.

**B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.

Chairperson Lay: At this time we're gonna up for public testimony for those you who can't stay for your agenda item when it comes up, you have a chance to do that right now. You have three minutes for your testimony, identify yourself. And public testimony we don't accept for contested cases under Chapter 91, HRS. Does anyone wish testify at this time? We have Bud Pikrone?

Mr. Bud Pikrone: I'll wait until that item.

Chairperson Lay: Thank you. Does anyone else wish to testify at this time? Seeing no one, we're closing public testimony. Our first agenda item?

Ms. McLean: Good morning, Chair, Commissioners. The first public hearing item is a request from MR. WAYNE H. MURAOKA of WAILEA MF-15 LLC for Steps I and II Planned Development Approvals and a Special Management Area Use Permit for the Makalii at Wailea Project, a proposed multi-family development consisting of 68 townhouse units grouped in 17 clusters of 4 units, a Residence Club, a lap pool and jacuzzi, a garden pond, a micro park, a multi-use path, guest parking, tropical landscaped grounds, onsite infrastructure systems, and utility connections at the northeast corner of Wailea Alanui and Kaukahi Streets, at TMK: 2-1-008: 120 in Wailea. Danny Dias is the Staff Planner.

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

- 1. MR. WAYNE H. MURAOKA of WAILEA MF-15 LLC requesting Steps I and II Planned Development Approvals and a Special Management Area Use Permit for the Makalii at Wailea Project, a proposed multi-family development consisting of 68 townhouse units grouped in 17 clusters of 4 units, a Residence Club, a lap pool and jacuzzi, a garden pond, a micro park, a multi-use path, guest parking, tropical landscaped grounds, onsite infrastructure systems, and utility connections at the northeast corner of Wailea Alanui and Kaukahi Streets, at TMK: 2-1-008: 120, Wailea, Island of Maui. (PD1 2013/0004) (PD2 2013/0004) (SM1 2013/0016) (D. Dias)**

Mr. Danny Dias: Thank you, Deputy Director McLean. Good morning Chair Lay and Members of the Maui Planning Commission. This project is pretty straightforward. The Department has no issues. None of the agencies had any substantive comments. Doesn't really impact the public too much in our opinion. So, I'm just gonna go ahead and let the applicant come up and go straight into their presentation. Thank you.

Mr. Jordan Hart: Good morning, Chair and Commissioners. I'm Jordan Hart of Chris Hart & Partners. Here with me today I have Bob Armstrong of Armstrong Development, Wayne Muraoka of Armstrong Development as well as Roy Nihei of Group 70 Architects, Mike Silva of Fukumoto Engineering and Myles Nishida of Walters Kimura and Motoda.

I'm just gonna be giving a brief overview of the project. The project as Mr. Dias said is going for a Special Management Area Use Permit as well as Planned Development Step 1 and 2 Approval. The project is an urban infill project. It's located in the State Urban District. It is community planned multi-family in the Kihei-Makena Community Plan, and it's county zoned A-1, Apartment as well as small sliver of HM, Hotel.

Some of the process that's taken place so far it has been reviewed by the Wailea Community Association Design Review Committee as well as a presentation to the Wailea Community Association. We've gone through Urban Design Review Board review and comment and agency distribution and comment.

These are some orientation photographs. The project is located on Wailea Alanui Drive and Kaukahi Street. This is looking back north with the project site to your right. This is looking over the intersection at Mulligan's. The project site would be over your left shoulder in this photo. This is looking down Kaukahi Street towards the ocean. The project would be over your right shoulder in this photo. This is looking up Kaukahi. The project is to your left immediately. This is looking along the golf course mauka of the project site. The project will be left here. This photograph is looking down Kaukahi. The project is to your right here. Again, project to your right and then this is the typical situation of the project site. It's overgrown with kiawe and then this is the Kehalani Hotel here. So this would be, let's see, southeast corner looking north northwest. At this time, I'm gonna bring up Wayne Muraoka of Armstrong Development to talk a little bit more about the character of the project.

Mr. Wayne Muraoka: Thank you, Jordan. Good morning, Mr. Chair, Members of the Board, of the Commission, I'm sorry. And we are very, very excited to present to you this project. We think it's a new direction in Wailea, a new way to live Wailea so to speak and we have a really good development team. We're Armstrong. Our partners are Wailea Land Corporation, the owner of the three golf courses and other parcels in Wailea. Our designer, Group 70 is internationally renowned for their projects. Our civil includes Group 70 is also Ron Fukumoto's Office here on Maui. We have Walters Kimura Motoda which is the company that designed much of the landscaping in Wailea. Our General Contractor will be Armstrong Builders or its union-related company, Armstrong Pacific, one of those two.

It's a project that we think will fit in well with the community and create a lot of jobs here on Maui.

We'd like to orient you to the site. As you can see from this slide we are just mauka of the Kea Lani Hotel. It is a steeply sloping site which presents some unique challenges, but it's also a fabulous site with views directly to Molokini and Kahoolawe.

One of the things that we wanted to do was to create a project that fit with the nature of this site. Not just do a typical project and shoe horn it in. It's approximately a 9.3-acre lot, and what we thought would work better than the usual multi-family building would be small cluster buildings just four units each and have the buildings step with the land. And so with that in mind we tasked Group 70 to come up with guiding principles for the project that would create a project that was very much in consonance with the topography and allowed for indoor/outdoor living in Wailea and also was a sustainable approach. So Group 70 came up with four major guiding design principles. One was to minimize site work not cut huge pads into the land. Let the topography and views actually guide their land plan, balance cut and fill as much as possible.

The second guiding principle was what I mentioned earlier just small cluster units four per building and the buildings not only step down the hill but where they had to go side to side, the buildings within themselves stepped side to side as well, again minimizing the grading. Creating privacy but also keeping connectivity. It was important for us to create a community, a place that felt open, inviting, walkable to the people who lived there and also connected with the Wailea community. And I'll show you how or you'll be shown how we accomplished that.

And the last one was we wanted it to be sensitive to the land in terms of not only how we build on the land, but also how we use its resources. So this project will be as energy efficient as possible, as water efficient as possible and much of the needed energy will come from renewable source with use of both solar water heating and solar PV for the community center and common elements and then for the individual units, solar PV that would cover responsible electrical needs for the units.

Looking at the land plan you'll see 17 buildings that look pretty much identical in plan view but again they're stepping differently depending on what the land is doing, where the building is located. You can see a community center near the entrance. The hillside kinda comes around like this and again, the community center, the curves of it are also working with the land. And in terms of style..., oh, I'm sorry, in terms of types of units most will be three standard. The green building, the inboard units, the two inboard units are actually two-bedroom units and those are the only two-bedroom units to start. The outside units will have an option to go to two-bedroom if they wanna use the entire down stairs for a grandmaster suite. So the mix could change a little but at least initially as presented standard, it's 66, three-bedroom units, 2, two-bedroom units.

In terms of style, Group 70 was trying for a contemporary interpretation of the mid century modern and early statehood style. They liked it because that time period was rooted in a feeling of hope, confidence, belief, in a better future, boundless potential and it also captured the simplicity of island living, and it really reflected a preference for living lightly on the land, living simply and living sustainably. As you can tell from these photos we tried to capture that airy, light look. We tried to make it colorful, adventurous and fun, and we wanted to maximize the indoor/outdoor living possibilities. We think it's a special project. Those were some lofty goals that were set. I'm going to call on Roy Niihei on Group 70 who's the lead project architect to explain how from a design standpoint Group 70 incorporated these design elements to come together and achieve these

goals. Thank you.

Mr. Roy Niihei: Thank you, Wayne. Good morning. I'm here to give you sort of a flavor of the architectural design that we produced for this project. This is the typical side elevation of the four-plex buildings. As Wayne explained, we use these low slope roof which are reminiscent of the classic mid century, also part of Hawaiian homes with its generous overhangs, lanais and trellises. The colors reflect the landscaping, flowers, the natural coral, the sand of the area, the blue roof reflect the sea and sky, and that was the intent.

You can see that the low slope roof on the makai side gently opens up to the ocean view. On the mauka side they open up especially on the upper row of buildings to the golf course views and the mountains beyond. The trellises and screens at the entry courtyard area is used for privacy and for shading. We have glass railings on the lanais especially on the mauka side so that it will not impede any of the views.

We used a Hawaiian tapa pattern for architectural screens and light fixtures which you see at the carport here, at the lanais and over here, and light fixtures at the entry courtyard and the carport areas as well as the front lanai there. We've also used these breezeway glass louvers to maximize light and ventilation on the units.

There are two basic unit types. The end unit here and the center units here. We tried to pay particular attention to the center units to try to figure out a way to bring natural light and ventilation to these units as they are often the darkest units and with limited cross ventilation because normally the bedrooms are on one side, the living room is on one side.

The center units has a single covered carport with a tandem stall in back of that. The end units have two covered stalls in a carport configuration. You'll notice that these units have certain commonalities that we tried to maintain for all units. They all have these great rooms with an open kitchen, dining kitchen. I mean, open living, dining, kitchen area. They all have these private entry courtyards which is intended to not only for natural ventilation and light, but to really give the feeling of a indoor/outdoor living to these units. They all have a full bathroom and a bedroom on the living level to accommodate aging in place.

The lower floor of the center units you see here is very large master bedroom, master bath suite which will be very luxurious. It has room for a sitting, a little study area as well as king size beds for the master. The difference between these two units is that this unit has a third bedroom over the carport which accessed from exterior stair from the entry court. This basically can be used as a third bedroom or study or a media room or a guest room which will be kind of a nice feature.

The end unit here, the difference is that you have two options for the lower floor. You have the large master suite or you have a scheme where you can have a third bedroom and master bedroom. Even in this scheme here the master bedroom is still a very good size, it's about 12 x 8 feet so it's still a very nice unit.

All the units have...all the rooms in these units have exterior windows, again for natural light and ventilation. The only area that does not have it is in these center units and as we go to the building

plan, I'll show you a little bit more about that where we use solar cubes to bring in natural lighting. This is the configuration of a typical four-plex building. Again, the center units and the end units here. You can see that it's a very efficient and straightforward design and that was intentional. We've pushed the center units up. You'll notice here and here we have corner windows to kind of break the idea that you're in the center of a building. Sustainable design was a very important part of the concept and you can see how these court areas here especially in the center of the building here will be used for to bring in the natural ventilation, the morning breezes from the mountains and the offshore breezes in the afternoon that will bring air through the building in a, we're hoping a very comfortable means so that they don't necessarily have to turn on the air conditioning and they can save energy costs.

The building envelope itself will be a very high value installation that's used throughout the systems in terms of the roof, the walls, the windows, and the doors. We'll use very high efficiency fixtures and systems and the low slope roofs on this which is very significant...sorry my pointer just went out...okay, the low slope roofs provides...metal roofs provides ample area for PV panels not only for the building but on the upper units, upper buildings we intend to fill those roofs with PV panels for the residence club so that we could reduce the energy for the club as well as heated pool which we all know, this creates a tremendous energy load. Those panels would be on the upper row where it will not be visible from the surrounding areas.

Now we're gonna show you two renderings that kinda incorporates these ideas that we've been talking about. This is the end unit, particular end unit as you can see a very clean style, the roof gently rising towards the ocean view bringing in a lot of natural light into the space. The use of louvered windows to again, maximize ventilation and light, over the stairway that's leading down to the lower level. We think that as a great room this will be a great space to spend time.

This is a view from the center units and you can see it's not your typical center unit. This is a view from the entry courtyard through the great room and to the ocean view beyond. You'll notice these sliding doors here. You can see the track here and here. We're gonna be using these doors to really open up the space to the kitchen and the great room space. We think this will be just a tremendous area to spend time and it would be somewhat unique I think to most condominium projects.

This is a view at the entry gates. What you will see here is a very dramatic wall of water that appears to be cascading off the infinity edge pool. You begin to see the curved roof of the residence club peeking above the water. So this is the residence club that we're proposing. It's a very discrete, one-story building, like the units, the roof opens up towards the Molokini and ocean view. You can see these curved roof forms and integration and trellis, landscaping. So it will feel very light and bright as a place to spend time.

The exercise hale, the restrooms will be naturally ventilated. We have a very large lanai here, covered lanai with an outdoor kitchen and grill. To the side here, we have lawn and garden space where people can use it for yoga, exercise, tai chi. We think that all these spaces will come together to really create a great space for the community to come and gather and bring the whole development to a focal point. Thank you. At this time, we'll bring Mike Silva to present the civil design.

Mr. Mike Silva: Good morning, Chair and Commission Members. My name is Mike Silva and I am a civil engineer with Fukumoto Engineering. I'm gonna be going over the preliminary drainage and grading plan and the site utilities. Similar to the previous slides, the orientation is makai is to the bottom of the screen so the Fairmont Kea Lani is near the bottom and that ocean front. Wailea Alanui Drive is to the southwest of the project site and that's a County-owned roadway. Running mauka-makai is Kaukahi Street and that's a privately owned street by A&B Wailea. The driveway comes off of Kaukahi Street just maybe halfway up and this driveway raises and falls to match the existing grades. The driveway does service the bottom level units from the backside, and it also accesses the pool and the community buildings. Then the road proceeds to go up the hill and on this slide the red lines show the contours, the grading contours so every line has a two-foot change in elevation. So we're climbing up the hill and there's a driveway on the top side and again, the units are served from the backs where the driveways connect. We did have early consultation meetings with the Fire Department to make sure this site plan was workable. With some revisions we're able to get to that point. They did have one I guess wish list or one request that they would like to see with...that goes above and beyond Code was to have one additional access point and we're able to fit that in behind Building No. 17 there which gets down to Kaukahi Street. It's pretty steep so it's only gonna be used for emergency purposes.

Wayne had mentioned a few things in the beginning about the goals of the project and that was to minimize the earth work. So where these red lines are that is where grading is occurring. So where there is no red lines there will be no earthwork activities. So we're trying to minimize any kind of disturbance to the grade, the natural grade. And also on the site when we are doing grading, we're trying to minimize the cut and fill and make sure that the quantities are balanced so there's a few environmental benefits to that I guess less exposed earth for soil and sediment erosion, potential for dust pollution, less trucks on the road so traffic impacts.

Next I wanna talk about the drainage system. So the drainage lines are shown here in the color green. The site will have drainage inlets all around that will connect to a pollution control manhole down near the bottom of the site. The pollution control manhole will help satisfy the water quality so take out some of the pollution there. And then from there it will go into a drainage basin which will help mediate the quantity so there's, I guess...how that works, at the end of the basin there's a restrictor pipe which will limit the amount of water that enters into the drainage system, and that drainage system outlets into the County system on Wailea Alanui Drive.

Real quickly about sewer. The sewer lines will connect all the units and connect to the County system down near the corner of Wailea Alanui Drive and Kaukahi Street. And for water, there is a water main on Kaukahi Street. The project currently has two water service laterals. There's one domestic lateral here next to the driveway and also an irrigation lateral. The preliminary calculations for this project show that the project will be able to fit all within the one domestic meter so the irrigation meter will not be required for this project, but it will be available. We'd like to keep it there for potential future use if recycled water is available in the future. That's it for the site civil. Like to turn it over to Myles for the landscape plan.

Mr. Myles Nishida: Hi, Myles Nishida with Walters, Kimura and Motoda, landscape architects. The proposed landscape is to create an aesthetic and pleasing quality environment that would enhance

the properties' profile within the Wailea community. The landscape shall apply the principles of sustainable design and utilize materials appropriate to the site with low to moderate water use and low maintenance cost. To achieve this native Hawaiian plants and Polynesian introduced plant material such as coconuts, halas, Hawaiian kou, nau, pohinahina, and beach naupaka have been selected for the cultural significance, their drought tolerance, salt tolerance, and ease of maintenance. Non native plant materials will be used in select pockets to provide splashes of color. We'll be providing an automatic irrigation system that will promote the health of the plants. And for this irrigation system we're using water conservation measures such as rain sensors, flow meters, we're gonna provide drip irrigation wherever possible and we're probably...not probably, we're gonna be watering the project site at night to reduce the amount of evaporation.

What we have now is like we have little pocket parks throughout the site. The plant palette seems to be quite large, but throughout the site we're using just more the native plant material, but then in certain areas where like this flower garden is where we concentrate some non native plant material just to give like a different feel to this portion like the flowering park. This open...I think this was a walking park? And then we have a fruit garden up here. So the plant palette is big, but then it's concentrated to basically the same plant materials throughout the site. And so like we are providing mostly natives like coconuts, halas, kukuis, and things like...some things that people associate with Hawaii like plumerias. And like in this area up here is more like in fruit garden area so where the residents have a place that they go and experience what the tree looks like and pick some fruit and they can share it with the community. And then these are like some of your tropicals that you know the people expect to see, it's just to give the splashes of color here and there.

Mr. Muraoka: Our consultants have given you a real good flavor for the project. One thing I wanted to add is Myles and his team created walking paths throughout the project and you can barely see them here but if you kinda look at the handout you'll see some of them. And to encourage circulation within the project they'll also be pedestrian gate here and also a pedestrian gate at the end of the path here closer to the corner of Alanui. And the reason for that one is we want this project also to be connected by pedestrian traffic to the rest of Wailea. How this would be you pop out here, you cross the street, you walk down the path right next to the Fairmont Kea Lani Hotel, all those amenities are available. It also happens to be where the beach walk path starts and then takes you all the way up Wailea, sorry if I hit anybody. And so it actually creates circulation throughout the community and encourages our residents to really enjoy everything they can while getting exercise as opposed to jumping in a car and going places.

In closing, I thought I'd like to say a couple things. This project is unique in its contributions to the community. I think it's a new direction as we talked about for Wailea. It incorporates the best of Wailea living with the best of responsible living and I think that's where we need to go. In addition to the jobs that it will be creating, it's also making possible the next project on the agenda that you're gonna hear, Kalama Kai that which will be one of the early...one of the first 100 percent affordable projects done under the Residential Workforce Ordinance, and it's really because of our Wailea projects that we're able to do that project as a 100 percent affordable within the ordinance.

The last thing is I wanted to just touch on the name, Makalii at Wailea. We went to a number of cultural advisers to try to come up with a name. Makalii was chosen because it's the Hawaiian name for the Pleiades constellation and some of the sources say that...some Hawaiians view that

as a source of the Hawaiian people. The Pleiades constellation is visible right now from the project site and from that side of the island. It was a very important constellation in Hawaiian life. It was used for navigation as were other constellations. It was also used to set the calendars so planting and harvesting schedules could be set. And this project is consistent with that style of living. The architecture goes back to move forward. It also emphasizes living lightly, living sensibly, living sensitively with the needs of the land and not imposing too much of our footprint on it. We think for these reasons it's a great addition to the Wailea community. We thank you for your consideration. We ask for your support. And if you have any questions, our consultant team is here and ready to answer your questions. Thank you.

Chairperson Lay: Commissioners, at this time I'm gonna go to public testimony.

**a) Public Hearing**

Chairperson Lay: If anyone wishes to testify, please step forward. Give us your name and you have three minutes.

Mr. Bud Pikrone: Good morning, Commission. My name is Bud Pikrone. I'm with the Wailea Community Association and I just wanna say that as was touched on before a little over a year ago in September of 2013, the community association held a town meeting at which this project and a number of other projects proposed for Wailea were presented in full very similar to what you saw today. We've also had this information available to all of our owners and also at any of the meetings that they call. We have had very little comment from anybody mainly on just wondering when it's gonna start and truck traffic when it does start and that is something that we always work with the developers on as the project gets closer. So our Design Committee has given it approval and we have details that we will work out as the project goes through and that's mainly just getting some of their specs ironed out on materials and that. But...and truck traffic. But other than that, it has been approved by the association.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time?

Mr. Match Erik: Good morning, I am Match Erik. I'm the property manager of Wailea Point. It is a AOA association almost immediately adjacent to this property on the other side of Wailea Alanui. Here just to represent the home ownership there. There's approximately 130 homeowners. They are greatly concerned that if they are not able to utilize the existing grades of blasting. And so we are a older community and they are concerned about potential construction problems that could be caused by the property. As well as some grading issues with water and drainage headed their way.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify? Seeing no one, public testimony is closed. Commissioners, questions? Commissioner Hedani?

Mr. Hedani: I'm not sure who should answer this. I guess one of the comments that I saw from the architect...I mean the Urban Design Review Committee was that the colors of the project be grade



down. Does anybody have any comments on that?

Mr. Niihei: Yes, we acknowledge that comment. We will be very careful in selecting the colors. We have brush outs on the site to make sure that the colors are appropriate. Colors, when you see it in the sunlight tend to wash out a bit. So we wanna make sure that when we're on the site and we do these brush outs that everything does blend into the environment and the community. So we'll be careful with that.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: The only reason I bring that up is because Group 70 worked on a project as you know at the Kaanapali Beach Resort, the Hyatt timeshare addition. And I've gotten criticisms actually from some of the management within the resort over the color selection because the blues that were picked standing out against the white background or the tan background from a distance when you look at it from Honoapiilani Highway it looked like, I thought it wasn't finished, the building was finished and I thought they had blue masking around the building in order to paint the surrounding area, but when we went up to the building it was completed and painted. So it looked kind of odd compared to everything else around it. And we're in the process of reviewing that right now and going back over it again with Group 70. So I think in a couple of weeks they're gonna get together with us.

Mr. Niihei: You know, I'm not aware of that situation. But we are committed. We understand the comment and we will be very careful when we start to carefully select the colors.

Mr. Hedani: To me, you know personally colors are colors and I didn't know whether or not you guys are picking a new palette for the 2000 \_\_\_\_\_ or whatever.

Mr. Niihei: Well, you know, color is always need to viewed in the context that it's in. You know, because of the lush landscaping and things you'll notice we have greens, coral, we have some yellows that maybe reflect the sand colors. We're trying to have the building feel right in its environment. The blue roofs as I mentioned reflect the sky and the ocean especially when you're looking above these roofs looking beyond to the ocean when you want things to kind of blend in. But we will be very careful.

Chairperson Lay: Commissioner Freitas?

Mr. Muraoka: Excuse me, could I, could I add something what Roy said?

Chairperson Lay: Go ahead.

Mr. Muraoka: As a developer we not only acknowledge but we will comply. What happened was that the Urban Design Review Board there was a material board with just squares of very intense colors. And I think looking at that they were trying to imagine how it would look. And the amazing thing is you take that board outside it looks very different than when you look at it in here. It already toned down the colors lightened them up. But in addition to that, as the renderings show we are trying to tone them down as well in terms of the actual selection of the color and then we will test

it in the field and make sure that it's looking right. So we will comply with that condition. Thank you.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Before you head back to Honolulu you should drive by Kaanapali and take a look at the building.

Mr. Muraoka: Okay.

Mr. Hedani: Even in the sunlight it's like...

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Yes, for the developer. Do you folks have the funding in place and when do you anticipate breaking ground?

Mr. Muraoka: We are in the process of talking to interested lenders. We've already met with one. We have actually three more meetings this week with local banks who have expressed interest in financing the project. Our partner also has...they're a Canadian bank that regularly does business that has expressed interest in financing the project. So we do not have it in place yet. We anticipate getting proposals probably early next month making a decision and then starting the checklist of things that they need to get done. One of the keys always is in these loans there's a presale requirement. We're hoping to start sales toward the end of this year. And if the sales go as we hope, probably breaking ground somewhere closer to mid year sometime in the second quarter if things go well. If it takes a little longer for presale requirements to be met then it would push it back a little bit. We'd hope to get the project complete if everything goes well by the end of 2017.

Chairperson Lay: Commissioners, any more questions?

Ms. McLean: Chair, may I make a comment and also ask a question? I do need to make a comment for the record that Planning Director Spence has a potential conflict of interest with this project. His wife has a business relationship with Armstrong...not related to this project...but with Armstrong on a separate project. So just for caution sake that wasn't...he wasn't aware of that when he signed the staff report and recommendation but that's one of the reasons I'm here today. And also for future approvals through the department he will recuse himself from involvement. So that's just a comment I wanted to make for the record.

And I did have one question if I could ask Mr. Silva, just to clarify down the road that should the Fire Department require that secondary roadway access behind Building 17 during the building permit stage that that is something you'd be able to provide?

Mr. Silva: Well, it will be provided as an emergency access, but the problem is it's just the grades exceed the County standards so it would not be able to meet the grade standards.

Ms. McLean: For a regular access--

Mr. Silva: Correct.

Ms. McLean: But as an emergency access it can be provided?

Mr. Silva: It was discussed with Fire Department and the grades that we were providing would be acceptable to them.

Ms. McLean: Okay, I just wanted to make sure that was clear in the minutes. Thank you.

Mr. Muraoka: If I may just...Wayne Muraoka...if I may just add to that. We met with Scott English a number of times and what the road actually is being designed for is emergency egress as opposed to entrance. And for that purpose, he set the percentage grade that would be allowable for his fire truck that he anticipates using on the project and we would build to a grade less than what the maximum he specified.

Chairperson Lay: Commissioners? I have a question, it's on drainage, Mike? So okay, I'm a diver from the past. In high school I used to dive a lot and we saw a lot algae blooms, we saw a lot of turtles with a lot of tumors going on and nowadays I don't see that anymore because I know that's because of these retention areas that we have filters that prevent the water from flowing into the ocean. If you can just elaborate a little bit more on your drainage system so know that it's happening also?

Mr. Silva: Sure. I think I mentioned a little bit. There's two parts. There is at the very beginning, you can't actually see too much here, but I don't think the slide even really showed much. Water is call collected and it first enters into a storm drainage filter. It's a proven technology. I've been using it for projects for the past couple of decades I guess. We just installed one at the Andaz Wailea Hotel in the vicinity and the adjacent beach park, Mokapu Ulua and how it works is it's a continuous separation deflection. There's a acronym there, but what happens is the water enters into a cylinder, a big concrete cylinder and it's forced into...by gravity, it's no electrical components at all into a spin or a vortex and it separates out through a screen so all the pollutants that are smaller than the mesh size fall into the middle and then the cleaner water will exit the outlet. And from there it enters into a underground drainage basin. So there's I think it's about 90 feet by 70 feet, a footprint, buried chambers. So the water will be able to sit in there and at the end of the basin, so there's a restricter pipe so that literally it is a bottleneck for the water to leave. So we're able to size that pipe so it's small enough and at the correct elevation that will let only the amount of flow that existed previously before the project and what the basin is there for is because all the water is being held up, it will fill up in the basin so there's volume to be stored there.

Chairperson Lay: Thank you. Commissioners, any more questions? Seeing none, can we get the Department's recommendations?

**b) Action**

Mr. Dias: Thank you, Chair. The Department of Planning recommends approval of the Wailea MF-15 Project subject to six standard conditions and six project specific conditions.

Ms. McLean: And I believe there are three approvals that are requested today?

Mr. Dias: Correct. There's a Planned Development Step I Approval, a Planned Development Step II Approval and the Special Management Area Use Permit.

Chairperson Lay: Commissioner Tsai, do you have a question?

Mr. Tsai: Move to approve, Step I.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Commissioner Tsai on the Step I Approval, seconded by Commissioner Medeiros. Any discussion on the motion? Seeing none, wish to repeat the motion?

Ms. McLean: The motion is to give Step I Approval to the Makalii Project.

Chairperson Lay: Call for the vote. All those in favor?

Ms. McLean: Six ayes.

Chairperson Lay: Motion passes.

### **Planned Development Step I Approval**

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

**VOTED: To Approve the Special Management Area Use Permit as  
Recommended by the Department.  
(Assenting - M. Tsai, J. Medeiros, J. Freitas, K. Ball, W. Hedani,  
R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle)**

Mr. Freitas: Move to accept Step II.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Commissioner Freitas, seconded by Commissioner Medeiros. Any discussion on the motion? Seeing none...

Ms. McLean: The motion is to grant Step II Approval.

Chairperson Lay: Call for the vote. All those in favor?

Ms. McLean: Six ayes.

Chairperson Lay: Six ayes. Motion carries.

Planned Development Step II Approval

**Planned Development Step II Approval**

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

**VOTED: To Approve the Planned Development Step II Approval as  
Recommended by the Department.  
(Assenting - J. Freitas, J. Medeiros, K. Ball, M. Tsai, W. Hedani,  
R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle)**

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Move to accept the Step III....

Mr. Medeiros: Second.

Unidentified Speaker: SMA.

Mr. Freitas: Special Management Area.

Chairperson Lay: Accept it with conditions.

Mr. Freitas: To the Special Management.

Mr. Medeiros: Second.

Chairperson Lay: We have a motion by Commissioner Freitas, and seconded by Commissioner Higashi. Any discussion on the motion?

Mr. Hopper: You wanna clarify what the motion was again?

Ms. McLean: I believe the motion is approve the Special Management Area Use Permit subject to the 12 conditions in the recommendation.

Mr. Freitas: Right.

Chairperson Lay: Any discussion on that motion? Seeing none, it's been repeated. Call for the vote. All those in favor?

Ms. McLean: Six ayes.

Chairperson Lay: Congratulations.

**Special Management Area Use Permit**

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

**VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.  
(Assenting - J. Freitas, J. Medeiros, K. Ball, M. Tsai, W. Hedani, R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle)**

Chairperson Lay: Okay, let's take a ten-minute break everyone, reconvene at 10 o'clock.

Mr. Hart: Thank you.

A recess was called at 9:50 a.m., and the meeting was reconvened at 10:05 a.m.

Chairperson Lay: Call to order. Our next agenda item?

Ms. McLean: Thank you, Chair. This is a request from DANIEL SANDOMIRE of ARMSTRONG HOMES, LTD. for a Special Management Area Use Permit in order to construct the Kalama Kai 100 Percent Affordable Senior Condominium Project, a 40-unit 100 percent affordable senior preference condominium development on a 1.962 acre vacant lot at 45 Kanani Road (formerly 101 Kanani Road), TMK: 3-9-017: 002 in Kihei. And just to comment again, Planning Director Spence has recused himself from participation in this project due to a potential conflict of interest. Candace Thackerson is your Staff Planner.

- 2. MR. DANIEL SANDOMIRE of ARMSTRONG HOMES, LTD. requesting a Special Management Area (SMA) Use Permit in order to construct the Kalama Kai 100% Affordable Senior Condominium Project, a 40-unit 100% affordable senior preference condominium development on a 1.962 acre vacant lot at 45 Kanani Road (formerly 101 Kanani Road), TMK: 3-9-017: 002, Kihei, Island of Maui. (SM1 2013/0017) (C. Thackerson)**

Ms. Candace Thackerson: This item is under your review because Kalama Kai is located within a Special Management Area requiring a review of the project under HRS 205. However, the parcel is not located along the shoreline and therefore the action does not trigger compliance with HRS Chapter 343 or Chapter 203, Shoreline Rules for the Maui Planning Commission.

The entire parcel is 1.962 acres and the State Land Use District is Urban. The Kihei-Makena Community Plan designation is Multi-Family. The County Zoning is A-1, Apartment. The applicant, Armstrong Homes proposes to construct a 40-unit affordable senior residential condominium development composed of two, comprised of two, three-story buildings, approximately 88 onsite parking stalls, landscaping, pool with recreation area and associated infrastructure for drainage, sewer, water, et cetera located at 45 Kanani Road, Kihei.

The project was reviewed by 13 government agencies as well as the Kihei Community Association. There were no significant concerns or comments received by the government agencies that were not able to be mitigated by conditions to the project. The project was also reviewed by the Urban Design Review Board at the regular meeting on June 3, 2014 and recommended approval to the Maui Planning Commission subject to five design-related recommendations which the applicant has incorporated into their project.

The applicant is here and has a short power point presentation with details for design, layout and construction of the proposed project if you'd like to move forward with that.

Mr. Jordan Hart: Good morning, Commissioners. I'm Jordan Hart of Chris Hart and Partners. I'm here today with project team including Bob Armstrong of Armstrong Development, Wayne Muraoka, and Daniel Sandomire of Armstrong Development as well as the planner for the project, Brett Davis of Chris Hart & Partners, myself. Landscape architect for the project David Sarita from Chris Hart & Partners, Stacy Otomo from Otomo Engineering is the civil engineer, and traffic engineer is Phillip Rowell. All of us are in attendance and available to answer questions.

As stated the project is a 100 percent affordable, 40-unit condominium complex. We are seeking a Special Management Area Use Permit here today. Some orientation of the project. The project is located on Kanani Road which is off South Kihei Road and Kanoi Street is the boundary of the project on the west side. The parcel is 1.962 acres in size. It's located in Kihei as I just explained. It's in the State Urban District, community planned Multi-Family, and it's in the County A-1, Apartment District. Project is located in Special Management Area.

Some orientation on the project site. This is what is called...sorry, I'm left hand...Kalama Heights, Phase 1. The projects are no longer associated. At one time they were associated. The project was separated out and later sold. So this has been known as Kalama Heights Phase 2 is now called Kalama Kai. Here's the project site. Here's the existing Hale Kanani. This is Kanoi Street, Kanani Road, back here is Auhana Road. To clarify, this back portion is an extension of Kalama Heights Phase 1 and is not part of the project site.

Some of the planning review processes that were undertaken with this project. The project was reviewed by the Urban Design Review Board. The request to include landscape hedge material between the pool and parking lot and along the retaining walls was incorporated into the project as well as increasing the detail of decorative light fixtures throughout the project. The KCA Planning and Design Review Committee asked for pedestrian paths to be expanded as well as the addition of bicycle parking. There was a meeting with neighboring property owners within 500 feet and the KCA was invited to this meeting. Discussion was supportive. There was questions about lighting, construction time line impacts, solar panels, the nature of condominium management, and then a number of questions on the County's Affordable Housing...or Workforce Housing Ordinance and that process.

At this time, sorry, also undertaken was the agency comment and response process. Comments by State Historic Preservation Division were that no impact was anticipated provided that an approved monitoring plan is implemented prior to ground disturbing activities. The State Department of Health called for an NPDES Permit. The project as stated is 100 percent affordable

and complies with the County's Workforce Housing Ordinance. The County... will comply with the requirements of Department of Public Works and the project is supported by the County's Office of Economic Development.

At this time, I'd like to bring up Wayne Muraoka of Armstrong Development to talk a little bit about the project. So I'll do that now.

Mr. Wayne Muraoka: Thank you, Jordan. Good morning, again Mr. Chair, Members of the Commission. This is the sister project that I mentioned for our Wailea projects and we were fortunate enough to pick up this parcel when it was split off from the original plan to be Phase 2 of the Kalama Senior Living Facility. And the reason I say it's fortunate is because we got it at a very reasonable price. And it's a wonderful parcel right, close...few minutes away from Cove Beach and probably five-minute walk to the wonderful shops and restaurants in South Kihei. And we thought what a great location for a workforce housing project. And what we wanted to combine was good location with good design. There's a limit to what we can do given the fact that we are selling at prices mandated by the County Workforce Housing Program, but we wanted to build as much into the project as we could.

We've tried to as you'll see set the buildings back from Kanani Road. You know some of the projects on Kanani Road are right up to the curb. We wanted to create a little bit more of an openness of space. So if you look at the layout that will be shown to you we tried to accomplish that and then provide good landscaping and screening from the walkways that compliment the views from the road as you're going down or up.

In terms of the project itself, it's gonna be 40 units, fee simple. We're working out with the County how we can try to do a senior preference. There will be a short sales period where a certain number of units will get senior preference. The rest of the units released to anyone qualifying under the Workforce Housing Program. And then any units that are not taken during the release to seniors would fall into the general release as well. It's gonna be two, three-story buildings. Of the 40 units, 39 of them will be two-bedroom, and one will be one-bedroom. And the reason for that is above the entry and lobby is some space that could fit a one-bedroom unit because of the stairwell and the elevator it could not accommodate a two-bedroom unit. The amenities will include a swimming pool, covered pavilion and bathrooms, landscape walkways that connect the residences to the community center, and then we went with the County compliance on the number of stalls. And while this is an affordable project, we wanted to make it as sustainable as possible. Some of the design features are it's a single load building that allows for cross ventilation. Again probably reducing the need for air-conditioning. We are gonna try to cover as much of the common area electricity as possible with PV in the parking lot that also provides shelter for parking below them. So every unit will have a covered stall under the PV system and an open stall as well.

I'd like to turn it over to Daniel Sandomire who is the Development Project Manager and also we'll tell you how these goals were implemented in the design of the project. Thank you.

Mr. Daniel Sandomire: Hello, I'm Daniel Sandomire with Armstrong Homes. As Wayne described the project, the layout of it on the site plan is stepped back from Kanani to the bottom of the slide and wraps in an L-shape around the parking lot. And toward the ocean to the left is the pool and



amenities. The north building there indicated is a cluster, a three-story cluster of 15 units, all two-bedrooms. The east building, the massing of this is broken into two buildings really with a bridge in the center. The entrance point as Wayne identified with 25 buildings or 25 units in that building.

Then you come into the entry from Kanani Road. This is the parking access and main entrance to the project. It's directly across from the entrance, one of the drive entrances at Hale Kanani across the street. So by creating a little mini intersection which we worked out with both the neighbors and our traffic engineer and our civil engineer this was the best way to access this site. So the single entrance at the bottom there. You'll come up through the site here. It's parking, covered parking in the center. Every unit is gonna have one covered parking space and then sufficient parking around it. There's a drop entry which is...here's the entrance coming from Kanani, the drop off area is here. This is a lobby where mail and deliveries can be taken, and a covered area that the residents can gather in as well. The units are single loaded corridors so access is along the back and there are two elevators. First is located here at the lobby center and a second is located here between the building in the L-shape. So anytime that one elevator goes down, the people don't have to walk all the stairs. Stairs are located here at the end of the projects and also a stair, grand stair lobby at the entrance.

As Wayne mentioned, the massing of the project is stepped back from the street. Hale Kanani is right flush against Kanani Road and these buildings create all that open space that we currently enjoying. You can see at the same time by backing it out we have increased the number of units that would have access to a small ocean view between...over Cove Beach. That's out through this way. The amenities are located at the corner here. They're vertically raised from adjacent grade by approximately eight feet and that creates enough privacy between people using the pools and the public and also horizontally different distance separates the users of the amenity from making too much noise or having privacy from these units. All the lanais will face, eyes on street and the parking in the middle. And here we have this covered parking area, that's the PV and I'll talk about that in a quick minute.

Wanna address the street view perspective. This is coming up Kanani Road. The project is here in a L-shape around the building or around the parcel and that's Kalama Heights beyond it, just a little bit taller than it. This is a new crosswalk that will be part of this project. Typical floor plan, single loaded corridor which allows us to have through ventilation for the units. We'll also have air conditioning as an option that the buyers can buy, but very breathable building. Large lanais facing onto the space. And I'll get into those lanais in a minute.

The lanai, this is a typical corridor or a typical unit plan, two-bedrooms. Corridor, entrance, screen door, also a transom window over that door so you could always have a little ventilation coming through. You enter into a kitchen and then living room, dining room. Two bedrooms. One facing the lanai side and one facing the corridor and two full bathrooms with a laundry, one with a tub and one with a shower.

What to turn it to the landscape plan now, and just talk really briefly about this PV. As Wayne mentioned that sustainability is one of our goals. We've entered into an agreement with a power purchase provider for this PV. They will...this PV will offset the electrical demand for the rest of the ...for the common area of the project, right. So they'll be paying a discounted rate for the electricity.

That's one of the major features that allows us to achieve a LEED Certification and we're targeting silver, but we're actually targeting...we're tracking for gold right now. So it's a strong project from a sustainability standpoint due to its energy offset, efficient unit layout. There's not a lot of corridors inside these units. So that's the corridor, but once you get into a unit, we don't waste a lot of space with hallways and all of that. And at this point, I'll hand it over to the landscape architect.

Mr. David Sarita: Thank you. Good morning, my name is David Sarita, a landscape architect with Chris Hart & Partners. I'll take you through some of the landscape features. The site is approximately just over a half an acre in landscape. It's slopes mauka-makai. There's retaining wall along the makai edge and it's slopes down along the north and east edge of the property. So what we've done is we've let that dictate where the edge of the lawn begins and so we've created these linear open areas to maximize the usable space for the residents by creating a lawn that's accessible off of the concrete sidewalk that skirts around the northeast edge of the buildings. You can see the pedestrian circulation off this street and sidewalks coming through here. And then the residents would have no need to cross the parking lot. They would walk, they would access the pool along the sidewalk here.

So we have 18 required parking lot trees but we've actually provided more than that. And these are shaded already with the PV panels, but we still meet and exceed the Code for parking lot shade trees. So have a total 41 assiduous trees on the property. I'm including plumeria, pink tacoma, and we also actually point out that we have these three monkey pods along Kanani Road so these actually pick up the theme further up Kanani which also has monkey pods. So we're carrying that streetscape theme down in front of the property as well.

From Kanani Road we also have as I mentioned the retaining wall here so we've screened that as much as can with native naupaka and a hedge along the top as well as these pink tacoma trees along the streetscape. So that will soften the impact of that retaining wall on the frontage. The pink tacoma that we...the chosen parking lot tree is pink tacoma and we've done that for a number of reasons. It's a salt tolerant species. It's heat tolerant. It's non invasive. It doesn't have very intrusive roots to break up any of the hardscape and it can handle heavy pruning. So we'd like to maintain the views out of the east and north buildings so that these trees may have to be pruned down, so the pink tacomas are amenable to that. We've kept palm...just palm trees in front of the east building to maintain the views as well to the ocean. Plants are all climate appropriate for Kihei. And we've incorporated a number of native plants as well and they are all...would incorporate drip irrigation as a water saving concept. Here's the list of the plants. I won't go through them all. There's ti, ilima papa, naupaka, ice plant would be the native plants.

And some of the site amenities include bicycle racks in two locations as well as landscape lighting and the chosen parking lot light is fully shielded and it's very similar to the light that's existing on Market Street right now. It's a nice decorative, pedestrian scale parking lot light. And then we also have an area which would be grass parking. So we've incorporated some grass paved material which you don't actually see it, it just looks like lawn and you're able to park on there as temporary parking. Thank you.

Mr. Hart: Jordan Hart from Chris Hart & Partners. I'm just gonna go through some of the remaining improvements associated with the project. The project will be...the County of Maui will provide

water for the project. Conservation measures are incorporated into the project include native planting, drip irrigation, efficient fixtures as Daniel Sandomire mentioned, the project is certain at this point to receive at least LEED Silver but we're trying to get LEED Gold and that does seem feasible at this point.

Wastewater will be connected to the County system and will be accommodated at the Kihei Wastewater Treatment Plant. Approximately 25,500 gallons of wastewater per day are gonna be generated. One hundred percent of post development runoff will be retained on site. Part of our traffic and roadway improvements include a pedestrian crosswalk across Kanoi Street. We're also gonna provide frontage improvements including curb, gutter and sidewalk along Kanoi and Kanani Road. The proposed 40-unit development will generate approximately 25 trips during the morning peak and 28 trips during the afternoon peak. This is found to not have a significant impact on the affected intersections. Our traffic assessment report was reviewed and approved by the Department of Public Works as part of our agency review process. Root barriers will be provided for all landscape planting along the roadway frontages. And then as I stated earlier, planting has been basically increased to improve the screening for the view from the street and sidewalk to our parking lot as well as our pool area. And that concludes the presentation for the project at this time and we're available to answer any questions. Thank you.

Chairperson Lay: Commissioners, at this time, I'm gonna open up to public testimony.

**a) Public Hearing**

Chairperson Lay: Does anyone wish to testify, please step forward, identify yourself and you have three minutes.

Mr. Steve Goldsmith: Aloha, Commissioners and Staff. My name's Steve Goldsmith. I live directly to the south of the project at Hale Kanani Condos. I'm one of the original owners. I testified here a year ago at their last meeting. To start with, first I wanna thank Armstrong actually. I know it's unusual for a neighbor to thank the developer but they've been excellent so far. They've been the best neighbors we've had. They've been responsive. They've been taking care of weeds. Anytime we call with something they handle it. So thank you guys for that, appreciate that.

My main concern which might be more County related and maybe you can as a County employee bring that along is the intersection of South Kihei Road and Kanani Road. It needs lighting. We've been trying to get just a night light there. Somebody's gonna get killed really soon. We're lucky nobody has yet when people turn the corner. We've worked with the County, we've gotten all the signatures with 250 feet. That's been going on for three years, still no light. We're very frustrated. Originally our developer when they built Hale Kanani in 2005, they were required to put up a \$600,000 bond to put a traffic light. At that point, they said we don't want more traffic lights on South Kihei Road. That bond has mysteriously disappeared. They then talked about roundabout. That intersection is too small for roundabout. At a minimum, I'm hoping we can at least get a crosswalk, lighted crosswalk like that was just put in just to south of us on Ilili where that comes out. Those are my major concerns. Everything else I discuss with them directly and that's all I have. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Tsai?

Mr. Tsai: Thank you. I'm sorry, I didn't get your name?

Mr. Goldsmith: My name is Steve Goldsmith.

Mr. Tsai: Yeah, Steve which corner are you mentioning, are you talking about for the light?

Mr. Goldsmith: The corner of South Kihei Road. So right here as you're coming out the project. So there's gonna be 40 more units here and as the developers ...(inaudible)...there's gonna be another 32. We're gonna have 72 units which is equal to Hale Kanani, and although I saw there was a traffic study those numbers light. Twenty-five units is pretty low for a 40-unit complex of locals. Anyway as you're coming down Kanani Road at night there is a light here although we have to keep calling because it keeps going out. We asked for just a night light here to light the intersection because people doing right turns, people crossing, it's really dark here at night. Originally there was gonna be a traffic light here, then there was gonna be a roundabout and now there's nothing. There's a crosswalk here. And we're hoping to haven't initiated that but after our experience with the light we're just like pulling our hair out as an association so... Actually, I'm speaking here as an individual. So hopefully at least at a minimum a lighted crosswalk from the County or something.

Mr. Tsai: Okay, thanks.

Chairperson Lay: Commissioners, any more questions? Thank you very much. Does anyone else wish to testify at this time, if so, step forward? Seeing none, public testimony is closed. Commissioners, questions? Commissioner Tsai?

Mr. Tsai: Yeah, Director would you like to comment please on that?

Ms. Dagdag-Andaya: For South Kihei Road I know there's been a number of requests coming in regarding lighting. When South Kihei Road many years ago as the lights came in, they're the dark amber type of lights. And recently with the increased population, number of visitors, you know there have been requests for increased lighting, perhaps LED type of lighting. So those are the things that we're currently looking into. We don't wanna piecemeal lighting in areas. So when somebody comes in with that request for...with the signatures needed it comes in different areas. So what we kinda thought of doing was just taking a comprehensive look at South Kihei Road and seeing what...like different types of lighting whether it be overhead lighting, maybe bollard lighting. Recently we've installed pedestrian signals that have the flashing lights that you activate when you push it. So those are things that we're looking into as a County.

Now I can't remember, I think this area, this is where that Island Surf building is located or...I'm sorry, south of it, yeah. So that's an area that we recently took a site visit to, looked at the intersection, the parking along the roadway. So there are things happening right now from the County side. As far as this project and what they're being required there's an existing...oh, I'm looking at the other section now, so Kanani Road, for this project we are gonna require that curb, gutter, sidewalks be put in just to continue the sidewalk that's missing on Kanoi Street. There is

an existing sidewalk on Kanani Road right now. So that's being provided. We also ask for a crosswalk to connect the two parts together, but again, with lighting I think we need to take a comprehensive look on South Kihei Road and see what would be the best solutions for that.

Chairperson Lay: Deputy Dagdag, I have to say that I do like the flashing sidewalk because it does draw my attention, but I think it's a hard time when they don't push the button 'cause not everyone does and can become reliant on that flashing light to see if anyone's there, but I do like that flashing sidewalk. Commissioner Higashi?

Mr. Higashi: Yes, I have two questions. One deals with landscaping and I notice that you have coconut palm. Is that ones that you have the coconuts that actually grow or is it a palm?

Mr. Sarita: David Sarita, Chris Hart & Partners. Yes, it's a coconut.

Mr. Higashi: And the reason why I ask is it's always a safety issue when it comes as they grow those coconuts up there are hazardous to people around and whether you know, replacing that with regular royal palm or something that doesn't have fruits on the top. Just a question.

Mr. Sarita: I guess, can I respond to that now?

Chairperson Lay: Go ahead.

Mr. Sarita: I guess what I would say is that the coconut palm as it's kind of an icon of you know Hawaii and the tropical area on Maui. And so we like to use it for that reason because it's almost expected as part of the landscape. In terms of the safety, they are maintained regularly so that the coconuts never get a state of maturity where they could fall.

Mr. Higashi: So that's gonna be incorporated like part of your contract?

Mr. Sarita: Correct. So as part of the landscape maintenance, they would be maintained so that they would go up the tree and actually pull the coconuts off and as well as pruning at the same time, yes.

Mr. Higashi: Second question.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi: Second question. If I was living in this particular complex, I just wondered why the swimming pool is in that corner versus closer to the north building? Is it because the space or?

Mr. Sandomire: So we went back and forth on that many time and what we're thinking is it might be seen as a positive to be so close to the pool for some people, but it might be seen as not a positive for other people if there was too much noise, visitors are splashing or that kind of activity close to your unit and the light and you don't like that. So that's one conversation we had. And the other conversation is using that pool deck as an amenity to get so close to the ocean, you could sink down in it and you're almost there. So that was why we located the pool where we did.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I guess this is for the project architect. This is a question that Commission Wakida had wanted to confirm that the project because it's a senior project has elevators incorporated into it?

Mr. Sandomire: Daniel Sandomire. Yes, we have two elevators in the project.

Mr. Hedani: Okay, my own personal comment is that I wanted to compliment you on the design because the elevator towers don't stick up over the roof of the project and the project itself is very attractive, the color palette is great, and I thought it was an extremely well-designed project, and from my perspective any project that comes in at a 100 percent affordable is automatically approved.

Mr. Sandomire: Okay.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Yeah, I too commend on your well-designed, planned out project. My question is regarding...can you elaborate on the whole senior preference side? I mean, you're talking, I guess...

Mr. Sandomire: Sure, there's demand for affordable housing. This project came to us as part of Phase 2 of Kalama Heights which is a senior project and we were keeping that going with the project when we first started. Right now we're negotiating, we're working out the details of it with the Department of Housing and Human Concerns and what we're proposing with them is that it's a period of time that it's senior preference for 30 days or something for half of the units. And that would mesh and satisfy the requirement where maybe there's not that much of a demand. It's more of a demand for workforce housing is what DHHC has expressed.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Follow up. I guess personally my concern is that if you're mixing senior living with regular people working, workforce, I don't know how to put this...I mean, there might be a little bit of conflict with noise and so forth. I mean, how do you address that?

Mr. Sandomire: So it's always the active senior is what we're marketing for and it's always been under the Workforce Housing Ordinance. So these are a senior that can be 50, 55 and workforce these are people that are still working and active and we never wanted to exclude anybody by age. So it's always gonna have been a mixed-age project, just a senior preference for a sales period at the start of the sales program.

Mr. Muraoka: That's a good question. Being a senior and having to work with Daniel who's not, sometimes it can be very trying. But a serious answer to your question, this will be a condo project and it will be subject to all the requirements of the Real Estate Commission's Condo Law. So all the disclosures about how it's gonna be marketed and sold, who will be living or able to buy a unit

will be disclosed and buyers will self select out if they think the mix is not for them. Also, with the condo docs are house rules and even whether it's senior or not they typically govern things like noise and after 9 o'clock you can't be doing loud music or loud partying. Use of the community center, there'll be rules governing how that's used so that there aren't wild parties going on all night. You know, things like that will be part of just the normal package of condo documents that buyers will read, decide if they agree with, if not they don't buy. And if they buy in, it's enforced by the property manager.

Mr. Tsai: Thank you. And just for clarification, I'm not against this type of application. I'm just trying to foresee any possible concerns that may come up.

Mr. Muraoka: I understand and it was a very good question. Thank you.

Chairperson Lay: I have a question pertaining to that also. Okay, with the affordable housing qualifications where you have seniors getting qualified, you got your general public getting qualified as...to qualify for these affordable housing, what happens if we don't fulfill that...the amount of people needed for that complex?

Mr. Sandomire: So the ordinance contemplates this in that there are bands of affordability that we offer at for a set period of time, 90 days for the first one. And at that point, you can open it up to the next band. So you're ever widening your qualified buyer pool. And that's...we anticipate this project to be sold out pretty well. There's good demand and good pricing.

Chairperson Lay: So at no point will it reach market value?

Mr. Sandomire: Oh no, it can time out to that point after something like six months or something like that. We don't anticipate that the project will be in the market for that long.

Chairperson Lay: Okay, thank you. Commissioner Medeiros?

Mr. Medeiros: Okay, I really like this. Key word, affordable. Before I ask my question, I have one comment to Commissioner Tsai. Just remember with us seniors, I have a comment for you, just remember with us seniors when we you have to go to work the next day, we still going be partying. Okay, my question is, and trust me I really like this project, but what is today's affordable value, ballpark figure? You know, just out of curiosity.

Mr. Sandomire: I think the question was about pricing?

Mr. Medeiros: Yeah.

Mr. Sandomire: And this is off the County website. We base it off of the area median income. It's published each year. A prevailing interest rate is set by the County each year. So for example, the below moderate which is 80 to 100 percent in area median income, so that's on the one bedroom it will be \$263,200. For a two-bedroom, it will be \$319,600. We would have one is the one-bedroom, and 11 of the two-bedrooms. These prices then go up as income levels rise, income bands, and it goes to \$383,000. That's for somebody earning from 100 to 120 percent of the area

median income. \$447,440 for somebody earning above moderate income that's 120, 140. And then the gap income, the price would be \$511,445. So these are all well below market prices.

Mr. Medeiros: Okay, thank you.

Mr. Sandomire: Thank you.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Got a question. What do they consider median income? What's the dollar value on medium or low income, affordable?

Mr. Sandomire: I don't wanna misquote it, I'm sorry, but it's set by the Department of Housing, HUD, and I don't have that number right now, sorry.

Mr. Freitas: Okay, thank you.

Chairperson Lay: Commissioners...oh, I have a question, okay, say I'm a young adult looking for affordable housing where do I go to fill out this paperwork to qualify for this type of project?

Mr. Sandomire: Okay, so we'll have publication notices. Our project broker is actually here, Windmere Valley Isle Properties and we'll be advertising and getting this out on the street when we're able to sell.

Chairperson Lay: I know some kids. Commissioners, any more questions? Commissioner Tsai?

Mr. Tsai: Looking at the project plan, you have 39, two-bedroom, two-bath unit and one unit will be one-bedroom, one bath.

Mr. Sandomire: Right.

Mr. Tsai: Is that for a property manager, onsite manager or just-

Mr. Sandomire: No, it doesn't work out that the project can probably support property onsite manager, but the way the massing worked, we could put a little bridge unit in there. It's really interesting, this small unit right here and it really reaches at \$263,000 an extremely affordable unit. There's only one of them, but it gets right down there.

Mr. Tsai: Thank you.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: You know from that particular rendering I wanted to compliment the project on its treatment of the PV panels, yeah. It's integrated into covered parking over the garage so it doesn't look like a lot of the industrial type PV mountings that we've seen come through. So my compliments on the design.



Mr. Sandomire: Thank you.

Chairperson Lay: Commissioners, any more questions or discussion? If not, can we get the Department's recommendation?

**b) Action**

Ms. Thackerson: The Planning Department recommends approval based upon the 18 conditions as listed in the report. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the October 14, 2014 meeting as its findings of fact, conclusions of law and decision and order and to authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Mr. Freitas: So move.

Mr. Medeiros: Second.

Mr. Tsai: Move as—, second.

Chairperson Lay: Let's try one more time.

Mr. Freitas: Move to accept the recommendation.

Mr. Medeiros: Second.

Chairperson Lay: Okay, motion by Commissioner Freitas, second by Commissioner Medeiros. Any discussion on the motion?

Mr. Medeiros: Let's do this.

Chairperson Lay: Okay, as far as for me it's always good to see affordable housing. Maui's very welcome to that. We have a lotta young people out there looking for a place to stay and live and we appreciate the efforts that you're doing.

Mr. Medeiros: And old people.

Chairperson Lay: And elderly also, excuse me. Can you repeat the motion?

Ms. McLean: The motion is to approve the SMA Permit for the project subject to the 18 conditions in the staff recommendation.

Chairperson Lay: Call for the vote. All those in favor?

Ms. McLean: Six ayes.

Chairperson Lay: Unanimous. Thank you very much. Congratulations.

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

**VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.  
(Assenting - J. Freitas, J. Medeiros, K. Ball, M. Tsai, W. Hedani,  
R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle)**

Mr. Muraoka: Thank you very much.

Chairperson Lay: Commissioners, let's take a five-minute break. Reconvene at 10:50.

A recess was called at 10:45 a.m., and the meeting was reconvened at 10:55 a.m.

Chairperson Lay: ...come to order. Our next agenda item?

Ms. McLean: Thank you, Chair. The next item is a request from ROYAL KAA NAPALI GOLF COURSE for a Conditional Permit in order to conduct up to 24 special events per year at the Royal Kaanapali and Kai Golf Courses at properties in the A-2 Apartment and R-3 Residential Districts at 2290 Kaanapali Parkway, TMK: 4-4-008: 009 (por.), 010 (por.), and 4-4-013: 003 (por.) in Kaanapali. Gina Flammer is your Staff Planner.

- 3. ROYAL KAA NAPALI GOLF COURSE requesting a Conditional Permit in order to conduct up to 24 special events per year at the Royal Kaanapali and Kai Golf Courses at properties in the A-2 Apartment District and R-3 Residential District at 2290 Kaanapali Parkway, TMK: 4-4-008: 009 (por.), 010 (por.), and 4-4-013: 003 (por.), Kaanapali, Island of Maui. (CP 2013/0001) (G. Flammer)**

Ms. Gina Flammer: Hi, good morning Commissioners.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: The Royal Kaanapali Golf Courses in a member of Kaanapali Operations so I'll be recusing myself from voting on this particular item.

Chairperson Lay: Thank you. So noted.

Ms. Flammer: Oh, we have a little over a bare quorum after that, so okay. So I just wanted to let you know why we're here. You all know the events have been going on since the beginning of the golf course. I don't know who was here for the Film Festival that was about four years ago. The Department starting looking at special events. They went through the zoning and they determined that permits are needed depending on what kind of zoning they had. So you're gonna notice that this application came in early 2012. The reason it's taken a while to get here is it took us a while to determine the zoning of these different parcels. So that really slowed down the process, but we

know, I put the zoning confirmations right in the report so we have a record of it now. We thought it was zoned golf course, but when we went back and did a thorough look it's actually Apartment and R-3. So the applicant is gonna go ahead and give a power point presentation with a description of the project, of the events. After that, I'm gonna come on and give you the recommendation. And I just wanna let you know that the Department is gonna be updating one of our recommendations in terms of time that the events end.

So first what I wanna to do there's been a letters of support and protest that have come in. I wanna just summarize what you have. So in terms of the support letters there's three that are actually in the report itself. Those come from the Hyatt, the Sheraton, and the Westin. You were either emailed or handed out today four additional letters. Three of those are letters of support, the Maui United Way which benefits from the Keiki Annual Fishing Tournament. Also the Kaanapali Beach Resort Association sent in a letter of support, and then when we were discussing the times for events to end, I asked the applicant if they could get with the Board of Directors of the two adjacent condominium units. So they have been able to meet with the Maui El Dorado Board of Directors and they did submit that letter of support. And then I also wanted to note that the Kaanapali Beach Resort Association security firm did also submit a letter saying that in his time since 1987, he hasn't had any need to call out his security for any of the events. There haven't been any calls.

Now in terms of the other side, the protest letters. There five that were...are actually in the report that you got in the mail. Two were from one resident who is here to testify today. Two others were came from residents at the Kaanapali Royal condominiums and then one Maui El Dorado resident. So those are in your packets. But then also sent to you were two additional letters from two Maui El Dorado residents.

So before I turn it over to the applicant for the power point, I just wanted to remind you of what the permit criteria is. Sometimes we have very elaborate detailed criteria. Sometimes we have ones that are a little more broad. It's located on Page 5 of your report at the very bottom and that is that the proposed use cannot significantly be detrimental to the public interest, convenience and welfare and also will be in harmony with the area in which it is to be located. So when you're going through and evaluating the project that's what you have to work with. So I'm gonna turn it over right now to Bryan Esmeralda from Munekiyo & Hiraga.

Mr. Bryan Esmeralda: Hi, good morning Commissioners and Staff. My name is Bryan Esmeralda with Munekiyo & Hiraga. I'm here to present the Conditional Permit request for the Royal Kaanapali Golf Courses special events. Project team that we have today is the landowner, Royal Kaanapali Holding. The applicant is Kaanapali Golf Courses and we have with us today, Mr. Ed Kageyama and Sutee Nitakorn, and the planning consultant is Munekiyo & Hiraga, myself and Karlynn Fukuda is also here this morning.

As Gina summarized, the applicant is seeking a Conditional Permit in order to allow special events to be held on portions of the Royal Kaanapali Golf Course and Kaanapali Kai Golf Course as well as to allow the designation of a temporary event parking lot on the golf course. There are three affected parcels and they're listed here with their land use designations. Parcel 9 has a State Land Use Designation Urban, West Maui Community Plan designation of PK, Golf Course, and Maui County Zoning is A-2, Apartment. Parcel 10 is State Land Use Urban, West Maui Community Plan,

PK, Golf Course, and Maui County Zoning, A-2, Apartment. And Parcel 3 is State Land Use Urban, West Maui Community Plan, PK, Golf Course and Maui County, R-3, Residential.

Everyone's familiar with the Kaanapali area, but just to orient you with the parcels that we're talking about today. This is Honoapiilani Highway right here. Lahaina Town is located in this direction. Kapalua is located up here. And this is the Kaanapali Resort area. The golf course spans the length of Kaanapali Golf Course of Kaanapali Resort. This is Parcel 9 here at the top and there are two special event sites that we are ....(inaudible)...for on this parcel. This parcel is located next to the Sheraton Resort which is located right here. Parcel 10 is located in the middle of Kaanapali Resort. This is the parcel that features the large pond that is used for the Keiki Fishing Derby and it's located across the Westin Maui Resort which is right here and The Whalers Village shopping area which is right here. Our last parcel is Parcel 3 located across of Kaanapali Parkway from Parcel 10. This is the parcel that features the Paradise Grill Restaurant which is located right in this corner.

Events have been held on the golf course since the courses opened in the 1960's. On average per year the courses hold up to ten non-golf related events. Event hosts are required to sign a contract with the golf course which outlines such regulators as required deposit, curfew times, and specifying the area that will be used for the event. The resort property or event organizer is also responsible for notifying neighbor properties about events ahead of time and in addition providing contact information in case of emergencies during the event.

According to Hawaii Protection Association which is the firm that provides security for Kaanapali Resort there have been no noise complaints filed against any event since the late 1990s.

The Conditional Permit application is requesting approval of up to 24 resort-related and community sponsored events per year for the proposed event areas. I'd just like to clarify that this number is cumulative for the entire golf course. Looking at the map earlier there are four sites that are being requested to host the special events. And this 24 event number is for all four sites. It's a cumulative number for the entire golf course.

So event participants are usually shuttled or walk to the event sites from the resorts, the neighboring Kaanapali resorts. The special event areas are fenced from the rest of the golf courses and held when the golf course is closed for play. Set up, break down and clean up of the events is the responsibility of the entity that is hosting the event. And the event hours are limited so as to avoid noise and traffic impacts for the surrounding properties. The applicant adheres to the Kaanapali Resort wide quiet hour policy curfew of 10:00 p.m.

And just to outline the event sites that we are requesting with this Conditional Permit application. Again, Parcel 9, located at the north end of Kaanapali Resort across from the Sheraton Resort features two event sites of approximately three acres each. These are used for larger events of up to 1,500 people. These are some photographs of the event area. This is the north view of Parcel 9. In the back you can see the Royal Lahaina Resort and the Maui El Dorado. Photograph 2 is a west view of Parcel 9 looking towards the ocean. And this is an event of a typical setup on Parcel 9. You see temporary tents, seating and tables, a temporary stage.

Parcel 10 is located again in the middle of Kaanapali Resort next to the golf course clubhouse. This is the parcel with the large pond that is used for the fishing derby. And this parcel features another three-acre special event site. Some photos of the parcel. This is a view looking northwest. In the background we can see the Westin Resort and in the foreground is that large pond. The second photograph is a southwest view, again you see the pond here. This is just a photo of the fishing derby that's held annually at this site. In comparison with the event on Parcel 9, this one has far less set up required, no tents, no seating or anything.

Parcel 3 located at the south end of Kaanapali Resort features one, two-acre special event site which is used for smaller events. This is also the site of the temporary grass parking lot that we're also requesting approval for. It's located here just behind the Paradise Grill Restaurant. Looking at the photos, this is an east view looking mauka. Honoapiilani Highway is right here in the background. And this a northeast view of that site. This is the Paradise Grill Restaurant here.

So in addition to approval for hosting the events on the golf course, the applicant is requesting that a grass parking lot be approved. Should events require temporary parking, the parking lot is again located behind the Paradise Grill Restaurant on Parcel 3 and accommodates approximately 115 cars. So this is a figure showing the layout of the parking. Honoapiilani Highway is here, Paradise Grill Restaurant, and this it they layout of the 115 grass parking stalls at this site.

We're here today presenting this application so that you may provide your recommendations to the County Council. After the Committee reviews it will then go to the full Council for action. So again, applicant is seeking this Conditional Permit to allow special events to be held on the golf courses, and also to request approval of a temporary grass parking lot located behind the Paradise Grill Restaurant. These actions are not anticipated to have adverse impacts to the physical or natural conditions of the area.

I'd also like to note that the applicant has reviewed the proposed conditions and would like to discuss these further at the time that they are presented. At this time, we would like to open it up for questions. We have representatives from the golf course is here answer any questions that you guys have. Thank you.

**a) Public Hearing**

Chairperson Lay: At this time, I'm gonna open up to public testimony. If anyone wishes to testify please step forward, introduce yourself, and you have three minutes.

Mr. Bob Pure: Good morning everyone. My name is Bob Pure. I live at Kaanapali Royal which is right on Parcel 10, right on the 16<sup>th</sup> hole, in fact we are literally on the 16<sup>th</sup> hole. You may have seen that in some of your pictures. I used to be the President of the Board of Directors there from 2004 to 2008 and had some direct contact with the golf course. I have some concerns and those concerns are based on past history.

First of all, you may or may not know, Wayne probably does know, they mow the grass at Kaanapali Royal on the golf course on the 16<sup>th</sup> hole at 4:30 in the morning every single day, seven days a week which means everyone living at Kaanapali Royal, and by the way we have between 200 and

400 people on property at any one given time, seven days a week, 4:30 in the morning. And you might wanna know why this is relevant and I will explain. When I first got to Kaanapali Royal I had never seen anyone, I'm staring at the pin at 16<sup>th</sup> hole, I've never seen anyone on the golf course at the 16<sup>th</sup> hole before 8:30, 9:00 in the morning so I beseeched the golf course to possibly mow the grass an hour later, out of the question. Most of what I heard from the golf course was two things. Number one, we were here first. Number two, how come you're crazy enough to buy a condo on a golf course? And that's pretty much been my affiliation with the golf course while we lived there. They really sorta would like Kaanapali Royal to go away.

Number two, besides mowing the grass we have a little problem with golf balls flying into our pool area. Well, we have huge nets and we try to protect ourselves and so forth and so on, but we had some issues where the trees that were holding up the nets were falling and we had to replace them so I requested to sit down with the golf course that maybe we could put our heads together as good neighbors and maybe we could figure out some way to prevent those balls flying and some balls have landed on my lanai. I understand it, I chose to live on a golf course, but they refused to cooperate. They didn't...they just pretty much said go away.

So my concern here is with the permits. I love the keiki fishing tournament. I think they should be allowed to have events during the day. My concern is on Parcel 10 only. If they're allowed to run events till 10 o'clock at night, they're gonna end up being run till 11:00, 12:00, 1:00 and 2:00 in the morning and no one's gonna stop them. Who's gonna enforce it? And my concern is we have two to four hundred people there and by the way, if these events run till 1:00, 2:00 in the morning, they're gonna mow the grass at 4:30 so sleep is out of the question. So my suggestion would be to follow the recommendations of the Planning Department in limiting any nighttime events on Parcel 10 to 6 o'clock. Thank you for listening.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Medeiros?

Mr. Medeiros: You've been living there a long time. Whenever they had any event have you made any complaints?

Mr. Pure: There's been no events at night as long as I've been there. I've been there for 13 years. The only events are golf tournaments and the keiki fishing tournament. There's been no events at night as long as I've been there.

Mr. Medeiros: The events finish at 10:00. Where do you come up with this 1:00, 2:00 in the morning?

Mr. Pure: Well, so far there are no events at night. My concern is that right now the Planning Department has recommended a 6 o'clock curfew on Parcel 10, and I would respectfully request Planning Commission to follow that.

Mr. Medeiros: Okay, thank you.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much. Our next testifier Toni Rojas.

Ms. Toni Rojas: Good morning, Chairperson and Commissioners. My name is Toni Rojas and I am a meeting and event planner here on Maui. I have over 25 years in this specialized business and I'm here to testify on behalf of Kaanapali Golf Course and their request for an SMA Permit.

As a professional vendor of Kaanapali Resort I provide event design and management for special events including most recently Kaanapali Fresh which was held on Labor Day weekend. I work closely with the Kaanapali Golf Course, Kaanapali Operators Association and Kaanapali Beach Resort Association to ensure a seamless weekend event that highlights the resort as a destination and supports our Maui community both of which support our economic growth. By bringing in our local Maui farmers and chefs along with our island suppliers, labor, we are further educating both our visitors and residents on our island's bounty along with supporting our economy for a more sustainable future.

Quality events such as this ensure that we work together closely operationally, in harmony, and with utmost courtesy. All of us communicate effectively on all logistical components which include and are not limited to event parking and transportation, entertainment and noise levels, and both safety and security. Special parking areas are predetermined, communicated, and staffed to ensure seamless experience for those attending and for all resort guests and residents. Entertainment is concluded at the 10:00 p.m. curfew, often earlier with no exceptions.

And the safety and security of all resort guests and residents is always of utmost importance. From fire prevention safety to liquor control to public access, whether attending the event or not all is carefully reviewed and considered. Professional security and customer service staff are briefed and assigned specific duties to ensure consistent communication and service. In addition, events are coordinated so that load in and load out are efficient and timely so that golf play and views are minimally interrupted. Within hours following an event you would never know we were even there.

It is important to know that as a meeting and event planner venues is selected for their quality and location. Kaanapali Golf Course is a quality venue with professional staff committed to providing a true Kaanapali experience. They work tirelessly with the Kaanapali community and Maui community at large including suppliers such as myself showing commitment to exceptional visitor and resident experiences. This is done by providing consistent standing operating procedures that must be adhered to. They know that by providing the highest of quality professional products and services and working with the community we build our island economy and it continue to be one of the world's leading destinations.

I humbly ask for your support in continuing to offer Kaanapali Golf Course as a quality Maui venue for our visitors and residents. I welcome the opportunity to answer any questions regarding my experience with this venue. Thank you very much.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier, Mahina Martin?

Ms. Mahina Martin: Aloha Commissioners. My name is Mahina Martin. I'm here before you as the Director of Government and Community Relations from Maui Electric Company, the sponsoring company for the Keiki Tilapia Fishing Tournament that we do at the Kaanapali. So thank you for

the opportunity to offer support the Royal Kaanapali Golf Course's request for Conditional Permit that would allow them to conduct special events at their golf courses. Maui Electric Company has hosted A Keiki Fishing Tournament since 2009 at the Royal Kaanapali Golf Course. The annual event as you know or may know is a fund raiser for Maui United Way and in the six years of the tournament there has been this year alone for example, close to 100 of our own employees that have volunteered their time to host hundreds of kids and their families for an enjoyable day fishing at the golf course.

In 2009 when we started it we had about 200 kids. This year we recently finished the 2014 tournament and we had our maximum amount of 600 kids and their families. So it's a unique community event that brings generations of families together to share their wonderful experience of fishing for Tilapia. How often do you see that here in Maui? It's a tradition that's slowly disappearing as our shoreline change and our family lifestyles no longer can allow for extra time that include fishing with their children here in Maui where they grow up.

Our experience with Royal Kaanapali Golf Course has been an exceptionally positive one. Their staff and management over the years have consistently been cognizant of the value of our annual event, committed to the well being of our community and great to work with as event partners. And I'm happy to say our Tilapia tournament will not be held at night and likely will always be in the morning. We go in the morning, we're done very quickly, a few hours later. It's an exceptional event. We cap out and we actually have to turn away children. And our experience with working with the company of Royal Kaanapali Golf Course has been nothing short of good and positive. So if you have any questions, I'd be happy to help you, but I know you saw a quick photo of what our tournament looks like. I brought with me, too short to put on a power point, I just put some photos so you can actually see the kids themselves having a day here at the Tilapia Fishing Tournament. All right, that's it. Thank you very much.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time? Seeing no one, we're closing public testimony. Commissioners, questions? Commissioner Tsai?

Mr. Tsai: Question for the applicant. I assume, of course, the Kaanapali Fresh event was part of this ...(inaudible)...

Mr. Esmeralda: That's correct.

Mr. Tsai: I actually attended the Kaanapali Fresh event this past year, this year, and the event was really amazing, but I was really disappointed with the parking situation. And this is the one that night time across from the Westin. I couldn't find a parking spot anywhere. So I assume that the parking lot that you're gonna have for designated parking, the temporary parking lot is gonna address is issue?

Mr. Esmeralda: That's correct. That parking lot is for any events that you know, K Fresh that will require additional parking. I don't believe that it was used this year, maybe I can defer that to the golf course?



Ms. Toni Rojas: We had multiple parking options. It was noted on our website, Kaanapali Fresh.com. As you entered Kaanapali there was a big parking sign that Kaanapali Operations Association put up for us that directed guests to the golf course parking lot, Roy's parking lot where I had three staff members to assist there. And in addition, we also have Whaler's Village kindly offered complimentary parking for the entire weekend which included the Saturday night festival event. So there was parking available there and then of course, the hotels offered special parking rates whether they be self parking or valet parking as well. That helps.

Chairperson Lay: Commissioners, any more questions? Seeing none, can we get the Department's recommendation?

**b) Action**

Ms. McLean: Chair, if I might comment? This is probably something that Gina would mention, but I wanted to clarify that the Commission's action today is to make a recommendation to the County Council. The Council has final approval authority over Conditional Permits. So your action today is a recommendation to the Council.

Ms. Flammer: Thank you for that. Should have gone in the beginning. I'd like to go over the recommendations first. I mentioned that the criteria that you're looking at for a Conditional Permit is you're not gonna overburden existing services. I think we can see that. The second one is it has to be in harmony with surrounding areas. You can put conditions on to mitigate it to make it harmonious with the surrounding areas and that's what the Department has done.

The first couple ones are fairly standard all the way up till No. 6. No. 6, they start getting specific about the time that the events can conclude. I did ask...when I got...it's hard when you do a public hearing notice. It's very limited time out to the neighbors for them to comment back. So by the time you're writing the staff report, you don't always have all of the testimony in. We got a little bit of testimony in. I got some phone calls. We took a look at the different parcels, especially that larger Parcel 9 where the larger events are held. We made a recommendation of a 9 o'clock end time. However, I spoke with the applicant and I said, if you could go and meet with the Board of Directors, we would be willing to reconsider that. They did go ahead and meet with the Maui El Dorado Board of Directors who did submit a letter of support which you have. We handed that out. We emailed it to you actually. In light of that, the Department is willing to go to a 10 o'clock time. But again, it's up to you to discuss and make your recommendation to the County Council on that. We did again, we're keeping the 6 o'clock in front of the Kaanapali Royal and the reason for that is there currently are no events there at night. It's only during the day. It's located extremely close proximity to the building that's south. It doesn't seem like it would be in harmony to have a night event. You may disagree, the Council may disagree, but that's how it stands right now.

The other three conditions all come from our agency review process. Two of them are from the Bureau of Fire Prevention and this is something that they do anyway when they come in for their liquor license it has to be approved by Fire. The No. 11, Condition 11, is lighting for the parking event area. That came out of our ZAED, our Zoning Administration Enforcement Division that reviews parking. They wanna see lighting there for it. I wanna let you know also that because this is in the Special Management Area, they do have to come in for an SMA Permit. We'll probably do

something similar with that we did with the film festival, we've done with the Four Seasons on Lanai and give them one for a certain amount of years and then we'll kinda review the events each year, take a look at what they're doing, but they will have to meet parking requirement for each event.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: For the record, I'm going to move to approve as recommended, and I have a question.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Commissioner Tsai, seconded by Commissioner Medeiros. Any discussion on the motion? Commissioner Tsai?

Mr. Tsai: Yeah, Gina I see the Condition No. 6, 7, 8 reference the TMK numbers, and I'm kind of confused. So the testifier Bob-

Ms. Flammer: Yeah.

Mr. Tsai: -what he's talking...is that addressed in Condition No. 8?

Ms. Flammer: Yes, it is. Yeah.

Mr. Tsai: Okay, thank you.

Chairperson Lay: Commissioners, any more discussion on the motion? Commissioner Medeiros?

Mr. Medeiros: I fully support this and mostly because of the Tilapia Tournament. You know, I've been to one and when you see 200 screaming kids having a time of their life, it makes me happy. It really does. I'm one of the old school guys that don't trust quiet kids. They're up to something. If they're screaming and making noise they all good with me.

Mr. Tsai: I was a quiet kid by the way.

Chairperson Lay: Commissioners, any more discussion on the motion?

Ms. Flammer: Before you vote, I just wanted to clarify that that motion is with the 10 o'clock time for Parcel 9 which is that larger parcel across from the Sheraton.

Chairperson Lay: Deputy can you repeat our motion?

Ms. McLean: The motion is to recommend approval of the Conditional Permit to the County Council as listed in the staff report with the one modification to Condition 7, increasing the time from 9:00 p.m. to 10:00 p.m.

Chairperson Lay: Call for the vote. All those in favor?

Ms. McLean: Five ayes.

Chairperson Lay: One recuse.

Ms. McLean: And one recusal.

Chairperson Lay: Thank you very much. Congratulations.

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

**VOTED: To Recommend Approval of the Conditional Permit to the County Council, as Recommended by the Department.  
(Assenting - M. Tsai, J. Medeiros, J. Freitas, K. Ball, R. Higashi)  
(Recused - W. Hedani)  
(Excused - P. Wakida, S. Duvauchelle)**

Chairperson Lay: With your guys approval, let's move onto the next agenda item. Our next agenda item?

Ms. McLean: Thank you, Chair. This is a request from Alex Fergus of Lot F-1, LLC for a Special Management Area Use Permit for the 215 Wakea Avenue Flexible Warehouse Building Project which the construction of an approximately 29,000 square foot flexible warehouse building with associated parking, landscaping, and utility improvements at 215 Wakea Avenue, TMK: 3-7-02: 001 (por.), in Kahului. Candace Thackerson is the Staff Planner.

- 4. MR. ALEX FERGUS of LOT F-1, LLC requesting a Special Management Area Use Permit for the 215 Wakea Avenue - Flexible Warehouse Building Project, the construction of a roughly 29,000 square foot flexible warehouse building with associated parking, landscape, and utility improvements at 215 Wakea Avenue, TMK: 3-7-002: 001 (por.), Kahului, Island of Maui. (SM1 2014/0007) (C. Thackerson)**

Ms. Candace Thackerson: Hello again, Commissioners. So this item is under your review because 215 Wakea is located within the Special Management Area requiring a review of this project under HRS 205. Again, this parcel is not located on the shoreline and therefore it does not trigger compliance with HRS 343 or Chapter 203, Shoreline Rules, for the Maui Planning Commission. The entire parcel is quite large. It's 12.818 acres total with only approximately 2.0 acres being utilized for this project. The State Land Use District is Urban, the community plan designation is Heavy Industrial, and the County Zoning is M-2, Heavy Industrial as well.

The applicant is Alex Fergus for Lot F-1, LLC, and they, as the Deputy Director was saying they are requesting the Special Management Area Use Permit for construction of roughly 29,000 square foot flexible warehouse building with associated parking, landscape, and utility improvements at 215 Wakea in Kahului.

I just passed out a different elevation map. The only change on that from the one in your staff

report is that it also includes the monument sign out front. Just wanted to make sure we wrapped all the details in this SM1. The applicant is here and they have a short power point presentation with details for the design, layout, construction of the proposed project.

This was reviewed by ten government agencies, as well as the Maui Electric Company. There were no significant concerns or comments that were not be able to mitigated by conditions to the project. UDRB did review this on August 5, 2014, and they had no design related comments or recommendations for the project.

Mr. Ward: Good morning, Planning Commission Members. My name is Dave Ward. I'm with Frampton and Ward, and here to present on this 215 Wakea Avenue Flexible Warehouse Building. First of all, I'd like to introduce the consultants and the applicant. As mentioned, the applicant is Lot F-1, LLC which is owned by Fergus and Company, and Alex Fergus is here representing Fergus and Company. Fergus and Company is a family owned oriented business here locally. They've been...they specialize in commercial real estate. They've been owning and operating commercial real estate on Maui for over 25 years. Alex and his dad, Mike, kinda split time here and on Oahu where they also have some investments and their main focus is quality buildings and taking care of their tenants. So they're kind of more of a long-term hold time ownership structure. They also are very interested in renewable energy. They, through a different ownership have over 3 megawatts of photo voltaic panels throughout the State of Hawaii. The architect is Steve Marlett. Landscape architect is Kevin Tanaka. Mark Matsuda is here as the civil engineer with Otomo Engineering. The traffic consultant is Phil Rowell, and again, my name is Dave Ward with Frampton and Ward.

As Candace mentioned, the entire parcel is 12.8 acres. The impacted area is roughly two acres. This area was formerly used by Maui Land and Pine for a parking area. The proposed building is a 29,000 square-foot flexible warehouse building. It is in the State Land Use Urban, Island Plan Urban, community plan Heavy Industrial, Zoning M-2, Heavy Industrial and we are within the Special Management Area which is the reason for this application.

Again, the project site, it's easier to see here. The blue dash lines are the entire 12 acres. And the shaded green area there is the two acres that we're talking about which is the former Maui Land and Pine cannery parking area.

You know, big picture, I've been working on this lot with the Ferguses for about three years and pretty much everybody that I talked to about this site has some memories of working in the cannery, maybe their mom worked in the cannery, maybe their dad, they know somebody that worked in that cannery. And I just...you know, big picture, it's sad that the cannery operations have closed down but at the same time you know, the improvements that have been done over there by Ferguses and the quality of what they've put in over there, and the quality of what they're talking about here with this project I think is really, you know, beneficial for everyone. But I just wanted to recognize the fact that yeah, this is a you know, a significant area that it was the Kahului Cannery.

As far as the entire project, we are talking about the building, the parking and lighting improvements, the signage improvements which are on that elevation that I gave you, landscape improvements, drainage improvements, we need to move some utilities around on the site. There

are some Wakea Avenue frontage improvements with a grass swale, some pretty...it's a relatively flat site, so some minimal grading improvements, some small retaining walls. We're working with the County on a traffic signal to improve the access on the site and again, a proposed photo voltaic system for the site.

So this is...I'm just gonna take a quick look around the area just to get a good feel for the area. This is Wakea fronting the site. If you look on the lower, the lower left-hand side on all these slides, there's kind of a location and then there's a green arrow showing kinda where the picture's taken from so you can kinda see quickly where we're looking at. This is right in front of the project. This is actually where we're talking about the improvements. This is looking more east on Wakea. Again, the frontage improvements there just looking more from an easterly direction. This is on the project site facing east. This is facing south. So the neighboring properties, this...we're gonna work to the east first so this is the Hawaiian Telcom site here that's directly adjacent to this site. Then there's the Maui Electric baseyard and office building to the east. This is working to the west, obviously the intersection where Queen Kaahumanu Center. There's that office building that's the next building down after the Easter Seals, and then there's more of a retail, retail sort of look as you work west. So very industrial in nature especially on that side of Wakea. Across the street is the Hale Mahaolu properties. Just as a side note, we did meet with both associations over the last month and told them about this project and let them provide comments. There weren't any significant comments. The things you would anticipate. People just wanted to make sure that BMPs would be followed during the construction.

On the site today, mentioned that the Ferguses did an adaptive reuse project where they took that existing, the four existing cannery buildings and took them down to two and did a lot of utility improvements and then retented those. This is the signage that's on the site, and again, I really have this on here just to see the quality and the maintenance of the area. They really have done a nice job. Again, this is looking onto the site through the existing driveway. A parking lot that was constructed in those improvements and you can see the grass that's been installed, grassed planting. And this is again the existing facility.

I'm gonna have Steve Marlett come up and go over the site plan and the elevations and quickly through the landscape and then I'll come back up and talk about the utility improvements.

Mr. Steve Marlett: Aloha, I'm Steve Marlett with MC Architects. We're the project architect for the overall project. As previously indicated, it's a 28,000 square-foot building and it's anticipated as a pre-engineered metal building similar to most of the other buildings in the neighborhood. We've done some upgrades to the overall image so that it doesn't appear to be a pre-engineered metal building. Right now the building is sited off of Wakea with access on the left-hand side which aligns with the existing intersection across the way, and a secondary access on the right-hand side of the overall site in there that's anticipated as right-in, right-out. We do have a third access point that is an access that goes down to the existing cannery parking lot in the back just for flexibility for various tenants that are coming through and such. Most of the frontage and what's laid out in the building right now is customer parking primarily out on the front side and then just flexible loading areas in front of the bulk of the tenants. We're showing what we're anticipating as probably the most number of tenants in this scheme. In other words, the smallest increment of tenants and we really think that we're gonna end up with a mix of tenants of very small things and a combination of

numerous of these units to make a larger tenant space. We're showing loading bays also off the back so we can get tenants that will take the whole depth of the loading bay as well as loading bays off the front. So each bay generally has an overhead door and it has a man door off the front. Similarly each bay has an overhead door and man door off of the back. There's a fire road, access road that rings the entire building. This is the preliminary elevation for the project. Again, it is a pre-engineered metal building. We've dressed it up but the bottom, you can see on the lower corner of the bottom eight feet is masonry, you have different textures and different colors of masonry to protect the lower portion of the building from the classic wayward traveler hitting the building as you see in most of these other buildings and doing damage to the lower portion of the building. The upper portion of the building is an EIFS (Exterior Insulation & Finishing System) structure so it's not a...it's a synthetic plaster material, so it's not the classic metal building. And as you can see this is the front elevation. Up on top, we are inseting areas here that would have the opportunity for a user to have a small showroom, the carpet guy, things like that, warehouse in the back, showroom in the front. They'll pop the overhead door out, put a glass store front in its place and operate in more of a showroom type of environment. And we've anticipated that likely on the two ends of the building where we're showing just a little more glass and the opportunity for showrooms, but we really have set up the building for maximum flexibility for the type of tenant that will come in right now as well as maximum flexibility for tenants to change over time without doing dramatic alterations to the overall building. Pop out a overhead door, pop in a glass store front. Pop out a glass store front, pop in double sets of doors for loading and things like that within the format and framework of the rest of the building.

So this is an image of the overall front. And again, you can see the end units are kind of set up for more of a showroom environment and more of the middle tenants use overhead door, man door or smaller glass for offices and then signage generally above. The building is 24-foot clear on the inside, again, flexible space. We're anticipating this could be entirely naturally ventilated. There may be offices that tenants want to put on the inside that have a minor amount of air conditioning, maybe some toilet facility or something like that. But beyond that this building is fully, naturally ventilated. Again, side view of the one of the tenants on the corner that are really set up for probably more of a showroom type environment.

Landscape plan. Minimum amounts of landscaping, most of it concentrated on the frontage of the overall project between the existing road all the way up to the property line. We're doing screen, hedge material as well as street trees, true kamani tree around the side. There's existing landscape all the way around the back and this is cutting into a slope that slopes down to the existing cannery, parking area in the back. And so again, we're just really beefing up the landscaping that's around that side per se, and then we do have some buffering landscaping along the side of the building, small hedge material, shrub material and such, but we're trying to keep the bulk of the front of the building and the back of the building clear so that it can maximize the opportunity and flexibility for loading in and out of the overall development.

Like they had...like was announced previously, you know, we're doing a lot of things for energy conservation. LED lights as much as possible. Again, we're really showing no plumbing or anything like this in this facility. That we would you know, encourage the tenants to if they're doing plumbing and they're doing hot water to do a solar hot water system. As previously indicated, the Fergus Group is a major investor in PV panels and we anticipate that...we've set this building up

to fill most of the roof with PV panels somewhere down the line with this project so we're trying to be as energy conscious and material conscious as we possibly can as part of the overall project. Any other questions?

Mr. Ward: So a couple more items related to the grading, drainage and utility. So as mentioned earlier and as you could see in the slides, the site is relatively level. We will though have to do some grading on the site, across the site. And with that, we will also be constructing some small retaining walls here in this location in the back. And also along that bank that we saw beside the existing parking lot on this side of the building. We will be catching the drainage, and drainage basins, and we're retaining it in subsurface basins.

As Steve mentioned there are two driveway connections for this property. This driveway here on the left which is directly across from Hina will...we are working with the County...there is a project right now with or without this project the County's working on to install a traffic light at this location. We're working with the County to make that traffic light a four-way instead of a three-way traffic light there. So we're working on that. And then there's also the improvements along the frontage of this property, we're working with the County about kinda maintaining more of a grass swale look out there which is kind of consistent with the surrounding area.

There will also be the general utility connections, sewer, water on the site. We have a six-inch water meter on the site today which is sufficient. And we also have sewer improvements that we can connect to and run out of the back of the property. As far as drainage the existing condition is that it does sheetflow kinda west to east on the property. We will be using these catch basin inserts to help remove sediment as the drainage enters our system. Then again, we'll retain that in subsurface drainage retention basins and those will be sized appropriately.

From a traffic standpoint, I'll mention that we will be working with the County on improving this intersection. With that, we'll also be putting in a crosswalk at this location to assist and then again adding a left-turn lane on Wakea and a right-turn lane into our property.

And with that, I'll conclude and leave it open for questions if you may have any.

**a) Public Hearing**

Chairperson Lay: Thank you. At this time, I'm gonna open up for public testimony. If anyone wishes to testify please step forward. Seeing no one, public testimony is closed. Commissioners, questions and comments? Commissioner Freitas?

Mr. Freitas: I've been on this site numerous times because I purchase stuff and what have you and I worked on this site. What they did with the existing building that was there was just unbelievable. They did one heck of a job and it's fully rented out. It's a great job. A great project. I will support this 100 percent because what they have done, if people could see it, you folks would really appreciate it.

Chairperson Lay: Commissioners? Commissioner Hedani?

Mr. Hedani: The only question that...I like the building, I like the layout, I like what you've done in terms of you know, presenting flexibility on the building. The only question that I have is that that side of the street currently doesn't have any sidewalks and was there any consideration given to including sidewalks?

Mr. Ward: Yes, thank you very much for the question. So early on when we first starting talking about this project we...there were very important agencies that we wanted to meet with. The first was the Department of Planning and then right after that we met with the Department of Public Works and this has been you know, nine months to a year ago when we had these discussions and we went to Public Works and said, hey what do you want us to do? What makes the most sense here? And we worked with...through David Goode's office and Rowena and were able to take a look at the area and look at across the street. There are sidewalks across the street and that really on this side of the street there really is more of a grass swale which assists also with drainage. And so the department basically came up with the idea that you know, extending that grass swale and using that to assist with drainage was the best use of that, of that side of the road.

Chairperson Lay: Commissioners? Commissioner Medeiros?

Mr. Medeiros: My first job was at the cannery. And as he said it was a...as he said it brings back a lot of memories and I really like what you guys did with this. And keeping that memory alive. So I will have Jacks back on this and support it.

Chairperson Lay: Commissioners, any more questions or comments? Seeing none, can we get the Department's recommendation?

**b) Action**

Ms. Thackerson: The Planning Department recommends approval based on the 15 conditions as listed in the report. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the October 14, 2014 meeting as its findings of fact, conclusions of law, and decision and order and to authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Mr. Freitas: So move.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Commissioner Freitas, second by Commissioner Medeiros. Any discussion on the motion? Seeing none, can the Deputy repeat the motion?

Ms. McLean: The motion is to approve the Special Management Area Use Permit for the project subject to the 15 conditions in the staff recommendation.

Chairperson Lay: Call for the vote. All those in favor?



Ms. McLean: Six ayes.

Chairperson Lay: Motion passes. Congratulations.

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

**VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.  
(Assenting - J. Freitas, J. Medeiros, K. Ball, M. Tsai, W. Hedani, R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle)**

Chairperson Lay: Commissioners, we got about ten more minutes before lunch. Do you wanna go to lunch now? Come back at ten to 1:00? Okay. Planning Commission breaking for lunch.

A recess was called at 11:50 a.m., and the meeting was reconvened at 12:55 p.m.

Chairperson Lay: ...next agenda item? We're on Item D-1.

Mr. Spence: MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on the request by MR. TORMOD ISETOP, pardon me if I'm mispronouncing that, for a State Land Use Commission Special Use Permit for a three-bedroom short-term rental home located in the Agricultural District in Hana, and our Staff Planner this afternoon is Ms. Gina Flammer.

#### **D. COMMUNICATIONS**

- 1. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on the request by MR. TORMOD ISETOP for a State Land Use Commission Special Use Permit in order to operate Ekena, a three (3) bedroom short-term rental home located in the State Agricultural District at 290 Kalo Road, TMK: 1-3-009: 013, Hana, Island of Maui. (SUP2 2013/0018) (G. Flammer)**

Ms. Gina Flammer: Good afternoon, Commission Members. So we are dealing with a permit that was...you referred it to the Hana Advisory Committee. So we went out there on February 20<sup>th</sup>. I'm gonna show you the same power point that I showed Hana and just walk you through the permit. So today we're talking about a State Land Use Special Use Permit. It's for a three-bedroom short-term rental home. The Short-Term Rental Home application itself did not meet any of the triggers to come to Maui Planning Commission. However, as you know, you are the approving authority for State Land Use Special Use Permits.

Okay, so the project is called Ekena. It has three bedrooms for the short-term rental home use. It's a little before Hana. I don't know if any you know Kalo Road. In case you don't, you can see where it is up there. It's all the way at the top. I just wanna note that it's kinda tucked in the State Forest Reserve Land. So when we look at the pictures you're gonna see what the applicant is

dealing with when it comes to farming activities.

Here's the entrance when you get to the top of the road. It's actually one of the better driveways I've seen in Hana. It does kinda show you the topography of the land. And then you can see a little bit more as we come up. The pasture is on the left. I do know that when the applicant purchased the property about 13 years ago, his lot as well as other lots were all used for cattle grazing. I'm not sure exactly when that stopped, but he moved to horse pasture on his particular property and the horse pasture is only on his property. It's about a little over five acres. In addition to the horse pasture there's also some other areas landscape used for flowers and I'll show you a little bit more about that as we go on.

So here's from the back of the house, you can see and then first I'm just gonna show you just pictures of the house itself and then we'll go into actually the agriculture after that. So there's an upstairs and a downstairs. This is the upstairs. It's typical with the main area. It has a kitchen. It's got the master bedroom upstairs. There's a second bedroom and then here we have the third bedroom. Here's the downstairs area. There's a sitting area down there as well. And you can...when I say forest reserve you can see some it there in the picture.

Okay, so here is the site and the farm plan. The applicant was humble when he filled out the farm plan information and also the real property tax. He only has the pasture area listed. However, there is quite a bit of vegetation in the green, flowers and other trees and things like that but they're not a part of the farm plan. But when you're looking at the State Land Use Permit, you can look at all the areas of agriculture. So you can see here where the pasture area is. I wanna also just kinda point out some of the African tulip trees that are in here. Those are invasive. I know the applicant spent a considerable amount of time just trying to keep that all in check so he can keep the pasture as open as possible. Again, this shows you some of the area right there what he's dealing with. This shows you kind of the cleared areas where the horses can have free reign.

Okay, so in addition to the pasture there's also flowers for leis and floral arrangements. I was kinda surprised when I showed up at the property just how much there is up there and just kinda the quality of it. Usually when it used for commercial purposes it has to be in pristine condition. You don't always find that. These are two letters...I asked the property manager actually to show me that she is using the flowers for something. So she has two different people that use it. One does it for wedding, events, and for wholesale. The other one it's kinda monthly, it's for nonprofit more community types of events. And then I just wanted to show you some pictures of what that looks like. That's the red ginger. There's quite a bit of that. Also the torch ginger is up there. And then there's quite a bit of banana and you can tell that they harvest the banana just from looking at the way they take care of the trees. It's hard to show up at a property when there's fruit that's already past its date, but I didn't find any of that here. They recently planted I believe these are olive trees. You can see some of the torch ginger, there's some regular ginger in the back. And then there's also some large mature, I think those are mac nut trees that are there.

So in terms of the agency review process, we didn't receive any comments on the application. I know you guys have read letters from the State Office of Planning with concerns. This one didn't have any of that. The Police Department didn't have any concerns. Real Property Tax let us know that they do have a 5.126-acre ag use assessment for the property. That's only for the pasture

area.

There were no letters of protest. There were two letters of support that came from neighbors on the same street. And then when we were at the Hana Advisory Committee they did vote unanimously to recommend approval. One of the Commissioners expressed support for the manager. Again, this is one of the applications that we're looking at in Hana that has a professional manager who does not hold a real estate license. The Commission did express support for her in the past. I did explain to them what would happen with this and I'll let you know as well. We cannot approve the Short-Term Rental Home application until that requirement is met. It can be met either by the applicant moving full-time. I know he's retired now, coming over much more. Or when we go to Council with the review of the Short-Term Rental Home Bill the Department does have an amendment in there that would allow the caretaker provision from State Law which would mean one person could act as a caretaker for one other property owner. So we still couldn't approve it. We'll have to wait till Council makes their decision on that. There was another Commission member that stated he'd been on the property and he agreed about the land. It's not suitable for regular flat row planting type of agriculture.

So back to the Short-Term Rental Home Permit. We can approve the State Land Use Permit today if you would like to. However, the approval date will come when the Short-Term Rental Home Permit is approved. And I do have the applicant here, Mr. Isetop if you have any questions. Thank you.

Chairperson Lay: Commissioners, at this time I'm gonna open up to public testimony. If anyone wishes to testify please step forward? Seeing no one, public testimony is closed. At this time, Commissioners any questions or...Commissioner Freitas?

Mr. Freitas: Gina, do they have a GET License and do have any receipts of sales of any of the floral?

Ms. Flammer: Yeah, let me ask the applicant. I'm assuming you're referring to GET for that not for the short-term rental. They do have a GET License. We do require that when they come in.

Mr. Freitas: That's right 'cause there's a farm plan required.

Ms. Flammer: He's wondering if you sell any of the flowers you have receipts and you claim it under you GET taxes or...(inaudible)...

Mr. Tormod Isetop: That is what the caretaker takes care of. It wouldn't be from selling flowers. It wouldn't be a whole lot much money I believe, but I would have to check with her.

Chairperson Lay: Commissioners, any more questions? Commissioner Medeiros?

Mr. Medeiros: The Hana people they liked your plan. I've always been the kind of guy that you know if the Advisory Council goes with it, I usually go with them because they know what's happening in their neck of the woods. The horses, how many horses do you have?

Mr. Isetop: There's two horses.

Mr. Medeiros: Thank you.

Chairperson Lay: Commissioners, any more questions? Seeing none, can we get the Department's recommendation?

Ms. Flammer: Okay, the Department recommends approval based upon the following seven conditions that we have in the application. As you know, the seventh is that the farm plan has to stay implemented. We do check that at renewal. So in consideration of the foregoing, the Department recommends that the Maui Planning Commission adopt the Hana Advisory Committee recommendation of approval and adopt the Planning Department's report and recommendation prepared for today's meeting as its findings of fact, conclusion of law and decision and order and authorize the Director of Planning to transmit said recommendation.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Move to...

Chairperson Lay: One second the Director wish to—

Mr. Spence: No, no, no...Commissioner Medeiros probably—

Mr. Medeiros: I move to accept the recommendation from the Hana Advisory Council.

Mr. Higashi: Second.

Chairperson Lay: Motion by Commissioner Medeiros, seconded by Commissioner Higashi. Any comments or discussion on the motion? Commissioner Hedani?

Mr. Hedani: Just a question, Gina. Do we have any kind of an income threshold for agricultural operations?

Ms. Flammer: No, we don't. The farm plan is based upon the feasibility of farming and also land conservation and pasture as well. So we don't put income requirements on it because of that.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: You must have a real estate...somebody holding a real estate license to implement or rent what do you call short-term or long term rental, am I right unless they're living on the property and taking care of their own.

Ms. Flammer: The short-term rental home requirements require that a manager either be the applicant, a relative of the applicant or hold a Hawaii State Real Estate License.

Mr. Freitas: So we have none. So I'll...I can't.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Isn't this, you know, the recommendation it will be approved once they meet all of the legal qualifications? I thought that's what I was supporting?

Ms. Flammer: Yes, yes. The Short-Term Home Rental Permit can't be issued until the...all those requirements including the manager requirement. The Department wanted to bring it to you now just so that it's...you have time on your schedule, the applicant is here. We try to get them to you as soon as we can.

Mr. Medeiros: Okay, so it's not a go until they meet the qualifications?

Ms. Flammer: Yes.

Mr. Medeiros: Good. That's what I moved. Okay.

Chairperson Lay: Commissioners, any more discussion? Director can you repeat the motion?

Mr. Spence: The motion is to approve as recommended by Staff and the Hana Advisory Committee.

Chairperson Lay: Call for the vote. All those in favor?

Mr. Spence: That's four ayes.

Chairperson Lay: Those opposed?

Mr. Spence: That's one opposed.

Chairperson Lay: And the deciding vote...

Mr. Spence: It's hard job.

Chairperson Lay: Okay, I'm gonna go with it 'cause we're gonna wait until everything's in order. I also vote yes on it.

Ms. Flammer: Okay, thank you. So the motion passes with five then?

Chairperson Lay: Yes. Congratulations.

**It was moved Mr. Medeiros, seconded by Mr. Higashi, then**

**VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended by the Department and the Hana Advisory Committee.  
(Assenting - J. Medeiros, R. Higashi, K. Ball, W. Hedani, I. Lay)  
(Dissenting - J. Freitas)  
(Excused - P. Wakida, S. Duvauchelle, M. Tsai)**

Mr. Spence: Commissioners, Item E, Acceptance of the Action Minutes of September 23, 2014 and the Regular Minutes of the July 22, 2104 meeting.

**E. ACCEPTANCE OF THE ACTION MINUTES OF SEPTEMBER 23, 2014 AND REGULAR MINUTES OF THE JULY 22, 2014 MEETING**

Mr. Freitas: Move to accept.

Mr. Medeiros: Second.

Chairperson Lay: Motion to accept, second. All those in favor say, "aye".

Commission Members: Aye.

Chairperson Lay: Those opposed? Motion carries.

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

**VOTED: To Accept the Action Minutes of the September 23, 2014 Meeting and the Regular Minutes of the July 22, 2104 Meeting.  
(Assenting - J. Freitas, J. Medeiros, K. Ball, W. Hedani,  
R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle, M. Tsai)**

**F. DIRECTOR'S REPORT**

- 1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following application:**

**CASCADIA/AT&T MOBILITY requesting a County Special Use Permit for the AT&T Cell Tower Hana Project in order to install a 75 ft. monopine communications tower and related improvements at the Hana Airport, TMK: 1-3-002: 053 and 54, Ulaino, Hana, Island of Maui. (CUP 2014/0005) (K. Scott)**

Mr. Spence: Director's Report. Commissioners, we have another item regarding the Hana Advisory Committee this is to designate the Hana Advisory to the Maui Planning Commission to conduct a public hearing for Cascadia/AT&T Mobility is requesting a Special Use Permit for cell tower project on a 75-foot monopole near the Hana Airport and Keith Scott is not here, but you're saying...under your authority you would just be designated the Hana Advisory Committee as the public hearing body.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: So move.

Vice-Chair Ball: Second.

Chairperson Lay: There's a motion, first and second. Any discussion on the motion? Seeing none, we just call for the vote on that. All those in favor say yes, aye?

Commission Members: Aye.

Chairperson Lay: Those opposed? Motion carries.

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

**VOTED: To Designate the Hana Advisory Committee to the Maui Planning Commission to Conduct the Public Hearing and Make a Recommendation.  
(Assenting - W. Hedani, K. Ball, J. Medeiros, J. Freitas, R. Higashi)  
(Excused - P. Wakida, S. Duvauchelle, M. Tsai)**

**2. Notification of the Issuance of the transfer of a Special Management Area Use Permit pursuant to Section 12-202-17(d) of the Maui Planning Commission's Special Management Area (SMA) Rules:**

**Transfer by letter dated August 14, 2014 of the Special Management Area Use Permit from HOST MAUI VACATION OWNERSHIP, LLC to MAUI TIMESHARE VENTURE, LLC for the proposed Hyatt Regency Maui Timeshare Addition located at TMK: 4-4-013: 003, 004, and 008, Kaanapali, Island of Maui. (SM1 2006/0001) (J. Dack)**

Mr. Spence: Okay, Item 2 under Director's Report. Notification of the issuance of a transfer of a SMA Permit pursuant to your rules by letter dated August 14<sup>th</sup> transfers the Host Maui Vacation Ownership, LLC to Maui Timeshare Venture, LLC for the proposed Hyatt Regency Timeshare addition at Kaanapali. So this is just an acknowledgment of the receipt of this notice.

Mr. Freitas: Accept.

Chairperson Lay: Motion to accept.

Vice-Chair Ball: Second.

Chairperson Lay: Seconded by Commissioner Ball. All those in favor?

Commission Members: Aye.

Chairperson Lay: Those opposed? Motion carries.

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

**VOTED: To Acknowledge Receipt of Notification.**  
**(Assenting - J. Freitas, K. Ball, J. Medeiros, W. Hedani, R. Higashi)**  
**(Excused - P. Wakida, S. Duvauchelle, M. Tsai)**

**3. SMA Minor Permit Report (Appendix A)**

**4. SMA Exemption Report (Appendix B)**

Mr. Spence: Commissioners, Item 3 and 4 is the SMA Minor Report and the SMA Exemption Report, Appendix A and Appendix B. Any questions on those? For you to acknowledge receipt of those.

Chairperson Lay: Got a chance to look at that . I need a motion to accept.

Mr. Medeiros: Move to accept.

Mr. Higashi: Second.

Chairperson Lay: Motion by Commissioner Medeiros, second by Commissioner Higashi. All those in favor say, aye.

Commission Members: Aye.

Chairperson Lay: Those opposed? Motion carries.

**It was moved by Mr. Medeiros, seconded by Mr. Higashi, then**

**VOTED: To Accept the SMA Minor and SMA Exemption Reports.**  
**(Assenting - J. Medeiros, R. Higashi, J. Freitas, K. Ball, W. Hedani)**  
**(Excused - P. Wakida, S. Duvauchelle, M. Tsai)**

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

**a. October 28, 2014 meeting agenda items**

Mr. Spence: Item 5, you a memorandum from Mr. Clayton Yoshida for your October 28, 2104 meeting. There's gonna be two public hearings, one referring a proposed ordinance to the Planning Commission for a hearing and we'll send it back up to the Council. And then there's another proposed bill to allow childcare homes within the State Agricultural District. Actually it's probably within the County's Agricultural District because it's already permitted in the State. No. B, Communications, Gwen Hiraga, Project Manager for Munekiyo & Hiraga on behalf of Intrawest submitted a 2014 Annual Report regarding the Settlement Agreement with WMPA. Item C, we're going to have three decision and orders for you to adopt, one by Mr. Robert Holland, denial of permit by Mr. Allan Zimmerman, and denial of a permit for Mr. Fred Honig, the Spirit of Aloha Temple. So those ...(inaudible)...will be before you to adopt next time. Then Director's Report, requesting a waive



review of a SMA Time Extension for Mr. Roderick Fong, General Partner of Waiohuli Partners requesting a SMA Time Extension. ...(inaudible)...

**G. NEXT REGULAR MEETING DATE: OCTOBER 28, 2014**

Chairperson Lay: Commissioners, any thing else?

Mr. Medeiros: Move to close.

Chairperson Lay: Motion to adjourn. Those in favor?

Commission Members: Aye.

Chairperson Lay: Planning Commission is adjourned.

**H. ADJOURNMENT**

The meeting was adjourned at approximately 1:16 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN  
Secretary to Boards and Commissions

**RECORD OF ATTENDANCE**

**Present**

Keone Ball, Vice-Chair  
Jack Freitas  
Wayne Hedani  
Richard Higashi  
Ivan Lay, Chair  
Jason Medeiros  
Max Tsai

**Excused**

Sandy Duvauchelle  
Penny Wakida

**Others**

Michele McLean, Deputy Director, Planning Department  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works