

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
NOVEMBER 25, 2014**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:10 a.m., Tuesday, November 25, 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: The Maui Planning Commission is now called to order. It's November 25<sup>th</sup> at 9:10.

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

Chairperson Lay: Right now, we're gonna open up to public testimony. For anyone who has to go somewhere and wishes to testify on an agenda item step up to the mic, identify yourself, I'll be calling out names, we'll go in order and you'll have three minutes to testify. If you don't wish testify at this time, let us know and you can testify when your agenda item comes up. If you do testify before your agenda item, you won't be allowed to testify later on.

The following individuals testified at the beginning of the meeting:

Daniel Kanahale	Item E-1, Armstrong Development, Keala O Wailea, Step 1 and Step 2 Planned Development Approval, SMA
Chantal Ratte	Item C-1, Council Resolution No. 14-78
Lucienne de Naie	Item E-1, Armstrong Development, Keala O Wailea, Step 1 and Step 2 Planned Development Approval, SMA

Their testimony can be found under the item on which they testified on.

Chairperson Lay: Does anyone else wish to testify at this time? If so, identify yourself and step up to the mic. Seeing no one, public testimony is closed. Director, our first agenda item?

Mr. Spence: Good morning, Commissioners. Our first public hearing C-1, is me, the Planning Director transmitting a Council Resolution 14-78 containing a proposed bill to...for the Ka Lima O Maui Project changing the zoning from R-3 to Public/Quasi-Public. And the Staff Planner this morning is Ms. Livit Callentine.

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

1. **MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 14-78 containing a proposed bill entitled "A Bill for an Ordinance to Change Zoning from R-3 Residential District to P-1 Public/Quasi-Public District for property (Ka Lima O Maui) situated at TMK: 3-8-046: 016, Wailuku, Island of Maui. (CIZ 2014/0004) (L. Callentine)**

Ms. Livit Callentine: Thank you, Director and good morning, Commissioners. Good to see you again, it's been a while. As the Director just indicated, this is a Council initiated change in zoning request for County owned property at TMK: 3-8-046: 016 in Wailuku. And it is change in zoning from R-3 to P-1, Public/Quasi-Public for a two-acre parcel.

Okay, so this is land that is owned by the County and leased to Ka Lima O Maui. Right now the lease runs until 2059. It's two acres and it is surrounded by various parcels which are carrying out similar public/quasi-public uses. So to the north we have...you'll see in a moment on a location map, Police Department, to the east MEO, the Cameron Center, and the current Ka Lima O Maui administrative offices. To the south is Maui Memorial Medical Center, and west is Kaiser Permanente's Maui Lani Clinic, and you'll see that here. You notice that north is actually not at the top of the map, but it's on the right side of the map. And again, you see, the surrounding public/quasi-public uses, Kaiser, Maui Memorial Med Center, the Police Station, MEO, and the Cameron Center.

So the existing designations on the property are for the State, it's Urban. It is within the Urban Growth Boundary of course, of the Maui Island Plan. The community plan designates it as Public/Quasi-Public, and the lot is zoned R-3. So why do we wanna change the zoning from R-3 to P/QP? And that should be pretty clear, we would like to inline the zoning with the community plan. We would like the leaseholder to be able to permit public/quasi-public uses without the requirement to obtain special use permits every time they need to change a use, and to allow more flexible and more efficient delivery of service to the under served population who are the beneficiaries of the Ka Lima O Maui Programs.

So as you have probably read in your staff report, the project consists of first phase renovation of its existing Medicaid Waiver Program Adult Day Use Building. That's about a 2,500 square foot building. Next phase is construction of a new administration and program offices of about 3,600 square feet. And thirdly, construction of new affordable housing for developmentally disabled and/or economically challenged individuals.

And you'll note in your staff report, you may have noticed that the staff report described two buildings with 16 units, and I was just advised a day or so ago that at this time the proposal is for one building with eight units, and we just heard Executive Director Ratte say this morning that one of those eight units will be used for staff, but we do have some important affordable housing coming up here. As we also heard there's established history with Ka Lima O Maui of doing good for the community. They serve over 200 clients annually. According to the Final Environmental Assessment Report which was written sometime back in 2010, 2009 or 2010 and at that time there were 40 of those clients who had actually become employed by Ka Lima O Maui, so they really put their program to work on themselves.

We have some photographs of the property. What you'll see if you look at the first view, top left

view is this is standing at the back of the Cameron Center looking up with Maui Lani, Kaiser Maui Lani up behind the existing building. You can see there's a great deal of slope change, elevation change here and when I went for my site visit, I had the choice of either walking up that hill or riding and you can guess which one I picked. So again, just different views of the existing building which will be rehabilitated first.

So this is a overview of the proposed site and I was also advised that this is at this point in time kind of a conceptual plan. This would be Phase 1 is the existing Adult Day Health Program would be renovated first. Phase 2 would be construction of the new administrative offices. And then Phase 3 would be the construction of the housing with the exception that at this time there's only gonna be one building constructed at least according to the plan right now. I'm sure that that could change in the future.

Because there was use of County land and funds there was a Environmental Assessment conducted and it was...the accepting agency was the Department of Housing and Human Concerns. There was a Finding of No Significant Impact, and the Final EA was published in June of 2011. So this photo has been a long way, a long time in coming. So that concludes the Department's overview at this time.

**a) Public Hearing**

Chairperson Lay: At this time, I'm gonna open it up to public testimony. Does anyone wish to testify?

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

Chairperson Lay: Our next testifier is Chantal Ratte?

Ms. Chantal Ratte: Good morning Members of the Planning. My name is Chantal Ratte. I'm the Executive Director with Ka Lima O Maui. Ka Lima O Maui is one of Maui's oldest nonprofit agency. We were founded in 1955 with the mission of enhancing lives through self reliance for persons with disabilities and we do that mainly through employment related programs. It has been our longtime dream given that we're an agency almost 60 years old to have our own space, have our own home. We currently lease a two-acre lot from the County of Maui. It's just below the hospital, behind the hospital and currently on the site is a, it's kind of a warehouse type structure that was initially constructed to accommodate our plant nursery which has since been closed. After the closure of the nursery, the building was...small renovations were made to accommodate an adult day health program for persons with intellectual and developmental disabilities.

The proposed project has three phases. Phase 1 would be renovation of that building 'cause currently when it rains like today, we pretty much grab our buckets and go place them because the roof has several leaks. So the building is in dire need of repair and renovation. So that would Phase 1.

Phase 2 of the project would be to build our own site for office and program space. So we would move out of the Cameron Center and have our own home on that two-acre site.

Phase 3 would be housing for persons with disabilities. And this is a pretty small population of persons of disabilities that can live in dependently with very minimum supervision. So we propose to have eight single apartments with one staff in one of those apartments for minimum supervision.

The change of zoning from R-3 residential to P-1, Public/Quasi-Public will allow us to move this project forward and continue to deliver our mission and better our program. Thank you for time and your consideration.

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, any questions?  
Commissioner Wakida?

Ms. Wakida: A couple of questions, Livit. The first building, the first project is the renovation of the existing building?

Ms. Callentine: Yes, that's my understanding.

Ms. Wakida: And can you please just repeat what it's gonna be renovated to become?

Ms. Callentine: You know, I think that I have a very rudimentary understanding of what it conceptually as I did take a tour through the building. I would wonder at this time if it might, you might get a more complete answer if we were to invite Director Ratte back to the podium to describe that and answer any questions that you may have if she's so here?

Ms. Chantal Ratte: Sure. Currently the—

Chairperson Lay: Please identify yourself for the record? Thank you.

Ms. Ratte: Oh, sorry. Chantal Ratte, Executive Director with Ka Lima O Maui. Currently in the building is an adult day health program that's being operated. The same program would be...would continue to operate. The renovation would make the site safer and also more accessible. There's an upstairs that will be renovated so to provide accessibility, ADA accessibility.

Ms. Wakida: Thank you.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi: Yes, I have a question regarding your building construction phase. You have, it sounds like you have the most needed facility at Phase 3 which is the units that supposed to have all the applicants whatever, and you have administrative building being Phase 2, and why is that? Because of the time you want to build something that would help the clients more than administration?

Ms. Ratte: Well, there's a couple reasons and Phase 2 is also for program space, so that would also definitely impact the clients that we serve. Right now we're bursting out of the seams in our location and so it's definitely just not just for administrative Phase 2, but also very much so more for programs. The reason that Phase 3 is the housing is the funding. You know, when we starting dreaming about this project HUD was heavily involved in subsidizing such housing projects, and when the recession happened, HUD kinda took a step back and so we just wanna make sure that before we embark on a housing project, the funding is there. Because we feel pretty confident we can build the housing, but as far as subsidy of it, we need to make sure that that exists also because we cannot charge a rent probably more than three or four hundred dollars a month. However, the operating cost of that is probably gonna be something like \$700 a month. So Ka Lima is very cautious in proceeding with something that we wanna make sure it's gonna be financially sustainable. That's been our reputation in over 60 years we have a very diversified funding base and we're self-reliant so we're just very cautious and we wanna make sure that HUD or similar Federal agencies are gonna be in a position to help at. And at this point in time, we're not sure of that. So we don't wanna plan that for Phase 2 until, yeah...does that answer your question?

Mr. Higashi: The only reason why I asked the question was your numbers for servicing clients was like 200 which to me is an astounding number. And so when you talk about need usually you would try to take care of that particular portion which is part of the organization's objective, yeah?

Ms. Ratte: Well, the other thing that I might add to your comment is that historically Ka Lima has always focused on employment program for persons with disabilities, and that's where the number, the 200 comes in. Currently, I mean we hire close to 55 persons with disabilities so we are Maui's largest employer. The housing component would be a new aspect for Ka Lima. We recognize that there is a need in the community for housing for persons with disabilities but we are proceeding with caution in that area because we don't wanna get ourselves...I guess the immediate focus is to address the employment programs that we have, and if we can extend that service into the housing then that's a bonus for us and we've always wanted to do that but at the same time we wanna make sure that it can work financially.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I have two questions, but one I'll follow with Richard. In the report you said that this...I guess whole project is \$4 ½ million. What besides HUD is the source of your funding?

Ms. Ratte: Well, currently we just...for Phase 1 we've got a State of Hawaii Grand and Aid that the government just released the funds for yesterday. Ka Lima has quietly raised almost a million dollars over the last 10 years for this project, and as Phase 2 will approach we will be embarking on a capital campaign to raise the remainder.

Ms. Wakida: So the 4 ½ million is for just Phase 1?

Ms. Ratte: No. Phase 1 is completely funded through the Grand and Aid of \$500,000.

Ms. Wakida: Okay.

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

Ms. Wakida: I have a question about the Phase 3 that you're proposing. You said you've reduced it to an eight-unit building and it says single occupancy. What does that mean?

Ms. Ratte: The concept is kind of almost bachelor units, one bedroom apartments. We believe that for the population that would be recipients of these housing projects it would be beneficial to live by themselves.

Ms. Wakida: Well, my question then is, if these were intended for one person, why did you decide to go one bedroom instead of studios and have more units?

Ms. Ratte: I don't really have the answer to that. I think the one bedrooms are very small. So, that...these are very conceptual at this point. That's not to say that that could not be considered.

Ms. Wakida: It seems, because you're only gonna have seven units. That's not very many available.

Ms. Ratte: Right.

Ms. Wakida: So if you could increase that and—

Ms. Ratte: That will certainly be consideration to include that.

Ms. Wakida: Certainly studios I think are...I mean, one bedrooms of course are nice, but when we're trying to take care of a need—

Ms. Ratte: Right.

Ms. Wakida: —the studios may be more practical.

Ms. Ratte: Okay, thank you for that comment.

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

Ms. Wakida: Well, I realize that we're doing change of zoning and these are really details for them, but I'm just sort of interested. To be a renter, two things, what will be the criteria and what will be the length of stay that they can rent?

Ms. Ratte: The criteria will be persons with disabilities first and foremost. As far as the length it will be like any other lease.

Chairperson Lay: Oh, Commissioner Freitas?

Mr. Freitas: I'd like to make a quick comment. I have been in Ka Lima O Maui and I think you folks do one hell of a job.

Ms. Ratte: Thank you.

Mr. Freitas: I've seen, I've seen what do you call, challenged people they are working and I'd like to applaud you folks. You know, I support this thing 100 percent.

Ms. Ratte: Thank you so much.

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

**b) Action**

Ms. Callentine: Yes, you certainly can Commissioners. So in order to move forward with this, you and the Council must find that the proposed project meets the objectives of Title 19.510 and Chapter 510 and there are six criteria and the Department finds that this project does meet the criteria such as meeting the intent of the General Plan, objectives and policies of the community plans. With the implementation of this project it will be consistent with the community plan map. It also meets the intent and purpose of the district being requested. PQ Public/Quasi-Public is much more appropriate district in which to locate a service center such as this. We don't find that the project will adversely affect or interfere with any of the public services, transportation systems, conveniences and improvements, it will not adversely impact the social, cultural, economic, environment and ecological character of the surrounding area and it does not involve the establishment of an Agriculture District.

You'll see in your recommendation that was provided with your staff report that at the time it was written we recommended a condition of approval that had been recommended to us by the Department of Water Supply. Yesterday, we learned that the Department of Water Supply would be willing to soften their position and also the applicant provided...not the applicant, excuse me, but the helpful agent in this case, Colleen Suyama of Munekiyo & Hiraga provided me with a copy of a letter from Director Ratte acknowledging that the condition that the Water Department recommended would be implemented to the extent possible and I put that on your desk today, it's a single sheet with the heading, Munekiyo & Hiraga written to Dave Taylor with a copy to the Director of Planning, to Will. So with that said, we would like to amend our original recommendation because the condition...because Ka Lima O Maui has voluntarily agreed to comply, because this is a change in zoning and it's a land use entitlement, it's not a building permit and the condition that was recommended we feel was more appropriate to be discussed at the building permit stage. So we would like to amend our recommendation to delete that condition of approval.

That being said, the Maui County Planning Department recommends that the Maui Planning Commission recommend that the Maui County Council approve a change in zoning from R-3, Residential to P-1, Public/Quasi-Public for the subject parcel. Thank you.

Mr. Freitas: So move as recommended, as amended.

Mr. Medeiros: Second.

Chairperson Lay: Director, you wish to?

Mr. Spence: Did we go over the deletion of?

Ms. Callentine: Yes, I didn't read the whole condition, but I just went through the deletion on this amended recommendation.

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

Ms. Wakida: So for clarification, the recommendation is to approve the recommendation deleting Item 1 on the recommendation from the Department of Water Supply?

Ms. Callentine: Yes, we would delete that and the balance of that paragraph in recommendation, the opening paragraph it also discusses filing of a unilateral agreement and declaration of conditional zoning, that would no longer be required because this would not be a recommendation that included a condition. So it would be simplified to simply rephrase what I just read to you which is shown up the screen, I don't know if you can see it. That the Department recommend that the Commission recommend to the Council to approve a change in zoning from R-3, P-1.

Chairperson Lay: Director?

Mr. Spence: And maybe to explain a little bit more. Upon looking at these recommended conditions, again, these are really more building permit issues and things they're going to take place just a matter of court, with other county laws there's no need to put these on as a condition of zoning. And my apologies, but I should have looked at a little closer.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I know a lot of Ka Lima O Maui that people that actually started Ka Lima O Maui, guys that were involved like Doug Sodevani way back, starting from the church actually in the basement of a church to house people that needed housing. And I think the community is judged by its ability to care for those that are most in need and Ka Lima addresses that need and it's an organization that's very worthy of support from my perspective. When I reviewed the document itself, a couple of things concerned me only because...let me explain, the recommendation says to use EPA Water Sense labeled plumbing fixtures and it says, use SMART approved Water Mark irrigation products. For the Department to require that an applicant use a specific brand of product to me is a concern because it doesn't address an objective, it mandates the use of a product that there may be other projects that are just as good or better you know, that address the concern that needs to be addressed. So my question basically at this point is does the applicant have any problem with using these types of products within their facility?

Chairperson Lay: Director?

Mr. Spence: And Commissioner Hedani, that's the condition that we're proposing be deleted.

Mr. Hedani: Oh.

Mr. Spence: In its entirety.

Mr. Hedani: Okay. Thank you. I withdraw my concern.

Chairperson Lay: Commissioners, any more comments on the motion? I, too like to applaud the services that you provide and I hope that you get all the funding you need for these phases. Commissioner Medeiros?

Mr. Medeiros: I'm also familiar with Ka Lima O Maui, and like everybody here we applaud their work. I mean, us as a part of a community not help you when you're trying to help people I mean, it's absurd for us not to help. You guys are doing a great job, you know, please continue. You make me proud to be a part of Maui. Thank you.

Chairperson Lay: Commissioners, any more discussion on the motion? Seeing none, can we get the Director to repeat the motion?

Mr. Spence: The motion is to recommend approval of the Change in Zoning to the County Council and there are no conditions attached.

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

Mr. Spence: That's seven ayes.

Chairperson Lay: Motion carries. Congratulations.

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

**VOTED: To Recommend Approval to the County Council of the Change in Zoning from R-3 Residential District to P-1 Public/Quasi-Public District as Recommended by the Department.  
(Assenting - J. Freitas, J. Medeiros, M. Tsai, W. Hedani, S. Duvauchelle, P. Wakida, R. Higashi)  
(Excused - K. Ball)**

Chairperson Lay: Commissioners, we gonna take a ten-minute break.

A recess was called at approximately 9:52 a.m., and the meeting was reconvened at 10:05 a.m.

Mr. Spence: Commissioners, we're on Item D-1, Communications. We have Mr. Jordan Hart of Chris Hart & Partners on behalf of Mr. Jack Freitas requesting a six-year time extension on a Land Use Commission Special Use Permit for vehicle storage process and baseyard operations. We also have this morning, Ms. Livit Callentine.

#### **D. COMMUNICATIONS**

- 1. MR. JORDAN HART of CHRIS HART & PARTNERS, INC. on behalf of MR. JACK FREITAS requesting a six (6) year time extension and amendment to Condition No. 11 of a State Land Use Commission Special Use Permit for the Puunene Baseyard Project in order to continue to operate a trucking, towing, and automobile vehicle storage processing and baseyard operation**

**on 12.778 acres of land in the State Agricultural District at 301 Hansen Road, TMK: 3-8-001: portion of 002, Puunene, Island of Maui. (SUP2 2008/0002) (L. Callentine)**

**Condition No. 11 reads:**

**“That the Applicant shall abandon the existing cesspools and render them safe. Future wastewater disposal shall be accomplished through a septic-tank system,”**

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: I'd like to recuse myself on this item.

Chairperson Lay: So noted.

Ms. Livit Callentine: Good morning again, Commissioners. As the Director just said this is a time extension and an amendment request. Condition No. 11 has been requested that the Commission amend Condition No. 11 of the project approval. And the primary use of the property is operation of Maui Tow and Transport Company. It's the operations and baseyard on almost a 13-acre parcel in Central Maui where the location of the old hospital was right on Hansen Road and Pulehu intersection.

The applicant has got a consultant with him today. He's able hands of Jordan Hart, and I would like to turn the podium over to him at this time so that he can take you through any specifics of the project and answer any of your questions. Thank you.

Mr. Jordan Hart: Good morning Commissioners. My name is Jordan Hart of Chris Hart & Partners. I'm just going to go through a presentation on what the original Special Use Permit was and a brief discussion of the context of the project.

So this is the existing Puunene baseyard. It's operating under a Special Use Permit in the State Agricultural District. It's parcel less than 15 acres in size. The applicant is Jack Freitas. There are additional consultants. They're not gonna be here today to answer any questions. I can field those questions. Suffice to say there have been no additional comments or concerns by agencies in the time that the project has been operating. Again, the purpose of this is to obtain an extension of a existing Special Use Permit.

The project access is off of Pulehu Road in Puunene. The land is 12.778 acres. This is the project site here. This is Pulehu Road, Hansen Road, Hana Highway. The mill is here. This is an aerial photograph of the project site. Vehicle storage is occurring in this area. Equipment storage is occurring here. I'll show you a site plan that calls out areas for additional use that will be implemented that are basically permitted by the existing Special Use Permit but have yet to be implemented and so we'll be asking to reserve the opportunity to do those uses.

Again, this is the site plan. This location is for County abandoned vehicles. This location is for MPD accident storage. Truck and equipment storage is occurring in this area. These are to be

implemented car storage for parts to be implemented. Scrap metal storage. And then also to be implemented is the vehicle processing which would include removal fluids from the vehicles as they proceed into storage for parts or scrap metal. This is the project entrance here off of Pulehu. There's a set access between this project and then to the north is Eco Compost.

This is the State Land Use map and it's intended to show context of why this is an appropriate location for this use. The existing HC&S sugar mill, Ameron, Puunene quarry, the Central Maui landfill, this is MECO's Waena generation station or site anyway. This is the project site. Project site is also close to the harbor and major highways going to East Maui as well as major highways to continue to South and West Maui.

As you may be aware there's been increased pressure on Light Industrial lands that are somewhat displacing the heavier industrial uses and that's kind of created the need for Mr. Freitas to move to this location. This map is to show the context of heavy industrial lands in Kahului which is quite limited. You have the mill area. You have the harbor. There's some light...I'm sorry, this is light industrial. Kahului Business Park. The project site is proposed for heavy industrial, again, the landfill, quarry, and similar type uses. As you may be familiar Puunene is pretty dusty, windy area and it's also not an area with a lot of single family residential use or multi-family uses and makes it appropriate for these heavier types of uses.

This is a recap of the site which I went through already. State Land Use Agricultural. The applicant has a State Land Use Commission Special Use Permit. The project is located within the Urban Growth Boundaries of the Maui Island Plan. The project is designated for Light Industrial in the Wailuku-Kahului Community Plan. The applicant is proposing to submit a application for State Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning to pursue Heavy Industrial designation.

The criteria for the Special Management Area is not contrary to the objectives to HRS Chapter 205 and 205A. And the proposed project is not contrary to those objectives. Would not adversely affect surrounding properties. The surrounding properties include intensive sugar cultivation and large scale composting operations. There's no residential uses within 500 feet and beyond that. It's approximately 1.2 miles to Kahului...sorry, Dream City. And the applicant has installed a five-foot, nine inch solid fence to screen visibility from Hansen and Pulehu Road. The use would not unreasonably burden public agencies. Agencies reviewed and commented on the application. None of the agencies had significant concerns with regard to impacts to the services they provide.

There is the unusual conditions, trends, and need have arisen since the district boundary and rules were established, and to recap what I was talking about earlier is that there's basically been a commercial...sort of commercial pressure of light industrial lands and so uses like this which might be able to occur in light industrial would run into conflicts with their neighbors and so relocating to a location like this prevents any future conflicts and just allows a safe place to operate on a longer term.

The land upon which the proposed use is sought is unsuited for uses committed in that district. So this is a location of the Puunene Hospital and the original Puunene Hospital was a wooden structure. That structure no longer exists but there is a remnant CMU portion of the hospital, but

the takeaway point is that the property's never been Agricultural...(inaudible)...it's always been other types of uses. It is in the Agricultural District, but this is a continuation of non Ag uses. Here's some context photos from Hansen and Pulehu Road. This is the solid fence that's been installed. And it's kind of the presentation that I've made. Be available to answer any questions.

Chairperson Lay: 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. Seeing no one, public testimony is closed. Commissioners, any questions? Commissioner Wakida?

Ms. Wakida: Well, this was a really hard one for me because Jack Freitas is one of ours and I really didn't want him to feel like he wasn't getting the scrutiny that I give all the other applicants. So I had to really dig for a question here. The time extension is for six years which is an unusual number. Why wouldn't we make it ten? I'm assuming it has something to do with when it was originally requested in 2011?

Mr. Hart: That's correct. So we had some staffing changes in the Department and so as a result of it there was a little bit of a time lag of the processing of the extension request. However, the time frame that's requested by the applicant is adequate in order to make significant progress on the land use applications that I referenced earlier and the goal is to pursue long-term land use designation changes for heavy industrial uses at the site. And so this is basically, initially this was a bridge to get through that process to operate. Jack was relocating and he needed a place to operate while he processed those applications. The economy took a tremendous hit and the scrap metal industry also did which affected Jack significantly and basically he's coming out of that time frame and he's ready to proceed and so this is an extension to bridge that gap.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: So he does not want to increase say for ten years?

Mr. Hart: Mr. Freitas would be happy with that extension if it's seen as a positive thing by the Commission.

Ms. Wakida: Because it seems like you know, two or three years have been eaten up with other concerns and adding a Condition 11, and stuff like that.

Mr. Hart: I would make a comment that the land use application that will be needed to pursue heavy industrial, we are pursuing a similar application in Central Maui Baseyard, it's a significant application and there's a lot of technical studies that need to be done, and so I think that that would be helpful to provide some cushion especially in the transition between Planning Commission and Council there can be lag there of unexpected time that he find useful in the future.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Yes, I would like to put that forward as a recommendation that we increase the time extension to ten years.

Chairperson Lay: Okay, so noted. Commissioner Medeiros?

Mr. Medeiros: I'll see your ten and raise you ten more. I'd like to see it go for 20 years and this has nothing to do with Jack being a friend of mine. I have in the past asked for an extension for churches for, for other businesses and bottom line is, it's in Puunene so it's a good place for this project, and with the State moving as fast as they move—at a snail's pace—he's gonna need the 20 years to get...for what he wants done. So I'd like to see it go to 20.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi: I second Mr. Medeiros motion.

Chairperson Lay: No motion yet.

Mr. Medeiros: But I will make one to extend.

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

Ms. Wakida: I would like, although maybe for Chris to ask the applicant what his optimum number is, is 20 of what he would like or would he like 10, 15?

Mr. Hart: I'm sure that Mr. Freitas would appreciate any grace that the Commission would provide here. I think that...I'm sure that he would appreciate that. I know that the goal is to go for a permanent land use changes and so it would be just fine if the Special Use Permit became unnecessary when those changes were adopted. So I don't, you I wouldn't suggest limiting if you guys are open to providing that I do agree with Commissioner Medeiros that the location is completely appropriate especially considering the kind of the not in my backyard kind of concerns that come along with a use like this and it is hard enough to maintain these kinds of noxious uses where they can be permitted. And so I would say that if you're open to proposing 20, that's plenty of time to complete his land use designation changes, and the Special Use Permit just becomes irrelevant once those changes are adopted.

Chairperson Lay: And Commissioners please keep your questions to Chris, unless...Jordan, excuse me, sorry.

Mr. Hart: No problem.

Chairperson Lay: Commissioners, any more discussion? Seeing none, can we get the Department's recommendation at this time?

Ms. Callentine: Thank you, Mr. Chair. And I'd like to point out that not only are you considering a time extension, you're considering an amendment to the existing Condition No. 11. I think Commissioner Wakida maybe mentioned adding Condition No. 11. This is not adding a condition. It's amending it. And I just wanna say a quick thing about why this has been in process for so long. There was originally when it was assigned to Joe Prutch who was with us at the time in 2012 he sent it out for agency comments. There was a couple of comments, one in particular from Department of Health that needed to be addressed and it needed to be reviewed and we finally...we didn't want to bring it to you until that condition, until that issue was addressed to the satisfaction of all, and the original approval said that the applicant...approval of Condition No. 11 read that the

Commission shall abandon the existing cesspools and render them safe and wastewater disposal shall be accomplished through a septic tank type system and that was the sum total of the condition. That didn't really respond to our desire to have things be clear with a beginning and an end point with knowing when something is satisfied. And also, the issue of locating and closing the cesspools is not, is not actually an issue because there is no wastewater being provided on the site.

There's no one actually working full time on the site. They come and go the dispatchers and then loaders and unloaders come and go. So this was requested because Department of Health had commented several times, their last comment concerned portable toilets and they said they didn't want portable toilets on the site. So as you'll see in one of your exhibits, Exhibit No. 17, the applicant did confirm November 14<sup>th</sup> of this year that there would be absolutely no portable toilets for use by employees on the site. That satisfied the condition, and so the Department is okay with an amendment and the amendment we would simply make the condition read, that the implementation of septic type system would be installed at the time the community plan amendment, district boundary amendment and change in zoning completion....are complete or at the issuance of the first grading or building permit or any deadline imposed pursuant to State or Federal law or regulation whichever is earlier.

So that the recommendation in total is the...from the Department is a six-year time extension because that was what was requested. And Department has no objections to extending at your pleasure. And with the also, the description of an amendment to Condition No. 11 if you're okay with that. That being said, the Department recommends approval subject to the following...the amended conditions.

We also did a little housekeeping with Condition No. 1 to make future extensions done by the Department of Planning's Planning Director as is in keeping with our other time extensions of Special Use Permits that we've been practicing for several years now. So we're just trying to tidy up each approval as it comes along so that it will relieve you of simply hearing a time extension when you've already been familiar with the project. So that concludes our recommendation.

Chairperson Lay: Public Works, Deputy Director Rowena wish to comment?

Ms. Dagdag-Andaya: Thank you, Chair. And the Department of Public Works looked at Condition No. 10, and-

Ms. Callentine: Eleven.

Ms. Dagdag-Andaya: No, I'm sorry Condition No. 10 regarding the TIAR and so we were satisfied with that if they had a six-year extension. But if the Commission decides to extend it to a 10-year or even a 20-year we'd like to add a further condition that the applicant shall consult with the Department of Public Works, Engineering Division, Traffic Section for review and comment on any proposed future renovations on any existing structures or the addition of any structures on the property. That way we can also review future traffic impacts during the duration of the extension.

Chairperson Lay: Would that work with our applicant?

Ms. Callentine: Could I ask you to repeat that one more time, Rowena?

Ms. Dagdag-Andaya: Sure. That the applicant shall consult with the Department of Public Works, Engineering Division, Traffic Section for review and comment on any proposed future renovations on any existing structures or the addition of any structures on the property.

Chairperson Lay: Corp. Counsel wish to?

Mr. Hopper: Yeah, just wanna express a concern about having the Director deal with time extensions. There's a State law that does say that the permits have to be for a finite period of time. I wouldn't that to be construed as having the Director's authority to extend the permit infinitely and with a substantial increase in the amount of time I don't think that's as big of an issue. So I'd advise that you probably should have the Commission hear time extension request rather than the Director because there's a State law that says under HRS 205-6, that the Special Use Permit has to be for a finite period of time. It can't be open ended forever. So I'd recommend that the language in Condition 1 still remain the Planning Commission rather than Director. And that should be less of an issue since it's a substantial increase in the amount of time. So we won't have to deal with the extension back to the Commission or a fair amount of time now. It's not going to six years, it's going to be substantially longer.

Chairperson Lay: Commissioners? Commissioner Medeiros?

Mr. Medeiros: I'd like to make a motion. I move that we--

Chairperson Lay: Oh, excuse me, Livit?

Ms. Callentine: I'm so sorry, I meant to ask the Deputy Director of Public Works if she could comment on her proposed condition amendment to No. 10. When, we always like to say by when, so at what time would you like them to be consulting with your Traffic Engineering Section, at what point?

Ms. Dagdag-Andaya: The condition that I proposed would be a separate condition aside from No. 10.

Ms. Callentine: Oh, an additional, okay.

Ms. Dagdag-Andaya: So, and this would be a time of building permit or when they go in for any kind of building permits.

Ms. Callentine: So prior to issuance of building permit? Does that, does that kinda cover it for you?

Ms. Dagdag-Andaya: Yeah, prior to the issuance.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I'd like to make a motion. I'd like to approve the recommendation of the Planning Department with an extension of 20 years.

Mr. Higashi: Second.

Chairperson Lay: Motion by Commissioner Medeiros, seconded by Commissioner Higashi? Any discussion on the motion? And is that including the Public Works recommendation also?

Mr. Medeiros: Yes.

Ms. Callentine: As amended.

Chairperson Lay: As amended, yeah.

Mr. Medeiros: As amended.

Chairperson Lay: Commissioners?

Mr. Tsai: Question? Are we ...(inaudible)...Corp. Counsel's recommendation too, on No. 1 saying that it's not the Planning Director, but Planning Commission?

Chairperson Lay: Yes. Commissioner Wakida?

Ms. Wakida: So Livit that Condition 1 would read March 31, 2032?

Ms. Callentine: That sounds about right, yes. And I'll figure that out before I write the approval letter. Yeah, that's right. Because it expired in 2012 so it will be 20 years so 32 years and we will delete the language that is shown and underlined and reinsert the language that is shown in brackets.

Unidentified Speaker: 2034?

Ms. Wakida: Thirty-two.

Ms. Callentine: It was 2012 was the last expiration date. So I don't know if the Commission wants to make it clear is it 20 years from right now or is it 20 years from date it expires?

Ms. Wakida: I think 20 years from the day it expired.

Chairperson Lay: ...get a motion of approve.

Mr. Medeiros: Go with that.

Chairperson Lay: And second? Okay. Commissioner Hedani?

Mr. Hedani: The Condition that Public Works attached to the recommendation I just wanted to find out if the applicant had any concerns with that?

Mr. Freitas: None.

Mr. Hart: Mr. Freitas has indicated he does not have a problem.

Ms. Callentine: And your name?

Mr. Hart: Excuse me, my name is Jordan Hart.

Mr. Hedani: And my only other comment is that Jack is such a pain in the butt, that we don't wanna see him here for the next 20 years so I wholeheartedly support the motion.

Chairperson Lay: Any more discussion on the motion on the floor? Seeing none, can we get the Director to repeat the motion? Oh, did you have a?

Mr. Medeiros: No, I just wanted to assure you that if Jack comes in for an extension 20 years I will personally go to his house and tell him to retire.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Well, in all seriousness I think what Jack does is an essential service to the community that has to be addressed. There is a lack of heavy industrial property within the area, and it's something that needs to be addressed for the good of the entire community. And Lord knows how long we're gonna be in sugar so the longer the extension, the better in his particular case.

Chairperson Lay: Okay, Director?

Mr. Spence: The motion is to approve the time extension for 20 years and with the additional condition as recommended by Department of Public Works and the Planning Commission themselves review and approve any further extensions.

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

Mr. Spence: That's six ayes.

Chairperson Lay: Motion carries. Congratulations.

Mr. Hart: Thank you.

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

**VOTED: To Approve the Time Extension for 20 Years for the Land Use Commission Special Use Permit with the Additional Condition of the Department of Public Works and that the Planning Commission Review Any Further Extensions be Added to the Conditions as Recommended by the Department.**  
**(Assenting - J. Medeiros, M. Tsai, W. Hedani, S. Duvauchelle, P. Wakida, R. Higashi)**  
**(Recused - J. Freitas)**  
**(Excused - K. Ball)**

Chairperson Lay: Moving onto our next agenda item.

Mr. Spence: We are on Item E-1 with Armstrong Development. I have a conflict with this and I will be recusing myself. You are in very good hands with Mr. Clayton Yoshida.

Mr. Yoshida replaced Mr. Spence.

Mr. Clayton: Commissioners, we are Item E-1 under Unfinished Business which is a request from Armstrong Development for a Step 1 Planned Development Approval, Step 2 Planned Development Approval and Special Management Area Use Permit for the Keala O Wailea (MF-11) Multifamily Project located on Wailea Ike Drive directly makai, west of the Wailea Gateway Center at TMKs: 2-1-028:01 thru 013, Wailea, Island of Maui. The public hearing was conducted on November 10<sup>th</sup>, and the Staff Planner is Danny Dias.

Before moving to Danny, the public hearing was on November 10<sup>th</sup>, and the matter was deferred. Because we had a very light agenda today, and the applicant could should their view analysis which we may not have had time for it at the last meeting and also respond to several of the concerns raised at the last meeting, that's why it was placed on today. So with that I'll turn it over to Staff Planner Danny Dias.

## **E. UNFINISHED BUSINESS**

- 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) (Public hearing conducted on November 10, 2014)**

Mr. Danny Dias: Thank you, Mr. Yoshida. Good morning, Members of the Maui Planning Commission. Just to sorta reiterate what Clayton said. We scheduled this item for today's meeting for basically two reasons. One was because we had a lot of room on the agenda, and also because we only have after this meeting one more meeting with this Commission and that has five public hearings. So we said, well it's either we come back within two weeks or we come back within two mor more months. So we said, well while it's fresh in your minds, you know, if we can come back as soon as possible that would probably be better for you folks.

The other reason is the Commission had quite a few suggestions that you made with respect to minimizing impacts to the view and the applicant sort of implied that some of these things weren't possible. So we felt that if some of these suggestions the Commission made weren't possible, then they should come back and explain that or give justification as to why those suggestions weren't possible. The intent for today is not for you folks to make a decision because we know that you didn't have basically any time to review this. We didn't either. We got what they're presenting today, this morning, so we didn't have ample time to review it, and you folks are seeing this also for the first time this morning.

So with that, I do wanna go over some of the suggestions that the Commission made at the last

meeting. We don't approved minutes so I can't say for sure whether we might have missed something, but from comparing notes with Michele, the Commission requested the following and that was that the project be redesigned in order to minimize impact to the existing view plain and some of the suggestions to expand view included grading the project lower, lowering buildings, and also moving buildings on the property further west which would be downhill or moving it away from the gulch that's on the northern border, and also there is a suggestion that shifting like the recreation center and the pool with Buildings 6 and 7 which are the buildings that are closest to the highway. There was also a request that the applicant provide more information and give more renderings with the new view analysis that shows additional angles of the project from Piilani and Wailea Ike Drive including a view analysis of the project with the third floor of both Buildings 6 and 7 removed. Another suggestion was consider changing the driveway entries to different locations, and lastly, additional information regarding the open space areas on the subject property and whether these open space areas are designated by the County or State or if they're designated by Wailea or whomever. So with that, the applicant has a pretty intense power point presentation and we'll let them go into it. Thank you.

Mr. Jordan Hart: Good morning. I'm Jordan Hart of Chris Hart & Partners. I'm just gonna give a brief introduction to the project. You know part of our presentation that we had prepared last time we were here was, was our view analysis. However, we were expecting to address that during the question and answer process because of the way the hearing unfolded, we really didn't get to go through that, and so a lot of the material that we did have and the analysis we did do, but there was also some additional work that was done specifically to address the questions that were raised. And so in that context, you know, if the Commission feels comfortable that what we've done and what we are showing here today is adequate to address the concerns that have been raised, you know, the applicant would be interested in having a decision if that's possible.

To recap, the project is located in the State Urban District. It's also located within the Maui Island Plan Urban Growth Boundaries. It's also located with the Kihei-Makena Community Plan Business Commercial District. And so this Business Commercial District allows for multifamily development. And then finally the property is zoned A-2 Apartment. And so there was some significant discussion about the Kihei-Makena Community Plan during public testimony. But I also think it's important to recognize the land use maps of the Kihei-Makena Community Plan they call for assessing considerations on views and preserving where reasonable, but they also contain maps that designate the uses in specific locations. And I think that when we go through this analysis you'll see that this is a really challenging site to deal with because of its elevation and relationship to the highway and also because of the fact that it's already been graded and so it's a open canvas there now.

So, you know, with those things said, the project is the Wailea MF-11 Project. It's a new multifamily development. The project name is Keala O Wailea. The developer is Armstrong Development in partnership with A&B. Here from Armstrong Development is Wayne Muraoka and Daniel Sandomire. Also here from A&B is Grant Chun and then we also have Reed Ariyoshi is the civil engineer here who could be available to answer any questions that you might have regarding the project. With that, I'd like to bring up Daniel Sandomire to talk a little bit about the expansion of the view analysis that was done as a result of our last meeting, excuse me, I meant to bring up Wayne Muraoka.

Mr. Wayne Muraoka: Good morning. Thanks, Jordan. I would be happy to be handsome like Daniel. Thank you Commissioners for having us back on your agenda so soon. We've been working hard over the last two weeks to try to give you information that you requested and also information that I think we weren't able to present in terms of background. We will try to move quickly.

Just going back to site, just couple highlights that I want to repeat from last time is this is an infill project in a very mature resort area master development. This parcel MF-11 was always slated for development. The prior approved SMA was actually for single family homes, but it was always allowable to do multifamily on this parcel. The view corridors that were anticipated to always be preserved were on the north side, the gulch area is actually designated as open space, and I believe that's by the County.

Mr. Hart: Kihei-Makena Community Plan.

Mr. Muraoka: Oh, Kihei-Makena Plan, thank you. So that is something that we cannot change. It is something that's always going to preserve. It's a view corridor that looks straight through to the ocean. Another view corridor is as you make the turn onto Wailea Ike the view opens up and you're looking down and that's really the entry to Wailea and the ocean is there.

What we have done, and I'll explain very briefly is try to enhance those two view corridors as much as we could during the design process. Where we ended up was also working for a long time with Planning Department and we took their suggestions as to other things could consider to try to improve the views more and we couldn't do some, we did a few and then we came before you. So where I stand before you today I'm gonna be summarizing what we did during the design process to try to improve the project and mitigate and minimize the impact to the views where we could. Then Daniel Sandomire...and I'll also talk about what we did together with Planning Department over a course of months to further improve the situation and minimize impact to the views. Then Daniel Sandomire will address your comments and questions that you raised in the last meeting including view studies that were requested, trying different things and why certain things couldn't work, and a couple things that might help. Grant Chun then will come up and talk about the background and kind of the parameters of the project, and a couple of possibilities that would hopefully allow you to come to a decision today that follows the Planning Department's recommendation which is for approval with a condition to address the concerns about the views. There's one currently in there that restricts the height to a certain height that was meant to address the concern, but with these further concerns we understand that there may be other things that you folks are interested in and we'll address what might be possible to allow you to approve the project today.

I know this is hard to read and I'm not gonna go and read it, but you have a handout, I'm just gonna highlight for you, the first thing is the project lower than what is allowed. When we first when in it was four stories that was allowed under the County Zoning. We did three. Wailea has a separate height limitation of 45 feet, we went lower than that by a few more feet to a little over 41 feet. So the project is lower than allowed.

The second thing is that on this sheet we talk about greater setbacks. I'll go into the next slide to kinda explain that but that greater setbacks mean is that the open view corridors, open space and

view corridors that exist we enhance by pulling our buildings back further than what is required.

We also went with much less density than is allowed. The floor area ratio is the measure of density. Under A-2 Zoning, we're allowed to go 90 percent in terms of floor area ratio.. We're almost half that at 46 percent. So instead of 290,000 square foot floor area, we're only at a 147. So we minimized the density of the project to try to keep it from being too much of an imposition to views and the feel of the area.

Front and rear yard setback that's what I was talking about it. Instead of 15 feet we went 85 feet to try to enhance the already existing view corridor. The sideyard setback instead of 10 feet we went back 120 feet. And so what it does is it gives a little bit more of the angle view past the buildings down looking at various angles down the gulch, and also going down Wailea Ike the ocean view expands a little. So what was existing we tried to enhance by going greater setbacks.

When we submitted Planning Department raised concerns. They weren't sure if it was enough. They weren't sure if things were too much in people's faces as driving along. We met with them over the course of months, we explored a number of things, but what we were able to do was we lowered the roof that was higher because of the elevator tower, we were able to lower it by four feet. We then even lowered the grade even though we're going into rock and it's very hard and expensive to go into rock, we lowered the grade by an additional three and a half feet. We then oriented the buildings to try to put as many narrow sides of the building to the road and there have been comparisons made by an earlier testifier about Gateway. Gateway is a little further way and it is a little lower cause it's two stories, but you're looking at the broad side of a barn basically going all the way across the view. What we tried to do is turn our building so the narrow sides as much as possible were toward the highway and the buildings ran as much as possible along the gulch more perpendicular to the highway so that it wouldn't be so imposing on the views. And then the other things are things that we could do to try to adjust landscaping both offsite and onsite so that whatever views there are between building are not obliterated by trees.

There were some things they asked us to look at that we could not do and I'm not gonna spend a lot of time on the things that we could not do, but it was hard to go lower for a number of reasons and you can read the handout as to why. We'll also be covering it because some of your suggestions had to do with going lower. So I'm just gonna refer you to this page. Typically it has to do with difficulty, cost that renders the project not feasible financially or it gets into areas that are dangerous either archaeological sites that were referred to by one testifier that we were trying not to get anywhere near or flood inundation zones or steepness that makes things not accessible. So those were things we couldn't do when we were working with Planning.

This is the view across the highway looking down the gulch and the bottom slide shows the buildings in place. And the yellow line is the horizon line. To the right of the buildings is where the gulch opens up and that view is preserved and you can't really tell here but we can also take down some of the trees on the slopes and so that will even further enhance what ocean view there is down the gulch and then the setback of the building as I mentioned gave you additional view down that gulch. As you go further down the road and look backwards or if you're coming out of Wailea which is probably a safer thing than looking backwards while you're driving, the view really opens up down the gulch towards West Maui and that's a view we tried again to enhance by pulling our buildings back from what was minimum setback.

This is the other view going down Ike, and this is an old slide and taken on a cloudy unfortunately so it's hard to see horizon, but the yellow line is horizon. What's hard to see, but this is a building here and there's a building behind here, but what we can do is trim trees on our property and down the slope and some on golf property we have permission to do so. So where the view opens up down Ike, this area we can enhance and increase the amount of ocean that is seen through here and our buildings don't come into view to block. And that's another thing that we've done by setting the buildings back and having a tree trimming plan that would actually give more ocean down the main view.

And this is the view that I just referred to. As you make that turn onto Ike this is the forever protected view that we are proposing to enhance by keeping our buildings back and trimming the trees. For those reasons, we felt we had already done what the statute requires which is to minimize where reasonable the impacts to the line of sight to the ocean, but we understand and acknowledge that there were concerns raised about whether we had done enough. And what I'd like to do is turn it over to Daniel Sandomire now to focus on the questions, comments and suggestions you folks made, some of which turn out to be not possible for us because the project would not be feasible, but we'll end up kind of focusing on what might be done. Thank you very much.

Mr. Daniel Sandomire: Good morning, Commissioners. My name is Daniel Sandomire with Armstrong Development, and I'm, as Wayne said gonna discuss what you had suggested last time a couple weeks back and some of things that aren't feasible for us to do and I'll be brief with this.

But lowering the site even further I'll address that, putting the main...relocating the entry drives, swapping buildings around, 7 and the Rec Center, moving the buildings closer toward the makai side, further toward the ocean, closer to the ocean, removing the third floors from Building 6 and/or 7, preserving views of West Maui Mountains.

Chairperson Lay: Excuse me, if you could just bring the mic a little closer?

Mr. Sandomire: Sorry, it sounds really loud to me.

Chairperson Lay: Thank you.

Mr. Sandomire: Okay, I won't reread those, that would be painful. So addressing the concerns about lowering the site overall even further. We don't...as what's been mentioned is the flood plain, we don't wanna go down into this ravine that has a flood inundation level and it gets only a few feet away from our proposed buildings.

We also don't want to have a...we have an existing access on the existing driveway which we are stuck with. I'll show you that in a few. If start dropping too low from that you have steep driveways which exceed County minimums. You have existing infrastructure in there. There's underground water supply, there's drainage, and sewer. And we find ourselves in a position of chasing down those inverts down Wailea Ike. So we're in this happy medium right now where we're proposing.

All those restrictions, and I'll highlight these briefly, this dark blue that goes here and then is on this side in the red, that's the ravine edge which we're staying, staying back from that's both flood and

steepness. So here...this line across here is the County water main, 12-inch water main, these are all sewer and drain pipes. Thank you, Vanna. And existing retention basin and drainage easement that we're using...oh, actually not we, this driveway off of our property uses.

The next question was about relocating the driveways. We have a subdivision that's approved that restricts us in that possible driveway entries off of Piilani Highway we are not allowed to do that. This is our proposed or current driveway. Possible driveway here, we're not permitted by...we have a no access on this parcel from the County. In addition, even if that were to be relieved somehow, it would be so close to this an...(inaudible)...from it that it wouldn't be feasible for us to consider. So we are struck with this access.

And finally swapping Building 7 with the Recreation Center was proposed and what this does is the building is a lot bigger than the Rec Center and you could see here, we wouldn't have area for parking, a three-story building in front of these other buildings we're gonna be one-story lower so it would obviate that and make the project not viable. So we wouldn't be able to consider swapping those.

Moving the buildings toward makai and golf. What we end up considering is that we're moving the buildings into more of a steep area and this shows those high slope areas. This part is a ravine that falls down at 35 to 40 percent, 35 percent slope and that's too steep to build on. In addition, it gets us closer to the golf so there's hazards there. The golf is running across here and any slice path would go up there. And in addition what the project does is taking advantage of this slope which opens up the views. If we landscape it and trim those trees down we get more view in that ocean direction.

So now we've got and considered removing the third floor from the tops of Buildings 6 and 7 which are the closest to the highway. We're gonna show that it does not improve ocean views and it removes real premium units from our project and that would hurt project and make it non viable. We are asked to preserve views of West Maui Mountains as you're looking across the site and that is something that we are trying to do and I'll show views of that. That's through planting, sitings the buildings and that sort of thing.

So now I'm gonna go through these view studies and each study you'll see a series of arrows. There's a circle for the one that...oh sorry, circle for the one that's being looked. So that's right there. We took that shot and then we have multiple iterations of it. The first is the existing view, the second is the proposed project, the third is removal of buildings...third floor from Building 7, and then removal of third floor from Building 6. In each one you're gonna see the existing, that yellow line is the horizon. I want to make it really clear that that's where the horizon is from that point 'cause grade changes as you move over right across this site.

The proposed project with its proposed two and three-story buildings. This is Building 7, Building 6, Building 5 is behind it, 4 you can see here. This is removing the third floor from Building 7 and I'm just gonna flash back and forth for you really quick here. The next slide is the removal of Building 6 and 7 or third floors from 6 and 7. That's it. I'm gonna flash back and forth really quick. I forward these so I'm gonna kind of start moving through them quickly.

The next slide is across the street from Piilani Highway as if you were looking down the ravine and

looking at this view. The existing...there's kiawe trees along the way, but we wanted to highlight where the project is. Take that kiawe tree down you could see where Gateway Center is behind it. This is the proposed project and these red lines here indicate where the pins of our property are so you could see. This would be the ravine cleaned up along the edge. This is the removal of Buildings...third floor from Building 7 and this the removal of third floor from Building 6.

Third shot is looking across Piilani Highway from this location. Existing, proposed project remove third floor from Building 7, and remove the third floor from Buildings 6 and 7. And now this is a shot returning from Piilani Highway looking towards the northeast...

Unidentified Speaker: West.

Mr. Sandomire: Northwest, thank you. Here we have views with West Maui Mountains, our project location is here. This is the proposed three-story project. That's Building 7, lowered one floor. And Building 6 you don't see from this view, so that's also Building 6 lowered by one floor. And I will call Wayne Muraoka up right now. Thank you.

Mr. Muraoka: I wanted to just also address what a couple of the people testifying this morning raised just because those are issues that you know, we're concerned about when we went through the design process and feel that we have addressed. We've already talked about view plains. But also raised was the protection of night sky? And our project we're not familiar with Dark Sky, but we follow the best County mandated practices in terms of down shielded lights. We also don't plan to overlight the project. We'll do what is consistent with health and safety requirements. So people walk safely through the project. We don't plan to light it up. We did a preliminary ask of our...one of our engineers whether what we've already designed would likely comply with Dark Sky. They think it would but again, we have not had the opportunity to study it because we just heard of it this morning. But we will follow best practices fully compliant with all down shielded lights and try to just keep it at a level that's consistent with health and safety.

Drainage. We are doing an underground drainage system that will detain post development, additional flow of water. We are not using pervious surfaces as was suggested by the person testifying but we're doing, accomplishing the same thing where the water onsite goes underground to large pipes that are perforated where it's detained and is allowed to seep into the ground. So we are getting water back into the land and keeping it from running off. There are, there's a theoretical possibility of a huge storm that the water comes down so fast, it's designed to flow into the golf course which has its normal vegetation as a good filtration device and is not something that creates a huge risk to the environment. But in normal situations we will control all post development flows and we will try to get as much water back into the ground as much as possible. So I think those were the main non view concerns that I wanted to address.

At this point, I'd like to call up Grant Chun again to give kind of background overview and also talk about some of the things, you know we were able to consider in order to get a decision today. Thank you.

Mr. Grant Chun: Good morning, everyone. Thank you for having me here today. My name is Grant Chun of A&B Properties. We are in a joint venture with the applicant, Armstrong Development on Keala O Wailea. We've done other projects with Armstrong and have always

found them to be extremely diligent and creative, reliable and they're always good for their word.

As with their other projects, we think that the plan for Keala O Wailea is beautiful. We would really like to be able to proceed with this project. The question of views from Piilani Highway have been addressed very specifically by Wayne and Daniel, so I won't belabor the points that, you know, they've already made.

They have provided a rendering showing the impact of reducing the height of Building 7 by a floor. This is something that could be done to alleviate the concern over views. Another option which we think would be viable based upon the photographic analysis that was provided, we also think it might be effective to simply ensure that Building 7 is no higher than Wailea Gateway, a consideration that Commissioner Tsai had presented two weeks ago without necessarily limiting the, you know, the number of floors, but simply limiting height to be no higher than Wailea Gateway.

The main reason we have been thinking long and hard about these options is we are very concerned about impacting feasibility of the project, economic feasibility of the project because the feasibility of this project also drives the feasibility of the Kalama Kai Work Force Housing Project which you folks are familiar with from previous meetings. It's that project is subsidized by this one as a 40-unit residential work force housing project in Kihei.

But in any event, I mean Happy Thanksgiving and I know that whatever you folks decide will be you know, prudent and we really appreciate your consideration of this matter. Thank you.

Chairperson Lay: Are you finished with the presentation at this time?

Mr. Hart: This concludes the presentation.

Chairperson Lay: At this time, I'm going to ask for public testimony. If anyone wishes to testify please step forward? Our first person is Tom Croly.

Mr. Tom Croly: Aloha, I'm Tom Croly testifying on my own behalf. I want to thank the Commission for their consideration at the last meeting on this project and for showing the concern for the public views that are preserved by. I'm someone who usually falls on the side property owner's rights and if this was a situation where an owner of a piece of land in front of my house was building something I wouldn't have anything to say about it because it might impact my views, but that doesn't trump that guy's owner's property rights.

However, I do think that the idea of preserving view plains from a public thoroughfare like Piilani Highway is of utmost importance. And I think everyone's probably familiar with this, with this corner here. And before Wailea Gateway was there it was probably one of the most spectacular views in all of South Maui. You came around that corner you saw Kahoolawe, you saw Molokini, you saw West Maui Mountains, you saw Lanai, WOW! Wailea Gateway was plunked there and boom, it really lost a lot of views there and what was very disappointing quite frankly about that was the Wailea Gateway second floor, none of those properties, none of those particular things took advantage of those views. So you have these realtors offices blocking these wonderful views that used to be there. So that was a mistake and hopefully we recognize that that was a mistake.

But what's still left and it wasn't shown in this view analysis is from the intersection of Wailea Ike and Piilani Highway, right there where eventually you're going to have Wailea 670 coming down and having a traffic light there, there is a spectacular view still left of the West Maui Mountains. That's the little bit of view that I hope that we can maintain. As was pointed out in this presentation chopping off the second floor of Building No. 7 doesn't preserve that view. Okay, it's still impacted tremendously. So from my analysis, Building 7 is the issue. Building 7 is taking away a big chunk of public view. I recognize from the developer's perspective that's probably the one that they're gonna make the most money from because if we can sell that view to seven people it's gonna be worth a lot of money. But I would like for you to preserve that view for hundreds of thousands or millions of people as opposed to the seven people who buy the nice view in that particular building.

The analysis that you saw doesn't take into account, whoops I lost it there...doesn't take into account all the way over in the corner and looking across the parking lot of Wailea Gateway Center. That's the view plain that I think is, we should do our most to preserve. What this is about is compromise. I found it just ingenuous of the developer to say that this project with 70 units would not be viable if we took away one building. There's a view shadow of the Wailea Gateway Plaza that hey, go ahead take away more of that, put a four-story building behind that one if you want to because nobody is taking advantage of that view from Wailea Gateway Center, but please let's preserve what view there is left from Piilani Highway. So again, thank you for your consideration on this

And one thing I would really like to urge if you don't make a decision today, I hope you don't make a decision today to be honest, take a site visit because a couple feet one way or the other will make a big difference and you really need to see it for yourself. You need to stand there and see, well okay if this view is there--

Chairperson Lay: Thank you, Tom.

Mr. Croly: So thank you.

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

Mr. Tsai: Tom, just trying to get clarification on what you meant by the view across the I guess the Gateway parking lot?

Mr. Croly: Right.

Mr. Tsai: Which...can we have a slide for it?

Mr. Croly: It really wasn't shown in any of their slides very well. The very last view was this one. If we back up from that and go to the corner, okay, if from where that's being shot from, if you back up and go to the corner, there's more view, a lot more view than is shown here of the West Maui Mountains and of, you know going down into the ocean as well as of Lanai. So there's a corridor, West Maui Mountains, ocean view, and Lanai that's clearly shown if we went back to the corner.

Mr. Tsai: So are you saying what's proposed currently that's gonna block that view/

Mr. Croly: Yes, you see the roof of the I guess that's Building No. 7 that is taking away all of the view that you would have looking across the parking lot of the Gateway Center. And again, I think it's something that you have to out there and see. When I was watching this on T.V. the day after your meeting, I put it on pause and I drove out there just to see cause I wanted to know, okay what are we talking about here and when you go there you'll definitely see it.

Mr. Tsai: And is that building, maybe that's ...(inaudible)... is that Building 7 that you're referring to?

Mr. Croly: Yes, I think that's Building 7.

Mr. Tsai: Thank you.

Chairperson Lay: Commissioners any more questions for the testifier? Commissioner Higashi?

Mr. Higashi: Yes, I have a question to you. Are you resident of this area?

Mr. Croly: Yes, I live in Maui Meadows.

Mr. Higashi: Can you tell me specifically where your home is in relationship to this shop?

Mr. Croly: Oh, I'm a full mile to the south of here. So my home isn't impacted at all.

Mr. Higashi: Oh, so you're basically testifying the view from here of the people that might be living here on this side toward the ocean?

Mr. Croly: Actually I'm not testifying in response to anyone who's living there. I'm testifying about the view from the roadway, okay that literally hundreds of thousands of cars drive by you know, every year and the view that you see as you're driving down Piilani and coming up around Wailea Ike Drive.

Mr. Higashi: So you're specifically talking about the pedestrians or the...I mean, the drivers--

Mr. Croly: Correct.

Mr. Higashi: --that are driving there and you're seeing the view?

Mr. Croly: Correct.

Mr. Higashi: I see. Thank you.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: How long does it take you to drive past that view point?

Mr. Croly: You know, I heard someone say, yeah, this is just a brief view, but you know what it might be five seconds, it might be 10 seconds, but it's a wow that you see every time you come

around that corner. And again, when the Wailea Gateway Center was put there that wow was impacted tremendously, but I know I come up and there's still wow of the West Maui Mountains and I pray that we can preserve that.

Mr. Medeiros: 'Cause I drive it daily and trust me my eyes are on the road.

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

Mr. Steven West: Aloha, Commissioners. My name is Steven West. I've lived here on Maui since 1981. In fact, I ran for State House in 2006. I walked this district. One of the biggest things that I heard from the majority of the people who lived in Kihei is they wanted affordable housing. And I drive this route on daily basis, sometimes two, three times, my eyes are on the road. I don't walk that route. I don't see people walking it. I don't see people standing there watching sunset. The people and the residents of Kihei are crying for affordable housing. This project will facilitate affordable housing in Kihei. I think that's what we really need to look at. I mean, it's not that significant. I mean, if you stood there, if you seen, I've never seen people standing in that area looking downslope at sunset or even during the day. It's a few seconds. Think about that. I mean when it comes down it we need affordable housing. We need affordable housing. We have multi generations living in one house. We need affordable housing in Kihei. So I really appreciate you approving this as is. Thank you.

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

Mr. Tsai: Yeah, this question is maybe for the Department.

Chairperson Lay: Oh, that would be afterwards. After we get through public testimony.

Mr. Tsai: Regarding what he's saying about the affordable housing.

Chairperson Lay: Yeah, okay. Does anyone else wish to testify at this time? If so, please identify yourself and you have three minutes.

Mr. Bud Pikrone: Good morning, my name is Bud Pikrone. I'm the General Manager of the Wailea Community Association. We looked at this project as we do all projects very carefully. We have our architectural committee review everything and we appreciated the fact that this project we felt was of a low density. The massing of the buildings was not what it could have been which would have been a bigger problem. So we like the way that they situated these buildings. We felt that it did address views as much as possible.

When you talk about the highway, I love the comment that your eyes are on the road. That is, you're coming if you're going south 45 miles an hour, quickly decelerates to come to a major intersection. By the way that's gonna be a four-lane highway soon. Your eyes should be one the road. You shouldn't be looking over your shoulder. I have seen too many times, a couple times a year where cars don't make that turn and they end up going right through Ike fortunately not hitting anybody but hitting the wall or a tree on the other side. They need to keep their eyes on the road. You make that turn, you have view. You have a beautiful view coming down Ike with your

eyes straight ahead. You still have a view when you come around as you see here of West Maui. You go another 100 feet up here, and you've got a nice view also. But again, keep your eyes on the road.

I'll go back to coming south. There's cliffs all along there on the makai side of the road until...well, you can see down there by the telephone pole and then it opens up where the gully is. That's getting pretty close to the time to decelerate there quickly to get to that intersection. So yes, as you see here either some minor impacts to these views but I think that's still, it still falls within the criteria that you need to look at. Is it minimizing the impacts. I think it is a minimal impact to it.

Anyway, we approved this project and we think it's a great project for the area because it's residential condos, long term rental condos which we're seeing a great need for in the area. So, we request that you move forward and approve this project.

Chairperson Lay: Commissioners, any questions for the testifier? I have one.

Mr. Pikrone: Yes.

Chairperson Lay: You present who in that district?

Mr. Pikrone: The Wailea Community Association and the Wailea Resort Association.

Chairperson Lay: In that association, how many people, how many residents do you represent or are a part of this association?

Mr. Pikrone: All of them over 2,000 property owners.

Chairperson Lay: And you represent them?

Mr. Pikrone: Yes, I'm elected...or we have a board that's elected by the membership and I'm appointed by that board. And I also represent all the commercial which are part of our members. Our membership it's all on their deed of the properties in Wailea including the hotels and commercial. So on their deed to be a part of this. So we run it like a town. And so they appoint me, I'm like a town manager and I represent them and our design committee also. So...

Chairperson Lay: Thank you. Commissioners, any more questions for the testifier? Commissioner Higashi?

Mr. Higashi: Yes, I have a question. The previous presenter mentioned about affordable housing. What is your opinion about maybe this place being rezoned for affordable housing as an association?

Mr. Pikrone: You know I remember years ago when I first started the position somebody got into a discussion with somebody saying that affordable housing or workforce housing should be in a resort. I don't know anybody who worked in a resort, well except for myself that lives close by or in a resort. Most people don't. When I used to work down, years ago at Kaanapali Beach Hotel, I knew a lot of people that lived Upcountry and I would say to them, why in the world, of course I

was in Kihei so I made the drive, but they drove from Upcountry and they've been there 20 some years and I said, why don't you live down here? And they said, we don't wanna live here in a resort. We love it Upcountry. So the location of affordable housing should be where the people need it most, closer to the shopping that they need that's more affordable to them. We don't have presently in Wailea, we don't have a grocery store, we don't have a school. We don't have those things that families that require affordable housing needs. So affordable housing should be in a location that best suits there. This supports affordable housing by getting it built which we haven't seen too much of in the past years.

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

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

Our first testifier, Daniel Kanahale.

Mr. Daniel Kanahale: Aloha mai kakou, Planning Commissioners. Chair Lay, my name is Daniel Kanahale. I'm here to testify on Item E-1, the Keala O Wailea proposed condominium in Wailea. I live in Maui Meadows. I'm also a board member of the Maui Meadows Neighborhood Association. But I'm not here in that capacity, I'm testifying as a individual and it's been a while since I've testified before this Commission. I'd just like to express some of my concerns with the project and I would like to reference to start with the Gateway Center project which was approved back in 2006. And one of the main concerns of that project when it came before the Maui Planning Commission was protection of the view plains. And it's one of the things this Commission is tasked with the enforcement of guidelines and policies in the SMA regarding protection of view plains. It's also found in the General Plan, the Maui Island Plan. It's also found in the Kihei-Makena Community Plan, protection of mauka and makai vistas.

So my understanding of this project speaking of the Keala Project it's gonna have seven buildings, 41 ½ feet high. When the Gateway was proposed, the highest it could be built was 31 feet. The view plain was the number one priority of the Commission at that time and the developer Jack Kean with the assistance of his consultant, Chris Hart went to great lengths to try to mitigate impacts of that Gateway Center on the view plains, the makai view plains. So they set back one of the buildings that is parallel to Piilani Highway 290 feet. They built it so that it was down slope from the highway. The first floor was 16 feet down grade from the highway, the second building that runs parallel to the Wailea Ike where the Monkey Pod Restaurant is was built into the hill so that it appears as a single story. They did all of this to mitigate the impacts of the buildings to the west views which is the ocean and the north views which look to the West Maui Mountains.

Now living in this area I'm concerned about the impacts of seven buildings that are gonna be 41 ½ feet tall that are built in the same area. And I feel that the Gateway set a precedent by mitigating the impacts by doing this setback. Now Building No. 1 is much, much closer to Piilani Highway than the Gateway is, the one that runs parallel and is 41 ½ feet high. And I feel it's definitely gonna have a greater impact on the view plains from Piilani Highway and this is something you need to consider, this is something you need to discuss if you haven't already done so. Again, the precedent was set by Gateway. Jack Kean, the developer, really went to great lengths to protect the view plain because he wanted to be a good neighbor not only to the Wailea Community

Association, but people that live out in the Makena area, people that live in Maui Meadows and all the tourist that come down there. So please address this view plain impact.

Also, the traffic impacts. Traffic impacts to Piilani Highway–

Ms. Takayama-Corden: Three minutes.

Mr. Kanahale: –that’s another consideration. I just want you to realize that it’s gonna have higher density than the 12-lot single family subdivision that was built and there are no improvements to the infrastructure of that Piilani Highway which is called for in the Kihei-Makena Community Plan. So please address those requirements that that should be widened to four lanes to address any development south of Kilohana Highway. Please look at those policies and address that. Thank you.

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

Mr. Kanahale: Thank you, Chair.

Our next testifier is Tom Croly. Okay, next is Lucienne de Naie.

Ms. Lucienne de Naie: Good morning, Chair Lay and Commission Members. My name is Lucienne de Naie, I’m testifying as an individual. Nice to see you all. I’m testifying on Item E-A, E-1, I’m sorry. This project as Mr. Kanahale has spoken in a very important view plain. You can see the West Maui, you can see Lanai, you can see the ocean, and our community plan and our Maui Island Plan asks you to enforce the polices and guidelines of the SMA regarding protection of views. That is one of the actual policies of our Maui Island Plan that is adopted as law. Another policy that is adopted in that plan is an action to adopt regulations to protect night sky resources. Now our Council has not done that yet, but we have a great committee that’s working to try to bring elements of what’s called the Dark Sky Ordinance which was developed by the Society of Electrical Engineers and in consultation with the astronomers and planning professionals. I can tell you that right across the street at Wailea 670 as a board member of Sierra Club, I have been in negotiations for a year with the developers there to put night dark sky regulations in the area adjacent to Maui Meadows and they have agreed to do that. Makena Resort is looking at the Dark Sky regulations. You, yourselves, could make the recommendation this project adopt those lighting standards. They’re completely consistent with our County standards, however, they take a further step and create a light budget. And so not only are lights shielded and the things that are required in our County standards, but also we decide exactly how much light this area would really need for health and safety and limit it to that. This would go a long way to protecting the night sky for the Maui Meadows residents who’ve been taxpayers for many years and to keeping just a better light profile in Wailea itself to keep that kind of semi-rural charm that Wailea has. You know, you’re not in the middle of Honolulu there.

Also drainage, drainage is very important. This project abuts a major drainageway that has some very, very important cultural sites in it. Just below where the project is are several caves that have a tremendous assemblage of artifacts and are protected, but they’re carved into the side of the bluff. So if this project which is built, you know, pretty much along the edge of the bluff, it’s not like

the Gateway which is, you know, set back because this project has a leg that goes along the bluff. If this project does not retain everything onsite and if there is not a provision to have adequate buffers, it will start undercutting the sides of this of drainageway because there will be a significant amount of runoff. Twelve houses don't generate the amount of runoff that 70 condominiums do because there's more parking, there's more everything. I would hope that we could recommend for pervious surfaces for any parking areas there as part of the mitigation just to allow more water to be captured onsite. This gulch up...slope goes way, way up towards Ulupalakua and it goes all the way down to the ocean. As it goes down to the ocean it is narrowed because developments in older times kind of closed it in. So what happens in these key areas is very important to make sure we don't have a lot of muddy water going in at the ocean side. So I thank you for your considerations of these, you know, suggestions and it is true that the Gateway really tried to work with the community and we hope this project would too. Thank you.

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

Ms. Wakida: Thank you, Lucienne. The archaeological site that you were referring to you said where on...

Ms. de Naie: They're in the gulch below this project.

Ms. Wakida: Below the project.

Ms. de Naie: Yes, below the project. So whatever happens in that gulch and they're not very high above the base of the gulch. So if a lot more flood waters come into the gulch then those sites will be impacted.

Ms. Wakida: Okay, thank you.

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

Ms. de Naie: Thank you.

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

Chairperson Lay: Anyone else wish to testify at this time? Seeing no one, public testimony is closed. Commissioners, any questions or comments? Commissioner Tsai?

Mr. Tsai: Jordan, let's start with that slide right there. At what height are you taking these pictures from?

Mr. Hart: Eye level of standing person.

Mr. Tsai: Also, there was mention of two view corridors that we're supposed to be protecting as part of the Wailea-Makena Plan, can you show where's that relative...well, I guess one of the slides prior to that that Wayne brought up?

Mr. Hart: Sure to clarify. There's the gulch that is on the northern boundary of the property line is identified open space by the Kihei-Makena Community Plan. So that's designated by the community plan. The view corridors that this project is proposing to preserve is the view corridor to West Maui here and then also there's a view corridor on Wailea Ike Drive here that is being preserved. And I wanted to call attention to this because it was discussed but, it was vogy when these photos were taken. This is the island of Lanai here that's gonna remain. And so you know you can see it's above the horizon line. It's above the buildings. There's a building here, but this shot is preserved. The view corridor that's gonna be enhanced is basically in this area. There's gonna be additional trimming that's gonna take place. There's mature trees that are on the edge of the fairway and golf course and so the applicant has an agreement with the operator of the golf course to basically enter into a long-term landscape maintenance agreement where they'd be able to preserve these or trim these, this vegetation so that preserves and enhances this view here and then it also they would be able to do the same thing at the makai end of the gulch as it transitions into the golf course there is also existing mature trees along the fairway there and so they would be taking those down and these are some of the things that were discussed. So the green there is community planned open space.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: So if you turn to slide no. 20?

Mr. Hart: Sure.

Mr. Tsai: So is that the circle, is that what the view from the community plan is?

Mr. Hart: Yeah, yeah. So basically the arrow all the way to the left and the second one in are looking straight down the open space corridor.

Mr. Tsai: See that's my concern because if you look at the following slide no. 22, once you put the buildings in that's not...

Mr. Hart: Oh, okay. Perhaps I can clarify. The open space corridor is in the location of the gulch which is here. And so the point is that this is gonna perpetually remain because this location is perpendicular to the highway so when you hit this point it's always gonna be in this condition.

Chairperson Lay: Commissioners, any more questions?

Mr. Muraoka: Wayne Muraoka. Commissioner Tsai?

Chairperson Lay: Wait Wayne, has your question been answered?

Mr. Tsai: Yeah, but I like to hear what Wayne has to say.

Chairperson Lay: Go ahead.

Mr. Muraoka: The open space corridor follows the gulch which actually does not run perpendicular to the highway. It actually angles a little toward the north. So actually the best view down the gulch

is actually facing a little bit more north. So it widens tremendously, but what we wanted to show was the impact of our buildings so we angled it not to maximize the view down the gulch but to show how our buildings impact. But there's actually more view as you come little further south and angle back toward the north.

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

Ms. Wakida: Yes, perhaps Jordan can answer this. Tell us a little bit more about how this project specifically supports affordable housing? Is it in terms of credits, is it in terms of actually building something and when will that be built?

Mr. Muraoka: Wayne Muraoka. Commissioner, Daniel and I actually work on that so I'm gonna address your question. We are actually building a new 100 percent workforce housing project in South Kihei. And it's near Cove Beach. It's on Kanani Road. It's very well located, a very short block away from the beach, and another longer block from shopping and dining and entertainment. It's just below the Kalama Heights Senior Living Facility. It's on the parcel right below it. So it's just a really short walk to the beach. And the reason it's tied together is as you probably know, there have either been very few or none in terms of affordable workforce housing projects built under the ordinance. It's really hard to make it work financially. But what we did was tied that project to our Wailea projects which then are buying the credits for these new homes to built and that money subsidizes the project that is for 100 percent workforce housing.

Ms. Wakida: So it isn't just this project, it's in conjunction with a number of other Wailea projects?

Mr. Muraoka: We came before you on another Wailea project, Wailea MF-15 and this one is Wailea MF-11 Keala. The other one's called Makalii. In terms of exactly how the credits are broken up it's not worked out finally. It depends on timing. What we have also done is we built homes for Department of Hawaiian Homelands in Waiehu Kou and up in Kula and these are brand-new homes that were built and we have credits from there that we're also gonna be using for these projects. And what again, these projects subsidized those homes so what we were able to do is make them extremely sustainable and green. We included solar photo voltaic, solar water, the whole house fan. We got them LEED Gold Certified. Many of our residents are paying connection fee only for electricity of \$17 and what makes it possible is we take the money from the Wailea projects buying these credits, and again, it's buying these credits and that money allows us to build the affordable housing and to build into the whole affordable housing qualities that make them affordable long term for the buyers.

Ms. Wakida: So if this project was turned out not to be feasible, this affordable housing though is still going forward?

Mr. Muraoka: It would greatly jeopardize that because that project alone does not make financial sense unless there is another market for the credits?

Ms. Wakida: But it's under construction now though those affordable housing?

Mr. Muraoka: No, it's not. It's been approved by the Commission in October, but it's not under construction. It's not under sale yet.

Ms. Wakida: So if it was approved already then it's approved in conjunction with...

Ms. Muraoka: No, we're not making it a condition. It's not tied to...in terms of approval it's not tied together. I'm just explaining the reality that if it's not financially viable to go forward with the project, we're not gonna go forward with it. That's the only thing I'm saying.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Wayne, just a follow up on Commissioner Wakida's question, so yeah, we approved the Makalii MF-15. I thought the affordable housing project was tied to that particular project?

Mr. Muraoka: It's tied to both. We get...we have a pool of Department of Hawaiian Homelands credits for homes we just built and we're getting the Kalama Kai credits and together they're almost enough to satisfy the requirements of both MF-15 and MF-11.

Chairperson Lay: Commissioners, any more questions or comments? Seeing none, oh Commissioner Tsai?

Mr. Tsai: I'd like to ask the testifier, Grant to come up? Hey Grant, you had mentioned at the last meeting or a previous meeting about my motion to not limit the height of this development to be no higher than Gateway Shopping Center and you kinda spoke to that, but I wasn't clear on what your statement was. Is that something not feasible?

Mr. Grant Chun: Grant Chun here on behalf of A&B Properties. No, on the contrary Mr. Tsai, the reason I mentioned it is because in speaking with the folks from Armstrong, they found that to be feasible and reasonable, something that could be accommodated.

Mr. Tsai: Thank you.

Mr. Chun: Thank you.

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

Mr. Dias: Thank you, Mr. Chair. The recommendation, and I don't know if anybody wants to add, you know particular conditions because you know, with respect to Buildings 6 and 7, I know the applicant did show renderings of it being taken down so I don't know if you wanna incorporate that somehow. But the recommendation that we originally gave to you two weeks ago was to approve Planned Developments Step 1 and 2, and then lastly approval of a Special Management Area Use Permit subject to six standard conditions and 5 project specific conditions.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Okay, I move to approve this project with the condition that it's no higher than the existing Wailea Gateway Shopping Center.

Mr. Medeiros: Second.

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

Ms. Wakida: Does this recommendation take into...into effect the mitigating measures that they've got in their slide here? It said view impact mitigating measures taken since submittal is that part of the...

Mr. Hopper: I'd recommend specifying that because the approval right now would be based on the original staff report and everything. You've changed that with one condition. If there's to be reference to additional mitigation measures that should be made clear in the approval. I think that's a good point.

Mr. Dias: If I can clarify that? I believe if the Commission were to approve it as the motion states essentially you'd be approving everything that was presented to you last time, but the height of one of the buildings would go down by like 2 ½ feet or something like that.

Unidentified Speaker: How much feet are we talking about?

Mr. Dias: About 2 ½ feet.

Ms. Wakida: Because there's additional mitigating measures here on their Slide 5.

Mr. Hart: If I could address that? That part of our attempt to explain how hard we worked on the site already and these were changes that were already made before you've seen the project. We went through an intensive process. Obviously of site design and then separately in reviewing the project with the Planning Department and these are adjustments that have already happened. So these are basically, they are exactly consistent with the representations that we're making in our submittals and the presentation to the Planning Commission.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: So basically you're not making any changes at all except for the one suggested by Commissioner Tsai?

Mr. Hart: Well, there were options that were presented to the Planning Commission as well, and these are...the purpose of this specific slide though was to talk about what had been done to get here and this is something we didn't get to talk about in our last presentation because of the way the meeting went. But Grant Chun offered some additional concessions for consideration by the Commission that are not discussed here. I was just trying to clarify that there's...you could add this as a condition if you want to, but this is already incorporated into the project as it's being presented to you now, so this is the project.

Mr. Hopper: Okay, so the motion would be to approve based on the staff report with the additional condition changed and if there's additional changes such as anything in this presentation that would alter that original staff report that would need to be made clear in either a revised staff report or additional conditions to make clear there's an alteration to the project. This is something that the Department would need to look back on after it's approved and be very clear as to what is required

because there's going to be future building permits and other things that are going to be approved based on that. So right now you've got your staff report and the one recommended condition. If there's going to be additional changes to that as described in the staff report that needs to be set forth in a document or put in a condition that's very clear.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I'm not sure what we're being asked to approve at this point. All of the Commissioners don't have the original report that was provided with its recommendation. What we have today is a supplement to that. None of us I believe kept the original report because we believed that there would be a resubmission to it. I tossed my set because I expected a thorough analysis to be done, a resubmission to the Commission of the entire report. So what we're approving today is something that we thought about two weeks ago and kinda remember, but we don't really know what those six conditions are in addition to the standard conditions and we're gonna go ahead and approve it?

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Could we have them read the six conditions, the conditions and review it now? We have a motion on the floor.

Chairperson Lay: Yeah, if we could have that done. If you could just read through the conditions that we're approving and—Corp. Counsel?

Mr. Hopper: I'm sorry...or just a suggestion would you wanna make a copy of the staff report and give everybody five minutes to refresh their memories as far as what it looks like. If you read...how many conditions are there, there's 12, 13 conditions. It's gonna take a while to read through. I mean, yeah, it's up to the Commission, but I don't know if wanna make a copy of the report for everyone to read to refresh their memories. I mean, it has been submitted and the Commission's already reviewed it. It's just being referenced again which happens when things are deferred. So it's part of the record, but if people don't actually have it, that's an option in addition to actually reading the conditions and the report itself?

Chairperson Lay: Commissioners do we need a handout given to us with all the conditions on it or do you wish that we just read it...have him read it out to us? All those in favor of having paperwork raise your hand? All those in favor of him just reading the conditions and we hearing them? Okay, we'll do listening to the conditions.

Mr. Dias: Okay, here are the six standard conditions and keep in mind this is for the SMA not the PD1 or the Step 1 or 2.

Standard Condition No. 1. That to the satisfaction of the Department of Planning, construction of the proposed project shall be initiated by November 30, 2017. Initiation of construction shall be determined as construction of onsite and/or offsite improvements, issuance of a foundation permit, and initiation of construction of the foundation or issuance of a building permit, and initiation of building construction whichever occurs first. Evidence of the initiation of construction shall be submitted to the department prior to the date listed immediately above. Failure to comply by that

date will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than 90 days prior to said date. A time extension shall be processed in accordance with the provisions of Sections 12-202-17 of the Special Management Area Rules for the Maui Planning Commission.

Chairperson Lay: One second Danny, if we can—

Mr. Dias: Get this gist of it?

Chairperson Lay: Yeah, go to the recommendations specific to this project.

Mr. Dias: Okay, project specific ones.

Chairperson Lay: Yeah.

Mr. Dias: Okay, let me just go through the six. The second one would be that you gotta complete within five years. The third is the insurance policy. The fourth is that the applicant construct the project in substantial compliance with what's presented to your folks. The fifth has to do with providing the department with preliminary compliance and...preliminary and final compliance reports, and then No. 6 has to do with, that to the satisfaction of the department appropriate filtration measures to separate petroleum products and other contaminants shall be incorporated into the project.

And then now the project specific conditions, No. 7, is that a noise permit if applicable shall be obtained from State DOH. No. 8, is that BMPs shall be reviewed by Public Works and that those BMPs shall impact...shall adjust impacts associated with erosion, contaminants and construction waste. No. 9 has to do with SHPD basically that they do revisions to the archaeological inventory survey report submitted to the SHPD. No. 10 is that all construction shall cease and SHPD be notified if any cultural or human remains are found on the property. And then the last one has to do with the height of the structure and I'll just read it out, it says, that the height of any structure within the project shall not exceed 337.5 feet above mean sea level. And what that is, is basically the way the project is proposed it's currently 2 ½ higher than Wailea Gateway. And so, at 337.5 mean feet above seal level, they won't be able to go more than 2 ½ feet. And that's why we stated to Commissioner Wakida that with what's on the floor regarding Commissioner Tsai's recommendation they would just cut one building down 2 ½ feet.

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

Mr. Tsai: I made this motion because as a resident of Wailea, I live right around the corner from it so I know this very well, and I believe it's my duty to protect the so-called view that everybody spoke of. And since I know this area really well, I feel yes, you know, many people are gonna argue the Gateway is somewhat of an eyesore as you drive down the freeway, but I do have to agree with the other Commissioners and other people that testified that you should be focusing on the road not looking out to the right or left if you're coming out of there. And also for me personally, that I feel if there are other buildings around the Gateway you actually in a way soften the whole view. So it's not just one building sticking out when you're going down. So I also believe based on I think your Slide No. 27 which actually has it showing that this project's higher in height and if

it's as long as it's the same height or not any higher I believe it does satisfy the preservation of view. So I support this project based on that condition.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Based on what we heard today are we being asked to approve what was submitted last week or at the last meeting?

Chairperson Lay: Yes, with that change in the height that it be no higher than the Gateway.

Mr. Hedani: Okay, from perspective using the Gateway as a measure about how to judge the height of this project is a poor criteria because we know we screwed up on the Gateway and to say we screwed up on the Gateway so this project cannot screw it up more than the Gateway is not a good way to go forward. If we know we made a mistake, we should correct the mistakes in the future.

I saw two examples of view plain analysis today that was presented with and without the third floor included. Without the third floor included it's better. With the third floor included the view is worse. The amenities that you're looking at from the highway is the ocean, the view to the ocean mostly along the open space view corridor that's next to this project not part of this project. Views to the mountains and to the islands in the distance, yeah. With the third floor removed, you can see Kahoolawe. With the third floor included you cannot see Kahoolawe. So the view is improved to islands in the distance if the third floor is removed. I'm not sure if they're saying we went through the analysis over the last two weeks and all of your recommendations were considered but they're feasible, so approve what we originally submitted to you or if they made a good faith effort to see whether or not the site can be lowered, graded, blasted and lowered so that the view plains are improved to the islands in the distance and the ocean can be preserved. I don't know if the applicant has done that and I'm not sure...we gave it a two-week try and approve what we originally submitted to me doesn't fly and I would vote against this particular motion if what we are being asked to approve was the things that was submitted two weeks ago.

Chairperson Lay: Thank you. Commissioner Higashi?

Mr. Higashi: After listening to the testimony of the developers and architect, I am a proponent of affordable housing and when he mentioned that part of these funding or profits would be put over into the affordable housing in October's presentation, I'm definitely for this particular project because it has funding that will affect the other project itself and to me affordable housing is a definite need in the Kihei area or any area for that matter.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I'm going support Commissioner Tsai's suggestion or motion mostly because well, I agree with Commissioner Higashi affordable housing is something that this County really, really needs especially in the south shore. I live in the south shore. One of the people that would really be impacted would be Commissioner Tsai and he's okay with it. And I just need to say that people should keep their eyes on the road, you know, come on.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Yeah, I'll support this project. You know, people are talking about affordable housing even I think more critical than affordable housing, we need long-term housing. You know there is no long-term rentals you know that's why I've always opposed short-term rentals is because the long-term rentals are shrinking.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I, of course support affordable housing, however, one of the biggest responsibilities for me on this Commission and I think all of us is coastal zone management that's where we are the ultimate authority. And one of the policies of this it says that the authority shall seek to minimize where reasonable any developments which would substantially interfere with or detract from the line of sight toward the ocean from the State highway nearest the coast. And so we are in charge of that policy. I am concerned that this project hasn't done enough to minimize. It talks about a view corridor down a gulch which is outside their property line anyway and it is a gulch so it is something that they don't have any...I don't think they can take credit for. I think it's disingenuous that they take credit for the gulch being a view plain when they could never put anything there anyway. They've made some efforts to minimize with some cutting back some vegetation, but I just don't feel that the project has addressed this particular coastal zone management policy enough.

Mr. Lay: Thank you. Okay, for me we brought a lot of issues to you guys at our last meeting. You guys addressed every single one of them. You guys went over every single recommendation that we made and you countered it or you said why we could or we couldn't do it. I like when somebody does do that. You didn't just go home and just throw something back at us and throw us a couple of pictures and say, here this is it. You guys went and worked on it to see what you could do to accommodate us. I appreciate that.

Affordable housing, where this helps to get a house, affordable housing one block away from the beach, I don't even know where I've heard about affordable housing one block away from the beach. I mean, this is a great thing for our local folks here. You got the Wailea Association coming before us and saying we got...I represent some 2,000 people in that area, I don't feel we're...that's a lot of backing right there. So for me, this project looks good. You've done...you've not only done the setbacks that supposed to do, you went even further back to try and keep these corridors open or to open it up a little bit more than you had to. You lowered the density of your project, half, half of what it could be and I appreciate that too. So I think you've done a lot for this area and you've done it in a positive way and you addressed our issues which I appreciate. Commissioner Tsai?

Mr. Tsai: Yeah, can I ask another question to the applicant or is that not allowed since we have a motion on the floor?

Chairperson Lay: I got a motion on the floor. We're gonna have to address that first. Any more discussion on the motion? Seeing...can we get Clayton to repeat the motion?

Mr. Yoshida: The motion on the floor is to approve the Step 1 Planned Development, Step 2 Planned Development and Special Management Area Use Permit application subject to the conditions as recommended by the Department with the amendment that the height of any structure

cannot be higher than the height of the existing of Wailea Gateway Center.

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

Mr. Yoshida: Five ayes.

Chairperson Lay: Those opposed?

Mr. Yoshida: Two noes.

Chairperson Lay: Motion carries. Congratulations.

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

**VOTED: To Approve the Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit, as Recommended by the Department and that the buildings be no higher than the existing Wailea Gateway Center  
(Assenting - M. Tsai, J. Medeiros, J. Freitas, S. Duvauchelle, R. Higashi)  
(Dissenting - W. Hedani, P. Wakida)  
(Excused - K. Ball)**

Chairperson Lay: Okay, Commissioners let's take a lunch break and reconvene at ten to 1:00. Commissioner Wakida?

Ms. Wakida: I was wondering if we could just finish up?

Chairperson Lay: You guys wanna finish up? We have very little. Okay, let's take a little ten-minute break then. Maybe make it a five-minute break, we come back and we just run through the rest of this. There's not too much left. Thank you.

A recess was called at 11:50 a.m., and the meeting was reconvened at 12:00 p.m.

Chairperson Lay: Next item, Director?

**F. ACCEPTANCE OF THE ACTION MINUTES OF NOVEMBER 10, 2014 MEETING and REGULAR MINUTES OF THE OCTOBER 28, 2014 MEETING**

Mr. Spence: Commissioners, Item F, Acceptance of Action Minutes from November 10<sup>th</sup>, and Regular Minutes of October 28<sup>th</sup>.

Mr. Freitas: So move.

Mr. Hedani: Second.

Chairperson Lay: All those in favor say, aye?

Commission Members: Aye.

Chairperson Lay: Okay, those opposed? Motion carries.

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

**VOTED: To Accept the Action Minutes of the November 10, 2104 Meeting and Regular Minutes of the October 28, 2014 Meeting.**  
**(Assenting - J. Freitas, W. Hedani, J. Medeiros, M. Tsai, S. Duvauchelle, P. Wakida, R. Higashi)**  
**(Excused - K. Ball)**

**G. DIRECTOR'S REPORT**

- 1. SMA Minor Permit Report (Appendix A)**
- 2. SMA Exemption Report (Appendix B)**

Mr. Spence: We're on Item G, Director's Report, Item 1 and 2, you have SMA Minor Permit Report and SMA Exemption Report.

Mr. Hedani: Move to accept.

Chairperson Lay: Any second?

Mr. Tsai: Second.

Chairperson Lay: All those in favor say, aye?

Commission Members: Aye.

Chairperson Lay: Those opposed? Motion carries.

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

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

- 3. Discussion of Future Maui Planning Commission Agendas**
  - a. December 9, 2014 meeting agenda items**

Mr. Spence: Okay, Commissioners, we have one more meeting on December 9<sup>th</sup>, you have five public hearing items. One is Mr. Peter Martin of Makila Land requesting an SMA Permit for Makila

Ranches Phase 2, ag subdivision. Number 2, is Mr. Greg Walker of Kai Ani Development requesting an SMA Permit for Cove Beach Village Project. Number 3, Dr. Fredrick Sands requesting a Bed and Breakfast Home Permit, and Number 4, Ms. Marie Sherrow requesting a B&B Permit within Maui Meadows, and Number 5, Mr. William Stevens requesting a Short-Term Rental Home in Lahaina.

**H. NEXT REGULAR MEETING DATE: DECEMBER 9, 2014**

**I. ADJOURNMENT**

Chairperson Lay: Commissioners, at this time I'd like to wish everybody a Happy Thanksgiving and with that....(gavel)...

The meeting was adjourned at approximately 12:05 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN  
Secretary to Boards and Commissions

**RECORD OF ATTENDANCE**

**Present**

Sandy Duvauchelle  
Jack Freitas  
Wayne Hedani  
Richard Higashi  
Ivan Lay, Chair  
Jason Medeiros  
Max Tsai  
Penny Wakida

**Excused**

Keone Ball, Vice-Chair

**Others**

Will Spence, Director, Planning Department  
Mike Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works