

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JANUARY 13, 2015**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Keone Ball at approximately 9:00 a.m., Tuesday, January 13, 2015, 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.)

Vice-Chair Ball: Happy New Year to the Members of the Commission, to the Staff and to the public. My name's Keone Ball. I'll be chairing the meeting today.

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.

Vice-Chair Ball: We'll start out with public testimony. You're offered to give testimony at this time or you can wait until your agenda item comes up, but you cannot do both. So if I call your name and you wanna wait till your agenda item, you just say, I wanna wait.

The following individual testified at the beginning of the meeting:

Mike Moran - Item F - Acceptance of the October 14, 2014 Minutes

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

Vice-Chair Ball: Next to testify will be Sydney Smith.

Ms. Sydney Smith: I'd like to testify at the time of the agenda item.

Vice-Chair Ball: Okay. Fine, thank you. Let's see, Annette Niles?

Ms. Annette Niles: Same as her.

Vice-Chair Ball: Okay. Arnold and Carol Ching, Lum-Ching?

Mr. Arnold Ching: We'll wait.

Vice-Chair Ball: Okay, thank you. Anyone else that wants to testify at this time, may do so. You are wanting to wait that's fine too. All right, let's move on then. Okay, let's start with Item C, Public Hearing. Director Spence?

Mr. Spence: Good morning Commissioners and Happy New Year. The first item on the agenda is C-1, this is a Council Resolution to introduce a table back into the Maui Island Plan. With us this morning is Simone Bosco.

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

1. **MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 14-97 to the Maui Planning Commission proposing amendments to the Capital Improvement Requirements and Financing section of Chapter 10 of the Maui Island Plan. This proposed language was originally a part of the 2009 draft of the Maui Island Plan however was not adopted by the County Council in 2014. In September of 2014, the County Council voted to pass Resolution 14-97 and refer the excluded language back to the Maui Planning Commission for review and recommendation.**

The proposed amendments are comprised of:

- a. **Proposed Table 10-1, which essentially describes options for potential revenue sources to finance capital improvements and other government programs or projects; and**
- b. **Proposed Table 10-2, which is the existing Table 10-1 renamed as Table 10-2 and amended to add potential revenue sources for infrastructure.**

Both tables propose language that provides additional background information or financial tools that the County may explore further. (S. Bosco)

Ms. Simone Bosco: Good morning, Commissioners. I'm Staff Planner with the Plan Implementation Division. We were sent down a resolution, this resolution that's before you, No. 14 97. And the County Council has requested your review and your recommendations on the proposed resolution. I'm just going to summarize very briefly what the substance of the resolution is.

Essentially it only amends one section of Chapter 10 of the Maui Island Plan which is the Implementation Program section that was the most recent chapter that was adopted in May of 2014. Within that chapter they are only amending the Capital Improvement Requirements and the Financing Section. And essentially what they are doing is reproposing former language that was originally proposed for this chapter.

So in the resolution you'll find that they are proposing 10-1 which is a previous table and its entirety to be reinserted into the chapter. And that table provides potential revenue sources to finance capital improvement programs and capital improvement projects. It's essentially offering a funding mechanism for the generation of revenue for the County.

They are also proposing consideration for additional potential revenue sources in Table 10-2 which is already in the chapter, but they are adding back in previous language which identifies additional potential revenue sources for financing capital improvement projects. Okay, so it's just dealing with the two tables and some of these sources are currently available and used by the County. Some

would require enabling legislation or voter approval before they could be actually utilized. The Amendments are not regulatory in nature. They do not propose any kind of policy guidance. They're just simply kind of academic suggestions for the County to consider. That completes my explanation. Do you have any questions?

Vice-Chair Ball: Penny?

Ms. Wakida: Good morning, Simone. Just one clarification on the solid waste fees and both charts, solid waste, does that include residential pickup or is that tipping fees or...

Ms. Bosco: I believe it does include residential. It's basically fee collections from the community, and also...John is that correct? Yeah.

Ms. Wakida: Okay, thank you.

Vice-Chair Ball: Wayne?

Mr. Hedani: Simone, I appreciate the Department's effort that you put into the Maui Island Plan and all of the provisions that are included in there. On what's proposed here, does the Department have any objections to any of the language that's being suggested?

Ms. Bosco: No, the Department recommends approval and support for the resolution at it's been drafted.

Mr. Hedani: Okay, thank you.

Chairperson Lay: Anyone else? You need any action on that?

Ms. Bosco: Your recommendation would be needed if you have any recommendations. The Council would like to know what your recommendation is basically, yeah.

a) Public Hearing

Vice-Chair Ball: We open it up for public testimony then and see if anyone would like to testify on this agenda item. Seeing none, we will close public testimony.

b) Action

Vice-Chair Ball: Is there a recommendation from the Commission?

Mr. Medeiros: Move to accept the recommendation of the Planning Department.

Mr. Higashi: Second.

Vice-Chair Ball: All in favor?

Mr. Hedani: Discussion?

Vice-Chair Ball: Oh, sorry. Discussion? Wayne?

Mr. Hedani: Mr. Chairman, I think one of the items that helps to fund projects moving forward is that once the Island Plan is agreed upon, once the community plans are agreed upon, the Council moves forward in changing the zoning for those properties to the appropriate community plan and General Plan terms. The zoning in itself creates wealth, that wealth funds the capital improvements that are needed for infrastructure for all of those projects, and so the answer is in the Council's hands.

Vice-Chair Ball: I Concur with that. Any further discussion? Let's vote again. All in favor? Any opposed? No. Motion carried.

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

**VOTED: To Recommend Approval of the Proposed Amendments to Chapter 10 of the Maui Island Plan
(Assenting - J. Medeiros, R. Higashi, M. Tsai, W. Hedani, P. Wakida)
(Excused - I. Lay, S. Duvauchelle, J. Freitas)**

Vice-Chair Ball: Thank you, Simone.

Ms. Bosco: Thank you.

Mr. Spence: Commissioners, your second public hearing item is Mr. Scott Zucco of Aloha Volleyball Association requesting a County Special Use Permit in Kula for a volleyball program, and with us is Mr. Danny Dias, new father, Danny Dias.

Mr. Dias: Thanks, Will.

Vice-Chair Ball: That's why you look so tired.

2. MR. SCOTT ZUCCO of the ALOHA VOLLEYBALL ASSOCIATION requesting a County Special Use Permit in order to operate a proposed non-profit youth sand volleyball program on approximately two (2) acres of land in the County Agricultural District at 2277 Kekaulike Avenue, TMK: 2-3-012: 086 (por), Kula, Island of Maui. (CUP 2014/0004) (D. Dias)

Mr. Danny Dias: Good morning, Chairman Ball and Members of the Maui Planning Commission, and Happy New Year also. The item before you today it's pretty straight forward so I don't have a presentation. I also advised the applicant that he probably doesn't need to do a presentation either. But before I go into the details of this project let me talk to you about the applicant real quick. His name is Scott Zucco, and he is the Executive Director for the Aloha Volleyball Association. You might recognize Scott. He is a physical education teacher at Kula Elementary School. He's also the girls varsity volleyball coach at Seabury Hall, and was also recently featured in the Maui News as one of the people who "made a difference" in the County of Maui for year 2014.

As mentioned, Aloha Volleyball Association is a registered 501(3)(c) nonprofit organization whose mission is to grow the game of sand volleyball in the County of Maui and they rely solely on donations or even funds, out of pocket funds from Scott. Right now beach volleyball is becoming more and more popular. It recently became a collegiate sport. The island has a pretty good following, but it has limited courts. Sand volleyball courts are located on a Kanaha Beach Park in Kahului, Kamaole, and Kalama Parks in Kihei and Dig Me Beach on the west side. We don't have any sand volleyball courts in the Upcountry area.

So the vision that Scott has is to operate three sand volleyball courts on a property located in Kula along Kekaulike Avenue. The property that he has an agreement with has a single-family dwelling on half of the property. The other half was once used as a horse arena and currently they're running one sand volleyball court but it's used fairly casually by Scott and a few of his students and that's been there for about year now.

The goal, the vision, the dream is to operate three volleyball courts, but of course right now the biggest obstacle for him is his funding. You need, you know, donations for sand, you need donations to...for this particular property the Department of Health is requiring that the applicant construct bathrooms and also expand the existing wastewater system on the property and that upgrade is gonna cost, you know, \$10,000 plus. So time line wise you know obviously we could do it right a way but it's dependent on funding. So you know, we're hoping we can approve...obtain approval today and then you know, let Scott worry about that and not worry about getting approvals. So with that, I...like I said, I told Scott he doesn't really need to do a presentation, but he is available for any questions. Thank you.

Vice-Chair Ball: Thank you.

a) Public Hearing

Vice-Chair Ball: We will open this item up for public testimony at this time. Anybody that would like to testify can do so at this time.

Mr. Rory Frampton: Good morning, Commissioners. I'm Rory Frampton, resident of Kula and also a planning consultant and I've provided friendly advice lets say to Scottie along the way as he's developed his plans for his volleyball court. It's a great site. It's as Danny mentioned, it's a former horse arena. The improvements that he's doing involves bringing in more sand. There's already sand, a layer of sand on the property so you know, if for some reason the people stop playing volleyball in the future and they wanna put it back into a horse arena they'd be able to do that. You know, it's not like it's major permanent improvements. It's a safe site. There's a lot of sight distance from the driveway, the lower driveway. And you know, Scottie has done a great job addressing concerns. When a comment from the Police Department came up about potential traffic related impacts on the highway, Scottie met with the police officer on the site and they came up with the best driveway location to use and he, you know, accepted that and then moved on. So he's done a lot to work with the various agencies and address the concerns. And I really applaud all of his efforts. I've seen Scottie work with the kids down at Kanaha for years. And we could go on and on about all the good things he's done, but just I'll keep it short. It's a great site, it's a great facility, and I hope the Commission can approve the project. Thanks.

Vice-Chair Ball: Any questions for the testifier? Thanks, Rory. Anyone else would like to testify at this time on this agenda item? Seeing none, we will close public testimony, and open it up for questions from the Commission. I have a couple of questions. Go ahead, Penny.

Ms. Wakida: I have a question for the applicant.

Vice-Chair Ball: Oh, hold on one second. Did the Chings wanna testify?

Mr. Ching: Yeah.

Vice-Chair Ball: Okay. You missed it, but we'll open it back up.

Mr. Ching: You're gonna open it up?

Vice-Chair Ball: Yeah, come forward and testify. So we're gonna open public testimony back up so that the Chings can testify.

Ms. Carole Lum: I'm sorry when you talk to a senior you gotta go a little slower.

Vice-Chair Ball: No problem.

Ms. Lum: My name is Carole Lum and I reside on Kekaulike Avenue, 2115. This morning I am speaking on behalf of my daughter and son-in-law who reside at 2175 Kekaulike Avenue which is right next to the property which Mr. Zucco trying to improve for his volleyball sand court. They feel that having an accessible sand volleyball courts for the Upcountry Youth Volleyball Program is a great idea. However, the location for the courts is not conducive to the neighborhood. The courts probably would be used for weekend tournaments and after school practice and the amount of people on the site could potentially be over 100 players as well as spectators.

The following are some of the concerns that we have. No. 1, the noise. Question, what hours of the days would people be there and how many days of the week? Year round. Would there be set open and close times? And No. 2, of course, the traffic congestion. Lots of cars entering and exiting the property. Our concern is again is traffic because my daughter's home is right on that corner and my concern is we have two young granddaughters and their front yard faces Kekaulike Avenue and there have been couple of accidents right there on the bridge because even to this day cars speed.

The former neighbor who we bought the home from used to have her mailbox across the street, and being 89 years old we had to go and get her mail for her because it was too dangerous for her to cross that street. So really the concern is the movement of the cars and the traffic. And since we have had no other details about, you know, the courts, these are the questions that arise and concern. Thank you. Any questions?

Vice-Chair Ball: Any questions for testifier? Penny?

Ms. Wakida: Yes, thank you for your coming to testify. Are there currently some practices going

on on the one sand court that's there?

Ms. Lum: I think the gentleman mentioned. We did hear some noise but this was during the day. So that was it...I haven't, you know, heard anything else. But all I know is before those...the former owner...the present owners bought I think it was a rental and the loud...I mean, I think there were some police reports about the loud music being played in the evening, but those people are no longer there.

Ms. Wakida: I'm confused. You mean there's a dwelling on the property?

Ms. Lum: I think that's what he said. There is a...someone lives there. Mr. Zucco is that correct?

Ms. Wakida: Okay, thank you.

Vice-Chair Ball: Thank you. Mr. Ching?

Mr. Arnold Ching: My name is Arnold Ching. I live on 2115 Kekaulike Avenue. And what my concern is because the amount of cars that going into the property when there's cars going over the property when it's dry it cause a lot of dust and the wind blows from that area to my house. And the dust up in Kula is like powder. So all you need is one car and there's a bunch of dust that comes up.

The other thing, my other concern is because of noise. I hear there is practicing going on over there because I can hear the thumping of the ball, but I haven't heard too much voices, but I can hear voices and I about maybe 2,000 feet away from where the court is at now. Okay, and that's my main concern, the noise and the dust from the cars. Thank you.

Vice-Chair Ball: Any questions for the testifier? Seeing none, thank you. Okay, we will close public testimony at this time and bring Danny back up to answer some questions. Questions for the applicant?

Mr. Scott Zucco: Hi.

Ms. Wakida: Please identify yourself?

Mr. Zucco: Oh hi, I'm Scott Zucco.

Ms. Wakida: Thank you for coming.

Mr. Zucco: I run the Aloha Volleyball and the applicant for the project.

Ms. Wakida: Okay, the volleyball courts that you're proposing would these be for free use or are they for only specific groups?

Mr. Zucco: That's a good question. I have kind of a hybrid plan going forward you know in order to keep the facility rolling I need to have some paid programs. But to offset, you know, to help kind of provide service for the community I do free tournaments and you know going to do some after

school programs for Kula Elementary. So part is fee and part is free.

Ms. Wakida: Who do you envision would be playing?

Mr. Zucco: Kids that want extra training or you know, just put together clinics, things like that.

Ms. Wakida: I see. And what about Seabury?

Mr. Zucco: What about it?

Ms. Wakida: You would wanna bring them down, right?

Mr. Zucco: No. I see it more as just a Kula kind of thing. Kids are more than welcome to travel but it's kinda up there it's like, you know, 20, 30 minutes away from you know, most people. So I got a feeling it's gonna be more for the Kula community, you know, that's kinda looking for stuff to do.

Ms. Wakida: Well, I think—

Vice-Chair Ball: Continue.

Ms. Wakida: I think what I'm getting at is let's say four kids wanna come and...it's four on a side, right, it's eight. So eight—

Mr. Zucco: Or two on two.

Ms. Wakida: So eight friends wanna come or four friends wanna come and play, can they just walk on and play or are they—

Mr. Zucco: No, no. There's way too much liability that just open it up you know, and in terms of it's also someone's residence when you're dealing with competition. I wouldn't want anybody to get hurt and me not being there. So it's only gonna be open when I'm there part-time.

Ms. Wakida: I see. Okay, thank you.

Vice-Chair Ball: Commissioner Hedani?

Mr. Hedani: Mr. Zucco?

Mr. Zucco: Hi.

Mr. Hedani: The applicant is Aloha Volleyball Association as opposed to yourself for this particular property. Does the association have any ownership interest in the property?

Mr. Zucco: Oh no, you can't own...oh no, not in the property, no. They're just, you know, benevolent family that loves kids. They got seven or eight kids of their own. They're there part-time so, you know, while they're not there they figured at least somebody can use it for a positive benefit. I'm talking about the Dukes, the family that lives there.

Mr. Hedani: So it's an absentee owner?

Mr. Zucco: There's one person. There's one guy that kinda lives there. It's a real small house, but yeah, someone lives there.

Mr. Hedani: Follow up question. You heard the testimony that was given this morning. Do you have any plans to address the concerns that were raised?

Mr. Zucco: Well, yeah, yeah, definitely. I know the noise is a major factor. You know the culture up there and that neighborhood is quiet. It's you know, it's a lot of families up there. So I recognize that the noise will probably be the biggest issue so what I plan on doing is I don't wanna start anything early like nothing at 7:00, nothing even at 8:00, maybe on the weekends start at 9:00. Generally I'm not going to do anything Sunday because that's the day off. And you know, I'd like to... you know, I also, you know, don't have whistles at my practice. I don't see any sort of any amplification, sound systems, movie nights. The second thing is I know there's a concern for night time stuff. The last owners that were there they had some...they were kinda, you know, loud and abrasive with the neighbors and I know that's kinda created a tough kind of, you know, place to follow because apparently there was a lot of ruckus to say the least. So I'm not gonna do anything at night. When the sun goes down, I'm out of there. So I feel like the two major concerns were noise and night time stuff, so I'll do the best I can with the noise by limiting whistles and things like that. I'd also like to grow some like, some greenery as a some sound block. And the idea for me is really that I come into the community like respecting of kind of what's there and not just kind of you know, trail blaze what I think is best. So like I said, I'd like to also work with anybody that has problems with what's going on as far as the noise.

Oh, the dust. There was a dust thing. Right now our parking lot is, I think it's mostly grass right now so there's...just cause of a lot of rain. I don't think there's much dust going on. The dust is probably mostly from the beach volleyball courts digging up.

And I think there was one other concern. The traffic, yeah, the traffic it's interesting. It's one of the most like rarely traveled roads because there's so –Kekaulike is here, but there's so many cut throughs. So most of my people come from I guess town so I'm not seeing too much traffic where I think it's Carole, Carole's granddaughters are, so I think most of it comes from the opposite end, but that said, you know, it looks like there's plenty sight distance. They slowed down the speed signs to 25 there. I think that's all I can address really on the traffic.

Vice-Chair Ball: Max?

Mr. Tsai: Yeah, what do you envision the size of your events be? I mean, how much people?

Mr. Zucco: Oh, that's a...Carole you mentioned about 100 people. Generally I can only handle able 24 kids. Roughly like six to eight kids per court. So if there's 24 kids on there and let's say everybody brought a parent which is kind of rare, what is that 50 people?

Mr. Higashi: I have several questions.

Mr. Zucco: Sure.

Mr. Higashi: One is the concern about the road and the dust. Are you doing any kind of planning about maybe putting gravel or something because you're gonna have the place traveled quite a bit.

Mr. Zucco: Good point. Yeah, the parking lot I think there's this compressive material. I'm not sure exactly what it's called, base course, that's it. So we'd have base course for the parking lot so there won't be any dust or even weeds there. So it's basically kind of compacts to the point where it's...

Mr. Higashi: Oh okay. The other is will you have posted sign for the public to know when they're gonna be playing or allowed to be playing on that particular part from 9 o'clock to 5 o'clock?

Mr. Zucco: Oh, right, right, right. Generally, everything I'm gonna do up there is gonna be structured, you know. So I guess you know, I won't have a regular hours of operation. But if I've structured a tournament then it will be posted either on website. If I could see potentially a need for it to be posted on the land but it's so seasonal and it's not really steady. Partially, you know in the fall I won't even be doing anything just 'cause I coach up at Seabury. I won't have time to do any beach stuff in the fall. So it will be only three months out of the year too.

Vice-Chair Ball: Anyone else questions? Penny?

Ms. Wakida: Just one. It looks like you're gonna need some serious funding to get started. Where do you envision getting your funding from?

Mr. Zucco: That's...it's interesting. It's not a whole heck of a lot of money to raise when compared to a gym, but you know, for an outdoor gym it's roughly gonna cost about 60 grand or less. I've put in about 10 to 15 myself, and I'm gonna use grants and whatnot and the public to hopefully offset the rest. I figured if I make a good foot forward and hopefully the community can follow.

Vice-Chair Ball: I have a question. So you said you were gonna only have this running three months out of the year?

Mr. Zucco: Oh, I'm sorry. I won't be there three months out of the year.

Vice-Chair Ball: Oh, okay.

Mr. Zucco: So the complementary nine. But potentially it could even shrink to six 'cause I do a lot of summer stuff downtown at Kanaha. So basically the summer and the fall will be really thin up there. So it quite possibly be six months.

Vice-Chair Ball: And what would be a typical day?

Mr. Zucco: After school. Let's see, Kula gets out at 2:00 so I can start something like 2:30 and go to sunset which is what, three hours if that depending on the year. And then on the weekend. I don't really see myself doing much stuff on Sundays. You know, maybe if there's what 52 Sundays out of the year, maybe do one or two things throughout the year. Saturday is pretty regular though. And that would be, like I said I don't wanna start early so I probably start at 9:00, 9:30 on Saturday. Actually gets kinda cold up there in the morning so I would go probably 9:00 to like maybe like 4:00 or 5:00. But generally speaking what, maybe 20 hours a week? Somewhere around there.

Vice-Chair Ball: Another question I guess.

Mr. Zucco: Sure, sure.

Vice-Chair Ball: Do you feel that the distance between the court and the avenue is sufficient or are you putting...I see you have a proposed tree line up there. I don't know if it's already in-

Mr. Zucco: It's actually in there already. Yeah, it's a good question. I mean, 'cause you know volleyball court is next to the road like the one in the Kalama that was a big problem balls kept flying into the road so we put up a big next. But the nice thing here is like basically Kekaulike is right there and then there's about a 20-foot drop and so all the balls and the activity is over here so it has to go up a hill, over a whole bunch of trees and there's almost no way it could ever get onto the road. So it's kinda nice no balls are going to be jumping into the road and the road isn't gonna be jumping into us.

Vice-Chair Ball: Anyone else have anything? Question for Danny....Go ahead Richard.

Mr. Higashi: I have one more.

Mr. Zucco: Sure.

Mr. Higashi: Do you envision having any night activities such as having generator there running at night or is it just strictly-

Mr. Zucco: Nothing. And that's the nice thing about, you know, a beach volleyball court is you don't need a roof, you don't need electricity. I mean, the barriers to entrance and exit are pretty much none. So I don't see myself seeing a generator. I couldn't find a reason to. But yeah, nothing at night, no movie night, no overnight sleep overs, it's when it's dark everybody goes.

Vice-Chair Ball: Commissioner Wayne?

Mr. Hedani: I'm trying to, I'm trying to determine the location of the site that we're talking about. Is there where the paintball field used to be?

Mr. Zucco: People talked about it. I don't know where the paintball field is. But it's right next to the old Booboo Zoo. What is...the old Kula Ridge Stables. I'm not sure how to describe it. Oh, by the dog kennel, yeah the Animal Inn, right next door.

Vice-Chair Ball: Do we have a parking on site condition? I didn't see that.

Mr. Dias: I'm sorry, parking?

Vice-Chair Ball: An on site parking condition where they can only park...

Mr. Dias: We don't have a condition but there is ample parking on site though. I mean, the area is-

Vice-Chair Ball: I see there's 18 stalls and if there's 50 people then 24 kids and maybe I don't know...my concern would be that if you have a big enough tournament people will have to start parking on the street.

Mr. Dias: Okay. We can add a condition in on the floor, yeah.

Mr. Zucco: As far as the parking too, there's lots of overflow on property. There's a couple of I guess horse fields so the last place we'd have to do is park on the road. I bet you I could handle another 50 or 60 cars. There's plenty of room for that. It's an eight-acre property and the horse arena is only about I think it's a acre and a half.

Vice-Chair Ball: Any other questions? Can we get the staff recommendation then?

b) Action

Mr. Dias: Thank you, Mr. Chair. The Department of Planning recommends approval of this County Special Use Permit subject to six standard conditions and one project specific condition. We can add another one dealing with parking if you want.

Vice-Chair Ball: And you probably would maybe wanna address the no night time activities. More of a hours of operation I guess.

Mr. Dias: Okay, how about a condition, Condition No. 8 that says, "All activities shall be take place between the hours of 9:00 a.m. and sunset." And Condition No. 9, "That all vehicles shall be parked on site."

Vice-Chair Ball: And maybe a amplification restriction?

Mr. Dias: And that there shall be no amplified music or sounds on the property. I'll tighten this up you know when we actually send this out.

Vice-Chair Ball: Okay.

Mr. Dias: Okay, so let me go through this real quick. So the standard conditions there are six of them. There are now four project specific conditions. The first dealing the applicant complying with all Department of Health regulations. Condition No. 8 that all activities shall occur between the hours of 9:00 a.m. and sunset. That all vehicles shall be parked on the property. And lastly that there shall be no amplified music or sounds on the property.

Vice-Chair Ball: Commissioner Wayne?

Mr. Hedani: Danny, can we add a condition that the applicant will take adequate measures to control dust on the property from affecting the surrounding properties?

Mr. Dias: Okay.

Vice-Chair Ball: Anyone else? Is there a motion? Jason?

Mr. Medeiros: I move to accept the recommendation of the Planning Department.

Mr. Higashi: Second.

Vice-Chair Ball: There's a motion and a second. Any discussion? Director?

Mr. Spence: For the maker of the motion, to be clear you're including all the other conditions?

Mr. Medeiros: Yes.

Mr. Spence: Okay.

Vice-Chair Ball: No further discussion? Oh yeah, Jason, go ahead.

Mr. Medeiros: The reason that I'm agreeing with this is because I will support any program, sports activities for kids, you know. Yes, I understand that kids make noise, but kids are supposed to make noise. Danny, gonna find out real soon. And you know, just remember when they're quiet they're up to something. Okay, and that's my reasoning behind it. I support all sports activities for kids.

Vice-Chair Ball: Okay, all in favor of the motion.

Mr. Spence: Six ayes.

Vice-Chair Ball: Motion carried.

Mr. Zucco: Thank you.

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

**VOTED: To Approve the County Special Use Permit as Recommended by the Department with Conditions.
(Assenting - J. Medeiros, R. Higashi, J. Freitas, M. Tsai, W. Hedani, P. Wakida)
(Excused - I. Lay, S. Duvauchelle)**

Vice-Chair Ball: Let's do a ten-minute break and then we'll go into the next item.

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

Vice-Chair Ball: C-3, Director?

Mr. Spence: Commissioners, this is your third public hearing for the morning. We're on Item C-3, Eve and Steve Hogan requesting a State Land Use Commission Special Use Permit in order to operate the Sacred Garden Retreat Short-Term Rental Home in the State Ag District on Kaluanui Road. And our Staff Planner this morning is Mr. Kurt Wollenhaupt.

3. EVE and STEVE HOGAN requesting a State Land Use Commission Special Use Permit in order to operate the Sacred Garden Retreat Short-Term Rental Home in the State Agricultural District at 470 Kaluanui Road, TMK: 2-7-001: 019, Makawao, Island of Maui. (SUP2 2013/0013) (K. Wollenhaupt)

Mr. Kurt Wollenhaupt: Good morning, Members of the Maui Planning Commission. Happy New Year 2015. The new year does continue to bring us a series of applications for the Short-Term Rental Home Permit process and today we do have our applicants in the audience, Eve and Steve Hogan who are applying for a State Land Use Commission Special Use Permit which was filed on December 31, 2012, and we are pleased to report that they had been very diligent during quite a long period of time having a number of planners leave and I've been the now final planner to present the project today.

As the Commissioners are all very much aware with a short-term rental application in the Ag District there's a two-part process. The applicants did need to notify all their neighbors within 500 feet of the notice of the application for the short-term rental and go through a very extensive process of making sure the homes were permitted, safety checks, safety inspections. Mr. And Mrs. Hogan did do this and during the 45-day challenge period there were no objections. I repeat there were no objections during that 45-day period for the short-term rental home application.

The next phase then would be, and that brings us here today is for the Commissioners to look at the use of a short-term rental home in the Ag District as a State Land Use Commission Special Use Permit. The rental home's name is the Sacred Garden Retreat located at 470 Kaluanui Road, Makawao, Maui in the State Ag District. The proposal consists of a short-term rental for two dwellings. One would be the primary farm dwelling with five bedrooms. The other was a historic cottage from the 1930's for a total of six bedrooms.

Eve will be presenting extensive, well a very comprehensive power point presentation but this property was derelict to say the least. They've done a very good job of moving it from a less than desirable piece of landscape to now a...two nice cottages and also a farm plan which has been approved as is required by our Zoning and Enforcement Division and the farm plan Ms. Hogan will be looking...telling the Commissioners about but it does consist of a variety of operations, date palms, betel nut palms, bananas, plantains, different types of fruit trees. There was just one correction, on Page 9, I think I had mentioned that there were goats on the property. That unfortunately is not correct. There are no goats, but there are certainly lots of plants on the property, farming operations. Ms. Hogan does appear to take a very concerted effort in the agricultural part of this application.

That being the case, the criteria for approving Sate Land Use Commission Special Use Permit of which the Commission is very much aware are noted on Pages 9 and 10. That the use is not contrary to the objectives sought by the Rules of the Land Use Commission. That it will not adversely affect surrounding property. In this are there are very large agricultural parcels mostly of five acres, much vegetation grows in this area providing a high degree of privacy and screening from neighboring operations. The use does not unreasonably burden public agencies as it continues...as residential property. Unusual conditions have arisen since the days of the 1960's and the people are wanting to have an experience that reflects a more rural stay on the island of

Maui. The Commission has looked at these many times in the past. This one does have considerable ag which I've walked the property a couple of times and this is a very unusual kind of a topographical piece of property and the uses of the trees, the uses of the fruit trees would seemingly be a good agricultural operation that certainly could not accommodate some kind of mono cropping like pineapple or sugar cane. With that, Ms. Hogan would like to present her power point presentation with the cooperation of I believe her husband is going to be helping.

Ms. Eve Hogan: Good morning. Aloha and thank you so much for your time. I'm Eve Hogan and this is my husband, Steve.

Mr. Steve Hogan: Hi, I'm Steve Hogan. Thank you very much to the Commission.

Ms. Hogan: I'm gonna just push the button here. I just wanna let you know that we're long-time residents of Maui. Steve's been here for 33 years. I've been here for 23 years and we are the owners of Makena Coast Dive Charters and the Sacred Garden Nursery on the adjoining property. We're also members of the Agricultural Working Group, the Maui Coffee Association, Growers Association, the Maui Flower Growers Association, the Hawaii Farmers Union, and I'm graduate of the Master Gardener Program.

This is the property that we are discussing and where you see, babe, can you show them from 470 to the right is the property that we are wanting to do the vacation rental and it goes over to the bend in the gulch there. What you can't see from this map or this picture is that this is actually quite a lot of topography. That's the bottom of the Maliko Gulch and the nearest neighbors, can you show 'em Paul Turners right there? That's Paul Turners who's given us his total blessing is about 200 feet above the property and then James Amaral is the property right there and he's also given his blessings to this. Those are the nearest neighbors and we cannot see them and they cannot see us so there's no impact to the neighbors. The other one at the very, very top is Sydney Smith's property and she's also here giving her blessings.

We own the property adjacent to this as well. So can you show 'em where our property is? This is where we live currently. So we're right here on site to assist with any of the operations. We bought the property for 460 Kaluanui in 2005, and unbeknownst to we didn't realize that the neighbors next door were running some pretty questionable activities. And as the owner got sicker and sicker, his tenants got worse and worse and we had a lot of drug dealing going on, domestic violence, attempted murder, all kinds of...and theft going on the property next door for which we share a driveway. So it was large impact to us. So when he passed away and that property was coming up for sale we were highly motivated to figure out how to purchase it so that we could remove that negative element and restore the safety in the neighborhood and in our own neighborhood so to speak but we didn't have the finances to do so and at that time there was a lot of talk about the vacation rentals and the making it easier to run them and to get the permit and we saw that as the means so as to be able to restore the agricultural nature of this property and the safety of this neighborhood.

So when we bought the 470 property it was completely overgrown with cane grass. Now at one time the owner had planted it as a botanical garden, but when were purchasing it was completely impossible to see any of the agriculture or care for it and it was covered with trash. We had to remove over 30 large truckloads of trash from the property in the process. So we got to work and

we removed all of the cane grass and began installing agriculture and revealing the agriculture already there. So when we revealed...this is our approved and implemented farm plan. The house and the ginger...we call it the log house and the gingerbread house. I'll show you those in the minute. Can you show them where those are Steve? They're right here at the front of the property and the entire back part of the property as well as the area surrounding the house is covered with fruit trees of all different types and coffee trees, I'll show you photos in a moment as well as we've installed Hoolau Nursery in the back which is a wholesale nursery. So you can see when we removed the cane grass we revealed kumquat trees, bananas, plantains, coconuts, mac nuts, lychee, mango, citrus, none, avocados, ulu, papayas, and much, much more.

This is the nursery that we've installed and it is certified organic. It primarily grows organic veggie starts which are sold at Home Depot. This is the display at Home Depot as well as other ornamentals. So it also has a large of variety of palm trees on the property. And we have been working with MISC which is the Maui Invasive Species Committee, who in fact they were out last night making sure that we were indeed coqui free. We are a coqui free portion of the Maliko Gulch and we work hard with them to insure that that remains that way. We have both wild and plantation coffee on the property. I think at last count we had somewhere in the vicinity of 2,000 trees many of which were wild along the edges of the gulch. So we began to plant as well. We have a coffee pulper and that on the left-hand side shows where we dry our coffee. And we also have Steve's Forbidden Fruit Stand which shows you the wide variety of fruit that come from this property.

This is the log house and it's quite rare in Hawaii to have a genuine log house and we have a genuine log house. Now just as the land needed our love and attention and restoration, the buildings really needed a lot of love and restoration as well including washing, scrubbing and oiling every single log which felt much like cleaning...(inaudible)...So this was the result of the inside of the log house. It turned out beautifully. And also on the property is a 1930's gingerbread cottage that is absolutely adorable and it also needed a lot of lot and it was reportedly a place where Jimi Hendrix slept in 1970 when he was here doing Rainbow Bridge which somewhat speaks to the illicit property owners previous to us. This is the inside of the gingerbread house. And it turns out that things grow quite well on this property so that's the jack fruit that was larger than a child. Are there any questions?

a) Public Hearing

Vice-Chair Ball: Okay at this time we'll open it up for public testimony. Anyone wishing to testify on this item? Please identify yourself, you have three minutes.

Ms. Sydney Smith: Aloha. My name is Sydney Smith. I'm the President of the Maui Coffee Association and I own the property directly across the street from Eve and Steve Hogan. I've lived there for 30 years. I grew up in Lahaina, but I love the Upcountry area and so we purchased that property 30 years ago and I lived through a lot of nefarious activities on this particular property that we were lucky enough to have Eve and Steve buy. We've had so many police calls going down this road because of the people that were there before. But they've been wonderful neighbors. It's just been a great blessing to have them in the neighborhood, and I say neighborhood but it's not the kind of neighborhood you're used to seeing. It's very sparsely populated. The properties are large. She's directly across the street from me, but I leave my house to go to her house it takes me five minutes to drive there. It's quite a distance.

But one of the things about having them as neighbors is when we had a lot of flood damage about a year and a half ago from a flood, the entire house and contents of the house of one of my other neighbors washed onto our property. The only neighbors that helped us was Eve and Steve. They came and helped and they sent their farm workers to help and we filled truckloads of the things that were left from that house out and they helped us for week cleaning out the valley so that it wouldn't continue to wash down to the ocean. And it was...I was very appreciative of having neighbors like that.

And as the president of the Coffee Association, they were very diligent in learning how to master the art of preparing, picking, drying, all the various aspects of being a coffee farmer are very complicated and they really dove in. And they've done very well with that too. So I really appreciate them. Thank you.

Vice-Chair Ball: Any questions for the testifier? Commissioner Wayne?

Mr. Hedani: Having experienced flooding in Maliko Gulch, the Commission in the past has approved short-term vacation rentals which ended up flowing toward the ocean.

Ms. Smith: Yes.

Mr. Hedani: My question is do you have experience with the applicant's property to be assured that it's safe from flooding?

Ms. Smith: It's definitely higher than the river. Nothing that they had was impacted by that flood and that flood was the worst that I'd ever seen in the 30 years. So nothing happened on their properties.

Mr. Hedani: So their property is safe?

Ms. Smith: Yes, it's definitely safe.

Mr. Hedani: Thank you.

Vice-Chair Ball: Any other questions? Seeing none, thank you.

Ms. Smith: Thank you.

Ms. Annette Niles: Hi, aloha.

Vice-Chair Ball: Aloha.

Ms. Nile: My name is Annette Niles. I'm a farmer, a rancher. I'm here today to speak on behalf of Eve and Steve. I work with them closely day in and day out, calls. They bought the property way back when. They weren't farmers. They became farmers. They became damn good farmers at that. I mean as you can see there's so much they have done, more than any farmer I have worked worth, and I have been a rancher for 40 plus years. So, you know, I'm just here to, you know, to say, please you know give them a hand there because out of all the people, I mean, they're not

gentlemen farmers. They are real farmers just trying to make a living.

And they've just been getting so knocked down for the last year, I mean, trying to get this permits together. They wanna be legal. They wanna be legal. They could have not put their what you call that sign on the road, they could have been illegal like the rest of everybody, but they went out there and they did it. And she's just a doll in helping the people and the community. And that's all I gotta say, thank you.

Vice-Chair Ball: Any questions? Seeing none, thank you. Anyone else who would like to testify at this time? Seeing none, the public testimony is closed. We would go to the recommendation of the planner.

Ms. Wakida: Is there questions from the Commission?

Vice-Chair Ball: Yes. Any questions from the Commission? Anyone? Commissioner Penny?

Ms. Wakida: I have a question for the applicant. We received...the Commission has received a complaint saying that you have been renting short-term, having short-term rentals all along. Is that true?

Ms. Hogan: That complaint says that we've been running since 2011. We didn't buy the property until 2012, and we started running in 2013 after we applied and we're paying TAT taxes and working closely with the County. I don't recall in history at that time, it was a big push forward to have people operate with the County and that they wouldn't shut you down. And we were desperately trying to finance the transformation of this property. So we began working, but it was in total knowledge of our planners and the County at that time.

Ms. Wakida: Yes, okay.

Ms. Hogan: And that particular person is not actually a neighbor. She's somebody we don't know. I think she's filing complaints on everybody.

Ms. Wakida: Well I did, as I do for all applicants, I look on the internet and had seen you know, multiple references to your property, the rental side.

Ms. Hogan: Yeah, yeah, we've been running. Thank you.

Vice-Chair Ball: Jack?

Mr. Freitas: Yes, how far is your fire protection because you know, the fire trucks would have to come?

Ms. Hogan: I think it's 500 feet?

Mr. Hogan: From our driveway.

Ms. Hogan: From our driveway it's 500 feet.

Mr. Freitas: A standpipe or a fire hydrant.

Ms. Hogan: It's a standpipe.

Mr. Freitas: And follow up question?

Vice-Chair Ball: Continue.

Mr. Freitas: Are you gonna put both units in the short-term rental?

Ms. Hogan: Yes, yes.

Vice-Chair Ball: Any other questions for the applicants? Seeing none, Kurt can we have the Planning Department's recommendation?

b) Action

Mr. Wollenhaupt: In consideration of the application for the Land Use Commission does comply with the applicable standards for this short-term rental home use within the State Agricultural District for reasons that have been stated in the Maui Planning Department's report to the Commission for today's date. That being said, the Maui Planning Department does recommend to the Commission approval of this Land Use Commission Special Use Permit subject to the six conditions. These six conditions are standard conditions that have been used in the past for other such approvals. Just to note that the first one is that the Land Use Commission Special Use Permit shall be valid until January 31, 2018 subject to extension by the Director. That being said, in consideration of the foregoing the Planning Department does recommend that the Commission adopt the Planning Department's report and recommendation prepared for the January 13, 2015 meeting as its findings of fact, conclusion of law, and decision and order and authorize the Planning Director to transmit the said written decision and order on behalf of the Maui Planning Commission.

Mr. Tsai: So move.

Mr. Higashi: Second.

Vice-Chair Ball: Discussion? Penny?

Ms. Wakida: I am gonna vote in favor of this. I'm often quite skeptical of short-term rentals in Ag area but I am impressed with the Hogan's gardening, master gardening of certificate there. What we've seen in the slides it looked like bonafide farming and agriculture is going on. And I...it appears to be a rather challenging piece of property, but I like the farming aspect of it. And I hope that that end of it continues to be a major part of their activities.

Vice-Chair Ball: Commissioner Jason?

Mr. Medeiros: I will support this too. Like Commissioner Wakida said, I, too, am skeptical about gentlemen farmers. But if you have a fellow rancher saying that you are true farmer that's good enough for me you know. And thank you for being a part of this community.

Vice-Chair Ball: Commissioner Max?

Mr. Tsai: Pretty much echoing what other Commissioners has said. I made the motion because I believe what you know you guys could be success in what you're doing and wish you guys the best especially when it comes to organic products, it's great.

Vice-Chair Ball: Jack?

Mr. Freitas: I'm the person on the Planning Commission that don't like short-term rentals, but I will support this short-term rental.

Vice-Chair Ball: Anyone else? Call for the question. All in favor-repeat the motion?

Mr. Spence: The motion is approve as recommended by Staff.

Vice-Chair Ball: All in favor, raise your hand.

Mr. Spence: That's six ayes.

Vice-Chair Ball: Motion carried.

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

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

Vice-Chair Ball: We will take another five-minute break while they set up the video for our next presentation.

A recess was called at 10:26 a.m., and the meeting was reconvened at 10:36 a.m.

Vice-Chair Ball: Jim Buika?

Mr. Buika: Thank you. I'll introduce the project. My name is Jim Buika. I'm a Planner with the Planning Department. This is Item D under New Business, D-1, Mr. James P. Argyropoulos requesting an Environmental Determination on the Final Environmental Assessment prepared in support of the Shoreline Setback Variance for the Argyropoulos shoreline setback mitigation project to remove the existing remnant seawall and debris along the shoreline and construction of a hybrid revetment seawall to mitigate the severe erosion fronting the project site at 475 Hana Highway, TMK: 2-6-009:005 in Kuau, Island of Maui. The Planner is Jim Buika.

The approving authority for the Final Environmental Assessment is the Maui Planning Commission. The environmental assessment trigger is the shoreline setback variance. The applicant has also

submitted applications for a Special Management Area Use Permit and a Shoreline Setback Variance. The public hearing on these applications will be scheduled after this Chapter 343, HRS process has been completed. The Commission may accept the Final Environmental Assessment and issue a Findings of No Significant Impact called a FONSI or take some other action.

D. NEW BUSINESS

- 1. MR. JAMES P. ARGYROPOULOS requesting a Environmental Determination on the Final Environmental Assessment (FEA) prepared in support of the Shoreline Setback Variance for the Argyropoulos Shoreline Setback Mitigation project to remove the existing remnant seawall/debris along the shoreline and construction of a hybrid revetment/seawall to mitigate the severe erosion fronting the project site at 475 Hana Highway, TMK: 2-6-009: 005, Kuau, Island of Maui. (EA 2013/0003) (SM1 2013/0015) (SSV 2013/0004) (J. Buika) (Draft EA reviewed at the January 28, 2014 meeting.)**

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

The EA trigger is the Shoreline Setback Variance.

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

Mr. Buika: So I'll just go over what I propose as the agenda to the Chair. What I would like to as the Planning Department provide some opening remarks and then I'll turn it over to Mr. Michael Summers to do a project presentation and then I'll return it to the Chair for deliberations, questions, public testimony, et cetera. So next...

Again, it's the Argyropoulos shoreline mitigation project. So the action to day is by the Maui Planning Commission on this Final Environmental Assessment. The Planning Department has reviewed the Final EA for completeness. It is complete according to Department of Health, OEQC standards. And the actual document was, the Final EA was delivered to you at December 9th meeting last year 2014 for your review. So I see most of you have it here.

So you're being asked today to accept the Final Environmental Assessment first as a complete informational document as defined by Hawaii Administrative Rules 11-200-2 and the Maui Planning Commission is being asked to issue a Finding of No Significant Impact determination. So the process today is just to look at the final environmental review. It's not any permits and the SMA will come back to us at a future date. So again, we're being asked to make a finding or if you see fit on a Finding of No Significant Impact determination.

And what a FONSI is it's a determination that can be warranted when all public comments are addressed in the Final EA and the Maui Planning Commission concludes that the project will not

have a significant environmental impact. So you have three options today. You can defer this document for additional information if you need more. You can, if you think there are irrevocable environmental impacts you can bump it up to an Environmental Impact Statement and define what additional research you would like done or you can issue the FONSI today. And you are the accepting authority for the Final EA. And note that the Final EA is an informational document only. It is not a permit, but it is all of the information that is needed for the future SMA Major Use Permit and the Shoreline Setback Variance which is required for this action today along the shoreline.

And my final comments here, the applicant has taken...he's following actions they presented a year ago the Draft EA in January 2013 to this body to the Maui Planning Commission. They submitted the Draft EA to the Office of Environmental Quality Control and it was published in the OEQC Bulletin online. They have consulted with agencies for comment on the Draft EA. All those comments are included and all of the addressed issues raised through agency comments are produced in this final EA in the back. The Planning Department provided comments in addition to the Maui Planning Commission at the same time for that Draft EA on February 13, 2014, and these and other agency comments have been addressed to the Department's satisfaction. And beginning...at the end of this month or in February the Final EA, if you do a FONSI, it will be published in the Office of Environmental Quality Control's Environmental Notice for a 30-day final public review for this document.

So I will turn it over to Mike Summers who is the authorized representative for the Argyropoulos family and Mike will introduce the team, talk about the project need, and also go through the significance criteria involved in an environmental assessment for you to accept it, and then talk about the mitigation that is going along to the benefit of the environment and also to the community. Okay, Mike Summers.

Mr. Mike Summers; Aloha.

Vice-Chair Ball: Aloha.

Mr. Summers: Thank you very much for having us here today. It's much appreciated. We did, as Jim mentioned, we met with you last year in January to present the Draft Environmental Assessment. We gave you folks a pretty thorough overview of the project and we did get some good comments back and have been working diligently to address those comments.

Today, I would just like to introduce our project team. We have Kumar Siah here, AAA Structural Engineering. He is our engineer for the project, our structural engineer. And we have Stacy Otomo, and Stacy is our civil engineer for this project. You did have an opportunity at the last meeting to meet the Argyropoulos Family, Miko and James, unfortunately they couldn't be here today. I do hope that they can make it here for the SMA presentation.

I'd also just like to kinda take a minute and just thank Jim Buika and the Planning Department Staff, Tara Owens as well. As you go through this presentation you're gonna see that this is a very challenging site. There are a lot of issues involved and both Jim and Tara were very, very helpful in the context of meeting with us on the site and talking about which options might work best and giving us some advice on how we can approach the project, so much appreciated.

Essentially, you know, there are really two kind of significant components to this project. The first is that there's an existing remnant seawall that's essentially degraded along the frontage of the property. And it's a pretty big structure. It's all broken up in rubble. There are some very large, intact components. And in order to do this project, we have to actually remove that existing remnant seawall. That is a requirement by the State. Okay, so that's one aspect of it.

And the second aspect is the actual construction of what we're proposing as our preferred alternative, this hybrid revetment retaining wall. So there...it's one project but they're kinda different features to it. The project is at 475 Hana Highway in Kuau. The property area is 17,581 square feet. We have a single-family residence and an ohana unit on that property. The ohana unit is about 150 feet back from the shoreline. The zoning is R-1 Residential, single-family community plan designation. The required permits for this project include an SMA Permit, a Shoreline Setback Variance. We're gonna have to get a State Conservation District Use Permit, Flood Development Permit, Grading Permit, and Building Permit. So there's a lot of review in this project. This project is located about three-quarters of a mile to the kind of the northeast of Paia Town. You know where the blue tile roof house is and Kaulahau Beach Park, and we're about 150 feet to the I guess the north of the beach park right there.

Now why are we doing this project? Essentially we have some very, very severe erosion that's taking place on this property. This has been going on for quite a long time. Approximately 28 feet of the property has eroded into the ocean. There's an approximate 18-foot high concave bank that's formed fronting this property and this bank is very unstable and it's continually just kind of eroding and falling onto the beach. It's gotten significantly worse since the last time we presented this project to you. There are existing remnant debris from the seawall built in the 60's or early 70's that are along the shoreline. These debris hinder access along the shoreline and they themselves are a significant risk to public health and safety. And the erosion itself by continually pushing sediments into the nearshore waters is not a good environmental condition. Next.

And so this is just kind of a...the overall topo or site plan identifying the frontage of the property. You can see a line here. This is where the ohana unit is. It's about 150 feet back. This area here is that concave formation that you're gonna see in photographs where the erosion's really taken place. All this stuff here, this is all the old remnant debris from the old seawall that was along the property. This is the property frontage. Next.

So we kinda zoom in on that. You can see the eroded area. You can see the existing remnants. Now the OCL, State Department of Land and Natural Resources is requiring that we remove this, these debris.

So we're gonna go through some photos, and then we're gonna show you a little video presentation because it just does an excellent job of capturing the project. You can see the erosion that's taken place. These are remnant pieces of an old ironwood tree that has collapsed. We're looking towards the west. This area has eroded further as I mentioned since we last presented to you. It's gonna fall over fairly soon. It's a concave bank so it's very dangerous to be standing up here, about 18 feet high. And this is looking at it, looking mauka at that area. Now this area here again is eroding significantly. This is a significant risk as is this right now.

This is a portion of that existing remnant seawall. We have to actually get down there and remove

that. That's a pretty significant project trying to get that out of this area. This is about 12 to 13 feet high I would expect. Next.

Now there's a little tunnel that kind of, you know, one would use for shoreline access here. You'd essentially come up against the bank and then come through here, kinda hike up over those broken pieces of ironwood tree and then through here. And that's how you get down to the beach. Next.

And here we are actually with Jim and Tara and a contractor who's looking at doing some of the work. You can see a tree that's been cut to relieve some of the pressure on that bank right there. This has gotten quite a bit worse. You can kinda see the scale of the bank just by looking at Kumar's and I think this is Jim here. Some of the rubble. Next.

Again, this would be the tunnel that you would walk through. A lot of fishermen you know, surfers sometimes access this area. You know there may be kids that come through here. And this quite an issue along with the bank, you know, with this continued erosion. Next.

Some remnant stairs that go down towards the shoreline. The property from an aerial view. This is kind of a dated aerial photograph, but you can see it right here. Blue tile roof, Kaulahau Beach Park. Had to zoom in on that a little bit. You can see the character of the shoreline. There have been a lot of...historically a lot of dumped boulders placed in there as well as natural cobbles, cobblestone. And here we're looking north along the shoreline. Some of the manmade debris and then existing boulders. Next.

This was actually a pretty significant and important feature that fronts a portion of this property. This is a natural channel and it's significant from a recreation perspective 'cause people like to go in and they like to swim, and then also the surfers like to access the surf break. There's a very good surf break out there. And so they'll get on their boards and they'll paddle through here. So a major kinda criteria for us is not to impact that channel. And you can look, kinda see the view looking north at the channel right there and the beach park to the west about 150 feet to the west. Next. And looking kinda just at the beach park and then you have to hike around here to get to the property. There's a guy swimming in the channel.

Yeah, we're gonna give you a real short video just because it provides a really nice orientation to the site. This is somebody enjoying a remnant debris. Now that is not on our property. That's on a neighboring property. And the property is right here. You can see the character of that shoreline on either side of it. Beginning of the beach park. Kinda of zooming in. This video by the way and I think this is very important. It was taken last year during a very, very high surf event when actually Jaws was breaking, kinda during that period. It was about 20 to 25 foot swell. Some kids playing. We've got this fenced off to try to keep people away from there. You can see on a high swell event the tide's pushing up against the bank, continually kinda doing the erosion. It's hitting this wall which is having some impact. All these debris need to be removed. Again, you can see down into the area right here. You see a local surfing out here. He's got his board turned upside down so he doesn't rip of his skegs and he's gonna come out through here and go through the channel and hit the waves. Again, it was a really nice surf day when they took this.

This is the neighbor right on the eastern side of us. We met with him on February 14th gave him this video presentation. He was kinda surprised that he was in it. He enjoyed that and chuckled.

And then we, we went through the power point and had the conversation with him and talked about what we were doing. So again, you can see recreation is a significant activity that takes place fronting this property.

Okay, so essentially there are five kinda major objectives for this project in the context of the design of the structure. First of all, we don't wanna go in there and do something like this, invest this kind of money and build a structure that's not gonna last for a long time. So it's gotta be very durable. And secondly, you know, we can't go in there and do a project like this and have an impact on our neighbors. So we gotta minimize our impacts to the neighbors. We wanna minimize the visual impacts along the shoreline. We want to enhance lateral access along the shoreline and we wanna minimize potential impacts to coastal water quality and nearby beaches and that's especially important during this construction phase.

Okay, mitigative project benefits. Again, it's going to prevent further erosion of these clay sediments from entering the nearshore waters. It's going to address the safety concerns to the property owner and beach uses. It's going to mitigate soil erosion into the nearshore waters and it will enhance lateral access along the shoreline.

Now we actually looked at six alternative, seven if you include the preferred alternative. Essentially the Final EA, the Draft EA and Final EA, look at a no action alternative. We looked at a conventional vertical reinforced concrete wall. We looked at a tiered vertical reinforced concrete wall. Just basically like a seawall only it tiers in. We looked at a vertical anchored shotcrete wall. We looked at a tiered anchored shotcrete wall. We looked at this hybrid revetment seawall fronting the shoreline, and then we looked at the preferred alternative which was thy hybrid revetment fronting the property line. I know we looked at beach nourishment, we looked at sheet pile, and after going through the alternative analysis, the preferred alternative which is next is to build a hybrid revetment retaining wall from the property line. And we'll go through that a little bit, but essentially, again, the structure's very durable. It's gonna have a very, very long life span. A revetment like this dissipates the wave energy very, very. It's very good at that where as a seawall would not be. It reduces the amount of excavation along the sideyard property line. The 10-foot revetment toe that's provides good access along the shoreline and it's more in character from a design perspective with the existing conditions.

Now there are some disadvantages. This proposal will encroach into the State jurisdiction which triggers a State approval, a Conservation District Use Permit and will have to get an easement from the State which is actually pretty expensive. Extensive excavation is going to be required for this project which means that we have to have a good BMP package during the construction phase. There will be required shoring along the neighbor's property and there is a larger footprint associated with a revetment relative to a seawall. It's a bigger structure and it will take more of the applicant's property.

And so this is the preferred alternative and essentially it's a site plan. If you have further questions beyond my little introductory remarks, we have...Kumar is here after the presentation to address your questions. But essentially this is the toe of the revetment this area in here, and then this is the slope of the revetment, the top of the revetment and then the top wall. These would be your end walls. They're 33 feet 6 to the north and 38 feet to the west. This was actually a little puka. In response to some comments from agencies we surveyed and I'll go through this, we surveyed the

State's or the Federal jurisdiction and had to modify the structure a little bit just to move it out of the Federal jurisdiction.

So the structure itself from a profile perspective will look like this a sloping revetment. This is about 10 feet here and then this is about 15 feet and 10 feet. So for a total of 35 feet. That's how big the structure is. The elevation is 19 feet from zero. It goes up to 19 feet. And from the top of the toe of the revetment it's 16 feet. This wall at the very mauka side is 6 feet high. And so essentially you know the advantage of a revetment from a...the perspective of trying to minimize reflection of wave energy back into the near shore waters is that the waves will have to penetrate into the toe of the revetment, then up the revetment and then through the revetment before they hit the wall, and then the wave energy will have to go back through the structure. So that wave energy will be greatly weakened whereas if they hit a wall it would bounce right back off.

Now we transmitted the environmental, Draft Environmental Assessment to 21 agencies, County, State, Federal as well as the University Hawaii and the Sea Grant Extension Agent, Tara Owens. And so I'm gonna take a little bit of time and just go through the major comments and how those comments were addressed in the EA. So we'll go through the Planning Department's and the Maui Planning Commission's comments first. So there was a request to provide some additional documentation about how the debris would be removed fronting the shoreline and what would be involved. And essentially we're removing about 41 cubic yards of debris which is about two dump truck loads of material. Next. And you can see a little plan here that Stacy Otomo put together, but essentially we are going to have to build a ramp that will get us down to that concave area. Now here's the property line and this is that concave area that has eroded. Okay, so there will be about a 30-foot ramp that will be graded down and it's gonna be, I think it's about 10-12 feet wide and it will create a building pad right here, a little pad where that excavator will be located. Now there will be a pretty rigorous BMP plan placed in effect. We will be installing a Type 2 turbidity curtain along the frontage and then we'll have silt fences installed along each side of this ramp and a berm on each side. And of course, other standard mitigation measures, geotextile tubes, regular watering, covering of bare areas, et cetera will be utilized there.

And I should mention that this project will not be completed during the winter season. The only time that would really work for this work will be summer season when the tides and wave energy's, you know, lower and we don't have rain events.

Another comment was to address the visual impact of the end walls and their impact upon neighboring property owners. So the end walls are required to basically keep erosion from occurring along the sides of the structure. So we need to protect the adjacent properties and prevent adverse flanking erosion. That's why we've got the end walls. Those end walls are going to be about 12 feet wide at the base and about 6 feet wide at the top so they'll kinda come in like this. They'll be 34 feet long, 34 feet long along the east, and about 38 feet along the west boundary. Next.

And so, Kumar's put together a little 3D kind of sketch of what that would look like and essentially you'll have 10 feet of you know kind of boulder toe to the structure and then 15 feet up the revetment slope and then it levels out again for another 10 feet and then you'll have the wall. Now all of these sides will be grouted rock masonry and textured concrete end walls so...I mean essentially they will be made to look like natural rock along these end walls. Next.

Another comment was to describe how the project would lessen the strength of the incoming wave energy. Again, the waves will go into and through and up the structure and then back through it on the way back down.

Describe mitigation alternatives for compensating the State and County. Essentially the applicant is one, they're removing all those debris that currently exist along the shoreline. So that's a considerable project that will enhance lateral access. And secondly they're gonna have to get an easement from the State which is going to cost quite a lot of money. It's my understanding that from those funds, I might be wrong Jim correct me, but that they're used for shoreline enhancement projects by the State. I'm not exactly sure about that, but it's a possibility. Next.

There was also a comment to address safety and security issues associated with the public walking across the structure. Now this will be a requirement of the DLNR when we get the easement. So they're going to require a hold harmless agreement, etc. Next.

So then we had comments from the Office of Planning. They asked us to describe how the project will not hinder sand transport or impact, you know, the beaches in the vicinity. So essentially there is a beach a 150 feet to the west of us. But this particular site and the beach fronting in on either side is not a source of sand for that beach. Essentially this property is Paia silty clay. It's clay soil. It's not a sandy soil. So it's not a sand resource. And the properties on either side of this property do not offer sand resources. So this project will have no impact on sand resources. And then they wanted a very, you know, us to describe in detail the specific mitigation measures that would be in our BMP package. These mitigation measures will be fully developed as we go through the permitting process and they have to be approved by the County of Maui, Department of Public Works, but we've talked about the installation, the silt fencing around the project site, construction of temporary berms, a turbidity curtain that would be installed around the frontage of the walls that are being removed, covering and watering of barren areas, use of absorbent geotubes and very importantly conducting the work during the summer season which is a period of low rainfall with no north swell. Next.

A comment from the Maui Department of Health Office was to consult with the U.S. Army Corp of Engineers. We did send the document to the Army Corp, and we went through a round kind of consultation with them. We talked to them quite extensively and essentially what we did was we went out and we wanted to map the mean high water mark and the high tide line. Because if your project's within those areas then you have to, you know, get an Army Corp Permit. Next.

And so after doing the survey work we can see where the high or the mean high water mark is. You can see the existing remnant debris right here. So it comes just up to those areas. Now this was our property line right here. Okay, now this is a mean high tide line. So it actually comes in here and gets beyond the property line. And this is the shoreline. So, essentially we had to move the structure 'cause we were about 258 square feet into the federal jurisdiction. And so what we did was we had to just kind of bend it in a little bit and create a puka here and you can see that green area which takes the structure outside of the federal jurisdiction.

Now the Department of Land and Natural Resources had some significant comments for us to address. They asked us to provide an analysis of a hybrid revetment retaining wall that would be built from the shoreline. So they said, you know, you're proposing a revetment from the property

line but you know by doing that you're taking more of our state land so can you look at a alternative from the shoreline? That was a very significant comment. And then provide approximate area in square feet encroachment into the State Conservation District, provide conceptual construction plan for debris removal. Are there impacts associated with the removal and then why is shotcrete not feasible? Because on the surface of it, a shotcrete would seem to be the least costly and the alternative that would have the least amount of impact. Next.

Okay, so essentially this is an alternative looking at the revetment where we would be building it from the shoreline. Now, there are a number of reasons why we wouldn't wanna do this, both environmental reasons and cost factors, but the positive aspect of this is that it does have a significantly smaller impact on our encroachment into the State jurisdiction. We're still encroaching, but we're only encroaching by about 244 feet. Now the property owner in this case loses about 4,512 square feet. Next.

Okay, so the alternative that's being proposed will result in an encroachment of 767 square feet into the State's area. That's an increase of about 530 square feet. Now the impact on the property owner is about 2,810 square feet that he'll be giving up to the structure. Next.

Okay, so why are we building it from the property line? Okay, well if we build from the property line because that area is already eroded, it's already gone, there would be significantly less excavation that would be required. Secondly, there will be less excavation along the neighbor's property lines. Third, lateral access along the shoreline will be more direct. Fifth, significantly reduces the length of the end walls and it's much less expensive to construct. Now it has a significantly less drastic impact on the applicant's property, 2,810 square feet versus 4,512. And then again going back to the end walls. The end walls for the preferred alternative would be 33 feet, 6 inches on the east and 38 feet on the west where as if we build it from the shoreline, they become 59 feet, six inches on the east, and 63 feet on the west. And then finally if you concave it to that extent that you're creating an area where there would be a lot more wave energy in that concave area of the structure. Next.

And then the State had a question for us. Well, why wouldn't you...well, why don't you do the shotcrete and please explain to us why that's not feasible? We actually did provide an explanation in the EA, but I think maybe they missed it. But in any event, because we have to remove those remnant debris, we have to excavate into that bank to get the excavator down to the shoreline. Okay, so we are essentially removing the structure that these anchors would anchor the shotcrete into. So there's no structure for the anchors with the shotcrete alternative. Now if we didn't have to remove the debris fronting the shoreline then we could anchor this and we'd still have the protection that those remnant debris provide so this might then become the preferred alternative, but the fact of the matter is, is that they won't let us do anything without removing the debris, we gotta remove the debris and that makes this not viable. Next.

So what are the changes to the Draft EA? Well, the changes are underlined in the document. We've incorporated the agency comments and responses into the report text, and we attached comment and response letters as an Appendix C, pretty standard protocol. We prepared and analyzed the option of building a hybrid revetment retaining wall that follows the shoreline rather than the property line as requested. We surveyed the main high water mark and high tide line to ensure that the structure would be located outside of the federal jurisdiction. We incorporated a

conceptual BMP Plan. We've made adjustments and refinements to the preferred alternative in response to agency comments.

Okay, we just, you know, quickly go through the Administrative Rules, the significance criteria. Just gonna read this very quickly, but one, we wanna be sure that we will not have a irrevocable commitment to loss or destruction of natural or cultural resources. Well, we're not impacting the natural resources. We are improving the condition. And secondly, cultural resources, we will be doing monitoring during construction. Very likely that there will be anything, we are monitoring during the construction phase. Do not curtail the range of beneficial use of the environment. Again, this project will actually enhance the use of the shoreline. We will remove the existing obstacles and it will facilitate greater access and it will improve the water quality. Does it conflict with the State's long-term environmental goals, guidelines and policies? It doesn't because we're not impacting sandy shorelines, we're not impacting the nearshore water quality, we're enhancing lateral access. And it's gone through this review process which is why we're here today. Substantially affect the economic or social welfare of the community. It's gonna have very negligible impact obviously since short-term construction jobs pretty minimal. Will not affect public health. Again, it's going to improve public health. Does not produce substantial secondary impacts. It's not gonna induce population growth so there will be no secondary impacts. It's not gonna create a substantial degradation environmental quality. We've studied that. Do not require commitment for larger actions or cumulative impacts. Again, it's not going to facilitate beach loss, and it's not inducing population growth. Will not impact rare threatened or endangered species or their habitats. BMPs will be implemented during the construction phase. So we will do everything possible to minimize the opportunity for sedimentation of nearshore waters during construction. Will not impact air, water quality or ambient noise levels. Will follow state and county guidelines. Will not affect environmentally sensitive areas such as flood plains, tsunami zones et cetera. We're outside of the flood zone. We're actually in Zone X which is a 0.2 percent. I know we can explain that more, but it's not a severe flood plain. The shoreline itself is in the tsunami zone. Will not impact scenic vistas. We're designing the structure to look as much as possible in character with the existing conditions. Of course, it's not gonna require energy consumption.

Okay, so again, the proposed mitigation is a hybrid revetment retaining wall from the property line. It's the most durable and long lasting of the alternatives. It will be the most effective at preventing continued long-term erosion. It has the greatest capacity for absorbing the energy of the waves not pushing that energy back into the nearshore waters. And it can be designed to mitigate the visual impacts along the shoreline. Not it stops further erosion of the clay embankment. It addresses the safety concerns to the property owner and the beach users. Mitigates against continued soil erosion into the nearshore waters. Improves lateral access along the shoreline and it's been carefully assessed by shoreline experts at the County and at the State to not negatively impact beach processes at this location and I'll just remind you that we do have to get a Special Management Area Permit, we do have to get a Conservation District Use Permit. So we still have more review to go, all right. Now with that, if you have any questions, please let me know and I do have our structural engineer here and our civil engineer who provide more detail if you'd like. Thank you very much.

Vice-Chair Ball: Thank you.

Mr. Buika: Thank you. Turn it back over to the Chair.

Vice-Chair Ball: Okay, we'll open it up for public testimony. Anyone that wishes to testify at this time may do so. Seeing no one, we will we open it up to the Commission for questions. Commissioner Jack?

Mr. Freitas: Mr. Buika, why the other property owners have not got on the bandwagon and try to do something keep from their properties eroding because the cost for this project is phenomenal, you know, if you're going to have continued erosion right down the line of the shoreline.

Mr. Buika: I can partially answer that, Commissioner Freitas. I do know that there was a proposal to the next property in combination with this property to do a joint one back in 2009. It ended up being withdrawn because of the economic downturn and that project was very different than this one where it proposed moving out 25 feet out into the Conservation District. So taking 25 feet of the shoreline as opposed to moving it back onto the property such as this project is. It has a very, very small footprint of encroachment as you can see in the presentation. So that one was going, that was going makai, this one is going mauka. So they've split paths and this homeowner is moving forward on his own. The other two actually do have a lot of remnant boulders and protection out front. I don't know whether it's legal or not, but there are some, there are some protection out there and this one really with failed seawall and all that bluff here has no protection and it has...begin to collapse more and more so you can see at 19 feet high it's a danger. So, they attempted early on but withdrew their application.

Vice-Chair Ball: Penny?

Ms. Wakida: Jim or maybe the presenter, what is the...what was the height of the retaining wall that butts up against the property?

Mr. Buika: I think it's six feet? Is it six feet? The final top part, I see you pointing at the picture there.

Ms. Wakida: Right.

Mr. Buika: Six feet. Six to eight feet, yes.

Ms. Wakida: Was there a sketch or a mockup provided of what this wall looks like from the ocean?

Mr. Buika: There is that one sketch, that 3-D sketch.

Mr. Summers: Would you like to go back to the 3-D sketch?

Ms. Wakida: Is it from the ocean?

Mr. Summers: Well, it's kind of...it's kind of a...it's not really from the ocean. I mean, it's looking kind of bird's eye view, kind of down onto it. I think that you could imagine what it would look like from the ocean.

Ms. Wakida: Yes, please if you can find it. Is that one?

Mr. Summers: Yeah, so...

Ms. Wakida: Okay.

Mr. Summers: Yeah, you are kinda bird's eye, but it is looking at kinda a mauka view of it. I think, you know, I mean I think the visual impact it from the ocean is going to be probably less a visual impact of it from the shoreline. From the ocean when you're looking it you're going to see the toe coming in and then you'll see the slope on the revetment which is a one to five slope. And then it will level out for 10 feet and then you'll have the six to eight feet high wall. It will all be textured to look like boulders, you know, along with the boulders. Now when you're walking down the beach you know you'll see those end walls. Personally I think that would be the more significant impact but they're gonna be textured in such a way that they're gonna look natural and they'll be boulder, boulder like in appearance.

Vice-Chair Ball: Anyone else?

Ms. Wakida: I have just one more question. I don't know for Jim or whoever. I know that cleaning up the debris on the front of the ocean is a something that's been agreed upon. However, it appears in the photographs which...and I haven't...(inaudible)...visited it personally, some of that rubble looks almost like it's stabilizing, how is that not the case? These big chunks of things that are front of, of the shoreline. How would those not be benefit rather than a ...(inaudible)...

Mr. Buika: Well all those structures out there, you could see a lot of it is grouted. It was a formed seawall, it has a big angle there. All that stuff is very unstable. It's all manmade materials that...it does, obviously it breaks up the waves coming in now a little bit, but it is all manmade debris that's sitting in the ocean that is from my personal point of view it's just ugly. It just...it would enhance the shoreline so much to remove it and there are in those cases there underneath that remnant seawall, keiki do play, the kids can get around the corner. There's only two houses. There's the blue tile house and the next house there where you can crawl over those rocks and kids do it because it's at, that terminus of the beach so they hang out there. There are other places...and now that that bluff is just overhanging, you saw the pictures there with those big ironwood tree roots and it will...it's just a matter of time before that thing's gonna collapse because it's a big...it's just a clay sea cave. So keiki, families are not prevented from going there. So it's mostly besides not being natural, not being pretty, it is a health and safety hazard. It is probably one of the most hazardous places along the shoreline that I'm aware of at this point. So that's the main concern.

Vice-Chair Ball: I have a question as it affects the neighboring property, you know the structure is like solid and then you got this neighboring property that was, you know, basically original wall action was there any engineering taking into consideration as it relates to the neighboring property like the weakest link if you will?

Mr. Buika: Yes, no doubt about it. I'll have Kumar Siah talk about that, but that is a major construction component of the seawall here.

Mr. Kumar Siah: Good morning, my name is Kumar Siah. I'm the structural engineer. As you see...you basically pointed out a very valid point. This was the concern of the homeowners as well. The only way that we can legally do anything would be on the applicant's property. And the only

way that we can do it by having a retaining wall to retain the...(inaudible)...and the most suitable solution that fits well with the natural of the porous revetment is a gravity retaining wall placed on boulders or a concrete with simulated texture. As far as the retaining wall, it is sufficiently...it is designed sufficiently to take everything basically, all the pressure due to retain soil and the moisture that might go, be behind it. As far as the location, it's definitely within the applicant's so that we do not encroach on his property and as far as the aesthetics it is the most or the closest to the natural composition of the revetment. So I...basically come up with something that satisfies all the...if I'm legally not to encroaching on his property, engineering to have a solid, safe, dependable structure, aesthetically to fit well with the remaining of the design.

Vice-Chair Ball: My question is more of what...was there any...did you look at all at the neighboring property walls and how might, how might this structure affect that structure?

Mr. Siah: As you may have seen there are two, obviously two properties on...one property on the east, one on the west. On the east there's nothing. It's just basically yard, a backyard. So that's why where we have one of the end walls directly on the property line with that property because it's obviously only during the construction with proper shoring they can go down shore it, pour the wall, and come up backfill it and that's it. On the other side, we didn't go all the way to the property line because of the existing, existing structure on the west, on the west property. So we put a approximately 12 to 14 feet buffer line between them. So to basically allay any risks due to the neighbor on the west. Did I answer your question?

Unidentified Speaker: ...(inaudible-not speaking into a microphone)...

Mr. Siah: Right there. See this one?

Vice-Chair Ball: Yeah.

Mr. Siah: This is the neighboring property. Over there we have...because right here very close to...they have their structure. I don't know if it's legal or not, that's not my concern. My concern was basically to do something to come to close to it and make something that might damage that the structure. And over here we could go move...(inaudible)..it says 12 feet...(inaudible)..approximately 12 feet. That we could do. On the other side, on this property there's nothing. The existing structure is somewhere over here...(inaudible)...

Vice-Chair Ball: I guess my point is that if you're causing an action, there'll be a reaction to the north or the south if you will of that property because I don't know what those other structures are but, the structure you're building is gonna be nonpermeable structure with rocks on top of it in a sense, right? Where the neighboring structures are just rocks in front of dirt I guess? I just wanna know what the reaction will be of this structure to the neighboring properties.

Mr. Buika: Okay, all of us have been out there many times so we're very aware of the site here. And the most important part is, of this...one of the most important parts of this project is that it will actually protect this neighbor's structure to the south here because the prevailing north waves come in this direction and right now what is happening is because there is some structure way out front in the setback here—unfortunately it's in the setback—these waves are coming in, they're chewing up all this clay bank and it's actually directly threatening that structure. By putting in the revetment,

the sidewall here, it will mitigate and protect that structure there. So that's the main mitigation action here. Actually this structure here is showing some separation of the floor next to it because this was that property that was going in jointly to the south with the Argyropoulos people originally so we went over there too. They have half of their house has a slab on grade and the front half is post and pier and the floor is actually separating at that juncture. I don't know if it's because of movement or what, but...so this will actually have tremendous mitigating. It will be a positive action anyway compared to if we did nothing.

Vice-Chair Ball: Okay.

Mr. Buika: Hopefully that addresses your...

Vice-Chair Ball: Yes. Any further questions? We'll have the recommendation.

Mr. Buika: Well, you know the Department agrees with the findings here in the analysis that was presented this morning without going over all of those. The Department does...has analyzed that the proposed project stabilizes this section of the shoreline with chronic erosion in a manner that will have no significant environmental impacts, and thus the Department recommends that the Maui Planning Commission issue a Finding of No Significant Impact for this Final Environmental Assessment. That concludes my recommendation.

Vice-Chair Ball: Thank you. Commissioner Wayne?

Mr. Hedani: Move that we make a Finding of No Significant Impact.

Mr. Freitas: Second.

Mr. Medeiros: Second.

Vice-Chair Ball: Discussion?

Mr. Hedani: Wanted to compliment the applicant on all of the gyrations that they had to go through in order to get this particular point. I was somewhat disappointed that the State is still looking at vertical walls with shotcrete as an alternative when we've kinda gone past that as something we didn't wanna do. So, I don't know Jim if you have a comment on that from the State, from what the State is recommending?

Mr. Buika: I think they just wanted to have it explored. You know, the whole, the premise for the environmental assessment is to fully analyze alternatives and I think the applicant did a very good job of showing why the shotcrete...some places shotcrete works obviously, less expensive, minor fix but in this case with big north swells coming in, I think the applicant concluded as well as probably the state that the shotcrete wall would not suffice in this case. Thank you for your comment.

Vice-Chair Ball: Yes?

Ms. Thomson: Just wanted to clarify with the maker of the motion that the motion is to after having

analyzed the significance criteria presented in the Final Environmental Assessment that you would like to issue a Finding of No Significant Impact.

Mr. Hedani: That's exactly what I meant.

Vice-Chair Ball: And there was a second to that. Okay, any other comments? Let's vote. All in favor?

Mr. Spence: That's six ayes.

Vice-Chair Ball: The motion carried.

Mr. Buika: Thank you.

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

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

Mr. Summers: Thank you very much. Appreciate it and we'll see you again.

Vice-Chair Ball: Okay, let's move through this and we'll go to E, Communications, Item 1.

Mr. Spence: Okay, Commissioners your first communication item Wailea Land Corporation requesting Step 1 Planned Development Approval for the transfer of zoning land uses for two parcels in Wailea, and our Staff Planner, it's still morning, is Ms. Candace Thackerson.

E. COMMUNICATIONS

- 1. WAILEA LAND CORPORATION requesting a Step 1 Planned Development Approval for the transfer of zoning land uses for two (2) parcels of land involving approximately 0.682 acres of land on each parcel located within the Wailea Resort Planned Unit Development area located along Kaukahi Street, TMKs: 2-1-008: 120 (por.) and 2-1-008: 140 (por.), Wailea, Island of Maui. (PD1 2014/0001) (C. Thackerson)**

The request involves the transfer of 0.682 acres of H-M Hotel zoned land on Parcel 120 with 0.682 acres of B-2 Business zoned land on Parcel 140 in order to facilitate the future development of Makali'i at Wailea and Mulligans on the Blue.

Ms. Candace Thackerson: So this matter arises from an application for a Planned Development Step 1 Approval, a PD1 for the transfer of zoning land uses for two existing parcels within the

Wailea Planned Development area. The two parcels under review are the land identified by the two TMK number, (2)-2-1-008: 120 and (2)-2-1-008: 140.

The project involves the transfer of 0.682 acres of HM, Hotel PD zoning located on Parcel 120 with 0.682 acres of B-2 Business PD zoning located in Parcel in 140. The total land area devoted to business and hotel uses will not change within Wailea Resort just the location of the designated zoning areas. The zoning designations within Parcels 120 and 140 have been modified to provide a more efficient spacial relationship of land uses within the context of existing and future development of the Wailea Resort area including the future site of the Makalii at Wailea and Mulligan's on the Blue. The flexibility in land use is a primary component of planned developments and a key to continuing viability. The applicant's consultant is here, Chris Hart and Partners. We have Jordan Hart. So if you have any specific questions, there's also a map in the back where you can see the two pieces that are going to be swapped. And again, this will not change the total amount of the uses in the planned development area just the location of those two pieces.

Vice-Chair Ball: Okay, any questions? Penny?

Ms. Wakida: Yeah, I found this very confusing at first because the language talks about a transfer when actually what you're doing is you're swapping zonings, right?

Ms. Thackerson: Yeah, yeah, swap, transfer.

Ms. Wakida: You're trading, you're--

Ms. Thackerson: You're trading the two.

Ms. Wakida: --exchanging one of them.

Ms. Thackerson: Yeah.

Ms. Wakida: So what you're actually doing is rezoning two parcels.

Ms. Thackerson: Yes. Two portions of two parcels.

Ms. Wakida: Right, correct.

Vice-Chair Ball: Go ahead, Director.

Mr. Spence: And this is something that has been done I don't know how many times in Wailea area which is the planned development and the Commission has seen a number of times. It's an unusual animal, but so long as you're enlarging or reducing something you can move those pieces around.

Ms. Wakida: Well, my question was the impact on if one is Business, and now it's zoned Hotel, what impact if any that has on the surrounding property or the surrounding homeowners?

Ms. Thackerson: I don't think it will have much impact on the surrounding homeowners or the area

because it's already been planned out in the master plan development of all the acreage has been all done out. You know, like for each like lot acre size. So now they just wanna swap these two pieces because it's going to better facilitate when they come back in to do Mulligans and to a different hotel, it's going to be better with these two pieces are swapped. But they wanted to keep them the same, so it actually is going to be better on both parcels if they work this way.

Ms. Wakida: I understand that that what I'm suggesting is if something was zoned Business and now it's zoned Hotel, what can they do as a hotel that they couldn't do as a business and equally so on the other one?

Ms. Thackerson: You mean like the specific land uses?

Ms. Wakida: Yes, would it have any impact on the people around them?

Ms. Thackerson: You guys wanna talk about what you plan to do on those parcels?

Ms. Wakida: Or if there's none, I mean obviously one's surrounded by a golf course.

Mr. Jordan Hart: Just to clarify. So we were before the Planning Commission—

Vice-Chair Ball: Identify yourself.

Mr. Hart: This is Jordan Hart from Chris Hart & Partners. We were before the Planning Commission we got an SMA Major Permit for the development of the Makalii at Wailea Project that's a condominium project. And this corner portion of the parcel has Hotel zoned land in it, and so condominium is not the highest and best and best of use of that zoning and so because the planned development rules allow for swaps of zoning we checked with the Planning Department to confirm that there would be no conflict with the SMA Major to replace that HM zoned land with B-2 Commercial zoned land. So the B-2 allows for the scale of development that's been approved by the Makalii at Wailea Project. And so now the landowner will make plans to figure out what they would like to do with reconfiguring the Mulligans area to include this Hotel zoned portion. So when they have a concept of what they want to present, we'll be coming back and filing an SMA Major Permit application and the Planning Department will review and the Planning Commission will make a decision on whether or not that development is acceptable. But at this time, the proposal is just to get that Hotel zoned portion out of the MF-15 project site so they can move forward with construction of that project as its been approved.

Ms. Wakida: Okay.

Vice-Chair Ball: So does Mulligans have to come in for a Special Use Permit then now that the zoning's changed?

Mr. Hart: No, no, there should be no conflict with the area that it's swapping to. There's not gonna be a conflict of the restaurant use. It won't be located in that area. And so when we do come back though...it's most likely when there is a design that we'll have to come back and redo this Step 1 again to reconfigure the shape of that triangle because that triangle is not a good building pad. The action right now is just to get that land out of the MF-15 site so that they can do their condominium

documents and all those things to move forward with the project. And so, again, we'll redo the Step 1, and that will be part of like you see with every Wailea project there is a Planned Development Step 1 that normally happens very early and then you see a Planned Development Step 2 and an SMA Major Permit and then you see the Step 3 after the SMA Major Permit's been approved. So it's like...I'm sure we'll redo the Step 1 again before we actually take action on a project at that Mulligans site.

Vice-Chair Ball: Okay. At this time we'll open it up for public testimony. Anyone wishing to testify at this time on this agenda item may do so. Seeing none, we'll close public testimony and open it up for Commission questions which we kinda just did. Staff recommendation?

Ms. Thackerson: Pursuant to the foregoing, the Maui Planning Department recommends approval of the Step 1, Planned Development application memorializing the zoning transfer of 0.682 acres of HM Hotel District, PD zoning in Parcel 120 with 0.682 acres of B-2 Business District PD zoning in Parcel 140.

Mr. Freitas: So move.

Mr. Medeiros: Second.

Vice-Chair Ball: Approved and seconded. Any further discussion? No discussion? No? All in favor?

Mr. Spence: You have six eyes.

Vice-Chair Ball: Motion carried. Thank you.

Mr. Hart: Thank you.

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

**VOTED: To Approve the Step1 Planned Development Approval for the Transfer of Zoning Land Uses within the Wailea Resort Planned Unit Development, as Recommended by the Department.
(Assenting - J. Freitas, J. Medeiros, M. Tsai, W. Hedani, P. Wakida, R. Higashi)
(Excused - I. Lay, S. Duvauchelle)**

Mr. Spence: Commissioners, Communication Item 2, Mrs. Melanie Adams requesting a five-year time extension to a State Land Use Commission Special Use Permit for an early childhood education program at Holy Rosary Church on Baldwin Avenue in Paia. And our Staff Planner is Ms. Lopez.

2. MRS. MELANIE ADAMS requesting a five (5) year time extension of a State Land Use Commission Special Use Permit in order to continue to operate an early childhood education program at the Holy Rosary Church property on

approximately 2.0 acres of land in the State Agricultural District at 954 Baldwin Avenue, TMK: 2-5-005: 003, Paia, Island of Maui. (SUP2 2009/0017) (S. Lopez)

Ms. Sybil Lopez: Is it good afternoon, Maui Planning Commission. I wanted to actually point out a correction in the agenda and the docket no. SUP2 2009/0017 on Page 2. This matter arises, the correction is, it says requesting a five-year time extension, but dated that the permit filed on August 25, 2014 the request is for a ten-year time extension of a Land Use Commission Special Use Permit with the Maui Planning Department.

The time extension request was filed pursuant to Chapter 205-6, Hawaii Revised Statutes, Title 15, Department of Business and Economic Development and Tourism, Subtitle 3, State Land Use Commission, Chapter 15, Land Use Commission Rules, Subchapter 12, Special Permits, Hawaii Administrative Rules, by Melanie Adams, the applicant which is here if you guys have any questions for the applicant. She is in the audience. On approximately 2.0 acres of land in the State Agricultural District situated at Paia, Island of Maui and County of Maui located at the Holy Rosary Church at 954 Baldwin Avenue and identified as Maui Tax Map Key No. 2-5-005:003.

So I just have a short power point presentation kinda giving you an update on where they were the first time that they came in with the approval back in 2010 and to what they're currently doing as of today.

So it's Aloha Kai Academy. The applicant is proposing to use the existing Holy Church Hall to continue to operate an early childhood education program for preschool age children. This facility is licensed to serve up to 24 children. All teachers meet the requirements for early childhood educators which is licensed through the Department of Human Services since February 2010. Aloha Kai Academy has met all its conditions regarding the January 26, 2010 approval letter by the Maui Planning Commission and compliance report is filed with the Planning Department.

So the Church is located here on 954 Baldwin Avenue. This is a aerial view, and right next you see the Paia School and the church parcel. Picture of the church. So the 2009, this is the building back when the...when they came the first time in front of the Planning Commission. This is a picture that was taken about a month ago, on the right-hand screen. The left-hand this is the 2009, that's the before and on the top right-hand that would be what's currently operated in that specific area in the preschool. So this would be the next session. So the next, the left one is before and 2014 on the bottom right is how they're operating right now. So on the right would be the kitchen. back in 2009 and on the left would be what they are currently operating. And this would be outside on the playground. Left was during 2009, and on your right is what currently exists. And that's it's. It's a short presentation.

Vice-Chair Ball: Okay, at this time we'll open it up for public testimony. Any one wishing to testify at this time may do so. Seeing none, we'll close public testimony and we'll open it up for Commission questions. Anybody have a question? Commissioner Penny?

Ms. Wakida: Just one. If Ms. Adams chooses to leave this preschool employ within the 10 years does this time extension is it void or does it go with the Academy or is it tied to her?

Ms. Lopez: I'll bring the applicant up.

Ms. Melanie Adams: I'm Melanie Adams. Last year I opened our second site of Aloha Kai Academy one-year ago, and at that time there was a Special Use Permit held by the past owner of that preschool at that site and we transferred the Special Use Permit from her into Aloha Kai and me holding jointly. So I would think it would be the same thing. But I have no intention of leaving or going anywhere or doing anything else, but that was how it was done at that site. I would think it would be similar if something else hadn't happened.

Ms. Wakida: Thank you.

Vice-Chair Ball: Anyone else? Wayne?

Mr. Hedani: So are we looking at five-year or a ten-year extension at this point?

Vice-Chair Ball: Whatever the motion comes down. It's proposed as ten. It's a typo I guess here. Jason?

Mr. Medeiros: I move for a ten-year.

Mr. Freitas: Second.

Vice-Chair Ball: Motion, seconded. Discussion?

Ms. Wakida: Can we get the Department's recommendation?

Vice-Chair Ball: I guess we could have that.

Ms. Lopez: Thank you, Vice-Chair. The Maui County Planning Department recommends approval of the State Land Use Commission Special Use Permit Time Extension request with Condition No. 1 amended to read as follows, "The State Land Use Commission Special Use Permit has be valid until January 31, 2025 subject to extension by the Director of Planning Director upon a timely request for extension filed at least 90 days prior to its expiration. The Director may forward the time extension request to the Maui Planning Commission for review and approval and may require a public hearing on the time extension by the Maui Planning Commission." The Conditions Numbers 2 to 8 as specified in the State Land Use Commission Special Use Permit approval letter dated on January 26, 2010 shall remain intact. In consideration of the foregoing, the Planning Department recommends that the Maui Planning adopted the Planning Department's report prepared for January 13, 2015 meeting as its findings of fact, conclusions of law, and decision and order and to authorize the Director of Planning to transmit said decision and order on behalf of the Maui Planning Commission. Thank you.

Mr. Medeiros: So move.

Mr. Freitas: Second.

Vice-Chair Ball: Moved and seconded. Any discussion? Commissioner Wayne?

Mr. Hedani: Is the recommendation is that the Maui Planning Commission adopt the Planning

Department's report?

Ms. Lopez: Authorize the Director of Planning to transmit the decision on behalf of the Planning Commission.

Ms. Wakida: The word, "Commission" is omitted.

Vice-Chair Ball: Okay, you wanna change that then?

Mr. Spence: It's in the record.

Vice-Chair Ball: Okay.

Mr. Spence: It's fine. I think everybody knows.

Vice-Chair Ball: We know which way it's going.

Mr. Spence: Yes.

Ms. Lopez: So I would correct the last paragraph?

Mr. Spence: Yeah, it's just where the Planning Department is recommending that the Planning Commission adopt our report and findings for their decision and order.

Ms. Lopez: Yeah, okay.

Mr. Spence: That's fine.

Vice-Chair Ball: Okay, all in favor...

Mr. Spence: And then just for clarity the motion is for 10 years?

Vice-Chair Ball: Ten years, yeah.

Mr. Medeiros: Ten.

Vice-Chair Ball: All in favor?

Mr. Spence: That's six ayes.

Vice-Chair Ball: Motion carried.

Ms. Lopez: Thank you.

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

VOTED: To Approve the State Land Use Commission Special Use Permit Time

**Extension for Ten (10) Years, as Recommended by the Department.
(Assenting - J. Freitas, J. Medeiros, M. Tsai, W. Hedani, P. Wakida,
R. Higashi)
(Excused - I. Lay, S. Duvauchelle)**

Vice-Chair Ball: We will move onto Item F, Acceptance of the Action Minutes of December 9th, September 23rd and October...oh, sorry, Regular Minutes of September 23rd and October 14th.

**F. ACCEPTANCE OF THE ACTION MINUTES OF DECEMBER 9, 2014 MEETING and
REGULAR MINUTES OF THE SEPTEMBER 23, 2014 AND OCTOBER 14, 2014
MEETINGS.**

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

Vice-Chair Ball: First to testify, Mike Moran.

Mr. Mike Moran: I'll speak now.

Vice-Chair Ball: Okay. You have three minutes. Thank you.

Mr. Mike Moran: Good morning, Vice-Chair and volunteer Committee Members. Thank you for your service to the community and Happy New year to all. My name is Mike Moran. I am the President of the Kihei Community Association testifying for the association.

Our testimony concerns the minutes for the 10/14/14 meeting which you are to approve by you today. To explain our concern we asked you to recall the public testimony at your last meeting on 12/9 by four South Maui residents concerned with conditions imposed on a project on Kanani Road in Kihei years ago when you were presently considering the request for an SMA Permit to the Cove Beach Village residential project on the same road, but at a different street address and TMK than the prior project.

My understanding was the Commission agreed with the concern, but decided that this current project should not be bound by the prior restrictions and conditions just because it was on the same street.

Our action today on the minutes from the prior meeting of 10/14/14 is that that meeting of that date did address another project, Kalama Kai Village which is in fact at that same address and TMK of the prior project Kalama Heights which was not built and are unclear why these conditions were not applied to that project at the same location.

While the Commissioners may not have been aware, surely the Department was and from our reading of the draft minutes do not see that this was brought to your attention for your consideration before taking action. And I read just briefly from the draft minutes of 10/14 requesting a Special Management Area SMA Use Permit in order to construct Kalama Kai 100 percent affordable senior condo project, condominium development at a vacant lot at 45 Kanani Road, formerly 101 Kanani Road but the TMK: 3-9-017:002, Kihei and that was by Ms. Thackerson.

We are unclear what the street address identification means for the TMK of 45 formerly 101 Kanani. Can a TMK represent a changing location. The documents provided to you at the 12/9/14 meeting by the concerned residents show the conditions and restrictions that were approved by the Kalama Heights...approved for the Kalama Heights residential project originally at your meeting of 4/5/06 and reconfirmed in a letter to the project planner again on 4/23/09 from the Department. Again, this is the same TMK.

We are speaking to the community concern that this be addressed before the Commissioners approve the minutes and close the door on this action. We also feel it is prudent to state that since KCA's review of the Kalama Kai by our design review committee was addressed at this presentation to the Commissioners on 10/14 by the Department and by the Planner that KCA was not aware of these prior conditions when we reviewed it. Further, we were also not aware that this project was in any way related to another project in Wailea.

Vice-Chair Ball: Thank you, Mike. Any questions for the testifier? Penny?

Ms. Wakida: Thank you for your testimony. So what you're basically saying is that there were conditions on a prior project that did not carry over to a project that was approved more recently in the same location?

Mr. Moran: That is correct.

Vice-Chair Ball: Do you have specifics on that? Specific items that were on the other project that you wanted on this project site?

Mr. Moran: Well, they were all addressed. I was trying not to be repetitive and I still couldn't get everything in. They were all presented by the four different testifiers at your last meeting. So I can get them, but I did not, you know, get copies from them. The only single document that I did print out was the August 29th letter from the Department which referenced one of the items, Item 19, it says, a bike lane and associated improvements be designed in partnership with the Department of Public Works Environmental Management. Design of the bike lanes shall incorporate the entire linear area of the...from the intersection of Piilani to South Kihei Road. The actual bike lane construction and improvements shall be built on the portion fronting the proposed development.

The...really my intent was not only that issue, but it's...the feedback we're getting from our community is gee, do these Planning Commission decisions mean anything and it was brought up again with the current condition at Ohukai Road that the State is putting in that improvement to the intersection and when we read the Commissioners stated that there had to be sidewalks in there and the State's not putting them in and the Department of Transportation's answer to us is, well the County doesn't have sidewalks that would connect directly to it, so we're just not gonna put them in. And it seemed like well, gee, does the Commission's conditions mean anything? And that's our main concern, you guys are volunteers, you're putting in your time, you're putting in conditions and then at least the perception is, they're just tossed out the window because these guys don't wanna be bothered with it, and we don't see anybody trying to enforce them. That's our main concern.

Vice-Chair Ball: Director, do you have a comment?

Mr. Spence: I'm not...the Kalama Kai one that Mr. Moran is referring to I think I had to recuse myself from that meeting. I don't have a copy of the minutes in front of me, so I would just maintain that if the Commission wants you know to ask what happened, I'll just tell you normally when one SMA permit lapses, you know, the new project goes through an entirely different review. Sometimes those conditions are carried over, sometimes they're not. I mean, once the permit lapses it's gone. It disappears. You know, an entirely new project comes, it goes through a review process again. But that's, that's...I say that by way of a procedural explanation not any comment on the project itself because I'm not...I've remained away from that project.

So the things on Ohukai, I know we received a letter from the Kihei Community Association, that's been assigned for someone to review and get back with us on it.

Mr. Moran: Good, and that's most helpful because again, just as a volunteer organization and a personal volunteer, our understanding was that once those conditions were put on a TMK, they did carry over. So but you're informing us that that's not necessarily so. So that's--

Mr. Spence: Sometimes they do carry over when, specifically when...I mean, what the Commission issues is a permit to develop a certain project, and maybe that's a better way to look at. When the Commission grants that permit, it is just to that project. We do review the project file, if one permit lapses and another project is proposed for a particular property, we do look at that and I would have to talk to Staff to see what particulars were passed along and what weren't. Normally the conditions to carry, if that particular project is built, those conditions do remain with that project.

Mr. Moran: Just 10 seconds if I could give a lot of credit to the Planning Department Staff who helped me out a lot because I'm saying well, how do I find the minutes and they said well, they're not approved. And said, well once they were approved...so they were most helpful in our research. Thank you to everyone. Aloha.

Vice-Chair Ball: Aloha. Thank you, Mike.

Mr. Freitas: So moved.

Mr. Medeiros: Second.

Vice-Chair Ball: All in favor of the motion?

Commission Members: Aye.

Vice-Chair Ball: Any opposed? Motion carried.

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

VOTED: To Accept the Action Minutes of the December 24, 2014 Meeting and Regular Minutes of the September 23, 2014 and October 14, 2014 Meetings.
(Assenting - J. Freitas, J. Medeiros, M. Tsai, W. Hedani, P. Wakida,

R. Higashi)
(Excused - I. Lay, S. Duvauchelle)

Vice-Chair Ball: Director's Report.

Mr. Spence: The first one is letting you know that I plan to issue a time extension for Mr. Michael Broadfoot for a Special Management Area Use Permit to initiate construction on a duplex in Kihei, and if you have questions we have Ms. Candace Thackerson.

G. DIRECTOR'S REPORT

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

MR. MIKE BROADFOOT requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Broadfoot Duplex, a two (2)-unit, two-story duplex at TMK: 3-9-009: 007, Kihei, Island of Maui. (SM1 2010/0002) (C. Thackerson)

Ms. Candace Thackerson: So in October, on October 31, 2011, the Maui Planning Commission granted the Broadfoot Family a Special Management Area Use Permit, SM1 2010/0002 for the proposed two-story, two-unit duplex and related improvements. For various reasons including personal family events and important financial situations the Broadfoot Family has not been able to start construction of the project. Pursuant to Condition No. 1 of the SMA Permit the project should have commenced by October 31, 2014. The applicant did timely file their request. At some such time, the applicant formerly requesting a two-year time extension on the project. This would also be their first time extension, and such, it would change the standard condition for the construction of the project shall be initiated by October 31, 2016.

Vice-Chair Ball: Can you give us a quick background on this location more than...

Ms. Thackerson: Yeah, it's located in Kihei. There's an area map on there. You see it's right by Lipoa Street. It is a shoreline property right there.

Vice-Chair Ball: Oh, okay yeah I remember that.

Ms. Thackerson: Yeah, and it was very modern. It was kinda like rectangular. It had the underground parking. They are capturing all drainage on site. We kinda like the underground parking idea. That was something I hadn't seen before. It was a little modern. There was some discussion on the upper railing for the deck, the viewing deck and things like that. But in the end it passed and like I said before, this is, this is their first time extension request for this project and they would just want two years till 2016.

Vice-Chair Ball: Motion?

Mr. Hedani: Move to waive review.

Vice-Chair Ball: Yeah, go ahead, question.

Ms. Wakida: Yeah, Candace, photographs weren't included but I would like to be sure that the applicant is not nurturing the naupaka in the State Beach Reserve area. That seems to be kind of a problem all along there.

Ms. Thackerson: I remember that being discussed last time too and I think at the time because you can see where their property line actually goes and so they don't wanna be irrigating and watering the State Beach Preserve.

Ms. Wakida: Right, but some homeowners do it anyway because they think it gives them more privacy so that we don't wanna, we wanna be sure that that's discouraged.

Vice-Chair Ball: How far back is that from the ocean? Let's say the swimming pool?

Ms. Thackerson: The State Beach Preserve was somewhat wider, I remember because it wasn't actually considered a shoreline parcel because the State Beach Preserve is the parcel fronting it. If you look on the map, this one, the aerial, the bird's eye view one, you can kinda see that. The property is somewhat...I mean, the beach preserve is quite large.

Mr. Freitas: Do they intend to start construction in two years or come back for another time extension?

Ms. Thackerson: Unfortunately they're not here so I cannot ask them personally.

Mr. Freitas: Yeah, well you stated that they...financial and other problems. You have some idea if they would be ready to go or not?

Ms. Thackerson: They're hoping to go in two years.

Mr. Freitas: Okay.

Ms. Thackerson: Yeah, I mean that's what they've referred onto me when I asked them. They just said they had some life events occur. I didn't ask. Everyone has their own.

Vice-Chair Ball: All right. Commissioner Wayne.

Mr. Hedani: Move to waive review.

Mr. Medeiros: Second.

Vice-Chair Ball: Moved and seconded to waive review. All in favor.

Mr. Spence: That's six ayes.

Ms. Thackerson: Thank you. And Commissioner Wakida, I will relay your comments to the applicant.

Ms. Wakida: Thank you.

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

VOTED: To Acknowledge Receipt of the Request, and Waive Its Review of the Time Extension
(Assenting - W. Hedani, J. Medeiros, J. Freitas, M. Tsai, P. Wakida, R. Higashi)
(Excused - I. Lay, S. Duvauchelle)

Mr. Spence: Okay, Commissioners, Item G-2 and 3, you have your SMA Minor and Exemptions Reports.

2. SMA Minor Permit Report (Appendix A)

3. SMA Exemption Report (Appendix B)

Vice-Chair Ball: Any questions on that? Seeing none, we move to the Item 4. Next meeting will be on--

4. Discussion of Future Maui Planning Commission Agendas

a. January 27, 2015 meeting agenda items

Mr. Spence: January 27th where you will have four public hearings for Mr. Steve Robinson of Makai Hana, LLC requesting an SMA Permit for a subdivision with it looks like with a lot of accessory structures. Mr. Clark Howatt of Kaanapali Hale AOA requesting an SMA Permit for Kaanapali Villas renovation. Ms. Charlene Casserley requesting a Land Use Commission Special Use Permit to operate the Island Sunset Villa Short-Term Rental Home on that Holopuni Road in Kula. The forth on is Ms. Melissa Pierce and Jordan Kolton also requesting a State Land Use Commission Special Permit for a Bed and Breakfast, a one-room bed and breakfast in Haiku. For New Business you have Ms. Dee Coyle, Project Manager for KBHL, LLC, we'll be reviewing the Final Environmental Assessment ahead of an SMA Permit to the Plantation Inn Redevelopment Project and we'll have Communications for A&B Wailea, LLC requesting a Step 1 Planned Development Approval for the transfer similar to what we did today where some zoning was moved within the planned development. And then on the Director's Report we're going to request that the Hana Advisory Committee, that this Commission ask the Hana Advisory Committee to conduct the public hearing for Mr. Gary Stice requesting an SMA Permit to construct two single-family residences in the State Rural District in Hana. Sounds like a good agenda.

Vice-Chair Ball: Sounds like a good agenda. Terrific.

H. NEXT REGULAR MEETING DATE: January 27, 2015

I. ADJOURNMENT

Vice-Chair Ball: If that is it then we will adjourn the meeting.

The meeting was adjourned at approximately 11:59 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

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

Excused

Sandy Duvauchelle
Ivan Lay, Chair

Others

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