

**MAUI PLANNING COMMISSION
REGULAR MINUTES
NOVEMBER 10, 2014**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:04 a.m., Monday, November 10, 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: ...it's November 10th at 9:00 a.m.

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.

At this time we're gonna open up to public testimony. For those of you who wish to testify who will be unable to testify when your agenda item comes up you'll be able to do that now, but remember also that you won't be able to testify when your agenda item does come up, you'll be testifying right. If anyone wishes to testify, we got Lance Holter. Do you wish to testify now?

The following individual testified at the beginning of the meeting:

Lance Holter Item D-2, Henry Spencer on behalf of Paia 2000, LLC - Draft Environmental Assessment

His testimony can be found under the item on which he testified on.

Chairperson Lay: Our next testifier, Jim Buika, do you wish to testify at this time? Does anyone else wish testify at this time. Seeing no one, public testimony is closed and we're off to our first agenda item of the day.

Ms. McLean: Good morning Chair, Commissioners. There are two public hearing items on the agenda today. The first is a request from Armstrong Development for Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the Keala O Wailea (MF-11) Multifamily Project, a 70-unit mult-family project with improvements and amenities located on Wailea Ike Drive directly makai or weset of the Wailea Gateway Center at TMKs 201028:001 thru 013 in Wailea.

I do wanna note for the record that the Planning Director believes that he could have a potential conflict of interest on this item and so he has recused himself from being involved with the project at any of its stages. The Staff Planner for this project is Danny Dias.

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

- 1. ARMSTRONG DEVELOPMENT, LTD. requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the Keala O Wailea (MF-11) Multifamily Project, a 70-unit multi-family project with improvements and amenities located on Wailea Ike Drive directly makai (west) of the Wailea Gateway Center at TMKs: 2-1-028:001 thru 013, Wailea, Island of Maui. (PD1 2013/0001) (PD2 2013/0001) (SM1 2013/0001) (D. Dias)**

Mr. Danny Dias: Thank you, Deputy Director McLean. Good morning, Members of the Maui Planning Commission. The Department would like the applicant to come up and do their presentation. If we can have a couple minutes after they're done to provide some comments. Thank you.

Mr. Jordan Hart: Good morning, Commissioners. My name is Jordan Hart of Chris Hart & Partners. I'll be here to introduce the project. Here today we have Paul Hallin of A&B. Also in attendance is Bob Armstrong of Armstrong Development. We have Wayne Muraoka and Daniel Sandomire also from Armstrong Development. We have Reed Ariyoshi of Warren Unemori Engineering. Dawn Easterday of McKelvey and Associates and Rachael Hodora of Scientific Consultant Services archaeological.

As stated the MF-11 Project also called Keala O Wailea is located at TMKs: 2-1-028: and it's parcels no. 001 thru 013. The parcel is located on the Piilani Highway at Wailea Ike Drive here. It's well within the State Urban District. This is the State Land Use District map. The parcel is just makai of the existing...well, makai and north of the Wailea Gateway Center Project. Location of the Monkeypod Restaurant, other businesses.

The project is in the community plan Business/Commercial District. It's intended for a commercial type development. It's important to note that this district also allows for apartment developments which is what the project is proposed as. The project is zoned A-2 for apartment development. You can see there in red is the existing Wailea Gateway Center. This is a aerial photograph so it can give you some of the context of the project. The project is at the mauka edge of the Wailea Resort. Above you can see Maui Meadows and then mauka of this project site is the proposed Honuaula development. At this time, I'd like to bring up Wayne Muraoka of Armstrong Development to talk about the project a little further.

Mr. Wayne Muraoka: Thank you, Jordan. Good morning, Mr. Chair, Members of the Planning Commission. Thank you so much for considering this project. It's nice to see you folks again. Last month we were here with two projects, Makalii at Wailea, another Wailea project, and also Kalama Kai in South Kihei, a 100 percent residential workforce housing project.

Today, I'm happy to present to you Keala O Wailea, the second of our Wailea projects and the other part of the three projects that go together. This project along with Makalii helps us to a 100 percent affordable project under the Workforce Housing Ordinance in Kihei. This project is a joint venture between Armstrong and A&B. It's a resort condominium project on the Wailea MF-11 project. It's an infill project in an already mature resort community that's part of a larger planned

development that...and it's a parcel that was always slated for development. In fact, it's already been through the entitlement process once. Actual construction onsite and infrastructure took place, and at that time because of the market conditions and the type of product nothing sold. We have, together with A&B, come up what we think is a very good synergistic project that fits well with the Wailea Gateway Shopping Center, that really gives a needed, much needed inventory to the Wailea community. As you know, many of the condominiums in Wailea were built in the 70s and 80s and have aged tremendously and there is no real new entry level Wailea product. And this provides ocean view condominium units at really maybe not affordable in the broader sense, but at an entry level pricing level for Wailea.

In terms of orientation, the green is the lot. Just makai of it on this lot is the recently approved four-story hotel that is already under construction, site construction. Just mauka of it is the Gateway Shopping Center. To the north side would be residential housing. To the south side is commercially zoned land. One of the things to note is probably the most important thing is it has to be a fit with Wailea Gateway Shopping Center. We've already found that multimillion dollar single-family homes do not fit with that use in people's eyes. No one wanted to buy. What we've come up with is a condominium project that which we believe fits nicely, and that the buyers of this product would actually see Monkeypod Restaurant, Pita Paradise, Fabianis as amenities that go along well with the lifestyle they're seeking.

We'd like to thank the Planning Department. We've worked long and hard together to try to come up with a project that fits the land, addresses the interests concerning views to the ocean and we've worked out what we think is a very good compromise in terms of what gives us a chance to do a meaningful project, an attractive project and also protect views to the ocean. We've could have gone four stories here. We're only doing three. We are far below the allowable floor area ratio making for much less dense project. I don't know if you can see it, floor area ratio allowable is 90 percent. We're at almost half that at 46 percent proposed. So it's...what we tried to do is cluster units together in buildings, space the ribbon of buildings along the property line and perpendicular to the road to minimize frontage and also really keep as much open space as possible. To give you the details of the project I'd like to turn the project over to Daniel Sandomire to fill you in on the details of the project.

Mr. Daniel Sandomire. Good morning. Daniel Sandomire, Armstrong Development. As Wayne talked about the project's massing...Piilani and Wailea Ike we have seven buildings. One, two, three, four, five, six, seven, they follow the perimeter of a plateau. It's a gently sloping site adjacent to a ravine, an open space ravine and then the golf course. So this gives us a flat area above that we can develop.

The arrival is off of Wailea Ike Driveway in through here and there's one and two entrances to the building. Parking will be separate from the buildings themselves. Everybody will have a covered parking space either a garage or a carport plus an unassigned parking space open to them...uncovered parking space open to them.

It's approximately seven and a half acres. It has approximately seven and a half acres. We have a very low lot coverage for the lot which allows to live in a garden like setting which is one of the goals and objectives of the community plan. With that we have landscape that we've developed and our landscape architect will later speak to that. Open space and recreation for the

homeowners. And just a lot of landscape that we can trim, maintain and enhance views.

Okay there will be ... the architecture itself is...was a real important thing for us. We wanted to make architecture that had a feel of Hawaiian resort architecture so we're taking details from the ...(inaudible)...are details that help build up this roof massing. The materials are stucco with tile roof, key accents of a stone material, and again, landscaping to help set the buildings in place. The materials would be concrete monier roof tile in a green blue color that helps...it's called Wailea blend and it helps gently set those buildings into the landscape and the ocean view beyond. Windows would be dark frames that help expand the size of the window opening. Accent lighting would in copper. Railings would be again in bronze and decorative, generous lanai spaces. Stucco would be synthetic stucco finish, cast stone would be the stone detailing, and then tile floors to the lanais and walkway, entrances.

I'll walk through the floor plans really quickly. There are 70 units, 28 of them are two-bedroom, two bathroom, 28 of them of them are three-bedroom, two bathroom, and 14 of them of the are three-bedroom, two and a half bathrooms, those are our penthouse units they're up at the top. The ground floor has four units, entrances to all the four units are directly from ground floor. In addition, the second floor has four units, the elevator will service will serve as the middle two units and the top two units. The second floor on the outside is serviced by an exit entrance directly outside itself. One of the important things that we wanted to do in this project was not have an elevator stair tower at the front of the building. And we worked really hard to push this elevator and keep the roof as low as you can contain the elevator over run and present what looks like a generous lanai rather than the typical elevator stair tower that you have in these projects.

So all the entrances on the ground floor are from outside. You come into this elevator lobby...let me go through the units. There's a three-bedroom on the outside. One master bedroom facing to the view, two bedrooms in the back, kitchen and two bathrooms. The middle units are two bedrooms, the front and back bedrooms. The entry to the second floor is this elevator lobby. You enter directly into the lobby. There's a stairway wrapping behind it or when you go in the elevator you turn either left or right directly into the second floor unit that you're going to. So you're never walking by a corridor and bedrooms and things like that.

This is again, three-bedrooms on the outside units. Wrap around lanais. Two bedrooms on the middle units and a lanai that goes in front of that great room. The third floor penthouse floor we call it, you come into a little open air entrance and the great room faces to a lanai that wraps around to the master bedroom suite. This has a – its got a second bedroom that faces toward the view and a third bedroom in the back and it's got two and a half bathrooms.

The project has a recreation center. It's a fitness room, bathroom, small office or storage room, a little kitchenette, covered pavilion and that's adjacent to the pool deck. The parking garage is in carports. These will service...they'll be dedicated to the units. The flat roof keeps the massing low and allows us to have PV onto the tops of the roof. The intent for the PV is that it would service all of the common area usages, all the electrical demand for heating pools, running landscape, powering elevators and common area uses. In addition to, go back to heating the pool, this flat roof here, the PV on that has a water heater, solar water hearing underneath it so through a heat exchange we're able to heat most of the pool and cut down a lot of the electrical use that way.

At this point I'd like to bring up...actually let me wrap up a little bit more on the PV and what our intent on that PV is. So the project will be seeking a LEED Certification. We're targeting silver and we're very comfortable with that. We think we'll exceed that in fact. Sustainability doesn't have to be an in your face sustainability. It doesn't have to look like something strange and new. We wanted to make it integrated into the project and living smartly with the land in a way that's traditional and familiar to us without making big changes. So we don't wanna put PV up on those roof tops. We think it's important that a roofscape be part of land scape and the coloring materials and massing for that blends itself to that. It'll be very beautiful out there. The PV will down on these carports that are nestled in below and really help get us a lot of points. These are generally point related and the points that we're seeking will in sustainable use of safe materials that we select. The planting and landscape design that you'll hear about and a lot of the site work that we're gonna be doing. So with that, I'll turn it over to Reed Ariyoshi. Thank you.

Mr. Reed Ariyoshi: Morning, Members of the Planning Commission. My name is Reed Ariyoshi and I'm the civil engineer for the project. I'll go over the drainage plan first. Currently existing runoff goes in two directions. One is to the north direction which goes into a existing drainageway gulch identified as Kihei Gulch 3, and the southern portion of the project drains into an existing ...(inaudible)...drainageway and goes through the Wailea Golf Course. Our plan is to basically intercept all the additional runoff generated by the project site with existing catch basins situated within the parking lot and that runoff will be directed into two subsurface drainage systems which are designed to store and control the release of the runoff such that we don't have any additional runoff leaving the project site. The subsurface systems are basically large diameter perforated corrugated metal pipes. There is an existing retention basin on the southwest corner of the property and that is to accommodate the drainage from...that is there to accommodate the drainage from the Wailea Gateway Center and that will be preserved as part of this project.

Ms. Dawn Easterday: Good morning, Commissioners. My name is Dawn Easterday. I'm the landscape architect on the project. So our focus here was on water conservation, on use of native plants so that's the emphasis of the planting plan will balancing some of aesthetic concerns to make sure that it's still a beautiful property at key areas like the entrance. So we've particularly...the site is gently sloping down in this direction and this direction and so we've been taking careful consideration of where tree placement is with mature tree heights for maintaining view corridors.

The irrigation system will be a split kind of a system where in the area...in areas where the more intense landscape is that will be permanent irrigation and then transitioning into naturalized areas on slopes below that will no permanent irrigation, just for establishment.

We do have...we plan for trees in the parking areas for shade. And also the buildings have foundational planting to soften the buildings and to add scale. That's about it. Most of the native plants are in the shrub and ground cover. Almost all of the ground covers that we plan to use are native plants and I think I'll that over...oh, yes, this is a sample of the native plant palette and oh, yes, this ...(inaudible)... so powder coated aluminum, stonewall entrance for the entrance gate with a mix of accent planting and natives at the entrance.

Mr. Sandomire; So thank you very much. And we're happy to answer any question that you have. Here's my thank you slide. Thank you.

a) Public Hearing

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

Mr. Jim Buika: Thank you, Commissioners. Good morning, Chair. My name is Jim Buika. I'm a resident of Wailuku. I've been here for 12 years. I've been employed by the Planning Department for the last seven years. I'm taking my own time to prepare my remarks, review this project, and provide some comments to you. I notice that the applicant did not show any view plains from the highway here. The reason I'm providing comments is that the current design of the development for a product as the applicant calls it will block the view to the shoreline from the Piilani Highway. This in violation with the law. The Special Management Area Rules, your rules, the Coastal Zone Management Act, and the Maui Island Plan each require that this view be preserved. From reviewing the project this view can easily be preserved for generations to come by the developer.

I am here to respectfully ask the developer to voluntarily redesign the project to fully comply with this law, with the SMA Law. This can be done either by the developer or by the Maui Planning Commission under the Planned Development 1, Planned Development 2 Permits that are part of this application as well as conditions for the SM1 application before.

With my remaining two minutes I have six points to make. Point 1, the project design as presented creates a significant social and environmental impact by not complying with the SMA Rules, the Coastal Zone Management Law, and the requirements of the Maui Island Plan. Point 2, as due to the Gateway Plaza next door, the project creates a cumulative social and environmental impact. As currently designed the project will obstruct the remaining view that has not been blocked by the Gateway Plaza with three-story apartment buildings with penthouses lining the highway. Buildings 7, 6, 5, and 3. Point 3, we have the Gateway Plaza as an example of what not to do. How not to build. If we accept the project as is to block our remaining view then we have no excuses. We understand and must live with the consequences of our actions. We see that the Gateway Plaza has...what the Gateway Plaza has done totally block the view along the shoreline and we should learn from this planning mistake. Point 4, the project can easily accommodate design changes to preserve the view. It is 7 ½ acres. It's a large plot. The developers said they're building up rather than out. They have the ability to do twice as much development on the land as they are doing. I contend that they could move some of the parking along the Piilani Highway. They could move their single-story rec center up by the highway. They can lower Buildings 7, 6, 5, and 3 to one-story or two-story. They can grade down lower to preserve that view. Right now that view will be taken. It will be taken forever. They can stack the buildings down below the Gateway Plaza. Give these apartments peek-a-boo views rather than the Kamaaina end up with peek-a-boo views, view corridors as they call them along the highway. We should have a 100 percent view plain along that highway. It is a majestic view. It is one of the last remaining South Maui views that should never go away and if this project is approved as is, we will lose that view corridor completely, forever for generations on end. Point 5, note that the developer is presenting a grading plan designed to accommodate single-family residences. They mentioned that it was previously done. It was for single-family residence. So this project needs to be graded at least one level lower or if not, two levels lower to preserve that view.

Chairperson Lay:(inaudible)... please.

Mr. Buika: --Because otherwise we're gonna have a three-story massive penthouse apartment right in our face right along the highway. Point 6, although this is a public hearing, very few people know about this project because there are no neighbors. You know, it's not really an infill project as they state. There's no one around there. And so there's no one to complain about losing their view. So it really is up to the Commission today to analyze this project and to preserve the view because they can. They have a lot under the Planned Development 1, Planned Development 2 Permits as Corporation Counsel can explain to you. You can accept or reject. You can send them back to the drawing board today under those conceptual permits. Those are to bring conceptual designs to you and--

Chairperson Lay: Thank you, Jim.

Mr. Buika: --and review them. Okay, thank you.

Chairperson Lay: Commissioners, any questions? Commissioner Hedani?

Mr. Hedani: Jim, do you have Point 7?

Mr. Buika: Yes, I do. Well, just in conclusion, basically yeah, no just points...we I do have...I did if it would help the Commission I can offer a permit or a condition for the SM1 that would help preserve the view. I've written it up and I can turn it over to the Chair if you like. But you know it really is...it's a precious view when you drive down that...my point is it is a...it's a unbelievable, majestic view, and you know I humbly ask that the applicant understand what makes the value of their product is the view. It's that majestic view plain. It's what makes Maui, Maui that South Maui view corridor and it's about the only view corridor left along the Piilani Highway that I believe would --should be respected by the applicant. Redesign the project so that we have 100 percent view as we go to and along the highway. Thank you.

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

Mr. Buika: Thank you very much.

Chairperson Lay: Does anyone else wish to testify at this time? Seeing no one, public testimony is closed. Commissioners, questions or comments: Excuse me, go ahead.

Mr. Dias: Thanks Commissioner Wakida. I was just gonna point out that the Department does support this project but the view corridor as Jim explained is something that we are concerned about. I might be reiterating some of the things that he pointed out but the Maui Island Plan does talk about view corridor, so does the Hawaii Revised Statutes and so in your deliberations we just wanna point that out that that should be some something that you folks consider. Thank you.

Chairperson Lay: Thank you, Danny. Commissioner Tsai?

Mr. Tsai: Danny, well maybe this is for the applicant as well. On a typical project I guess in Wailea they have to go through the Wailea Design Committee and I assume that's the view corridor is

addressed?

Mr. Dias: I can't really speak to that. I'm not sure. I know it did go to the Wailea Community Association and they're supportive of the project. As far as whether or not they consider public views from a public highway in their review, I don't know. I would assume not, but...

Mr. Tsai: Yeah, well I guess I can ask the applicant.

Mr. Muraoka: Wayne Muraoka. Commissioner Tsai, this issue has been addressed for many, many, many months. It was addressed by us as a developer as we were coming up with the conceptual plan. We went from what was gonna be a building of eight across to something that was four. We could have gone four, we went three. The penthouses we pull in at the top to minimize what the third floor is. It's pitched roof that minimize what goes up high. It's not like Gateway which is a barn all the way across. We worked with spacing, we worked with grading. We went as far as we thought we could reasonably and then we submitted and then we heard the comments from Planning Department and we've been in this process like Mr. Buika said, at the drawing board for over a year a half and we went back many times can we lower the buildings more, can we change the rooftops, can we do this, that, and the other thing. And we finally got before the Urban Design Review Board in July of this year and this is...I'm not sure what you're referring to about design committee. It did go through WCA, Wailea Community Association's Design Committee. They are fully supportive of the project. But this is the official design review, the Urban Design Review Board made up of professional engineers, architects, interior designers, et cetera and this issue was specifically raised for the Urban Design Review Board to consider. The Planning Department through Mr. Dias wanted to point out that the Hawaii Revised Statutes states that the authority shall seek to minimize where reasonable any development which would substantially interfere with or detract from the line of sight towards the sea from the State Highway nearest to the coast. And Mr. Dias said it is a concern to the Planning Department and he said, "what we need from this board is basically some advice on what can be done with this project or if anything can be done. You, you know, we as planners, we're not engineers, we're not architects like you folks. When this project first came it was big red flag because, you know, Wailea Gateway is still fresh in our minds," and then he talked about our efforts to go back and forth and what we could do and said this is what we have in front of you now. So he said, we have to go to the board, the Urban Design Review Board to get your...and get your advice and expertise so we can pass on that...pass that onto the Commission. The board did consider extensively all the view studies and we didn't present them here 'cause we know your schedule's full, we thought we had agreement with the Department on how it was addressed. We didn't think it was gonna become an issue. We have them. We can show them to you if you would like. But the Urban Design Review Board made up of engineers and architects considered it and these are the kinds of comments they made. Ms. Feeter said that, "I think you've done an amazing job with that you have to work with. I do feel high rises in Hawaii are obscene. So I like to see minimizing where possible this view impact." The same Ms. Feeters was then very, very, very strongly in favor of the project being approved or recommended for approval as is. Ms. Marshall, "I don't have any comments. It's a beautiful project." And she is the one that had the most questions about how the view studies were done. Mr. Green, "I think it is very, very well done, and I understand, understand the Planning Department's concern, but I think some of it may be...seems to be a reaction to a building that perhaps shouldn't have been built the way it was built, Wailea Gateway in other words, and I'm not sure that two wrongs make a right. In other words, I don't think it makes sense to penalize this

developer for what the Wailea Gateway Project has done as far as they blocking the view. So I think it's very, very nicely done and I think they have made an effort to mitigate their original plans according to what they've said, so I'm in favor of it." Ms. Kimmey, "well, as I've already said, I feel it's a very well designed project and I would...my recommendation is leave it as is. Don't lower roof lines, don't make any changes, it's very well thought out." Ms. Feeter, "I agree with Marie." Ms. van Ammers, "I agree. I think it's a nice project. I did kinda wanna address Danny that engineering wise they probably could do something but it probably wouldn't be cost effective like put walls, whatnot and lower, but it would be a huge engineering feat. I think it's a good project. I think it looks nice. I think David's right, we can't punish them for someone else's mistake." In the end, the Chair, Mr. Silva wanted to put together a recommendation that acknowledge and appreciated the applicant's efforts to try to minimize the impact to the view. He said, "they definitely went through a lot of effort to put it together and to mass the buildings and to try to preserve as many view corridors as possible. When there was a question as to whether such a recommendation could be made by the Urban Design Review Board, the Corporation Counsel advised the board that a recommendation could be that the project as proposed meets the objectives and policies of 205 in this body's determination. 205A is the law requiring us to minimize where reasonably possible the views to the ocean, the view impact to the ocean. And that..."

Chairperson Lay: I think we got that.

Mr. Muraoka: –and that finding of recommendation was actually put into the written findings and conclusions of the Urban Design Review Board. And I'm sorry for the lengthy answer to your question but I just wanted to emphasize how much this has been gone through. We've been to the design–

Chairperson Lay: Thank you. Commissioner Tsai?

Mr. Muraoka: Okay, sorry.

Mr. Tsai: Thank you, Wayne. I'd like to ask...I think it's appropriate to ask Jim what his conditions are. You said you had a condition?

Mr. Jim Buika: I'll had the condition over to the Chair after I read it. For the SMA Permit, that to the satisfaction and approval of the Planning Department, the final design and final buildout of the project will preserve 100 percent of the shoreline view as viewed from all locations along the Piilani Highway. The developer will preserve the shoreline view through a combination of redesign of buildings to lower the height. Rearrange the locations of buildings, further grade and cut the parcel to lower buildings and limit the height of landscaping for the life of the project so as to not interfere with the view corridor of the shoreline from the highway. The developer and management company will be required to maintain landscaping to properly maintain the shoreline view from the Piilani Highway.

Chairperson Lay: Commissioners, any more questions? I'd like a follow up on...I have one about the height. I'm must wondering just to give me a perception of how high it is. I know the highway is above the project itself. What is the difference from our highway height to the elevation of your, I guess it's Building No. 1, your base of that? If you have that information just to give me a...

Mr. Sandomire: Okay, Daniel Sandomire. The Piilani Highway rises from approximately 315 above sea level to 320, so it's rising. Building No. 1 down here is a 274 feet, this moves us up to Building 7 which is closest and that's at 296. Existing grade is 3 ½ feet higher than that. So we're proposing to grade down into the bedrock of the previously graded site another...down to e296.5 so another 3 ½ feet from where it currently is.

Chairperson Lay: Brief, okay Wayne?

Mr. Muraoka: Wayne Muraoka. Perhaps this can help, the highway as Daniel mentioned does change in terms of elevation. So it's hard to give you how many feet above the high 'cause it changes. But the reference point that I can give you is you folks know the height of the Gateway building. All of the buildings 1 thru 6 are below the height of the Gateway building, elevation from mean sea level. Building 7, the very peak of this building just about, I can't do it small enough, but the little peak of the building rises above Gateway 2 ½ feet above Gateway's roof line. And that's the only portion of any building in the project that goes above Gateway and it's shaped like this, and the peak is 2 ½ feet above the height of Gateway. Every other building is below that and substantially below as you move down the site. And that is a number that is reflected in the Planning Department's proposed condition regarding maximum height. Thank you.

Chairperson Lay: Okay, thank you. Commissioner Wakida?

Ms. Wakida: Sir?

Chairperson Lay: Wayne?

Mr. Muraoka: Oh, I'm sorry, yes?

Ms. Wakida: I'm looking at Figure 13A, well Exhibit 34, so effectively from the highway there is no ocean view. My...I'm looking at a landscape plan and the buildings seem to be numbered different from what you have 'em on your...

Mr. Muraoka: Yes, you're correct. Initially it went the other way, but the official numbering is the way that it's being shown today.

Ms. Wakida: So 1 is...the bottom one is 7 is the top one?

Mr. Muraoka: Correct.

Ms. Wakida: Okay so looking at this Exhibit 34, I'm looking at Buildings, what 7 and 6?

Chairperson Lay: Yes.

Mr. Muraoka: Yes.

Ms. Wakida: And so there's no ocean view along there and you don't have any project views that include the buildings further down the highway or along, what is that, Wailea Ike Drive? You didn't include those in the packet here is see. You just have that one?

Mr. Muraoka: Well, let me...there are places where the view would no longer exist but that was true no matter whether it's a one-story building or a two-story building, or a three-story building because the eave of the second floor is already at ocean line. So lowering it by a story does not give you more ocean view. Lowering it by two stories probably doesn't give you ocean view except maybe where the roof top comes down it might be a little corner there. So I guess what I'm trying to say is you know this parcel if developed is gonna impact the ocean view. There's no way around it. However, the gulch that's just mau...I'm sorry, north of it is an open gulch and it's open space forever and that is always a view to the ocean. I think we showed that in one of the exhibits. Down Wailea Ike Drive is always open view down toward the ocean. So those are the view corridors that were anticipated to be preserved and any development on this lot would block ocean views so the idea of trying to put in a condition that says a 100 percent of the views across the lot have to be preserved, number one, that's not in the law. Number two, it's impossible to do with one and two-story buildings in a way that doesn't block ocean views so it would basically be the Commission saying don't build anything which is taking.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Yeah, Exhibit 35, what are these buildings here that we're looking at?

Mr. Muraoka: The building on the left is Gateway Shopping Center and then in the bottom picture to the right is Building 7, the little...you see it popping up between the coconut trees and just to the left of it you can see a line going up and that's Building 6. And then way down below, just at the right edge of the Wailea Gateway Shopping Center you can see one of the buildings further down the lot. What I also wanted to point out is along Wailea Ike—

Ms. Wakida: Thank you.

Mr. Muraoka: —some views are improved actually over what is currently being blocked by vegetation. That's also true along the edge of the gulch.

Chairperson Lay: Commissioner Duvauchelle, you have a question?

Ms. Duvauchelle: I do. I have a question for Reed. Hi, do you have your earth work quantities figured out as far as your cut and fill and embankment?

Mr. Ariyoshi: Yes, we do have a preliminary. Hold on, let me...we don't have that offhand though.

Ms. Duvauchelle: Okay, I was just curious as to how far your cutting already, the side.

Mr. Ariyoshi: We are cutting, I think about four feet or so to certain areas. Of course it's kind of balance.

Ms. Duvauchelle: And is your construction drawings already in process for this project?

Mr. Ariyoshi: We are only at...well, we have just started, but we haven't finalized grading....

Ms. Duvauchelle: Okay. All right, thank you.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: You talked a lot about punishment, but I think it's not a punishment. It's what we've learned from the other project is what they're trying to prevent. On Exhibit 35, I see the roof tops that have replaced the West Maui mountains in that view. It's obviously a cloudy day when these photos were taken so you cannot see it very well, but I know that that's what's existing behind that. I have concern with...blocking those views also forever as Jim pointed out. It is a highway, but it is a concern that that's gonna effect the decision I make today so I'm concerned about the dismissing of such a big issue by the developer and trying to blame it on another project.

Mr. Muraoka: Commissioner—

Chairperson Lay: Wait till he completes his comments.

Vice-Chair Ball: Go ahead.

Mr. Muraoka: Wayne Muraoka. Commissioner, I think what you're attributing to me was actually what the Urban Design Review Board Members said. That's not what I'm saying.

Vice-Chair Ball: I understand that, but you repeated it many times, so...

Mr. Muraoka: I was reading different commissioner...different board members comments—

Vice-Chair Ball: I'm not gonna argue.

Mr. Muraoka: And we don't view it as a punishment. It really comes down to in theory anything is possible, but I just wanted to emphasize that we have been at the drawing board for many months trying to find ways to minimize the impact where reasonable. The view that you're talking about I can't say for certain, but I believe it's preserved by the gulch.

Chairperson Lay: Okay, thank you. I think you've made a very fine point Wayne, thank you. We just wanna carry on because we got a long day ahead of us and we're just on our first agenda item. Commissioners, any more questions? Commissioner Hedani?

Mr. Hedani: This is for Wayne Moraoka.

Chairperson Lay: Okay.

Mr. Hedani: Can you pull up your site plan? What is happening in the lower left corner of the project site? What is that big open space?

Mr. Muraoka: Is it here? Is that what you're talking about? That slopes down into the golf course and into the gulch and so our buildings are setback more than minimum requirement. In addition the gulch is open and that through there is where you're looking toward the ocean in a preserved way, and I think, I think it head in the direction that Commissioner was worried about.

Mr. Hedani: Right. I don't wanna redesign your project for you, but what I'm asking is can the

project's buildings be slid down into that vacant open space to take advantage of the golf course views while addressing the concerns that Jim Buika is bringing up?

Mr. Muraoka: You could move the buildings down into it, but the views would still be blocked. The hard part is, this is a long parcel this way. So moving down buildings into the golf course probably does not free up any view that—

Mr. Hedani: The question that I have is if you took all of the buildings on that view corridor next to the open space view corridor and you slid them down—

Mr. Muraoka: This way?

Mr. Hedani: —in the existing alignment.

Mr. Muraoka: I see.

Mr. Hedani: Would it improve the view from highway?

Mr. Muraoka: We are not allowed to do that. There's an open space preserved area that we cannot build into. There's also...it goes down very much into the gully. Dan, you wanna address that?

Mr. Sandomire: You have another exhibit there—

Chairperson Lay: Please speak into the mic.

Mr. Sandomire: Daniel Sandomire. So this site is steeply graded down this way. This ravine is very steep. It wraps up around here and actually part of that ravine is really our open space view that one of them that we're trying to maintain. So keeping...right now currently there's a bunch of trees there. This site being having been all cleared out kind of opens it up and really shows, but generally along Piilani there's a lot of vegetation. So by taking some of this vegetation out we're gonna actually be able to widen out that view corridor and enhance it along the highway. Same thing what we're doing here if you look at that Exhibit C, Figure 35 I believe that somebody was showing there's opening up of all the dense vegetation in this corner will help enhance as you turn that corner into Wailea Ike that arrival down that drive and that open space.

Mr. Hedani: Okay, my point basically—

Mr. Sandomire: Oh, so this is—

Mr. Hedani: —it's just basically a question that I have yeah, is that if you were to move the buildings further makai that would have a tendency because of the sloping nature of the site to reduce the height of the buildings on the topmost part of the project and that in my mind would address some of the concerns that Jim is bringing up.

Mr. Sandomire: I understand the question. So it's a sloping graded site and then a steeply graded site. So these guys would still stay around the same level. All of these are just a couple of feet

lower, couple of feet lower, all the way down to this point and then it drops way off. So the...the only time you get that benefit of that drop, well it wouldn't, it wouldn't work. You couldn't go down low enough and you'd be on this steep site which has an open space designation to it already. So this corner is open space, there's 30 feet of it. Here along this side that's open space, and the community went and designated all of these, it contemplated open space and views. And that's why it has an open space designation right to the north of us.

Mr. Hedani: I'm sorry, who was the designation from?

Mr. Sandomire: Kihei Community Plan. Let me just pull up here.

Mr. Hedani: Was that for preservation of a view from another public area?

Mr. Sandomire: That's this open space that's right next to our parcel.

Chairperson Lay: Corp. Counsel?

Ms. Thomson: Thank you. I just wanted to bring this up for the Commissioner's consideration. On the planned unit development there's a 20 percent requirement that 20 percent of the total...(inaudible)...shall be protected as open space. But you may wanna clarify whether or not it's community planned open space on the subject property or if it's community planned on a parcel next door to it.

Mr. Sandomire: So that open space is on both. It's on our lot, our lot as well as the adjacent lot.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I'm looking at your view corridor study. The open spaces that are to be kept clear are the areas outside your property line, right? Because that's where the lines are pointing at least.

Mr. Sandomire: Yes, partially.

Ms. Wakida: What do you mean partially?

Mr. Sandomire: Part of it is on our land. Part of it will be through clearing and maintenance on the adjacent lands. The open space is not our...the bulk of the open space is not our property, it's adjacent to our property. So we would work with the adjacent landowner who's also a partner on this project and also the golf course, we have a landscape master plan agreement with them and we are able to work with them on trimming those trees.

Ms. Wakida: I see. However, the area in that corner and I do see it as it's a drop off, but on your property however, is not designated open space. It's designated...I don't know.

Mr. Sandomire; Oh, in the community plan it's not designated as open space. However, I'll bring up Unemori Engineers so they can talk about the open space easement that's recorded against that section of the land.

Mr. Ariyoshi: Good morning. Reed Ariyoshi again. Yes, there is existing easements along the north boundary and a portion of the west boundary I believe pretty much where these four buildings are they're close to or just at the edge of the open space easement.

Chairperson Lay: Commissioners? Commissioner Ball?

Vice-Chair Ball: There was claim in testimony that we would be violating the law by approving...(inaudible)...I'd like Corporation Counsel to maybe give us some insight on that statement?

Chairperson Lay: Corp. Counsel?

Ms. Thomson: Thank you. So please take a look at Page 15 of your staff report. Right at the top there it discusses HRS 205A-26 and down at No. 3, the authority shall, shall, to must seek to minimize where reasonable any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast. So you can do that by way of conditions or you could do it by way of sending them back and having them come back with a project that where it fully meets the State law if you feel that the project as submitted does not adequately address that concern.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: And what kind of conditions are you talking? I mean, it's either you can see it or you can't. I mean, or what, what are the conditions?

Ms. Thomson: Well, you're dealing with the two different things. So your SMA permit can impose conditions to met the objectives of the State law including the view plains. You can require a certain amount of either setbacks or lowering buildings or you know, where other conditions of the project just doesn't meet it right now, they would need to come back to you with something that does. As far as the other approval for the Planned Development Approval that doesn't directly involve view corridors and all, but it's the design of the project to be approving the basic design of the project, but the SMA approval is a much more in-depth review. So if you approve the SMA today you know it's gonna..it will be developed in that manner.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: It says shall seek to minimize where reasonable. So what is reasonable is it a dollar figure, is it...I mean obviously they put time and effort into this plan is reasonable gonna be that we...they can go back and redesign this thing. I mean, is that reasonable or not reasonable? I just...

Ms. Thomson: Reasonable wouldn't be an economic determination, but it would be site specific. So you know is this site, can you do things for the design of the project so that the site is more compatible you know with the law. Is...you know, is it too dense? You know are there ways that you can move the buildings around? Planning Department...Danny may have some suggestions on how the project could be modified or what their thoughts are because obviously the Planning Department does have some concerns on the view corridor issue.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: I have another question to...back to that open space. One, does the open space have to be contiguous, and two, that open space, can't that be moved up to the top or I don't know how that works, so I'm not sure.

Mr. Hart: For clarification, yeah, I believe the open space and the planned development is supposed to be contiguous. The easement's been recorded.

Vice-Chair Ball: That one right there?

Mr. Hart: Yes. Yes. It's already been recorded. If I could address how the project tried to address the concept of minimizing where reasonable. I think that kinda comes into play with what's being discussed in the context of site specific conditions. Specifically what Mr. Muraoka tried to explain is that basically when you look at the site the way it's already been graded, placing a single-story structure and even the landscape directly begin to interfere with the line of sight from the highway to the ocean. And that's been the challenge of this site for the duration. The frontage at the north end of the Piilani Highway is very narrow. The building that's been put there has been placed perpendicular to the highway which is basically as narrowly as it can face the highway. If it was put parallel to the highway, the impacts would be much larger. That was kinda the analysis of the relationship with the Wailea Gateway Center that was trying to be made, but the most basic concept of it is that if you look at the view that exists now and then you look at where the roof lines or where the top of the roof of the single-story structure and landscaping is planted, anything that's placed on the currently graded site is gonna impact the views to the ocean. So the open space designation on the community as been made of the gulch. That preserves a long-term open space corridor to the ocean. The applicant's proposing to maintain currently overgrown vegetation there, and then also on Wailea Ike Drive to open up view corridors and that was the proposed mitigation is to basically improve existing view corridors through open space. But again, developing anything on this site, it's been community planned for commercial development and it's been zoned for apartment development, even a single story is gonna impact views so you're not left with a lot of options to bring the structures smaller.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Yeah, Jordan, I have a question about the maximum height. I know that the Wailea Community Association have very strict height limitations. I'm building a house in Wailea and I'm going through it right now. Has that ever been addressed especially when this used to be...was zoned for single...they were gonna build single-family homes?

Mr. Hart: Right. This is below their height limitations that are proposed. So 45 would be the max they would allow, but the Kihei-Makena Community Plan has its own requirements. As an example, they require a maximum of 35 for apartment development and so, you know, that would be more restrictive in the context of this proposal.

Chairperson Lay: I have a question. Okay, with the drawings that you've shown us would it be possible to move the parking lot, parking area towards the gulch. Your top building No. 7 make it the rec center and that would change perspective there and bring down, give a little bit more

visibility. I know you probably went through it. I just want your comments on that.

Mr. Hart: I'll bring Daniel Sandomire back up to address those.

Mr. Sandomire; Hello, this is Daniel Sandomire. I just walked out, so the request was to move Building 7 to the Rec Center, basically swap those two?

Chairperson Lay: Yeah.

Mr. Sandomire: So Building 7 would then block Build 3, 2 their views. It would be the same height as them so it would be blocking them. So it's about 10 feet lower than the Rec Center than the existing building. And as you..experience this view for a very short period of time as you're driving down Piilani. So what I've found in studying this extensively is that the view appears right on the other side of the...right on the other side of that ravine to the north, you're arriving and that's the view impact. So buildings, 7, 6, 5, and 4 all impact that, maybe 4 less, but those three along the front...oh, okay, so those buildings on Exhibit 28, well the view on Exhibit 28, you'd have to push the buildings down the ravine like possibly was being suggested. It's not feasible.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Would the developer here object, I mean would you guys object to taking the top floor off and have a two-story building versus on those two buildings I guess? Make it a two-story versus a three-story.

Mr. Sandomire: I'm going to find the slide, but yeah you'll see that it won't actually give you any additional ocean view and we would not like that. We would object to that if we could object, yeah.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: See, I don't know who to address this to perhaps the person that's here. Jordan, okay Jordan. It's my observation that the building site was originally graded for single-family homes and that's the buildings site that you're using?

Mr. Hart: That's correct.

Ms. Wakida: So...and the single-family homes were gonna be one and two-story I assume. So I'm wondering about the feasibility of regrading this entire property?

Mr. Hart: Well, I'll bring the civil engineer up to address that further but I think that one of the things that typically we have to address in Special Management Area Use Permits is trying to limit impacts on the environment and so you know, grading is another one. So massive re-excavation of the site is...there are different impacts that result from that and so part of the proposal was addressing the site that exists and changing it as little as possible. But in the context of that physical work, I'll bring up Reed Ariyoshi to talk about what that entails.

Mr. Ariyoshi: Good morning, Reed Ariyoshi again. One of the constraints, one of the major constraint that we have in grading this site is that we have an existing roadway that runs this way

that basically is the entry roadway for the project as well as for Wailea Gateway Center. And that road is already built so we're sort of bound by the grades on this road as well as we also need to provide for handicap accessibility so grading you know as far as the amount of grading latitude that we do have we're pretty restricted as long as this road exists. If we'd be able to regrade this entire roadway there is a possibility that you can lower the site, but yeah, we're pretty much constrained by the existing road that's there.

Chairperson Lay: Okay, follow up question on that. Your gulch area, I know if we go lower we're working with a waterway that exists already, right? Is there gonna be...I mean, there'll probably be problems with us going lower because of that waterway. I've seen it rushing, you know, when it's raining in Ulupalakua that's a pretty heavy river when it's running.

Mr. Ariyoshi: Two things. This is the existing easement line here, the open space easement line that runs, that bounds the property, and there's also this is a flood inundation limit that runs for that Wailea...excuse me, Kihei Gulch 3. So we're, you know, there's not much that you can push. I think the open space easement is right at the top of a very steep bank already.

Chairperson Lay: Okay. Commissioner Medeiros?

Mr. Medeiros: This is getting confusing now. Question for the Planning Director. Are they in compliance? I mean, are they breaking any laws or you know, if they are why is it bringing brought to us?

Chairperson Lay: Deputy Director?

Ms. McLean: Thank you for the question. They're not breaking any laws because they don't have an approved project yet. I think the question would be if the Commission approves the project as proposed would it be in violation of Special Management Area Law? I do respectfully disagree with Jim's testimony that this would be in violation of the law. As you discussed with Corp. Counsel it leaves the Commission quite a bit of discretion in determining what's reasonable, what's significant, and how to minimize potential impacts. We did work with the applicant on the building heights and actually I did have a question for the applicant on Exhibit 34. As the applicant mentioned and as I believe Danny pointed out, we didn't want to see any buildings higher than the existing building. We felt that was an appropriate restriction. And in this one exhibit it looks like it's quite a bit higher than 2 ½ feet which they had said just that one little peak of the one building was gonna be 2 ½ feet. So that's something visually for me looking at this that the rendering in Exhibit 34 looks bigger than what they've been describing to you. So, so that should be clarified a bit. Yeah, and those images up on the screen, Building 7 looks to be more than 2 ½ feet higher than the Wailea Gateway building. But that's what the Department's discussion with the applicant was. Was if you stick to that existing height, and with the view analysis that they provided we felt that it would be compliant.

Mr. Medeiros: Wouldn't that...it was mentioned 100 percent of the view plain, you know, wouldn't that be changing the law?

Ms. McLean: That goes far beyond what the law requires.

Mr. Medeiros: Yeah, 'cause I'm against 100 percent of anything. But I do agree with you that there are concerns that you guys needs to work out with them.

Chairperson Lay: Commissioners, any more questions or comments?

Mr. Sandomire; Do you want me to address the height?

Chairperson Lay: Go ahead.

Ms. McLean: Clarify that renderings.

Mr. Sandomire: Daniel Sandomire, to qualify or to describe that height how it looks higher, it's a matter of the perspective when something's further away it reduces. It's the horizon that blue line across that's your constant datum from any point that you see. So something closer to you that's above the horizon it's always...even incrementally above the horizon it's always gonna appear taller than something further away and that's...we negotiated with the Department on what views to take and how to impact the...'cause there's ways to take a picture that looks like the building doesn't really exist, but we're taking a picture of where the building's gonna be so it, it exists and it's gonna impact you as you're driving through there. Previous to this there were existing trees. Before this was all graded out there was no view, right. You're familiar with that region, by opening it up like this it really presented that view for the first time.

Chairperson Lay: Okay, I have a follow up with that too. Okay, on your two roof lines, you've got your high one that you said is a couple feet higher than you're...it's gonna be higher than the Gateway. Your second pitch line, how much...what is the difference between your peak and your second roof line. What's the height difference on that?

Mr. Sandomire: It's greater than 2 ½ feet. So this is an elevation showing the various heights in one of the studies that we've done with the Department. Here you're seeing the height at the peak is approximately or that area for Buildnig 7 only, is 2 ½ feet. This is Wailea Gateway Shopping Center that's the top ridge. That second roof there is at 2 ½ feet and then further down in the back you're going down another looks likes about three feet. The reason this can't start dropping down and maintain a pitch with a peak is because of the height of the building's elevator and we're just clearly that elevator and we though even though you're lower than it and looking up, you perceive a mansard roof, you see that edge trim and you know that it's not a peak roof, and a peak really helps mask the building. And if we do it to this one, do we have to do it to all of them to maintain consistency. It seems like a really important thing to keep this roof scape as part of the visual landscape.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Okay, I don't wanna redesign your whole project, but I have something kinda creative here. Since the slope, the entire lot slope down from I guess Building 1 and 2 area am I correct about that? So seems like 1 and 2 are the main view blockers, would you guys be willing to look at say putting the pool up there at the highest point like where Building 1 is and moving the building, the other buildings around so that it's out of the way, you see what I'm saying?

Mr. Sandomire: I understand. You're talking about relocating similar to relocating—

Mr. Tsai: Yeah, because if the pool and the pavilion, the low...you know, they're low. I don't agree that if you have a one-story building that's gonna be as view blocking, so why not move?

Mr. Sandomire: So this is one-story now.

Mr. Tsai: Yeah, and the pool area...(inaudible)...

Mr. Sandomire: You're looking over...yeah, you're looking over that one-story building. So you're talking about swapping 7 and....

Mr. Tsai: Yeah, moving that whole pool area pavilion—

Mr. Sandomire: Up to the top.

Mr. Tsai: —up to the top.

Mr. Sandomire: Right. Okay, so what that would do, I'm gonna back to...okay, I think this shows it best. You're talking about taking this building out, yep, but even if that were a one-story building you'd still be looking at Building 6, 5 at the point, 4 is right there behind these buildings, and 3 is right next to it, it's obscured by Building 7.

Mr. Tsai: But isn't that below the horizon line?

Mr. Sandomire; No. No, it's not below the horizon line. It slopes very gently. I'm gonna go back to the grading plan you could see we're just a few feet each time, so you don't gain a whole story or anything like that.

Mr. Tsai: Okay, so then why don't you guys take advantage of the green area below that and shove the whole development down because that's really lower, below the...and perhaps putting the parking lot up there in that area too as well.

Mr. Sandomire: Okay, so this site—maybe we could turn the lights down so you can see some of the grading—there's a ton of little contours in that, that area. No, you're still not seeing them. So you could see these dark lines here, that meets existing grade and we create a little well there. All of this slopes down at a very high steep rate. On top of that it's already designated open space for the community so we can't build in that lower area.

Mr. Tsai: You can't?

Mr. Sandomire: No, it's designated open space, community open space which you can't build in there.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I'm still confused. When I hear you say that area is designated open space for the

community and I hear comments like there's an open space easement. The easement is in whose favor?

Mr. Hart: I guess it would...I don't know how to say who it is in favor of. It's basically as a result of the Planned Development Rules, there's an open space requirement and so the easement maintains open space. So—

Mr. Hedani: You're saying, you're saying the open space, the open space requirement is part of the PD requirement is what you're saying?

Mr. Hart: That's right. There's two open space issues. There's a section that's community planned Open Space that exists abutting the parcel, and then there's open space requirements and there's been an open space a unilateral agreement recorded to preserve open space. So the onsite section is more of the crescent shape that runs this area and then again, we'll pull up photos so you can see the existing slope that's there. Basically that corner of the lot drops off down to the golf course immediately. The toe is just outside of the buildings. So there's two items. There's a onsite open space easements that's already been recorded and then there's the Open Space community—

Mr. Hedani: Recorded in whose favor, Jordan?

Mr. Hart: I believe it's in favor of the Wailea Community Association per the engineer.

Mr. Hedani: There's an open space easement in favor of Wailea.

Mr. Hart: That's right. Now I believe that the source of that is the Planned Development in the Maui County Code that require the 20 percent open space. I just didn't know who would become in favor of that when you were asking me that question earlier.

Chairperson Lay: Okay, I'd like to get off the height issue for just one second. On your plans, on your second floor you have your main elevator that comes up and it actually gives access to your two units in the middle. Your outside units, do they have to up by the stairs or is that elevator available to them also?

Mr. Sandomire: They go up by the stairs.

Chairperson Lay: Okay.

Mr. Sandomire: The elevator services four units, the two on the top, two on the second floor.

Chairperson Lay: Commissioners, any more questions? If there aren't, we're gonna take a break for the restroom. Let's take a five-minute break okay, everyone. Thank you.

A recess was called at 10:27 a.m., and the meeting was reconvened at 10:37 a.m.

Chairperson Lay: Where were we?

Ms. Wakida: I'm sorry Chairperson, I have misplaced my question. I'll have to come back to it.

Chairperson Lay: At this time, we'll go to Corp. Counsel, she'd like to go over the laws.

Ms. Thomson: Just kind of to refresh everybody's memory about where the guidelines that you need to be looking at. So it states in the staff report the Planning Commission needs to find that the development will not have any substantial adverse environmental or ecological effect except as such effects can be minimized to the extent practicable and then clearly outweighed by a public health, safety or compelling public interest. So when you're looking at conditions, you'd be looking at conditions that would be, it would minimize the adverse environmental effect and that being the view from the state highway toward the ocean.

Chairperson Lay: Commissioners, any questions? Commissioner Wakida?

Ms. Wakida: My question was quite simple. For the Planning Director is Wailea Ike Drive a county or state highway?

Ms. McLean: County.

Ms. Wakida: Okay. So these revised statutes applies just to Piilani Highway then. The Wailea Ike Drive view corridors are not in question?

Ms. McLean: Strictly speaking, yes. Although during the SMA process the Department and the Commission often look at view plains from other areas as well not just state highways.

Chairperson Lay: Commissioners, any more questions, comments? Okay, can we get the Department's recommendation at this time?

b) Action

Mr. Dias: Thank you, Mr. Chair. The Department's recommendation is...well, there's three permits, PD1, PD2, and then a SMA. And our recommendation is basically approval of the project subject to six standard conditions and five project specific conditions.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Let's see, I have a comment to make rather than a question. I would be a lot happy if I could see more proposed project views similar to the one in Figure 34, but back up I don't know a eighth of a mile or a quarter of a mile and take them along there rather than just this one shot. And the same...Oh, I guess that was okay, so get a little more global view of what's involved. We have one, one direction, one picture here and which they say is right across the highway. So as you come up to the project how much view is blocked and that I would be interested in seeing as well.

Mr. Hart: If I could address that. Because there's the open space running mauka to makai immediately abutting the north end of the parcel, even in that approach of the project site we're assuming that we're gonna be able to control the vegetation in that area which is what part of the project is trying to propose to do. But as you back further away then you become, you begin to look over another northern parcel owner's property and then you begin to assertions or assumptions on

what they're proposing to do in that future location. And so, this is kinda what Daniel Sandomire was trying to discuss when you're approaching the site, you have approaches that you're looking at where you're looking over multiple properties including this property. If you look straight perpendicular to the highway then you can look down directly over the project site. So we had some of those approach photos in our early SMA application submittal, but again, you're making assumptions or assertions of the status of a neighboring property owner's parcel which we can't do anything about in this process.

Chairperson Lay: If we could just take a look at Exhibit 33 again? I wanna see that...it gives you a pretty good perspective of their heights along with your elevations of the existing property. And just a brief run through on that is what we're actually seeing.

Mr. Sandomire: Daniel Sandomire, Armstrong Development. The buildings in red are the existing elevations of the Wailea Gateway Shopping Center. So this is the elevation along Piilani Highway. The light brown here is the grade along the roadway. The dark brown site is the grade like an x-ray through the site parallel to it. So you could see there's a ravine that's dropping down quite significantly below us. We can't be building in that area. And the building now is at 300 feet. There's the Gateway Shopping Center that's its elevation. How it managed to drop itself down. Our buildings, and this is the old numbering, I apologize, Building 7 and 6 are on the site plan closest to the highway. Building 4 beyond, looks in ..(inaudible)... elevation it will be smaller and in experience, ...(inaudible)...those would be the proposed heights of the buildings. And then Building 1 beyond or Building 2 beyond, you just see the roof it because it's sliding down.

The second elevation along Wailea Ike Drive, again, you have a light brown that's the roadway elevation. A stepping down x-ray view of what's happening beyond the roadway. The site itself pushes down on all sides. And then we have the buildings climbing up and going beyond building, Wailea Ike or Wailea Gateway Shopping Center here to the one that's closest to the highway.

We really did take lessons learned and break down this massing, making the buildings as attractive and integrated into the landscape and as they spin along they serpentine and wind along this path of the plateau it doesn't read as one big building. It's something that you'll experience spatially as you move through it, and move along it. And really as you come along the roadway and then turn down Wailea Ike Drive this is the view that's opening up. This is that magnificent view.

Chairperson Lay: For me, the difficulty on this whole drawing and everything that we're seeing here is I'm not seeing if I was driving in a car what I'm looking at. First, I'll be seeing the perspective of the Gateway and then I'll see what your...the buildings in front and as I get closer it's gonna move across ways, but what I'm not knowing is how much of a loss I'm getting from prior before that, before reaching you know, your complex where, you know, is open visible? You know, because it all depends on the angle of the photo and you know, how we're traveling. That's what I'm wondering about because right now we're only getting a couple perspectives so it's hard to identify the loss of the view plain.

Mr. Sandomire: I understand. So what we were try to do is select a few of them. And yes, as you move along dynamically you will be going between these buildings and beyond the buildings they'll be hopefully slowing down and observing safety along the way as well, but you're building...you're knowing that you're coming into Wailea. You will get glimpses of blue and then as you turn that

corner of Wailea Ike Drive you get all of that opened up and we're proposing to open it up even more with...by taking out some of that existing foliage that you see. This whole site used to foliage but they cleared it out for their previous development and look what it showed, right? So that's what we've got and we wanna enhance it where we can but we need to develop this project as is to make it feasible.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Maybe our Deputy Planning Director has the answer. The property that's to, I guess it's north of this lot, do you know what that is zoned?

Ms. McLean: I think Jordan has excerpts of the zoning map. Might be in the packet as well.

Mr. Sandomire: The community plan is multi-family, but we don't actually know what the zoning is.

Chairperson Lay: I think Exhibit H is another good example of what is actually there.

Mr. Sandomire: Actually there is no view along...from Piilani on that because the land there is higher than...significantly higher than the road.

Mr. Hart: If I could as well just trying to explain what I was talking about when you're dealing with the angles of the neighboring property owners. So as an example, when you're on Piilani Highway here, this is the area of the gulch. This is when you start to get into the neighboring property owners land. So that's what I was saying, we had to take our analysis photos basically we could look over the gulch because it's open space. We can assume that's gonna be undeveloped but we can't go much further north before we start to look over this neighboring property owner's land which is designated as multi-family. So when you're looking about at what the project can address that's why we selected these locations with the Planning Department as far as where we would analyze.

Chairperson Lay: Commissioners, any more questions or comments? Commissioner Tsai?

Mr. Tsai: This is a hard one. For the sake of discussion I'm gonna move to approve as recommended, but I would like to add a condition to it.

Chairperson Lay: We have a motion on the floor. Anyone second?

Ms. Duvauchelle: Second.

Chairperson Lay: Seconded by Commissioner Duvauchelle. Go ahead with your condition.

Mr. Tsai: Okay, my condition is that the top, the highest point of the buildings not to exceed the height of current Wailea Gateway Shopping Center. And I leave it to the developer to either excavate 2 ½ feet, dig down, so the height, the maximum height is not exceeding the Gateway Shopping Center or knock off one floor.

Chairperson Lay: There's a motion on the floor along with a condition and it's been seconded. Any

discussion on the motion? Commissioner Wakida?

Ms. Wakida: I'm not sure I agree with the condition simply because I don't know if that would change anything as far as view corridors. It's just low as the height to the shopping center, but the ...(inaudible)...shopping center they're the height that is...(inaudible)...not the best height for this area. So I'm not sure if that condition really going to make any difference with this concern that's been expressed.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: Corporation Counsel pointed out that we need to minimize impacts to this area. I don't believe that the developer has sought all possibilities. When you take those photos like that you gotta cross over other people's view plains. It's up to us to determine what those other property owners can or can't do. 'Cause I know there's a lot of view plains that we aren't seeing here that will severely be impacted by the current design. I think that you need to go back and try and see if it is possible to redesign some buildings and eliminate buildings, move buildings around, whatever you gotta do to minimize some of those view plains that are gonna be lost.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Thank you. I made this motion because I know this area well. I'm actually a partner at one of the businesses in the Wailea Gateway Shopping Center. So I go down there all the time. The way I'm understanding it or the way I see it the Gateway Shopping Center is somewhat of an eyesore for people coming down the highway, but it only really affect the view plain at the very end right as you turn right, well, make a sharp turn down to Wailea lke. And in a way I think having other buildings there or right next to it actually softens the view a little bit as long as it doesn't go any higher than what the Gateway Shopping Center is currently. And also, like I said before the view is only blocked when you get to the very end. Most of the view you're seeing is still preserved as you're going down Piilani Highway. So I'm okay with the...that's why I made the motion.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I'm supporting Commissioner Tsai's motion mostly because while I agree with him, it is an eyesore. This shopping center is an eyesore, but only when you make that turn. When you approach that curve it is an eyesore. Totally agree with him. But this plan you know, yes it needs work, but as long as it...and they're in compliance with the law, as long as the Planning Commission says yes, they are in compliance, I will fully support this. I keep my eyes on the road when I drive. I don't know about you. That's what I do. I'm an old man, okay.(inaudible)....

Chairperson Lay: How wide is the building?

Mr. Sandomire: Approximately 50 feet wide.

Chairperson Lay: Fifty feet, okay. Okay, gives me a nice, better perspective also. Okay, we have a motion on the floor. Commissioner Wakida?

Ms. Wakida: I have a concern. If the neighboring property is zoned, we don't know what that owner plans to do but if it's multi-family and this developer is allowed to go up and block the view plains in the corner of his lot the view plains, then that seems to be setting a precedence. This troubles me.

Chairperson Lay: Commissioners, any more...Commissioner Hedani?

Mr. Hedani: I think from the standpoint of the building itself, the buildings themselves, the buildings look tall because they're three stories, but they're very attractively done. They're well done buildings and I gotta hand it to the architect. If I was on the architectural review committee and I was looking at a building, I would approve that building because it's beautiful building. And siting of the buildings on the lot I think is the problem. And where Urban Design Review is charged with the responsibility of ensuring that the buildings are attractive, this Commission is charged with the responsibility of preserving public views. I don't know that I buy the argument that the siting of the buildings cannot be moved because of an open space view plain in favor of the Wailea Community Association. Where encroaching into that area, moving buildings into that area, excavating the site a lot more than it's excavated now could preserve views for the public from the highway. So if I were to look at it as preserving open space views for the community association versus trying to preserve views for the public, I would vote preserve for the public. And that's where I'm torn on this particular project because I don't know that enough study has been done and I think demolition...could remove a lot of the problem I think that they're encountering on this particular project. It's hard to vote in favor of the motion because we know what Wailea Gateway...I was the one on the Commission when we approved the Wailea Gateway Project. And now that we see it right where it is, it is what it is. Making the height no higher than that means you're gonna get more of the same, you know, So I find it difficult to support the project unless I'm assured that everything that can reasonably be done to main existing views has been done, and I don't know that that's been done at this point.

Chairperson Lay: You wanna comment on that? Go ahead.

Mr. Sandomire: To address your comments.

Vice-Chair Ball: We have a motion on the floor.

Chairperson Lay: Oh, we have a motion on the floor that's true. Yeah, we're working on the motion. Sorry. Okay, any more comments or questions on the motion? Commissioner Medeiros?

Mr. Medeiros: I was wondering if I could make a friendly amendment to that motion? To satisfy Commissioner Hedani's concerns could I add that they will look into all possibilities to preserve...(inaudible)...ocean view sight to the satisfaction of the Planning Commission.

Chairperson Lay: Maker of the motion?

Mr. Tsai: Yeah, now we even go--

Ms. Thomson: Why don't we deal with Council member Medeiroses proposed motion and then we can amend it afterwards.

Mr. Tsai: Yeah, I'm okay with it.

Mr. Medeiros: 'Cause it would be a friendly amendment.

Chairperson Lay: ...vote on the motion. Deputy Director, wish to repeat the motion we have on the floor.

Ms. McLean: It's more of a procedural concern when we say to the satisfaction of the Planning Commission. That would mean that it would have to come back to the Planning Commission for you to determine whether their changes are acceptable. To approve a pretty specific design and then to say that you wanna see it again is procedurally unusual.

Mr. Medeiros: I'm an unusual commissioner.

Chairperson Lay: Corp. Counsel?

Ms. Thomson: Thank you. I agree with the Deputy Director that it's a difficult condition to enforce with something so specific. It's better to have specific height limits, you know, and approve a design. Like she said, this is a very specific design with specific height limits proposed so I would go that route if you wanna to have a lower height limit, you know, that would be a good amendment. But as far as having something come back to the Commission for more subjective review, that's a difficult one to enforce.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: We've done that before where we've deferred the item and have them come back after they a solution for that.

Chairperson Lay: So back to our motion on the floor and amendment. Motion is to accept, right at this time?

Ms. Thomson: Procedurally what we should deal with the amendment first. So vote on the amend to the motion and then go back to the main motion.

Chairperson Lay: So we'll be voting on the amendment on the motion.

Ms. McLean: And are we talking about Commissioner Medeiros's amendment or Commissioner Tsai's original amendment. I don't know that there was second to Commissioner Medeiros's.

Chairperson Lay: No there wasn't Medeiros, yeah. ...(inaudible)...right.

Ms. McLean: So then the first vote would be on Commissioner Medeiros's amendment. That the applicant seek to minimize impacts on view plains to the satisfaction of the Commission.

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

Ms. McLean: Three ayes, excuse me, four ayes.

Chairperson Lay: All those opposed? Okay, throws it back at me. The only problem I have is the question of how to administer. I'm gonna have to go no on that, because ...(inaudible)...administered. I don't know how we'd we deal it. Better to take care of it right now and move on.

Ms. McLean: Then the motion fails.

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

The Amendment That the Applicant Seek to Minimize Impacts on View Plains to the Satisfaction of the Commission, FAILED.

(Assenting - J. Medeiros, M. Tsai, W. Hedani, S. Duvauchelle)

(Dissenting - K. Ball, P. Wakida, I. Lay)

(Excused - J. Freitas, R. Higashi)

Ms. McLean: The next amendment would be that the building heights shall be no greater than the height of the Wailea Gateway Center.

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

Ms. McLean: Three ayes.

Chairperson Lay: And those opposed?

Ms. McLean: Three noes.

Chairperson Lay: Three noes. Back to our motion.

It was moved by Mr. Tsai, seconded by Ms. Duvauchelle, and

The Amendment That the Building Heights Shall Be No Greater Than the Height of the Wailea Gateway Center, FAILED.

(Assenting - M. Tsai, S. Duvauchelle, J. Medeiros)

(Dissenting - K. Ball, W. Hedani, P. Wakida)

(Excused - J. Freitas, R. Higashi)

Ms. McLean: And then the main motion which has not been amended which was is to approve the project as recommended in the original staff report.

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

Ms. McLean: Three ayes.

Chairperson Lay: Those opposed?

Ms. McLean: Three noes.

It was moved by Mr. Tsai, seconded by Ms. Duvauchelle, and

**The Motion to Approve the Project as Recommended, FAILED.
(Assenting - M. Tsai, S. Duvauchelle, J. Medeiros)
(Dissenting - K. Ball, W. Hedani, P. Wakida)
(Excused - J. Freitas, R. Higashi)**

Mr. Freitas was in attendance at 11:06 a.m.

Chairperson Lay: Okay, now we're moving onto our new motion. Commissioner Ball?

Vice-Chair Ball: Motion to defer the item so that the applicant has time to go back and address some of the Commission's questions.

Mr. Hedani: Second.

Chairperson Lay: Motion by Commissioner Ball, seconded by Commissioner Hedani. Discussion on the motion?

Ms. Wakida: Well, I have a question. Maybe it isn't on the motion, but it's about the project. I'll defer till after the...can we do that? ...(inaudible)...after.

Chairperson Lay: After that. Any discussion that will be done.

Ms. Wakida: I wanted to ask the Deputy Director. Are they locked into having an entrance at that gateway or is that just by choice?

Ms. McLean: That would be a question the applicant would be better--

Ms. Wakida: Is it appropriate to ask the question at this time?

Ms. McLean: I believe so.

Chairperson Lay: Yeah.

Mr. Hart: The State Highway, there's not going to be a possibility to gain access there so we would be limited to that location.

Ms. Wakida: That you could have put it down at the bottom of the property if you chose to, you could have your own entrance.

Mr. Hart: There's topography issues there as well. There's also a retention basin. So it could be proposed I assume, but it really gets into the realm of infeasibility. If I could just add one other comment. We recognize the discussion that's going on and the feeling that there's potentially inadequate analysis of the view impacts and we'd really like to say that we've heard the comments and we want to basically provide some further information for the Commissioners to consider so

everybody can make a comfortable decision.

Chairperson Lay: Go ahead Commissioner Wakida?

Ms. Wakida: As well, I would like you to look into and I know it huge and expensive but regrading this property so things are gonna be lower. I mean, I realize expense is involved in bringing it way down.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: Would the applicant like some clarification on things that we...so they don't have to guess and all that. We kind of...(inaudible)...points forward to you.

Mr. Hart: Absolutely.

Vice-Chair Ball: So probably grading, maybe moving buildings around, that open space area to see if that could be moved to a different location. Three of mine.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: From the standpoint of the project, so my perspective is that if the height...or if the grade cannot be altered, I think the grade can be altered, it's expensive. But I think it can be altered to the point where some of the view can be restored over what we see right now. From my perspective the open space, the open space designation in the community plan envisions the gulch that runs next to the project from mauka to makai and preserves that open space view over the gulch to the sea over that particular project, over that particular area, and the way that this project interferes with that is it replicates what the Gateway is doing essentially and extends the Gateway project over the length of the existing building. My concern would be if you could take a look at it to see whether or not the buildings could be moved back away from the gulch as a possibility of expanding that open space view plain to the sea on that side if you cannot cut the site to the point where you can maintain the view over the entire project. I think it's unreasonable to expect 100 percent requirement for view plain to the ocean unless you bury the whole thing into the ground and nobody...and all they can see is rock. But I think things can be done to improve the view plain to the sea or expand that view plain to the sea for good portions of the site.

Mr. Hart: I understand. And I think one of the things we didn't do a good enough job of showing you is how our proposed maintenance is going to improve existing views that cross the corner of that open space gulch and then go into the golf course area where there's basically larger vegetation growing at the mauka edge of the golf course. And so part of our proposal had been to basically establish an agreement to keep those trees down which expands the view through the open space corridor. But I also understand that we'll be analyzing, scooting the buildings south of the gulch.

Chairperson Lay: Okay, so that in the motion, right? I mean, conditions to it. With that, I would like to add into that because you might be addressing buildings around if we could have different view plain views of it that way we can see if there is a big difference or there isn't a big difference. Would actually add is, you know, you're blocking what's actually wide open. I think that would be important

to all of us to see that, you know, what's actually gonna be there and what's not gonna be there.
Commissioner Wakida?

Ms. Wakida: I agree, and if Jordan you can back your views up the highway north cutting across from various angles that the views across the project. That would be interesting to see.

Chairperson Lay: Danny?

Mr. Dias: Just for clarification because at some point, the Department is gonna have to decide you know when to bring this back to you. Can I assume that you folks wanna see some actual changes to this project and not just the applicant go back and then re-explain everything again, but ultimately propose the same exact project? Is it safe to assume that you folks wanna see some grading, lowering...something, you know actual changes to this project before we bring this back?

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Yes. I just didn't realize...I would like to see some specific changes and if...and also take another look at if you can have your own entrance and that might change the grading problems.

Chairperson Lay: But for me the view plain thing because if I see that what you got now proposed doesn't make much different from what, you know, we're moving the buildings around. It's for me, it's all about the view plains what we're actually, you know what's gonna be there or not. So I don't know if you would ask for an...nice to have the options. Commissioner Hedani?

Mr. Hedani: I think when we approved the Wailea Gateway, you know, part of the argument was well, you have all of this view plain before you hit the Wailea Gateway that's still gonna be preserved to the ocean. So....

Mr. Hart: At that time actually the single family project had already been approved. They got approval before and so there was gonna be impacts to the view from the single family development and the discussion was going to be heights in relationship to the single family development. So it's interesting to come back now representing the site that had previously been approved and revisit the same issues and I said earlier, State Law is analyzing the view to the ocean, and these buildings as proposed even lowered are gonna impact the view to the ocean. So then it's going above.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: No, I agree with you from the standpoint of the orientation of the buildings is correct from the standpoint point of making them perpendicular to the highway as opposed to parallel to the highway.

Mr. Hart: Yes.

Mr. Hedani: And I think you've done a nice job from that perspective. I don't know that the siting of the buildings cannot be improved to the point where that view plain gets extended.

Chairperson Lay: Commissioners? Commissioner Tsai?

Mr. Tsai: Yeah, I'm in agreement with this motion, new motion and I think like what I had brought up in the conversation earlier that I'd like to see looking at about moving the buildings around and again, reiterating the fact that probably using that zone that area below perhaps and look at maybe tiering the grading. So yeah, definitely.

Ms. McLean: Commission if I may clarify Danny's question? I think part of it is to the applicant's discretion. If you feel like you can do a broader, more detailed view plain analysis that you feel would address the concerns that heard today, then that's up to you to say you wanna come back to the Commission with the project as you have it proposed. You run the risk of course of coming back to the Commission and then being satisfied with that without any changes whatsoever to the design. So I think you would be coming back with a very convincing view analysis that shows that the view impact and impact quite minimal or a combination of both from changes to the project and the view analysis included.

Mr. Hart: Just from being on the project team I know how much analysis went into it and so I prefer that we basically the ball be in our court to present something to the Planning Commission find compelling rather than set some sort of threshold for the Planning Department to establish how much we've changed the project. Because I think that a lot of the things that are being discussed we did hash out on our side but as I said earlier, I don't think that we had the graphics that really explained all the analysis or that we've presented it. In our first presentation we had assumed that basically it had been analyzed adequately and rather than going through the discussion with the Planning Commission at the start that probably created more problems for us in discussion later. So I prefer that we come back with a proposal that we feel we're confident the Planning Commission can accept and then that be enough to meet the threshold.

Chairperson Lay: And I've got one more. Just a perspective of what the two buildings in the front if it went down to two-stories would look like.

Mr. Hart: Absolutely.

Chairperson Lay: Commissioners, we have a motion on the floor to defer on understanding on what we're looking at and then come back to us. At this time, I'll call for the vote. All those in favor?

Ms. McLean: Five ayes.

Chairperson Lay: Those opposed?

Ms. McLean: Two noes.

Chairperson Lay: Motion carries, and we defer it.

Mr. Hart: Thank you for your comments.

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

**VOTED: To Defer the Matter in Order to Address the Concerns of the Commission.
(Assenting - K. Ball, W. Hedani, J. Medeiros, M. Tsai, P. Wakida)
(Dissenting - J. Freitas, S. Duvauchelle)
(Excused - R. Higashi)**

Chairperson Lay: At this time, we're gonna take a ten-minute break so they can set up for our next, our second agenda item for the day.

A recess was called at approximately 11:10 a.m., and the meeting was reconvened at 11:20 a.m.

Ms. McLean: Thank you, Chair. This is your second public hearing item. A request from Mr. Glenn Tamura for amendments to an approved Special Management Area Use Permit for Pacific Plaza now known as Tamura's Plaza on property situated at 99 East Lipoa Street in Kihei, TMK: 3-9-002: 215. The Planner is Keith Scott.

2. MR. GLENN TAMURA requesting amendments to approved Special Management Area Use Permit project plans for Pacific Plaza (now known as Tamura's Plaza) on property situated at 99 E. Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (K. Scott)

Mr. Keith Scott: Good morning, Commissioners. The action under consideration is the change in the site plan and building elevation for Special Management Area Use Permit, 2006/0041 which was originally approved in July of 2007 for Pacific Plaza, a commercial office and retail complex consisting of two buildings. The original applicant was unable to complete the project and Mr. Tamura acquired the land. The SMA Use Permit was transferred to Mr. Tamura in August of 2012. The applicant proposes to construct two buildings on this 1.597-acre lot. The main building is proposed as a retail grocery store and deli with an owner's apartment and office with a total of 25,000 square feet. The proposed uses are permitted within the existing zoning district.

This building is proposed for the back of the property in essentially the same location of the office building previously proposed. The second building is proposed to be approximately 5,000 square feet retail space which is the same use as in the original Pacific Plaza Project. As compared to the original project the building was moved so that the project access drive can be located directly across to Kuapapa Place to improve traffic safety. Both buildings are designed to reflect the style of the buildings originally proposed for Pacific Plaza. And the Urban Design Review Board approved the building's design as submitted.

The project is located in the State Urban Land Use District and the Maui Island Plan Urban Growth Boundaries, Kihei-Makena Community Plan designation is business-commercial and the property is zoned B-2, Community Business District. The project is within the Special Management Area. At this juncture, Jordan Hart of Chris Hart and Partners will lead a presentation for the applicant.

Mr. Jordan Hart: Hello, my name is Jordan Hart of Chris Hart and Partners. I'm just going to briefly

introduce the project. Planner for the project from Chris Hart & Partners is Brett Davis as well as myself. The civil engineer for the project is Stacy Otomo. The property owner, Mr. Glenn Tamura is here, and is available to answer any questions. As stated, this is an amendment to an existing SMA Major Permit for the development of a commercial project.

This is the location of the project on Lipoa here. A different development was recently completed between Fabiani's, there's a First Hawaiian Bank here, service station.

In 2007, the Pacific Plaza was granted a Special Management Area Use Permit. The developer of that project was unable to initiate due to lack of financing and the state of the economy at that time. On January 12...in January 2012, CPB sold the property to Mr. Tamura. The original project was a much larger commercial office complex. Mr. Tamura is a supermarket and fine wine and liquor store operator and so he proposes to reconfigure the commercial project into a more retail oriented project that suits the needs that he will operate from the project site.

This is the original configuration of the project and what this is intended to do is just give you a concept of the scale of the commercial structure that was originally proposed but then also similarities between the existing and proposed development. This is the currently proposed development. The retail structure remains up on Lipoa Street to create a relationship between the street. And then you have interior parking as well as the much smaller grocery facility in the back. The operations that would place in the main grocery building would be Tamura's Market which would include seafood, fresh produce, meat and cheese deli, bakery, and then the retail operation that would occur near the street would be a Tamura's Fine Wine and Liquor which is similar to what you see existing on Maui at Dairy Road.

Briefly to analyze the comparison of sites. In summary, the total square footage of the original project was 44,215 square feet. The currently proposed square footage is 30,000 square feet. So there's a 15,000 square foot reduction in scale of the project. Water usage, it increases by approximately 18 gallons per day. Wastewater is significantly reduced. Drainage calculations, a bit of an increase in drainage. However, 100 percent of post development runoff will be retained on site. At this time, I'd like to bring up Mr. Anthony Riecke-Gonzales, who's the architect for the project to introduce the project design a bit.

Mr. Anthony Riecke-Gonzales: Good morning, Commissioners. My name is Anthony Riecke-Gonzales. I'm the architect for the project. I work for Riecke Sunnland Kono Architects. The project consists of two buildings. A building up towards the road which is the fine wine store, intended to be the fine wine store. It has a small arcade on the driveway side and fronts the Lipoa Roadway, the lower right elevation there, and about 42 wide. Which one goes to the next slide? Oh, okay.

The larger building which is in the back of the property is the grocery store and it has an apartment planned in the back of this building that Mr. Tamura plans to use 'cause he stays overnight sometimes at the grocery store. He works such long hours.

Next slide. So this is a perspective, it gives you a better view. The parking lot is on the makai side. The fine wine store is up towards the street with the sidewalk going right in front of it. The grocery store has a fairly large flat area on the top of it that we plan to put photo voltaic panels to collect the

electricity, and then you can see kind of the apartment in the back there. Obviously people down on the parking level probably won't be able to see of that. You can only see it in this perspective as a bird's eye view. You can also see why in the back here, there's I think it was part of the Azeka's project that they did a wetlands enhanced area.

So we could go to the next slide, is there a plan, plan view, no? Oh, okay. But in the back area there on the right you can see up here there's the apartment. We have a deck out here that would look down at the wetlands area. So it's a fairly quiet area in the back fronts the enhanced wetlands project. The materials are envisioned or actually they were set by the previous project that you approved so I just stuck with the same colors for the roof material. We do have three different colors on the building itself. Again, matching what the previous project had with the three color plaster color.

Now with a grocery store they usually don't wanna a whole bunch of windows up front 'cause they wanna put merchandise by the windows, but we did keep a pattern for human scale along the front using the three plaster colors. That's pretty much all I have Jordan.

Mr. Hart: Thank you, Anthony. I'd like to reiterate that we did revisit the design with the Urban Design Review Board and received reapproval of the reconfigured project which kept the same color schemes and materials as was proposed previously.

In the project improvements that are gonna take place as a result of the project there's gonna be left-turn storage lane provided on Lipoa consistent with the previous project conditions. As a result of the change of use, all intersections will continue to operate at a level of A, Level of Service A or B. The revised traffic impact assessment or traffic report was reviewed by the Department of Public Works which gave us comments about realignment of the roadway, the project driveway which we have incorporated into the redesign of the project. There are 75 parking stalls, 2 loading zones, 4 ADA stalls. As I stated earlier, 100 percent of post development runoff will be retained onsite. There is a four-foot tall perimeter hedge, a landscape screening hedge that's gonna be installed and there's one per five trees, sorry one tree per five parking stalls included in the project. Also, photo voltaic, sidewalk connectivity to the existing network on Lipoa and all lighting will be down shielded to comply with County Code.

This is a general...I guess in the context of our last time, I think I'll just conclude our presentation at that point and move on.

a) Public Hearing

Chairperson Lay: At this time, I'm gonna open up to public testimony. If anyone wishes to testify, please step forward, identify yourself and you have three minutes. Seeing none...oh, please identify yourself and you have three minutes.

Mr. William Joseph Cullen: William Joseph Cullen. Thank you, Board. I'm a resident on Kuapapa, the street directly across and Director on the Board of the Housing Association. There was three concerns which I met with them during the break and I expressed the concern, the flooding issue on that corner where three of those houses have not be able to get insured because of flooding issues. The parking issues there. If you notice in the rendering, can you put the rendering back

up? Our street is half as wide going up Kuapapa as their driveway. So, we don't have a lot of on-street parking or availability. When we do, you can't get the trucks up and down there, so I just address the fact that maybe we could work out something to get that setback so there was some more...if you see the pictures there, you've got on-street parking now...

Chairperson Lay: You're gonna have to be by the mic when you do talk. Just come back to the mic and just-

Mr. Cullen: ...(inaudible-speaking away from the mic)...we've got cars parking all along the street in front of Fabriani's building. And the grass grows out four feet into the street there in front of the building currently. There's no bike path, there's no parking, there's no anything. We we'd just like the consideration ...(inaudible)...that public roads or works commission or the people there be in charge of that decision too, is we would like some kind of break there, so we're not getting more flooding and we would like some additional parking out on that street area of Lipoa. That's the only concerns we have as homeowners there on that block and there's been some issue of the increased traffic or whatnot, but that's gonna happen with time anyway. Thank you for -

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

Mr. Freitas: I believe they addressed the water issue. They were gonna retain all their water on their property. I don't think it's their responsibility to flood control...(inaudible)...flooded.

Mr. Cullen: No, sir. That's correct. But if we're gonna move the road back a little bit to put parking out front to have some drainage there for it. There's a sewer going right underneath that road. That when they set it back and put a curb in maybe instead of the grass flowing out into the street, eventually it will be curb and a sidewalk and to tie into that drain to get the water to move off of Lipoa instead of come up and flood our homes 19 inches deep would be nice.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time? Seeing none, public testimony is closed. Commissioners, questions or comments? Commissioner Wakida?

Ms. Wakida: Okay, I guess...is the applicant here? I don't know, stick around Jordan, I may...you had several complaints from homeowners and I assume those homeowners...those complaints all came from across the street is that correct?

Mr. Hart: That is correct and perhaps I could...we were in a lot of discussion with Mr. Tamura about this, but we actually had to field more of the intensive conversation with Mr. Scott, our planner, as well as prepare the replies. So yes, the letters came from the existing single-family residential development that's across the street.

Ms. Wakida: Okay, well my question is, well it's unfortunate that there's not more of a buffer between residential and commercial zone but there isn't. So I mean, it is what it is. I would like to see if it's possible a little more aggressive landscaping plan. Foliage really is a great sound deterrent and one of the recurring complaints was noise. And if there can be more aggressive planting, bigger shrubs, even setting the building back another three feet so you've got more room to put something along that side. The landscape planting, the old one from the previous project

seemed to look a little better for me than the one that they came up with. It seems a bit skimpy.

Mr. Hart: I think that that's something that we'd be willing to look at.

Ms. Wakida: Yeah, I think that if you can keep the noise as I said generous foliage, heavy shrubbery like oleander, not that that's the best thing to use, but really is a great sound absorber better than any kind of hardening of the surfaces and that may help with the neighbors.

Chairperson Lay: Commissioners? Commissioner Tsai?

Mr. Tsai: I'm gonna move to support, approve this project as submitted.

Mr. Freitas: Second.

Chairperson Lay: Can we get the Department's recommendation, please, first?

b) Action

Mr. Scott: And the recommendation of the Department is approve the project as submitted with 14 standard conditions and 18 project specific conditions.

Ms. McLean: Commissioners, if I can note in your staff report because this is an amendment to an existing SMA, the conditions that you see listed are original approval with changes noted to tailor it to this project.

Chairperson Lay: And if I may on the second to the last page, we have No. 32, the paragraph starting with, "although", it says it's referring to Condition 31. I believe that's referring to Condition 30. Commissioner Hedani? Oh, Rowena?

Ms. Dagdag-Andaya: I had a question about Condition 16. "That Condition 17 thru 22 shall be met to the satisfaction of the Department of Public Works," 20, 21, and 22 are not part of Public Works, that's Environmental Management and Water Department. So I mean, it's just to clean up that condition. So it should read, No. 16 should read, "That Condition 17, 18, and 19 shall be met to the satisfaction of the Department of Public Works."

Chairperson Lay: So noted.

Mr. Freitas: We have a motion on the floor.

Chairperson Lay: There is a motion on the floor. Any more comments or questions on the motion?
Commissioner Tsai?

Mr. Tsai: I support his project. I think this actually brings...it provides improvement to the actually Lipoa Street area.

Chairperson Lay: Okay, back to the motion on the floor. Commissioner Medeiros?

Mr. Medeiros: Yeah, I support this project. Earlier we were talking about it, one of the Commissioners, any place that's gonna bring that poke to Kihei has my support because you got a customer waiting. It's a good project and you know, it's not touristy. You know, I live in Kihei. All of the businesses or most of the businesses are tourist oriented and it feels good to have a local business come in, come back to Kihei. Okay, so I'll support this, but bring your poke.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Yes, I support the project and am noting that Mr. Tamura if I'm correct has agreed to increase vegetation to help mitigate noise. Thank you.

Chairperson Lay: Any more discussion on the motion on the floor? Seeing none, can we get our Deputy to repeat the motion?

Ms. McLean: The motion is to approve the amendment to the SMA Permit with the two minor edits noted in discussion and also with Commissioner Wakida's reference to enhanced landscaping.

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

Chairperson Lay: Motion carries. Thank you very much.

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

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

Chairperson Lay: Commissioners, we're gonna move onto our next agenda item.

Ms. McLean: Chair, Commissioners, the next item on the agenda is a request from Mr. Gregg Lundberg, the General Manager of Westin Maui, LLC for an Environmental Assessment Determination on the Final EA prepared in support of a Special Management Area Use Permit and a Shoreline Setback Variance and the relocation of the existing County sewer line for the proposed Master plan Improvements for the Westin Maui Resort & Space at 2365 Kaanapali Parkway, TMK: 4-4-008: 019 in Kaanapali, and Ann Cua is the Staff Planner.

D. NEW BUSINESS

- 1. MR. GREGG LUNDBERG, General Manager of WESTIN MAUI, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Special Management Area Use Permit and Shoreline Setback Variance and the relocation of the existing County sewer line for the proposed Master Plan Improvements for the Westin Maui Resort & Spa, at 2365 Kaanapali Parkway, TMK: 4-4-008: 019, Kaanapali, Island of Maui. (EA 2014/0001) (A. Cua)**

The proposed improvements include a new parking structure, new landscaping facility, ballroom expansion and meeting room expansion, new back of the house structure, demolition of structures, roof additions, spa improvements, relocation of existing sewer line, and other related improvements.

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

The EA trigger is the Shoreline Setback Variance and the relocation of the existing County sewer line.

The Applicant has also submitted applications for a Special Management Area Use Permit and a Shoreline Setback Variance. The public hearings on these applications will be scheduled after the Chapter 343, HRS process has been completed.

Ms. Ann Cua: Good morning, Mr. Chair.

Chairperson Lay: One second. Commissioner Hedani?

Mr. Hedani: Mr. Chairman, the Westin Maui is a member of the Kaanapali Operations which is our organization and because of that I'm gonna be recusing myself from voting on this item.

Chairperson Lay: So noted. Back to Ann.

Ms. Cua: Again, good morning, Mr. Chair and Members of the Commission. While Cheryl is setting up for the power point, I just wanna make some brief comments. The Department of Planning is transmitting this Final Environmental Assessment for the Westin which was prepared by Munekiyo & Hiraga. The Final EA was submitted to the Planning Department on October 13, 2014. And it includes agency comments, and applicant's responses received during the 30-day public period. Of particular note is your comment that you give the applicant dated ...(inaudible-changing of tape)...and it's on page, they page their document which was really nice, 238, Page 238 thru 240, if you open your document. We distributed the Final EA to you at your last meeting and so hopefully you brought your documents with you.

One other point before I turn it over to Cheryl, the all important point which is well, what's the trigger. So, you know this is an existing project. It's in the SMA. But they are, they have basically two triggers. They are doing some work within the shoreline setback and that's a trigger for Chapter 343. And they're also relocating an existing County sewer line. And so again, that's why they were required to prepare an Environmental Assessment. As I mentioned the draft has come before you, they've made comments, and today we're here to discuss the final. Once the process on the Environmental Assessment is completed, then we will be able to schedule the SMA Major Permit and Shoreline Setback Approvals, Variance Approvals before you, so that we're looking at some time in January, maybe the second meeting of January. Okay, so at this point, I'd like to turn it over to Cheryl from Munekiyo & Hiraga's Office and she will take you through the project.

Ms. Cheryl Okuma: Good afternoon, Chair Lay, Commissioners. Thank you very much. We certainly appreciate the opportunity to be here before you. The Westin Maui proposes its master plan improvements to its resort located in Kaanapali.

Here today as far as the project team is the applicant, Gregg Lundberg representing West Maui, Larry Cunha from WCIT Architecture, Glenn Kuwaye from Wilson Okamoto Corporation, and Munekiyo & Hiraga, Karlynn Fukuda and myself.

Now as Ann had mentioned, we're here before you today on this review of the Final Environmental Assessment and Filing of No Significant Impact Determination for this project. This Commission had reviewed and commented on the Draft EA back in July 22nd and we'll go back to those comments that were made later on in this presentation.

As far as project location, here's where the subject property is off of Honoapiilani Highway is Kaanapali Parkway and the project site just south of that. In terms of an aerial view, you know the Westin Maui is an oceanfront resort with Whaler's Village up to the north, Kaanapali Condominium here down to the south, and it's about, offers amenities of about 750 guest rooms.

Now in terms of the proposed work, as you may recall it's been over 20 years of operation since the resort has undergone a major renovation. And so the proposed plan that you see before you is the Westin's commitment to visually, and functionally enhance the resort and the major improvements proposed are to meet the expectations in terms of employees, service, and guest experience and to continue to allow the Westin to compete as world class resort destination. And just in terms of the improvements will be...that are involved this is the proposed parking structure that is currently on the existing parking lot. We'll go into the specifics in the next couple of slides. The ballroom and meeting room renovation. Here's the back of house. And then proposed improvements to the restaurant area here. Here is the previous 40-foot shoreline setback line and the current 150-foot shoreline setback line. Up around this area is Whaler's Village and the public beach access is along this way.

The County sewer line that was mentioned currently runs in this direction and as the proposed project would affect it that sewer line would be relocated. It's a 140-foot run. In terms of the project's scope of the work, there is work that's outside of the shoreline setback area as you'll see here to accommodate employees and guest needs there's a proposed parking garage not to exceed four parking decks, the fourth floor and parapet wall not to exceed 28 feet that...except an elevator tower that will be about 36 feet from grade.

The landscaping facility will be removed from the outside area and placed into parking lot...parking garage structure. There's a back of house structure expansion for laundry facilities, hotel equipment, and material storage. Conversion of the second floor convention hall into the new ballroom, expansion of the meeting rooms and spa which will all improve the functionality for guest room use...guest use. Interior renovations to the back of house areas and underground utilities, relocation of the County's sewer line and landscaping and other such improvements.

There is also portions of the work what will involve being within the shoreline setback area and so you know, this Commission will see this project coming back before you in terms of that approval. But basically the improvements in that area include the demolition of an existing retail kiosk, water

features, restrooms, the existing storage building, and the removal of a landscape mound. There will be the installation of a 12-foot high open air structure off of the Sugar House Restaurant and I think that name has now been changed, but we're referring it for this purpose as the Sugar House Restaurant. Installation of a portion of the roof structure for the Relish Restaurant and these are all to improve functionality in terms of guest experience and the installation of a pervious decking.

And as you may recall from the last time we were here, Planning expressed concerns in terms of some of the improvements that were proposed and so as a result of those discussions, the applicant has agreed to install these pervious decking so that during storm events there's less harmful impact in terms of what goes on in that shoreline area. And also, in line with concerns raised by the Planning Department there's a replacement of a portion of an existing deck with this kind of pervious decking. And this slide illustrates that in terms of the pervious deck and the roof structure and basically this chart illustrates that there's no net increase in terms of any kind of hardscape that's being proposed. So for example in terms of this new ..(inaudible)...roof structure and the concerns expressed by the Planning Department, the applicant had agreed to actually remove 999 square feet of impervious decking and replace that. And also in addition, there's additional new pervious decking about 3,000 square feet that will be and are proposed for this area.

This slide shows where the limits of the proposed improvements will be. This red line here is the limits of the proposed improvements and the limit of the roof off of the Sugar house is here in this dotted black. Again, limits of proposed improvements on the Relish Restaurant you'll see in red, limits of the roof improvements in black.

Okay, so as noted in terms of the Draft Environmental Assessment review this Planning Commission did review and comment back in July 22nd of this year. That Draft EA was published in the OEQC Environmental Notice in June 23rd, and the comment ended July 23rd.

These next few slides covers the Planning Commission's review of the Draft EA and the comments that you had noted as well as the response from the applicant. And the first comment was to consider providing renewable energy such as photo voltaic or PV for the project. And in terms of that the feasibility of future PV improvements is being assessed and any decision as to whether to proceed or not was...that would be subject to several approvals such as from the Kaanapali Operations Association or KOA, as well as the County for the SMA. And the project's scheduled for the PV improvements will be later than the master plan improvements that are currently before you.

Second comment was that the proposed parking structure be screened with landscaping in order to mitigate visual impact from the Kaanapali Parkway. And in response, you know the landscaping is being incorporated around that parking structure as well as on the east side along Kaanapali. And it would all be subject to whatever the County's requirements are in terms of the sewer easement area because that is the area you know in terms of potential sewer, sewer line.

The next comment was that there be consideration to providing additional beach parking stalls, public beach access, and related amenities. And there are potential constraints in terms of that areas or space constraints I should say, and the potential for any of that kinda access, you know, is somewhat limited. Nevertheless, providing additional beach parking stalls will be evaluated and that will be evaluated in terms of being able to serve guests from...resort guests needs as well as

employee needs.

In terms of agency comments on the Draft EA there were a total of 21 letters, 12 with comments, and 9 with no comments. And what you see here in the box these are the agencies that provided comments in terms of the process.

In terms of community outreach, the applicant has had meetings with the Kaanapali Alii Condominium Association in April, July, October, December 2013 and most recently July 2014. As well as meetings with the Kaanapali Operations Association or KOA Design Review Committee in May, December 2013 and July 2014. And they were meeting with Whaler's Village August 24th. And in terms of the four Design Review Committee meetings KOA did give approval for the conceptual design for the project in fact, this summers, August &, 2014.

As noted, this project will come back before this Commission as there are other approval actions that will be needed in terms of the Special Management Area Use Permit and the Shoreline Setback Variance that Ann had noted.

So we are here before you to respectfully request the Planning Commission's review of the Final Environmental Assessment and a Finding of No Significant Impact Determination for the project. And thank you for your time and consideration on this project and are open to any questions that you may have. Thank you.

Chairperson Lay: Thank you, Cheryl. At this time, I'm gonna open up to public testimony. If anyone wishes to testify, please step forward, identify yourself and you have three minutes. Seeing no one, moving onto comments or questions from the Commissioners? Commissioner Wakida?

Ms. Wakida: This is for Ann. Ann, this is something that you told us all about when we met before, but I'm a little short on memory here. So could you please explain to us again because it's a 150-foot shoreline setback and the previous one was 40 feet. Could you please discuss with us again why the Department is promoting improvements within the shoreline setback area?

Ms. Cua: So with regard to this specific project there are a number of improvements that are already within the shoreline setback area. And as I mentioned previously, the reason why there's quite a number of improvements already in the 150-foot shoreline setback area is because they started off a number of years ago with a 40-foot shoreline setback area. So you know the thing we worked a lot with the applicant about is, was balancing the need for this project to be able to expand...not expand, to enhance its existing facilities to be able to serve both its guests as well as its employees specifically with regard to parking and the employees that was something that we'd been in contact with the Westin for many years about the need for the parking structure. But back to the shoreline setback area, like I said they have areas, slabs, you know where the roof is gonna, the main...maybe you can go back to that? You know they have an existing slab that they want to...I was thinking of the other one, the photo, the photo, yeah that's the one. Okay, so this area is already improved with pervious surface, impervious surface, I'm sorry, and...so basically what they're doing is they're covering an existing improved area. And they're also proposing another roof area that happens to be more of an open type roof area. They do have also quite a bit of existing sidewalk areas that are not, you know, the breakaway type of construction. And so when we looked at the overall project and met with them, we tried to balance what they have there and moving

forward. And that's why...the reason why we feel comfortable moving forward is because they've gotten to the place where there's not gonna be any increase in the hard surface area. They're removing some of the hardscape and they're basically putting the pervious surface there and that's why we, we did feel comfortable moving forward. We were not initially comfortable in terms of what they came in with and we had to work to get to this point.

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

Ms. Wakida: And I don't remember seeing a picture by the roof area that's going over the pervious decking is that freestanding or are there supports?

Ms. Cua: There's supports.

Ms. Wakida: So will there be drop down curtains and that kind of thing in late afternoon that would close this area off?

Ms. Cua: Are you talking about this one or are you talking about the one...

Ms. Wakida: Well...

Ms. Cua: This one would be-

Ms. Wakida: Yes, that one.

Ms. Cua: There's gonna be basically doors that are gonna be able to enclose this when weather conditions are not acceptable, and then it's also gonna be able to be open. The other area, the other roofed area to the side here...okay, oh sorry, okay...so you see, it's hard to see with the light, but anyway, this roof area here is gonna be...it's roof, but it's completely open.

Ms. Wakida: Okay, because this impression that I'm getting from this is just that they're putting in a roof. It doesn't say anything about something that will later be enclosed 'cause basically you're adding on another whole room that can be enclosed.

Ms. Cua: They're gonna be able to slide doors when the weather is bad. So it's already...that area is already with the tables and chairs already able to serve and function as a gathering space for the restaurant and it's gonna continue to do that, but have the ability inclement weather to be able to push doors to be able to protect them from the wind and rain. Other than that, the plan is to have the doors open most of the time so people are able to enjoy open air.

Chairperson Lay: Commissioners? I would like to add I appreciate that you're able to get a commentary by Lori Sablas. That was pretty cool the history on it. I didn't know that was a race track area. Would have been interesting to find out who those two kings were that had that little quarrel there, but thank you very much for that. Commissioners, any more questions, comments? Can we get the Department's recommendation?

Ms. Cua: The Department is recommending that the Commission accept the Final EA and issue a FONSI Determination as we believe the document meets the requirements for a Final

Environmental Assessment.

Mr. Freitas: So move. Move to accept.

Mr. Ball: Second.

Chairperson Lay: Motion by Commissioner Freitas, seconded by Commissioner Ball. Any comments on the motion on the floor? Commissioner Wakida?

Ms. Wakida: I'm a little torn on this because I...I am in favor in the project, but I am not in favor in creating a new enclosed space within the shoreline setback. And I, I read through all of this and I don't know that I saw anything that showed that be happening. So I'm a little bit-

Ms. Okuma: Maybe this will help a little bit. Let me just-

Chairperson Lay: Oh, we have a motion on the floor also.

Ms. Okuma: Oh, I'm sorry.

Chairperson Lay: Go ahead.

Ms. Okuma: Okay. Maybe this chart will help. In addition to new pervious decking of about 3,015 square feet, in addition to that, the applicant had agreed due this specific concern with respect to this additional enclosure. You know this additional, the proposed roof, roofing in the shoreline setback area...what applicant and Planning discussed was you know, there's already gonna be a demolition of the existing kiosk which is about 551 square feet, that's gonna be gone out of the shoreline setback area. There's also the demolition of a storage building of about 1,020 square feet, that will be gone. And because of, you know, the concern of this 2,570 square feet in terms of this enclosed structure, the applicant agreed that there's existing hard deck, existing hard deck that they can take out of there and they will replace that with an equal amount of pervious decking. And so as you see here, there's no, there's no gain in terms of hardscape. That's kept at zero. And this is in addition to a new pervious decking that will go, you know, in that area of about 3,000 square feet.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Yeah, I'm in full support of this project. I think they've done their due diligence especially based on the correspondence with our own Wayne Hedani over here. Thank you, Wayne. Everything's covered. So I trust everything's done correctly. Thank you.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I also am in full support of this project. Okay, bottom line for me is they're keeping it Kaanapali. They're not trying to make to another Waikiki. Waikiki will never work in Kaanapali. And I commend them on what they're doing. Thank you.

Chairperson Lay: Commissioners, any more questions or comments? Can the Director repeat,

Deputy Director repeat the motion?

Ms. McLean: The motion is to accept the Final Environmental Assessment and issue a Finding of No Significant Impact.

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

Ms. McLean: Five ayes.

Chairperson Lay: Those opposed?

Ms. McLean: One no, and one abstention, refusal.

Chairperson Lay: Motion carries. Congratulations.

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

**VOTED: To Accept the Final Environmental Assessment and Issue a Findings of No Significant Impact (FONSI).
(Assenting - J. Freitas, K. Ball, J. Medeiros, M. Tsai, S. Duvauchelle)
(Dissenting - P. Wakida)
(Recused - W. Hedani)
(Excused - R. Higashi)**

Chairperson Lay: And we're gonna break for lunch and return at 1 o'clock every one.

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

Chairperson Lay: ...back to order.

Ms. McLean: Thank you, Chair. This is a request from Mr. Henry Spencer on behalf of Paia 2000, LLC for comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment for the Paia Courtyard Project, a mixed use, parking, and senior housing project on approximately 9.04 acres of land located at 120 Baldwin Avenue, TMK: 2-5-005: 063 in Paia. Erin Wade is the Staff Planner.

- 2. MR. HENRY SPENCER on behalf of PAIA 2000, LLC requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment for the Paia Courtyard Project, a mixed use, parking, and senior housing project on approximately 9.04 acres of land located at 120 Baldwin Avenue, TMK: 2-5-005: 063, Paia, Island of Maui. (EA 2013/0001) (CPA 2013/0003) (E. Wade)**

The EA trigger is the Community Plan Amendment.

The Applicant has also submitted applications for a Community Plan

Amendment, State Land Use District Amendment, a Change in Zoning, and a Special Management Area Use Permit. The public hearings on these applications will be scheduled after the Chapter 343, HRS process has been completed.

Ms. Erin Wade: Good afternoon, Members and Chair. My name's Erin Wade. I'm a staff member of the Current Planning Division. Today, I have before you the Draft Environmental Assessment document for the proposed Paia Courtyard. This project includes mixed use retail and office buildings along with some upper-story residential units. It also includes some independent senior living apartments with support facilities. It includes grading, installation of underground utilities and related improvements and finally, site improvements such as a parking lot including parking stalls for both public use and for the supporting...or the proposed uses, sidewalks, multi-use path, landscape improvements and retaining walls. The trigger for the environmental assessment is that there's a community plan amendment required for this project to be developed as well as there will need to be some work done within the County rights of way. I'd like to introduce the applicant, part of the project team is David Spee from Paia 2020 LLC.

Mr. David Spee: Good afternoon, my name is David Spee. I'm one of the members of the LLC. Paia 2020 is the LLC. Paia 2000 was an LLC that I created when I built another building in Paia back in 2000. The members of the LLC are Mr. Henry Spencer and then my brother, Douglas who's here today. The three of us are pursuing this project. Assisting me in the project is the architect, Hunton Conrad, the civil engineer, Mark Matsuda, the traffic engineer, Mike Packard. The market analysis was done by Mike Hamasu with Colliers International, and for archaeological and Hawaiian practices I have Andre Conley Boyd and all of them are present today to answer any questions.

The project, Paia Courtyard project is located in Paia. It is located below the Paia Post Office and I think this map clearly represents an aerial of the property. To the south of the property is the Paia Post Office. To the east of the property is a mix of...there's one house left and the rest are commercial buildings. To the north of the project is my existing building which you can see in the upper corner there. And to the...off to the side are residences. Now this lot was created with a consolidation and resubdivision with Alexander & Baldwin after the Paia mini bypass was created. And so since my lot was continuous to theirs that it was combined. And so when we looked at zoning, my...there's 10,000 square feet there at the top that is currently Country Town Business and properly zoned. There is a buffer, a large berm and foliage trees along the residential edge on the top also. It separates that residential from the commercial. To the west is the sugar cane fields of A&B. So that is the project. It's roughly nine acres. You can see where we put in the current parking lot where approximately 60 to 100 cars are using that parking lot a day.

The project consists of six commercial buildings along Baldwin Avenue. It's called the Courtyard because there'll be a courtyard down the middle. It will be approximately 37,000 square feet of commercial space with nine, live-work apartments up above. And the hope is that we recreate what the old town used to have is people that both work and live in the same, same space.

In addition, we are proposing 64 senior apartments. There will be eight garages and several storage, mini storage type places for people to...if they pursue outdoor activities, bicycles, things like that. The supporting building will...supporting buildings will also include a common area

building and swimming pool. The parking is in the center of the project and we are proposing to build 356 stalls. Now code only requires 252 stalls but we've gotten a lot of indication from the County that parking is drastically needed in Paia Town. And I have worked in Paia for almost 25 years, and I kinda know the town and parking is a huge issue. My building has 13 stalls and I can just say that within those 13 stalls probably 90 percent of the time it's people that aren't using my building and that it's there's this tremendous demand for parking.

The improvements that will be made right now there is curb and there's no sidewalk that runs from my building up to the post office. So there is a danger element there of people going up. There is a curbe along the asphalt that is present, but when we do the project there will be curb and gutter all the way up Baldwin Avenue. In addition, there will be one entry up at the top of the project coming off the Paia mini bypass into the project.

These are views of what the project should look like. The top view is looking down Baldwin Avenue and it's...that's three buildings. It is broken up to look as though there are several buildings there. The architect went around the island looking at all the Country Town Business zones and looked at buildings and really tried to pull in and match what country town businesses looked like. The bottom photo is what would be the view from the parking lot looking that would be east. This would be looking from if you stepped across the street from the post office and looked across the street this would be the corner with the entranceway into the project. Again, this would be the back corner of the post office in the parking lot looking into the project and the photo below would be ...(inaudible)...down more towards the County Parking lot down towards Mana Foods and looking up towards the project. And this would be from the parking lot looking towards the senior housing.

Here is the site plan. As you can see there is substantial parking. The...it's kind of a strange issue that we're going so far over Code, and it takes up additional space but the number one concern and I'm on the Paia Advisory Board and they've done a study in Paia and the number one concern of everyone is parking, it's parking, parking, parking. And I truly believe this will eliminate the parking issue in Paia probably forever. 'Cause if all new construction is done per Code, it shouldn't be a problem. Right now I would venture that maybe 10 to 20 percent of the buildings in Paia actually have Code parking and so it's just put stress on everybody, every other business including traffic. Part of the traffic problem is Paia as people stop and you're waiting for a parking stall, they'll stop on Hana Highway for two minutes, when it's backed up 20 minutes to wait for a parking stalls. And so it's that if they know how to park, get to it, you'll alleviate a lot of the traffic issues.

The senior housing element of this, I probably get I'd say two calls a month with people asking about this new housing just out of word of mouth. There is no senior housing on the northshore for the Haiku, Kuau, Paia region. There's a tremendous demand for it. There are a lot of people that wanna downsize, a lot of seniors looking to sell their homes and have a...live in a community where they can walk to the restaurants. They can walk to the beach. They can, even if they have bicycle, get to the senior center at Kaunoa Senior Center. So there is a...I'm finding a tremendous demand that wanna live in this community.

On the commercial, part of the problem that I've seen in 25 years in Paia, since I've been there I've seen all the mom and pops stores leave, I saw the dry cleaner leave. In the last six months we lost the pharmacy and the laundromat and it's skyrocketing rent that none of those businesses could afford to stay in Paia. The only thing we really have left is the dentist and he's in my building. So

there's a tremendous need and really we're talking about supply and demand. With more supply, they will be able to...the rents can stay low and hopefully bring in more of the local business. And I've already been talking to a doctor who wants to move in and I believe that with that doctor and a physical therapist that we will be able to devote a building solely to medical facilities that will support the senior housing and the local community. I believe there's substantial demand for both the commercial and senior housing.

And Erin talked about what triggers this. We are in the SMA boundary line on the top. There's a variety of different zonings. In the community plan along Baldwin Avenue which you see is Parcel A that is already zoned for business. So at some point they've...there's business across the street, this was zoned for business and it was the intent that one day this would be business. Now from the State zoning it's Ag everywhere except my parcel which already has the Country Town Zoning. And then at the County Zoning, we have Interim which was just about everywhere it seems like.

But the impacts from the Environmental Assessment, we looked at the impacts and we hired the experts that are here today. On the Archaeological and Cultural Assessment...well actually the archaeological, cultural, flora and fauna and environmental because this land was in sugar cane cultivation for over a 100 years it pretty much scrubbed the land of any indicia of archaeological remains or anything with Hawaiian practices. The flora and fauna there has been, you know, scrub growth since the sugar can was there. We had a study done, looked for the Black Sphinx Moth and the Hoary Bat and there was no sign of either on the property. So that came out pretty clean. A Phase 1 environmental was done on the property and again, the only thing they really found was an abandoned vehicle on the property and they found no signs of any environmental problems either on the property or within the vicinity of the property.

As for drainage, the civil engineer has designed the project so that all surface waters will be retained either on the property in underground retention basins under the parking lot or we have a one-acre drainage easement for a retention basin off the property at the bottom of the property across the mini bypass A&B is giving us one acre for retaining water. So excess water. So 100 percent of the water will be taken care of.

Traffic, there are issues in Paia and we've already gotten a letter from the State of Hawaii about the nonimpact on the state highway and we'll be working with the County on addressing the issues that need to be addressed on traffic.

On the water for irrigation and fire. For irrigation we have a well on the property that can pump 70 gallons per minute and provide water for landscaping. It is somewhat brackish. It's not potable, but at least it takes off the pressure of County water for any irrigation. For fire there is an eight-inch water line that runs down Baldwin Avenue and a lateral will be put into the project for all fire hydrants. Water and wastewater, there are currently...my building has a 3/4-inch meter. We already have a two-inch meter that will support the entire commercial project. And there is an eight-inch sewer line that also runs down Baldwin that may be easily be connected to.

On sustainability, I am very green in how I...what I believe. My current building already has three photo voltaic projects on top. I have been in...well I won't say negotiations, I'm working with Rising Sun Solar and we are talking about covering the parking with the parking structure kinda like they've done at MCC. Again, that will require that we then adjust our landscaping plan. You know,

how do we move those trees that should be in the parking lot to the side. We'll use LED, CFL light bulbs everywhere, everything will be down lit to protect sea birds. Again, everything as the max we can to maximize the use of solar power on the project including we will have a electric vehicle charging station and battery backup for the common areas of both the commercial and the residential senior housing.

Community outreach. We sent out notice to everyone within 500 feet of the property and anyone that I knew that was interested in the project. From that meeting, the main issue that we received was when are you gonna finish the senior housing. There was concern about noise during construction, the lack of parking in Paia, traffic, and the elevation of the buildings coming down Baldwin Avenue and that's an issue that right now the property is flat basically. So when you get down to the bottom of Baldwin there's actually a nine-foot elevation difference and so what happens is is that there would be stairwell at the bottom that takes you up to that plateau of this upper Paia subdivision. So what we've done is took that comment and talked to the County and we're looking at well, how could we step down these buildings as they come down Baldwin Avenue? So the architect's already kinda taking a shot at it and we're trying to have alternative plans on how it would look as you come down Baldwin Avenue. So that's one thing we're trying to work with.

The benefits of the project is that 2012 Maui finished its Maui Island Plan. They have directed growth maps, what they wanna see the small towns of Maui expand and we completely fall within that growth plan and that Maui Island Plan states that you want walking communities, where you have interaction between people or where the people work, where they can recreate and this project falls 100 percent within those guidelines of what Maui wants for the future of the small town. It will place...the senior housing will provide a place of community for the older north shore residents a place that they can easily either recreate down on the bike path that's now been continued all the way into Paia Town and can get all the way to Kahului on which not only gets you parks, but Kaunoa Senior Center, but it also provides a place of community for the seniors where they can look out for each other and they don't...they won't need to go anywhere besides Paia Town. It will also attract local businesses that support the community and the elder population. And parking, I think parking's the number one issue that it will dynamic of a parking problem in Paia. There will no longer be a parking problem.

And I guess that's it. Our request is for comments, and request that we be allowed to proceed.

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

The following testimony was received at the beginning of the meeting:

Mr. Lance Holter: Yeah, good morning Commissioners. My name is Lance Holter. I'm a...I live in Paia. I'd like to speak on behalf of the Paia Courtyard Project. I'm a neighbor to the project and I've been a resident of Paia for 34 years. You know, I've seen Paia transition from a sleepy village with mom and pop stores, with doctors, butcher shops, dry cleaners, a laundromat, grocery store and to a primary destination for visitors now from all over the world. We've lost our sleepy little village, but now we've become this primary destination full of restaurants, boutiques and any one day you can hear a language from anywhere on earth. And this is interesting phenomena, but because of that we've lost this small community feeling. Also, I've known Dave, David Spee for

about 20 years. We've shared a real estate and law office 20 years ago in the old Tavares Building where Bill Tavares grew up. He told me stories about hiding under his dad's desk and looking out the window. So you know, I have an interesting relationship with Paia there.

But I just wanna tell you about Dave, well this is what I know about Dave is that he's been, you know a board member and has given free nonprofits for all this time. He's been an advisor and a attorney for the Paia Youth Center, Ka Lima O Maui. He's been on the Board of Directors for the Montessori School for 15 years. He's advised the Paia Merchants and Community Association and Main Street Association for 15 years and he's been an essential part of our community. He's also of recent date, he's provided a parking area in this land that's been proposed for Paia Courtyard that's been a great relief for Paia Town providing over at least 60 parking spaces in upper Paia allowing people to be able to park near the post office and walk into town whereas before there wouldn't be any parking at all. And which is as we know in Paia the lack of parking is a extreme economic burden and is a huge problem. I know the businesses could thrive, would do better if there was better parking, but it's because of limited space and so forth that it can't.

I'm speaking in favor of the project because I have this feeling that if we were to build the project up out of Paia Town between the post office and the area that we know as the County parking lot there, I think we would be moving a lot of congestion out of Paia Town off of the highway.

Ms. Takayama-Corden: Three minutes.

Mr. Holter: The project meets many components of the community plan, and I'm just gonna speak to a few of them. No. 1, it provides 350 parking spaces to the community, 150 over what would probably be considered Code. It provides for infill. Instead sprawl it puts infill into an area that's easily walking distance to the ocean, walking distance to the town services and takes more traffic off of the road. It provides a walking, a walkable community.

Chairperson Lay: Mr. Holter, do you have a written testimony because we got a pretty big agenda today?

Mr. Holter: I'm almost done. I got one minute.

Chairperson Lay: If you can just pick it up please?

Mr. Holter: I just wanna say that also the project will provide for the opportunity to have needed businesses such as medical labs, clinical labs, a pharmacy and community services as well as a possible police substation. So I believe this is essential, this project is essential for economic engine for Maui and Paia and the North Shore, as well as much needed senior housing. Thank you.

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

This concludes the testimony received at the beginning of the meeting.

Chairperson Lay: Seeing no one, public testimony is closed. Commissioners, comments and

questions? Commissioner Ball?

Vice-Chair Ball: The parking that you talked about, so is that gonna be open to the public and then on the flip side of that, what prevents the people that live there from not being able to have any parking because now all the public is parking in there?

Mr. Spee: I've been working with Diamond Parking on how you can delineate the different uses. And what I would see is having probably a separate place that the residents and the employees that work within the commercial would go to with a separate pass. They just in and out and the rest would be public cars. There is a question of whether or not to make it validated parking. To have some sort of validation. If you don't have validated parking what I find is you end up with a lot of derelict vehicles in your parking lot. And so there's this level of control how much you...if it costs something to go in usually you don't have people camping in your parking lot or if you have someone overseeing the parking lot...(inaudible)...but I do not want to charge for parking and I think validation is a way to, you know, support the businesses and go from there. That's what we're thinking, but nothing has been determined.

Vice-Chair Ball: And that's kind of a fine balance too, because you don't want that cost to then now go to the commercial owners or the residential owners because there will be wear and tear on that parking lot too, so it's kind of that...I can understand where you're coming from.

Mr. Spee: But I think the way that it's designed it will be easy to set off what is the senior housing parking and there'll be lower prices and garage and it will be...I think it won't be that hard to separate the two only because there's such...so much extra parking and we're talking, you know, 250 stalls probably for the commercial. You gotta understand in Paia alone, I think the new County lot is a 100 stalls, and the old one was about 40 or 50, and you add maybe 50 on-street parking, there's 200 and then you maybe talking 250, 300 total in town right now. And we're doubling that.

Vice-Chair Ball: Right.

Mr. Spee: Even any time anyone adds a parking stall per Code it helps Paia a ton because it's more than it was before.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I have a question for Erin. Is there a definition for senior housing, County definition?

Ms. Wade: I do believe that the Department of Housing and Human Concerns has one, but I don't have access to that at the moment.

Ms. Wakida: So then a developer comes in and says we're doing senior housing how does that differ from any other housing?

Ms. Wade: Maybe the he could or the architect could explain how they're designing it differently than it would be designed for just a average apartment building.

Mr. Spee: I mean, my understanding is it's 50...it's gonna be 55 and older and that will be a

restriction. But I think like Hunton explained, who's the architect, ...(inaudible)...drawing and what he sees.

Mr. Hunton Conrad: Good afternoon, Commission. My name is Hunton Conrad. There are elevators in all the buildings for one thing which normally are two-story walk up you would not put elevators in, so automatically we are providing accessibility for senior citizens. When it is designated senior housing the way the County has held it in the past and I'm not an expert on the law either, but you market the apartments at to 55 and over. And that is the way it's set up and then there's a long period of time with which those apartments are available to 55 and older and then at some point if the either rented or sold units do not rent or sell then it does allow it to go to open, to the open market, but it's quite a long period of time and I've watched that happen up in Upcountry when they did the one by Longs and that was available only to seniors for quite a long time before it was opened up to nonseniors.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Do you provide grab bars in the bathroom, that kind of thing?

Mr. Conrad: Yes, yes. It will be set up...every unit is designed for a wheelchair accessibility. Every doorway, every swing of every door, it's completely been laid out for someone in a wheelchair, every unit.

Ms. Wakida: Okay.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I like the character of the buildings that have been, you know, depicted. I think it's representative of Paia Town and I think that's a real big plus for the project. The only comment that I would offer is when you're looking at photo voltaic for the parking lot, the example of Maui Community College is kind of a poor one from my perspective because it has a very industrial look to it. And we had a solar company do a similar proposal for Whaler's Village and when we worked with them and the architect for Whaler's Village were able to come up with a solution where instead of staggered panels you know that make maximum advantage of the angle of sun, they were able to design a flat structure that blended more into the architecture of the building and they lost maybe four or five, four percent efficiency but that number of panels that you would have over that large of a parking lot would more than offset whatever you lose in terms of efficiency. So my suggestion would be at least to take some architectural elements to the solar project so that it's kind of wrapped around the outside with something that's more in character with Paia Town.

Mr. Spee: I didn't really think about that. You're right it would...high tech next to a country town.

Mr. Hedani: Right, and I think it can be done in a way that looks good and doesn't have to read like wires hanging all over the place.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Straight up. You had me at senior housing and parking. Okay, let's get on with it.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I have a question about the elevation drawings. On A-13, I couldn't read the numbers of the height on the left 'cause they do have a height or story restriction....right or 30 feet, yeah?

Mr. Spee: You know what that is being amended. That was a mistake. That was an old drawing that showed three stories. It is only two, and you are looking at something that will not exist.

Ms. Wakida: And is that also for 13.1?

Mr. Spee: There will be no three-story structures on the property now.

Ms. Wakida: Okay.

Mr. Spee: Sorry about that, but that slipped through.

Chairperson Lay: Commissioners? Commissioner Wakida?

Ms. Wakida: I just have one sort of suggestion. In looking at your architectural renderings, the buildings, condo buildings appear to have concrete or some pervious walkways smack up to the building so that there are no greenways in between the buildings. If you come to the Outlet Center in Lahaina you will see what it looks like to have buildings with concrete smack up to 'em and it's a problem. So I would like to see more landscaping among the building that would enhance it. I like your concept in general.

Mr. Spee: Well, I'm really...and the well is going to really help with landscaping and the ability to water and we really put in a lot of nice landscaping and have the water to...(inaudible)...

Ms. Wakida: For around the—

Mr. Spee: Yes.

Ms. Wakida: —around the buildings rather than just have it all of hardened concrete.

Mr. Spee: Yes, that always softens the building. I'm in complete agreement.

Chairperson Lay: Commissioners? Seeing that there's no more questions or comments can we get the Department's recommendation?

Ms. Wade: Thank you, Chair. I took down the following comments for you folks to be sending back to the applicant to update the Environmental Assessment document. It was requested to explain how the parking will be managed on site. It was requested to describe senior design features and marketing requirement to meet the definition of senior housing. When looking at the photo voltaic for the parking lot to ensure the design will be complementary of the architecture of the buildings. The fourth was to update the EA such that there will be no three-story structures on the property. And the fifth was that you would like to see more landscaping among the buildings to enhance those buildings.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I just have one additional...I'm sorry, I forgot to mention a suggestion and that was, senior housing and late night music don't go hand in hand. So I think there needs to be some concern about what sorts of retail businesses will go in there because if you have bars and bar music, the senior housing might...get a lot of complaints.

Mr. Spee: Well, I turn 55 next year and I plan on having an apartment there for one; and for two, I completely agree. You have to be sensitive to that, and you know, with Rock and Brews, I'm sure everyone knows what Rock and Brews is down the street and noise, and quite frankly my secretary lives right on that northern edge of the property and she tells that she can hear Charlies at one in the morning that the noise carries across. So I'm very cognizant of that. I will have...my building is right there. My office is there. My secretary lives next door and she will be helping in the management of the project. So there will be a community association set up for the senior housing. There'll be an association...well, actually there won't be an association, we'll be managing the commercial. So there will be tie between the commercial and the senior housing.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Just a question for the applicant. I heard you mention some improvements along Baldwin Avenue to include curbs and gutters. Sidewalk?

Mr. Spee: Sidewalk, curb and gutter, yes all the way up.

Mr. Hedani: And landscaping?

Mr. Spee: And landscaping, yes. Mr. Henry Spencer.

Mr. Henry Spencer: Hi, my name is Henry Spencer. I'm one of the property owners. We also have added at the request of the Mayor, 13 additional parking spaces along that area frontage from David's building up to the post office. We have dedicated and moved back the property line a pretty substantial distance and so there's going to be curb, gutter and 13 additional parking spaces.

Chairperson Lay: I have one more question. Is there a bus access area there too?

Mr. Spencer: Also there's going to be a bus stop at the senior. There's a loop in one of the buildings and there will be a bus stop there.

Chairperson Lay: Perfect. Commissioners, any more questions or comments or anything else you would like to add?

Mr. Medeiros: Move to accept.

Chairperson Lay: We have a motion to accept.

Mr. Tsai: Second.

Chairperson Lay: The conditions she went through it.

Ms. Wade: Okay, so just for clarification today is the review of the Draft EA so we're just accepting comments from you folks and we will be drafting a letter on your behalf to send to the applicant. Then they'll be updating the Environmental Assessment and it will come back to you for the Final Draft just like the Westin did earlier today.

Ms. Thomson: And one other, one other quick comment. So the action that we can take today would be to, you know, submit your comments and then also make a determination that you are the approving authority for the Final EA and that you anticipate a Finding of No Significant Impact. So that's the action you'd be taking/

Mr. Medeiros: So move whatever she said.

Mr. Tsai: Second.

Chairperson Lay: Motion by Commissioner Medeiros, seconded by Commissioner Tsai. Any discussion on the motion? Seeing none, I don't think we have to repeat the motion. Let's call for the vote, all those in favor?

Ms. McLean: Six ayes.

Chairperson Lay: Motion carries. Thank you very much and congratulations.

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

**VOTED: To determine that it is the approving authority of the Final Environmental Assessment and that a Findings of No Significant Impact (FONSI) is anticipated. The Commission provided their comments on the Draft Environmental Assessment for the applicant to address.
(Assenting - J. Medeiros, M. Tsai, K. Ball, W. Hedani, S. Duvauchelle, P. Wakida)
(Excused - J. Freitas, R. Higashi)**

Chairperson Lay: Okay, next agenda item?

Ms. McLean: Next item Chair is acceptance of the Action Minutes of October 28, 2014.

E. ACCEPTANCE OF THE ACTION MINUTES OF OCTOBER 28, 2014

Chairperson Lay: Everybody get a chance to take a look at the action minutes from that date? Is there any changes? If not, I need a motion to accept?

Mr. Tsai: I move.

Vice-Chair Ball: Second.

Chairperson Lay: Motion by Commissioner Tsai, seconded by Commissioner Ball. All those in favor please say, aye.

Commission Members: Aye.

Chairperson Lay: Those opposed, nay. Motion carries.

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

**VOTED: To Accept the Action Minutes of the October 28, 2014 Meeting.
(Assenting - M. Tsai, K. Ball, J. Medeiros, W. Hedani, S. Duvauchelle,
P. Wakida)
(Excused - J. Freitas, R. Highashi)**

Chairperson Lay: Next agenda item?

Ms. McLean: The first item under the Director's Report is the notification of the issuance for three Special Management Area Emergency Permits that were issued and the Commission is being notified of these. The first of those is a September 25, 2014 SMA Emergency Permit letter to Mr. Frank Rice of Allana Buick & Bers on behalf of the Hololani AOAO to complete limited sandbag repairs tot he existing temporary shoreline protection structure at the Hololani located at 4401 Lower Honoapillani Road, TMK: 4-3-010: 009 in Napili. Jim Buika is the Staff Planner.

F. DIRECTOR'S REPORT

- 1. Notification of the Issuance of the following Special Management Area (SMA) Emergency Permits for review:**
 - a. September 25, 2014-SMA Emergency Permit letter to MR. FRANK RICE of ALLANA BUICK & BERS on behalf of the HOLOLANI AOAO to complete limited sandbag repairs to the existing temporary shoreline protection structure at the Hololani located at 4401 Lower Honoapiilani Road, TMK: 4-3-010: 009, Napili, Island of Maui. (SM3 2014/0005) (J. Buika)**

Mr. Jim Buika: Good afternoon, Commissioners, Chair. This is actually just a report out. I don't think...I mean there's no action or anything to take. And both myself, I have two of these and Keith Scott also has one where we produced just a few, we don't have any slides, but we just produced a little handout. The Hololani was just to...it's actually in the State jurisdiction out there and they wanted us to issue to repair, add 50 new sandbags for...you can see some of the...there's a location map in Napili area in Kahana Bay, and then it's a repair and replacement of the sandbags that have been out there for many years that need replacement. So it's just for the protection. Any questions on that?

Chairperson Lay: I have a question on that, Jim. So how long...it's a temporary fix, so is there something where they're working at to make improvements?

Mr. Buika: Yes, it actually extends back quite a ways to 2007. These Emergency Permits have a 180-day life time where they have to be...something has to come in. They are working to look at alternatives from the 4A permanent shoreline protection out front. You have seen the Draft EA, I think a little over a year ago, maybe a year and a half ago and they're working on the major permit and also a Conservation District Use Permit for out front there. So they are moving down the line. This is just to keep the protection out front in the interim.

Ms. McLean: Okay, the next item similar to this one, October 15, 2014 SMA Permit letter to Mr. Thorne Abbott of Coastal Planners, LLC on behalf of Paul and Edna Laub for temporary shoreline protection of the habitable structure at 1007 Front Street, TMK: 4-5-003: 002 in Lahaina.

- b. October 15, 2014-SMA Emergency Permit letter to MR. THORNE ABBOTT of COASTAL PLANNERS, LLC on behalf of PAUL and EDNA LAUB for temporary shoreline protection of a habitable structure at 1007 Front Street, TMK: 4-5-003: 002, Lahaina, Island of Maui. (SM3 2014/0003) (J. Buika)**

Mr. Jim Buika: And again, this is just a report out to you to an emergency permit that we have issued. It was for rather than sandbags this time, it's for rocks out in front. It was kind of a proactive move. You can see the pictures there. It's along Front Street. You can see where that yellow arrow is on Figure 1 and Figure 2, and then zoom in to allow residents there. They lost their seawall years ago, and they're working with the State to protect their structure. When the hurricane came, Iselle came in August, they asked for an emergency permit to put rocks across in front of their post and pier. Sometimes they get water actually underneath the house because there is no longer any protection out there. So again, this was truly a temporary emergency permit that was authorized by the Director. They have since, the last picture show that they have removed those rocks from out front. So that project basically is pau.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: And on this picture you said they lost their seawall. Did the seawall originally go straight across this?

Mr. Buika: Yes, pretty much straight across. It was years ago that it collapsed and the existing property owner actually bought the property with the collapsed seawall out front so...

Ms. Wakida: And he's placing the boulder up near his house or across this?

Mr. Buika: Yeah, if you flip to the next picture you can actually see the...you can see the before and then the after. See Figure 2, or Figure 3 and Figure 4. Figure 3 is the existing. Figure 4 is adding the boulders. Figure 5 is and 6 is taking the pictures out, did you get all those pictures, yeah.

Ms. Wakida: I did, yeah.

Mr. Buika: So it's just pictures in and out or boulders in and out from in front. They did have some surge, luckily it wasn't bad so there was no damage. So they have been removed and they

complied with the emergency permit. Any other questions? Thank you.

Ms. McLean: And lastly on October 17, 2014, SMA Emergency Permit letter to Mr. Clay Scott on behalf of the Nohonani AOA to temporarily fill large cavities that have recently formed in the rear yard behind an existing seawall at 3723 Lower Honoapiilani Road at TMK: 4-3-06: 007 in Kahana and this is a project handled by Keith Scott.

- c. **October 17, 2014-SMA Emergency Permit letter to MR. CLAY SCOTT on behalf of the NOHONANI AOA to temporarily fill large cavities that have recently formed in the rear yard behind an existing seawall at 3723 Lower Honoapiilani Road, TMK: 4-3-006: 007, Kahana, Island of Maui. (SM3 2014/0008) (K. Scott)**

Mr. Keith Scott: No relation to Clay Scott. You can see from the pictures that some significant voids happened in the backyard of this condominium complex. The emergency permit allowed them to hand place sandbags to stabilize. There has been just very, very subsidence of the seawall and they are currently working on planning a permanent fix to this project and we're working with them.

Chairperson Lay: Questions or comments, Commissioners? Thank you.

Mr. Scott: Thank you.

Ms. McLean: The next two items, Chair. Appendix A and Appendix B, the SMA Minor Report and SMA Exemption Report.

2. SMA Minor Permit Report (Appendix A)

3. SMA Exemption Report (Appendix B)

Chairperson Lay: Everybody get a chance to look through it? Any questions or comments? If not, can I get a motion to accept?

Ms. Wakida: So move.

Mr. Tsai: Second.

Chairperson Lay: All those in favor say, aye?

Commission Members: Aye.

Chairperson Lay: Those opposed? Motion carries.

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

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

4. **November 19, 2014 Site Visit and Public Hearing on the proposed West Maui Hospital and Medical Center Project**
 - a. **Site inspection of the new proposed site at 4:00 p.m.**
 - b. **Public Hearing at 6:00 p.m. at the West Maui Senior Center Meeting Hall in Lahaina on both proposed entitlements for the proposed West Maui Hospital and Medical Center site in the Kaanapali North Beach Mauka Project District and reversion of the entitlements for the former West Maui Hospital and Medical Center site near the Lahaina Civic Center. (G. Flammer)**

Ms. McLean: Next item Chair is just a confirmation that November 19th, the Commission will have special site visit and public hearing on the proposed West Maui Hospital and Medical Center Project. A site inspection of the site a 4:00 p.m., and a public hearing at 6:00 p.m. at the West Maui Senior Center and Meeting Hall.

Mr. Yoshida: Clayton Yoshida subbing for Gina Flammer who is tending to a sick child. For the site inspection you either can meet us at the site up Kakaalaneo Street at 4:00 or if you wanna carpool we can meet at the West Maui Senior Center parking lot at 3:30 and we can carpool up to the site. The maps and such will be probably mailed to you on Wednesday as well as the staff report. And we will feed you between the time of the site inspection and the public hearing so you don't get grouchy and whatever during the course of the evening. So any...I guess for the moment if you wanna carpool if can kinda so indicate by raising your hand so we can just make sure that we have enough vehicles to take you up to the site.

Mr. Tsai: Clayton where is the site?

Mr. Yoshida: The site is upper Kaanapali off of Kakaalaneo Street. I guess it's shown on the map that's coming to you. It's getting mailed out on Wednesday.

Mr. Tsai: Is there enough, plenty of parking at the site for us?

Mr. Yoshida: I think there's probably more parking at the senior center.

Ms. Wakida: Clayton, the site is above the highway though right?

Mr. Yoshida: Yeah, it is mauka of the highway.

Ms. Wakida: ...(inaudible)...

Mr. Yoshida: It's almost 15 acres, not quite 15 acres, almost. Well, if you need...if you wanna carpool let us know and meet us at 3:30 at the West Maui Senior Center parking lot.

Chairperson Lay: Your dinner after that, that's in between is it gonna be from there we to dinner? Is it going to be at the Senior Center or is it gonna be at a different location?

Mr. Yoshida: It's going to be at the Senior Center.

Chairperson Lay: Okay so what Clayton needs now is a show of hands of those who might think they need possibly catch a ride from the Senior Center? No takers. Be at that site at 4:00, right? Just for clarity.

5. Discussion of Future Maui Planning Commission Agendas

a. November 25, 2014 meeting agenda items

Ms. McLean: Next item Chair is discussion of future Maui Planning Commission Agendas in addition to the November 19th site visit and public hearing. Your next regular meeting is on November 25th and there's one public hearing item which is a Council initiated change in zoning for the Ka Lima O Maui site.

Ms. Wakida: Anything else on that day on the agenda?

Ms. McLean: That's the only public hearing item that we have. There might be items in there, the Director's Report and so forth, but that's the only....'cause the public hearings we need to give the applicant advance notice. I don't know if...Clayton, are you aware of any other items for November 25th at this time?

Mr. Yoshida: Not at this time, but for the December 9th meeting we have five public hearing items. So it kind of evens out on average.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I don't know if it's appropriate to bring it up at this time, but there's a house under construction in West Maui in the cut mountain area that's doing some massive grading to the top of the pu`u, and essentially dumping all of the graded material over the side and expanding the flat, I guess the flat area of their house foundation area. And I just wanted to verify with the Department through the Enforcement Division or somebody that what they're doing was submitted to the appropriate department and approved because I'm just concerned about runoff coming from that site because it is very steep in terms of the slope of the graded area that will end up possibly in the ocean. I just wanted to make sure that it was...it went through all the proper hoops.

Ms. Wakida: I believe...isn't this Wayne, isn't they way south, south end of that...you enter it through Launiupoko?

Chairperson Lay: Yeah.

Ms. Wakida: Yeah, go through Launiupoko and then you wind your way out clear to the top and then head south and then it's up way up high on that--

Mr. Hedani: It's like half-way up the highest pu`u area.

Ms. Wakida: Yeah. So it would be part of that subdivision.

Mr. Hedani: Another agricultural farm dwelling.

Chairperson Lay: Commissioners, anything else we wanna talk about today? If not, can I get a motion to adjourn?

Mr. Medeiros: So move.

Chairperson Lay: ...(gavel)... See you guys on the 19th.

G. NEXT REGULAR MEETING DATE: NOVEMBER 25, 2014

H. ADJOURNMENT

The meeting was adjourned at approximately 1:50 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Vice-Chair
Sandy Duvauchelle
Jack Freitas (excused at 1:15 p.m.)
Wayne Hedani
Ivan Lay, Chair
Jason Medeiros
Max Tsai
Penny Wakida

Excused

Richard Higashi

Others

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