

# LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

March 18, 2015

Council Chamber, 8<sup>th</sup> Floor

**CONVENE:** 1:38 p.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Robert Carroll, Chair  
Councilmember Michael P. Victorino, Vice-Chair  
Councilmember Gladys C. Baisa  
Councilmember Elle Cochran  
Councilmember Don Couch (via telephone conference bridge, County  
of Santa Clara Government Center in San Jose, California)  
Councilmember Stacy Crivello (out 2:29 p.m.)  
Councilmember Don S. Guzman

**STAFF:**

Scott Jensen, Legislative Analyst  
Raynette Yap, Committee Secretary  
  
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference  
bridge)  
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference  
bridge)

*In the gallery:*

David Raatz, Director, Office of Council Services

**ADMIN.:**

Ann Cua, Planner VI, Department of Planning  
Michele McLean, Deputy Director, Department of Planning  
Eva Blumenstein, Planning Program Manager, Department of Water Supply  
Michael Miyamoto, Deputy Director, Department of Environmental Management  
Scott English, Fire Fighter IV, Department of Fire and Public Safety  
Jo-Ann Ridao, Director, Department of Housing and Human Concerns  
Emily Kibby, Police Officer II, Department of Police  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation  
Counsel  
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation  
Counsel  
Edward Kushi, First Deputy Corporation Counsel, Department of the  
Corporation Counsel

*In the gallery:*

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John Akana, Police Officer II, Department of Police  
Corey Tom, Police Officer II, Department of Police  
Kaala Buenconsejo, Director, Department of Parks and Recreation

**OTHERS:** Mike Moran, President, Kihei Community Association  
Yuki Lei Sugimura  
Greg Walker  
Alana Kay  
Bruce U'u, Hawaii Carpenters Union  
Gwen Hiraga, Munekiyo & Hiraga, Inc.  
Colleen Suyama, Munekiyo & Hiraga, Inc.  
David Pyle, The Krausz Companies Ltd.  
Jay Krigsman, The Krausz Companies Ltd.  
Matt Nakamoto, Austin Tsutsumi & Associates  
Karen Sakai, Austin Tsutsumi & Associates  
Clifford Mukai, Warren S. Unemori Engineering, Inc.  
Reed Ariyoshi, Warren S. Unemori Engineering, Inc.  
Plus (9) Others

**PRESS:** *Akaku Maui County Community Television, Inc.*

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CHAIR CARROLL: . . .(*gavel*). . . Land Use Committee meeting of March 18, 2015 will come to order. I'm Council Chair [*sic*] Robert Carroll, Chair of the Land Use Committee. May I please request that everybody disable their cell phone ringers and anything makes noise first? Our voting Committee Members today, we have Vice-Chair, Michael Victorino.

VICE-CHAIR VICTORINO: Aloha and good afternoon, Chair.

CHAIR CARROLL: Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

CHAIR CARROLL: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR CARROLL: And Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

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CHAIR CARROLL: And we also have with us by remote site in San Jose, California, Mr. Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair, and thank you so much for being the willing participant in this experiment. I appreciate it.

COUNCILMEMBER COCHRAN: Guinea pig.

COUNCILMEMBER BAISA: Hey, Couch.

CHAIR CARROLL: Glad to have you. And this is, for the audience, this is the first time we've ever done this with a remote site. Non-voting Members, we do not have any. Executive Branch representatives, we have Will Spence, Planning...oh, excuse me.

MS. McLEAN: Surprise.

CHAIR CARROLL: Yes, you do not look like Mr., Michele McLean, Deputy Planning Director.

MS. McLEAN: Good afternoon, Chair.

CHAIR CARROLL: Okay. Director of, we have Fire Chief or their representatives, Director of Housing and Human Services, Jo-Ann Ridao. We have officers Emily Kibby, John Akana, Kihei Patrol District, Maui Police Department, Rowena Dagdag-Andaya, Deputy Director of Public Works, Director of Water Supply or representative, we have with us, and our environmental coordinator is, will be joining us. Department of Corporation Counsel, we have Mike Hopper, Deputy Corporation Counsel. Applicant's representatives, we have Gwen Hiraga and Colleen Suyama, Munekiyo & Hiraga, Inc. David Pyle and Jay Krigsman, Krausz Companies, Ltd. Matt Nakamoto and Karen Sakai, Austin Tsutsumi & Associates. Clifford Mukai and Reed Ariyoshi, Warren S. Unemori Engineering, Inc. Secretary, we have Raynette Yap, our Committee Secretary, and Scott Jensen, our Legislative Analyst. Today we have a single item on our agenda, LU-3, a Community Plan Amendment for Change of Zoning for the Proposed Downtown Kihei Project. For individuals who will be testifying in the Chamber, please sign up at the desk located at the 8<sup>th</sup> floor lobby, just outside of the Chamber doors. If you're testifying from remote testimony locations specified on the meeting agenda, please sign up with Council Staff at this location. Testimony will be limited to items on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for three minutes per item with a minute to conclude if requested. When testifying, please state your name and the name of any organization you are representing. Calling our first testifier, Mr. Jensen?

**. . . BEGIN PUBLIC TESTIMONY . . .**

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MR. JENSEN: Mr. Chair, the first testifier is Mike Moran. Mr. Moran will be speaking on behalf of the Kihei Community Association and his testimony will be followed by that of Yuki Lei Sugimura.

MR. MORAN: Aloha, Chair Carroll, and Committee Members. Mike Moran, President of the Kihei Community Association testifying for the Association on LUC-3. The Kihei Community Association would like to speak in support of the approval of zoning change for the Downtown Kihei Project requested by the developer Krausz Companies, Inc. The developer has been communicating with KCA regarding this project for over a decade. First of all, the developer familiarized themselves with the Kihei-Makena Community Plan before the beginning of the project. As a result, this project conforms to the Community Plan. We applaud that they are working to fulfill the stated needs of the community. We appreciate that Krausz has, over time, made modifications to make this a true downtown center, a sustainable, mixed use community that will be pedestrian friendly. They have revised the project layout at our request to bring the buildings to the street, like a traditional town center rather than locate the buildings at the back of the property with parking in front in the strip mall format. We are requesting that one requirement be added to the zoning approval regarding bike riders. This site is an important link in the Kihei Bike Plan. It is located next to the Liloa Street bike path and is a route used by students going to nearby Lokelani and Kihei Elementary schools. There must be a safe dedicated bike path, not a bike lane, separated from traffic through the project to link South Kihei Road with Liloa Street bike path. The community makes note the distinction between a dedicated site, safe bike path, segregated from the motor vehicles, and a bike lane, which is merely painting a line on a roadway and declaring it for bicycles only and always at peril from motorized vehicles. We are requesting that a second requirement be added to the zoning approval regarding the wetlands to make them accessible to residents and visitors. The developer should provide adjacent walkways on the eastern borders of the wetlands to take advantage of this natural resource. KCA would also like to point out to the County the detrimental effect of the "Show Me the Water" legislation on this project. The project originally included a residential component, which KCA supported. Because of the County policy, the developer changed the residential component to a hotel, which is less useful to Kihei than residential housing and which will consume more water than the original plan. A residential component would have contributed to economic success and sustainability of this project. This can be seen by the success of the Kai Ani Village that has full occupancy in the heart of the existing Kihei Commercial Center. KCA--one minute to conclude, please--KCA applauds the efforts of Krausz Companies and in working with the community with the addition of the requirements of a safe route for bike riders and of walkways at the wetlands, KCA supports the zoning change request. Mahalo.

CHAIR CARROLL: Any clarification needed from the testifier?

COUNCILMEMBER COUCH: Mr. Chair?

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CHAIR CARROLL: Yes, Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Thank you, Mr. Moran, for being here, or there and testifying. I just would like some clarification on the bike path you're talking about. Is it different from the one that is, is in the plan to go across, I mean, there's already one that's going cross most of that, all of that land right now? So you're talking about a different bike lane?

MR. MORAN: Thank you, Don, from far away. Yeah, again, the distinction between a bike path and a bike lane...

COUNCILMEMBER COUCH: Right, right, but there's one there now on Liloa. Are you talking about another one on Liloa or you want it on Piikea?

MR. MORAN: Yeah, we want it, our understating in conversations with the developer, that within their project, they were going to put bike lanes to go through the parking area.

COUNCILMEMBER COUCH: Oh, okay.

MR. MORAN: And we were saying that, you know, again, this is the same concept, putting a bike lane in a parking lot is not safe. We seem to have them all over and I can tell you as an old bicyclist, and I watch the young kids bicyclists, it's dangerous when you're riding through a parking lot and somebody says, oh, this is a bike lane, they paint a stripe, cars don't even realize it. So we're, that's what we're looking for, getting bicyclists through the project itself, make a segregated path somewhere behind the buildings, wherever, something like that.

COUNCILMEMBER COUCH: Okay. That helps clarify. Thank you.

MR. MORAN: Thank you.

CHAIR CARROLL: Any further clarification needed from the testifier?

COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Mr. Moran, you have that in writing for us?

MR. MORAN: I did submit it.

COUNCILMEMBER COCHRAN: Okay.

MR. MORAN: I submitted it on late Monday --

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COUNCILMEMBER COCHRAN: Okay, got it.

MR. MORAN: --so everybody should have it.

COUNCILMEMBER COCHRAN: Thank you.

MR. MORAN: Yeah, thank you.

COUNCILMEMBER COCHRAN: Just want to make sure we have it in written ...

MR. MORAN: That a girl.

CHAIR CARROLL: Any further clarification needed from the testifier? Hearing none, thank you.

MR. MORAN: Thank you very much. Aloha.

CHAIR CARROLL: Mr. Jensen?

MR. JENSEN: The next testifier is Yuki Lei Sugimura. Ms. Sugimura will be followed by Greg Walker.

MS. SUGIMURA: Good afternoon, everyone. My name is Yuki Lei Sugimura and I'm here to testify to provide community support to Land Use 3, as well as the Krausz Company. For more than ten years I have been fortunate to work with the Krausz Company at their Piilani Village Shopping Center to do their promotions and marketing. Although I'm not part of the development side of this company, I had the opportunity to work with their shopping center management side very efficiently. I just wanted to give you a small glimpse of this organization through that lens. The Piilani Village Shopping Center has approximately 34 merchants and provides lots of conveniences for the Maui community. It ranges from groceries from Safeway, banking at CPB, American Savings, Bank of Hawaii, or even mortgages with Bank of America. They have Wi-Fi and coffee at Starbucks and provide medical services and physical therapy for our busy Wailea/Kihei residents and visitors. They have gas at Minit Stop or Ohana Fuels, and even they provide electric charging stations for the JUMPSmart Maui project. They have clothes and lots of services at their food court also, they have lots of great food. But that's what you can see when you go down there. I wanted to give you a glimpse of what else they do. What else the Krausz Company does at the Piilani Village Shopping Center is they provide lots of back-to-school supplies for needy children through the Queen Liliuokalani Children's Center through the Ready to Learn Program, which actually began through our late Senator Daniel K. Inouye in 1998. The Krausz Company, through Piilani, has continued this service by providing school supplies for thousands of childrens and family for, so they can have their pencil and paper for their first day of school. It's very important. During the holidays, Piilani Villages also collects canned goods for the Maui Food Bank as well as provide, which

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brings value to the many families who may need a hand-up at this time of the year. We also collect toys for children during the holidays and we do community outreach by providing food, free photos with Santa, we have a great Santa, and we also have, we also do student performances with MAPA and other schools. This is what Krausz Company does in the community, more than just this project before you and I hope that you will support them in their endeavors.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Hearing none, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Greg Walker. Mr. Walker will be followed by Alana Kay.

MR. WALKER: Aloha. My name is Greg Walker. I am the, currently the site manager at Kai Ani Village, down the street on the corner of Lipoa and South Kihei and we've been involved with building this community for the last five years. It's complete now and one of the primary visions was to have a walkability and a smart growth community that ties in with Kihei and I really feel that the Kihei Town Center really represents that and would actually, you know, kinda join the whole community together and having talked to, the most important thing is, having talked to all of our owners in our annual meetings and this project came up and all of our owners are highly in favorable of the project because of some of the, you know, some of the same concepts that we believe in at Kai Ani Village. And so I don't really have a real prepared statement today other than wanting to share that with you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Victorino?

VICE-CHAIR VICTORINO: How many owners in your project?

MR. WALKER: Sir, we have 99 owners.

VICE-CHAIR VICTORINO: Ninety-nine owners in your project. And most of them are, what, full-time owners, I mean, live there or more transient?

MR. WALKER: I would say it is a residential community and so we don't have vacation rentals.

VICE-CHAIR VICTORINO: Okay. Nothing in there at all, rentals \_\_\_\_?

MR. WALKER: No. No, sir. So I would say about 60 percent of our owners live there full time --

VICE-CHAIR VICTORINO: Okay.

MR. WALKER: --and then the remaining are second home.

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VICE-CHAIR VICTORINO: Okay. Thank you very much, appreciate that. Thank you, Mr. Chair.

CHAIR CARROLL: Any further clarification needed from the testifier?

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Thank you, Mr. Walker for being here.

MR. WALKER: Thank you, sir.

COUNCILMEMBER COUCH: I've gotten some e-mails and et cetera and comments about people are concerned that there are vacant offices and retail spaces elsewhere so why build more? Now you have a project that has retail spaces but yet you're supporting it. Can you explain a little bit why you would be supporting it as opposed to what would be perceived competition?

MR. WALKER: Well, I think, based on our December absorption rate of those offices, we are currently, we just closed a building in December of nine, what we call live/work units where somebody could live on the first floor, I'm sorry live on the second floor, and have their office on the first floor. All nine of those units have been occupied and all of the offices spaces below have been occupied. So we feel it's been very strong. I have seen some, obviously there's quite a bit of vacant office space in Kihei that is available but I think if it's something that's new and something modern and, you know, available for everybody down in that area, it's been highly sought after. Right now, with 20 units total, I only have one office space and that should be leased out tomorrow.

COUNCILMEMBER COUCH: Okay, so you don't see it as competition then, even if you had vacant office spaces?

MR. WALKER: I really don't, Don, because of the concept of the live/work, you know, most of the owners want to live upstairs and work downstairs.

COUNCILMEMBER COUCH: Okay. Thank you. Thank you, Chair.

CHAIR CARROLL: Anything further for the testifier? Seeing none, thank you.

MR. WALKER: Thanks.

CHAIR CARROLL: Mr. Jensen?

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MR. JENSEN: Mr. Chair, the last testifier currently signed up in the Chamber is Alana Kay.

MS. KAY: Good afternoon, Council. I feel kind of bad going against what everybody was saying but I have lived in the close vicinity of that roundabout where this is all going to be built, just makai of the roundabout, and every day, at least once, particularly around rush hour when people are going home from work, that traffic gets a really tight gridlock and if anything goes wrong at all, I mean, you can really get stuck in traffic for a couple hours, that's happened a couple times and it will take you several lights to get through the Piilani Highway intersection because it backs up all the way to the roundabout. So my question on the whole thing is how can we mitigate the traffic situation there before we go ahead and build some more things there? And, yes, it is a hub in the Piilani, the shopping mall is wonderful and all the people in Kihei go there. I have reason to go into town once or twice a day and that street is one of the main roads that goes mauka to makai from the Piilani Highway down to South Kihei Road and then it's basically landlocked. So once you're on that road and in that area, you're stuck on it. There's no place else to go 'cause Liloa only goes down, if anybody's familiar with the area, only goes down a couple blocks this way and a couple blocks that way and that's it. Ohukai is way down there. Welakahao doesn't have a stoplight so you don't want to use that during busy times. So, anyway, I'm saying I don't know where the infrastructure is to support this and that's my only concern about it, other than the fact that it's in a tsunami zone and it will be built next to a wetland. I don't know if they're using that, they're going to build on, or next to it. And we really need to leave some green stuff. So, anyway, that's all I have to say in the whole matter and I hope that that is taken into consideration. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier?

MS. KAY: Don't

CHAIR CARROLL: Hearing none, thank you.

MS. KAY: Just kidding.

CHAIR CARROLL: Thank you. Hana Office, please identify yourself and do you have anybody waiting to give testimony?

MS. LONO: Good afternoon, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

CHAIR CARROLL: Thank you. Molokai, do you have, please identify yourself and do you have anybody waiting to give testimony?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

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CHAIR CARROLL: Thank you. Lanai, please identify yourself and do you have anyone waiting to give testimony?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR CARROLL: Is there anyone in the Chamber that has not signed up that wishes to give testimony at this time, please come forward.

MR. JENSEN: Mr. Chair, there's an additional testifier.

CHAIR CARROLL: We have someone coming down.

MR. JENSEN: Mr. Bruce U'u will be testifying on behalf of the Hawaii Carpenters Union.

MR. U'U: Good morning, everyone. Bruce U'u, Hawaii Carpenters Union. I liked my introduction, Mr. Bruce U'u. I'm not used to it, but eh, thank you. I came in support, wanted to support, supply testimony in support of this Kihei Downtown Project. Couple reasons, you know, I think the towns of Paia and Makawao have the distinction of being like a village mixed used, included in that would be Lahaina, and I think that's where it's, the cool factor is, for me, Paia is growing, I mean it's a walkable town and I think Kihei is lacking that right now. And this would give that walkable town for the Kihei area. Also, about that hotel, you know, with the Kihei Regional Park and its phasing process of that regional park, with the ball fields, upcoming ball fields and things of that nature, I think that hotel will be suited perfect for people from off island coming in to play sports within that regional complex. One, that's missing, all and with the high-end hotels that, you know, guys like me can't stay there, that's for sure. I don't know what end, they said a local hotel, like Maui Beach or something in that nature, where our locals, you know, the State's coming here, one example, and people are going to be coming over for the State track meet on Maui at the local hotels, which would be the Maui Beach or the Marriott, I think we need something in the area of Kihei to suit some type of activity like that to accommodate the off-island residents or the people coming in to, of any type of sports activities. And I think it fits well in the community plan of that area and I thank you for the time.

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Thank you. Any clarification from the testifier? Mr. Victorino?

VICE-CHAIR VICTORINO: And thank you, and thank you, Mr. U'u, for being here today and giving your testimony. And I'll concur and, you know, it's our hope and I think the Kihei Community Association's hope that within the next five to seven years, the high school will be in place, which will also bring in a lot of local traffic for various sporting events and as well as other activities within the school. So I tend to agree with you on

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that. Will you folks have any, you as the Carpenters Union, have any work in this area or you're not sure at this point in time?

MR. U'U: The talks are ongoing.

VICE-CHAIR VICTORINO: Ongoing.

MR. U'U: Nothing's permanent, that's for sure.

VICE-CHAIR VICTORINO: Okay, okay, nothing guaranteed, it's just that you guys are working on it --

MR. U'U: Yes.

VICE-CHAIR VICTORINO: --in negotiation? Okay, thank you. I just wanted to have that clarification.

MR. U'U: You're welcome.

VICE-CHAIR VICTORINO: Thank you, Mr. Chair.

CHAIR CARROLL: Any further clarification needed from the testifier?

COUNCILMEMBER COUCH: Mr. Chair? Mr. Chair?

CHAIR CARROLL: Oh, excuse me, Mr. Couch, I didn't see you standing there. Proceed.

COUNCILMEMBER COUCH: And thank you, Mr. U'u, for being here, there.

MR. U'U: Thank you.

COUNCILMEMBER COUCH: Question for you. Were you on the Planning Commission when this item came up?

MR. U'U: No, I wasn't.

COUNCILMEMBER COUCH: Oh, okay, alright.

MR. U'U: If my recollection serves me, I don't think I was on at the time.

COUNCILMEMBER COUCH: Okay.

MR. U'U: And I'm getting gestures that I wasn't on at the time.

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COUNCILMEMBER COUCH: Alright. Alright, I just wanted to hear what the comments were about traffic so, if you weren't there, you can't tell me.

MR. U'U: Right.

COUNCILMEMBER COUCH: Okay, thank you, sir.

MR. U'U: Thank you, Don.

CHAIR CARROLL: Any further questions or any further clarification needed from the testifier? Seeing none, thank you.

MR. U'U: Thank you guys for your guys' time, aloha.

CHAIR CARROLL: Has anyone signed up in the Chamber again?

MR. JENSEN: Mr. Chair, there's no one currently signed up.

CHAIR CARROLL: Is there anyone in the Chamber that wishes to come forward, please do so now? Seeing none, I will check with the remote sites one more time. Ms. Lono, Hana Office, does anyone wish to give testimony at this time?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR CARROLL: Thank you. Ms. Fernandez, Lanai Office, is there anyone waiting to give testimony?

MS. FERNANDEZ: There's no one waiting to testify on Lanai.

CHAIR CARROLL: Molokai Office, Ms. Alcon, is there anyone waiting to give testimony?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR CARROLL: Councilmember Couch, is there anyone waiting to provide testimony from remote meeting site, San Jose?

COUNCILMEMBER COUCH: We had a crowd here and they all left, sorry.

ALL: ...*(Laughter)*...

COUNCILMEMBER COUCH: No one was here, thank you.

CHAIR CARROLL: Thank you. Seeing, there are no further testifiers, if there's no objection, we will now close public testimony.

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COUNCILMEMBERS: No objections.

CHAIR CARROLL: Thank you.

**. . . END OF PUBLIC TESTIMONY . . .**

**ITEM NO. 3: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE PROPOSED DOWNTOWN KIHEI PROJECT (CC 15-21)**

CHAIR CARROLL: Members, today...

COUNCILMEMBER COUCH: I'm still here.

COUNCILMEMBER BAISA: Hang up, Don.

COUNCILMEMBER COCHRAN: Is he going to stay with us the whole meeting?

CHAIR CARROLL: Thank you, Mr. Couch. Members, today we begin with County Communication 15-21, from Planning Director, transmitting a proposed bill to grant a request from Krausz Company, Inc. for a Community Plan Amendment from Business/Commercial to Hotel for a 2.6-acre parcel located on Piikea Avenue in Kihei; as well as a proposed bill to grant a request from the Krausz Company, Inc. for a change of zoning from R-3, Residential District, to H-M, Hotel District for approximately 2.6 acres from R-3, Residential District to B-2, Community Business District for approximately 18.3 acres, and from R-3, Residential District, to OS-1, Open Space District, for approximately 6.5 acres all located along Piikea Avenue. The proposed bills would allow the Krausz Company, Inc. to develop Downtown Kihei Project on the subject properties. Today we'll be hearing from the planner assigned to this project, as well as the applicant's representative. I will first ask if the Planner has any introductory remarks before we hear from the applicant. Ms. Cua?

MS. CUA: Yes, thank you, Mr. Chair, I do have some comments. This application was submitted to the Planning Department back in 2012, but well before then, the Department had meetings with the applicant on the layout of the project. You know, initially, from the get-go, we appreciated the fact that this was an infill project and that it was a project that was going to fill several needs or be a multi-use project basically. One of the concerns we had initially that we expressed to the applicants was that they site their buildings close to the street and that there wouldn't be fields of parking or seas of parking along the street, and the buildings towards the back of the street. And they really listened to us from the beginning and, you know, worked with us, and as you can see from the site plans, you know, it's a very well laid-out projects. The building designs are going to be great, buildings right up to the street, parking interspersed within the entire project on both sides of Piikea Avenue. They are

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preserving the existing wetlands so I know there was a testifier that questioned that, if anything was going to be built on the wetlands and that was never a negotiable item for the applicant. They felt from the very beginning that they weren't going to touch that. It wasn't going to be part of their developed lands and so you see the, definitely the green space that's going to remain there. The Planning Commission conducted their public hearing in August of 2014, on the Community Plan Amendment, the Change in Zoning, as well as a Special Management Area permit. The Commission recommended approval of the Community Plan Amendment application and they also recommended approval of the Change in Zoning application to the County Council with one condition. And basically, the condition deals with pro-rata share of traffic improvements as determined by the Department of Public Works. They deferred action on the SMA permit because in order for an SMA permit to be granted, there has to be consistency with zoning. And so the applications are before you now, hopefully to become consistent, the zoning would be consistent so that the SMA can be granted. So once you're done with the Land Use applications, we would be able to schedule the Special Management Area permit for action with the Maui Planning Commission.

CHAIR CARROLL: Thank you. Members, we are now going to take a short recess to prepare for the Department's recommendation before we go and open the floor. This meeting stands in recess. . . .(gavel). . .

**RECESS: 2:07 p.m.**

**RECONVENE: 2:10 p.m.**

CHAIR CARROLL: . . .(gavel). . . This Land Use Committee meeting of March 18<sup>th</sup> will come back to order. I will now turn the time over to the applicant for the presentation.

**. . . BEGIN PRESENTATION . . .**

MS. SUYAMA (*PowerPoint presentation*): Okay. Good afternoon, Chairman Carroll, and Members of the Land Use Committee. My name is Colleen Suyama. I'm with the firm of Munekiyo Hiraga and with me today is also Gwen Hiraga. Part of our project team is the applicant, we have David Pyle and Jay Krigsman from the Krausz Company. We also have our engineer, Clifford Mukai, from Warren S. Unemori Engineering. We also have our traffic consultant, Matt Nakamoto, from Austin Tsutsumi & Associates. For orientation purposes, this is Piilani Highway located here, Piikea Avenue going down here, Liloa Drive and, if you're familiar with Kihei, this is the Piilani Village Shopping Center. You have the Piilani Gardens Apartment buildings here as well as on the west side, you have the Long's Drugs Shopping Center and the Azeka Mauka Shopping Center here. And on this side, you have the Haggai Institute along Lipoa Street. The project consists of four properties. Parcel 30 located here, Parcel 76, Parcel 80 and Parcel 158. This is an aerial view of the property. This is Piilani Highway, the Piilani Shopping Center, Piikea Avenue, Liloa Drive. And this aerial shows you what's

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existing on the property. On Parcel 76, you see the approximate 3-acre wetland here, the vacant property, Parcel 30, which is currently vacant, Parcel 80, which is about a 3.5-acre wetland and Parcel 158, which is also vacant. In terms of the land use, the property is in the Urban State Boundary. On the Kihei-Makena Community Plan, the non-wetland parcels are designated as Business and the two wetland areas are designated as Open Space. The zoning for all the properties are R-3, Residential, and as stated previously, in 2012 when the Council approved the Maui Island Plan, it included the project in the Urban Growth Boundary as Kihei Infill and Revitalization. This is one of the few projects that the Council specifically identified in the Maui Island Plan as the type of development that they wanted to see within Maui County. In terms of what the applicant is requesting, they're requesting a Community Plan Amendment from Business/Commercial to Hotel for the 2.6-acre site. They're also requesting the planning standards of the Community Plan be amended to allow for the 60-foot height limit that's required for technical reasons for the theater building. Also in terms of the Change in Zoning, for Parcel 30, which is located on the north side of Piikea Avenue, they're asking for H-M Hotel for the 2.6 acres, B-2 Community Business, which is approximately 7.8 acres, as well as Open Space 1 for the man-made 3-acre wetlands. For Parcel 76 and Parcel 158, they're asking for B-2 Community Business for the 9-acre Parcel 76 and the approximately 1-acre Parcel 158. Parcel 80, which is the man-made wetlands, they're requesting OS-1 Open Space. As noted, in terms of the history of the project before the Maui Planning Commission, on March 12, 2013, the Final Environmental Assessment was approved as A Finding of No Significant Impact or FONSI by the Maui Planning Commission. On April 8, 2013, the Final EA was published in the OEQC Environmental Notice. The 30-day appeal period went by without anyone appealing the Environmental Assessment. It's noted that during the Maui Planning Commission presentation, when they adopted the FONSI, the Commission had asked for an updated Traffic Impact Analysis Report and that was done by the applicant. The report was submitted to both the Department of Public Works and the State Department of Transportation. Because of that reason, the hearing, the public hearing for the Maui Planning Commission did not occur until almost a year later on August 12, 2014, and as noted by Ms. Cua, the Commission voted to recommend approval of both the Community Plan Amendment and the Change in Zoning with the conditions cited. Then on December 16, 2014, the Department transmitted the recommendation on the Community Plan Amendment and Change in Zoning to the Maui County Council and that's the reason why we're here today with the Land Use Committee. In terms of the project itself, the Downtown Kihei Project, Parcel 30, which is north of Piikea Avenue, they're proposing a four-story, 150-room non-resort local-serving hotel. You know, as noted by Mr. U'u, the reason why they included the hotel is that at one time the KCA, also various members of the community, as well as the Administration, had noted that within the Kihei area, there wasn't any local hotel similar to the Maui Beach Hotel in Kahului and people that came for sporting events or special family occasions like weddings, luaus, graduations, they didn't have a place to stay within Kihei. Lot of the resort hotels were basically out of the price range of most local families and for that reason, they included the 150-room hotel building into the project. Also on Parcel 30,

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they're proposing two-story commercial/retail of approximately 114,900 square feet of floor area. They're proposing 515 on-grade parking and maintaining the three-acre man-made wetlands that's on the property. On Parcel 76, which is at the corner of Liloa Drive and Piikea Avenue, they're proposing approximately 98,000 square feet of commercial/retail in two-story buildings. They're also proposing approximately 44,000 square foot, 60-foot high theater building. They're also, within Kihei, there is no village center or town center, they're also proposing to create a village square and also to provide approximately 600 on-grade and deck parking for the project. On Parcel 80, which is the other man-made wetlands, they're proposing to leave it as-is, there are no proposed development for it. And on Parcel 158, directly adjacent to the Azeka Mauka Shopping Center, they're proposing a one-story, approximately 6,000 square foot commercial/retail building and 72 on-grade parking. This is a site plan of the proposed project. For orientation purposes, this is Liloa Drive here, the existing roundabout, Piikea Avenue, which separates the project. This is Parcel 76, Parcel 30, Parcel 80 and Parcel 158. As noted, the existing man-made wetland would be kept as-is. There is this drainage retention basin that's going to be landscaped and it's approximately 150 feet. The reason this is sited here as well as another retention basin here, which is approximately 55 feet wide, is that the recommendation to mitigate impacts on endangered species, which is primarily the sea birds, is to have a buffer between the project and the wetlands because we were advised that the birds do not like human activity to be close to them and for that reason, it wasn't included, you know, it was decided to put these buffers here. So they sited their project further east of the wetlands. On Parcel 76, this is the four-story hotel building and the existing, the proposed commercial building and parking. On Parcel, I'm sorry, this is Parcel 30. Parcel 76, they're proposing the 60-foot high theater building, which is adjacent to the Haggai property. And if you're familiar with Kihei, you know that the Haggai Institute is a six-story building. They're also, they wanted to take advantage of the sloping lot to set the building in place adjacent to this property line to diminish any visual impact the building may have on, from either Piikea Avenue or Liloa Drive. They also proposing the two-story deck parking here. This deck parking, because of the slope of the property, will be at the same elevation as the on-street parking, on-surface parking, so you really won't see this deck. It's really lowered into the topography of the property as well as you would have your proposed two-story commercial buildings and this is the village square that they're proposing to develop, to try to establish a town center for the Kihei region. They're maintaining Parcel 80 as the existing wetlands. And then on Parcel 158, this is the proposed one-story commercial building and the parking lot. As noted by Ms. Cua, the project went through several development phases or redesign, you know, in response to not only the Planning Department, the KCA, as well as the Administration, to get to the point, and the agencies, to get to the point where most of the issues are resolved prior to going further on the development. One of the major things is that we worked with the Department of Public Works as to the improvements on Piikea Drive. We also worked with them to establish the entrances within the project, especially the two main entrances here. That was developed with the Public Works Department, the turning improvements were worked out with the Public Works Department and more

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recently, the bike connection of the Liloa bike, greenway bike path, along Piikea Avenue. If you're familiar with Piikea Avenue today, you do realize that there are no bike paths or bike lanes along Piikea Avenue. The development is proposing to construct those bike lanes. This is the location of the hotel, the 150-key room hotel that's proposed. This gives you a visual of conceptually what they're looking at as part of the four-story hotel. This is a section of the hotel. They're proposing like a porte cochere, maybe a restaurant facility and the four stories of rooms and your back of service. And on the Parcel 76, which is the southern property, this is the theater building that's proposed, the village square and your commercial buildings. This is a rendering, a schematic of what the theater building may look like. You have the theater building, this is a floor plan of it, and this shows you that there are the problems of the screens, the height of the screens, you know, an area for equipment and as well as the theater seating. To accommodate that, it would take approximately 60 feet to accommodate the building. And this is the only exception to the Community Plan that the applicants are requesting. This is a rendition of what that theater seating may look like. This is a rendering of the project from Piikea Avenue looking north and as you can see, they're proposing two-story retail/commercial, the hotel is in the background. And one of the things that's important is that, as noted by Ms. Cua, is that the developers worked with the Department and the Urban Design Review Board to develop design guidelines so that, to make sure that these buildings would look comparable to what is actually built, would look like this, and for that reason, the design guidelines were established and the future tenants will have to follow those design guidelines. And for your information, the design guidelines were based upon a architectural book that was done by the Department that talked about commercial buildings that were traditionally built in the old towns of Maui, for Maui island, and they followed that as their guidance to come up with their design guidelines. This is looking towards the village square. They're trying to create that village square/town center, surrounded by the commercial buildings. And as noted, you know, this is Liloa Drive, the greenway, because of the slope of the property, as you can see, you know, they're proposing landscaping and much of the building of the project will be lower than the actual Liloa Drive, you know, greenway. So this is a rendering of what it might look like. In summary, the Community Plan was reviewed in accordance with Chapter 2.80B, Maui County Code. The Change in Zoning is consistent with the Kihei-Makena Community Plan and meets the intent and purpose of zoning districts, would not adversely affect or interfere with public services, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of life. Also, just to note, besides working with the Public Works Department on the traffic, recently, by letter dated March 6, the Department of Transportation identified what would be the improvements that would be required of the project to mitigate traffic. As noted by one of your testifiers, that was one of her major concerns, like how is traffic being mitigated. So between the Public Works Department and the Department of Transportation, they have worked out what is the necessary traffic mitigation for the project. And in terms of the bike lanes, they did work with the Public Works Department to establish that there would be bike lanes along Piikea Avenue and one of the major reasons why it wasn't, they weren't able to

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accommodate it within the project itself is that within the project you have areas where the parking stalls back up directly into the travel lane and there was a safety concern that there may be some future traffic disruption between people trying to back up into the travel lane and bikers using a bike path through the property. This ends our presentation and we're open to any questions from the Council.

**. . . END PRESENTATION . . .**

CHAIR CARROLL: Thank you. This Committee will stand in recess for two minutes while we raise the screen. Recess. . . *(gavel)*. . .

**RECESS: 2:26 p.m.**

**RECONVENE: 2:29 p.m.**

CHAIR CARROLL: . . . *(gavel)*. . . Land Use Committee meeting, March 18<sup>th</sup>, will come back to order. Members, before I open it up to the floor, I have several things that I'd like to take care of first. We have the State DOT letter, which she referred to about the traffic. I would like to add that as a condition. And also in the correspondence you have, it's referenced to the "applicant". Instead of "applicant", we'd like to change it to the name of the applicant, the actual name, because this goes with the land, the conditions, and so we need to have the actual name of the person over there. Mr. ...

VICE-CHAIR VICTORINO: So, Mr. Chair?

CHAIR CARROLL: We have over here a Staff member working diligently over there.

VICE-CHAIR VICTORINO: So, Mr. Chair, while he's coming back, would you need a motion to add those --

CHAIR CARROLL: Yeah, I'm going to --

VICE-CHAIR VICTORINO: --particular items?

CHAIR CARROLL: --have --

VICE-CHAIR VICTORINO: Okay, yeah. Just wanted to know then I'll go ahead --

CHAIR CARROLL: --Mr. Jensen read it off first though --

VICE-CHAIR VICTORINO: --yeah.

CHAIR CARROLL: --and then after that, we'll go with a motion.

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VICE-CHAIR VICTORINO: Yeah, you let me know. Okay, thank you.

CHAIR CARROLL: Thank you. Mr. Jensen?

MR. JENSEN: Yes, Mr. Chair, both of those items were discussed by you and will be appropriately stated at the time the matter is recommended.

CHAIR CARROLL: Okay, and just as I had brought forward, that is the letter from, we will put that, add that on as a condition and then change the name of "applicant", the reference of "applicant" to the actual applicant's name over there because we have determined way back before that you don't want to leave "applicant" on the application, you want to have the actual name of that organization or person.

VICE-CHAIR VICTORINO: Okay.

CHAIR CARROLL: Any questions? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. Are you referring to the March 6, 2015 letter --

CHAIR CARROLL: From the Department of Transportation, right.

COUNCILMEMBER GUZMAN: --from the Department of Transportation?

CHAIR CARROLL: There's four, three or four--you never have it before us when you want it.

MR. JENSEN: Mr. Chair? Yes, in answer to Mr. Guzman's question, that March 6<sup>th</sup> communication from the State Department of Transportation. I'm sure this will be discussed at the appropriate time when the traffic engineers are brought up to consider it.

CHAIR CARROLL: And that's ...*(inaudible)*...

MR. JENSEN: There's item number one and item number two on that letter. The first item contains point A and B and so the recommendation would result in addition to the current condition number one, this item number one from the letter would become condition number two and item number two would become condition number three.

VICE-CHAIR VICTORINO: Okay.

COUNCILMEMBER GUZMAN: Okay. Very good. Thank you, Chair.

CHAIR CARROLL: And I would like to add that by motion, Mr. Victorino.

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VICE-CHAIR VICTORINO: Yes, we would add that March 6<sup>th</sup> letter that condition one on the letter would be now considered condition two and condition two on the letter would be condition three to the original condition one. That is my motion.

MR. JENSEN: That's correct and as the Chair mentioned, the current condition one as well as these proposed conditions all cite the "applicant" --

VICE-CHAIR VICTORINO: Yes.

MR. JENSEN: --and the Chair's recommendation would be to replace that as is standard with the name of the individual landowners. In this case the parcels are owned by different entities of the Krausz Corporation.

VICE-CHAIR VICTORINO: So you want two different motions or you want ...

CHAIR CARROLL: What, yeah, one motion.

VICE-CHAIR VICTORINO: One motion. And then so the names would be put in instead of "applicant", the appropriate names would be added to the application as it applies to this.

CHAIR CARROLL: Instead of the word "applicant".

VICE-CHAIR VICTORINO: Instead of the word "applicant".

CHAIR CARROLL: Thank you. Do I have a second?

COUNCILMEMBER GUZMAN: Second.

CHAIR CARROLL: Second by Mr. Guzman. Discussion? All in favor --

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR CARROLL: --please signify...

COUNCILMEMBER COCHRAN: Wait, Mr. Chair, Mr. Couch is here.

CHAIR CARROLL: Oh, I am sorry. Mr. Couch, I keep forgetting to look for you.

COUNCILMEMBER COUCH: Can we have a short recess, please?

CHAIR CARROLL: I'm sorry, could you repeat that?

COUNCILMEMBER COUCH: Short recess, please?

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COUNCILMEMBER COCHRAN: Recess.

COUNCILMEMBER BAISA: Recess, please.

COUNCILMEMBER COCHRAN: Recess.

CHAIR CARROLL: Okay, we're going to call a brief recess. . . .(gavel). . .

**RECESS: 2:33 p.m.**

**RECONVENE: 2:35 p.m.**

CHAIR CARROLL: . . .(gavel). . . .(Inaudible)...

VICE-CHAIR VICTORINO: Mr. Chair?

CHAIR CARROLL: ...(Inaudible)...

VICE-CHAIR VICTORINO: Yeah, so if you read what Mr. Fujikami has sent forward to us, I would appreciate it please.

CHAIR CARROLL: One moment.

VICE-CHAIR VICTORINO: Yeah, no problem.

CHAIR CARROLL: This is becoming really interesting --

VICE-CHAIR VICTORINO: Yes.

CHAIR CARROLL: --how we're doing this. Alright, did you hear Mr. Victorino's request? He would like the exact wording.

VICE-CHAIR VICTORINO: If you could read it into the record, Mr. Jensen?

CHAIR CARROLL: Do you have the verbiage over there? Can you repeat the exact verbiage please?

MR. JENSEN: Sure. You're talking about the conditions?

VICE-CHAIR VICTORINO: Yes, please.

CHAIR CARROLL: Yes.

MR. JENSEN: And we'll, as I mentioned, we'll confirm, because they're different landowners for each parcel --

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VICE-CHAIR VICTORINO: Yes.

MR. JENSEN: --so we'll substitute applicant for the landowner name, the conditions will read as the new proposed condition two, "the landowner shall design, construct, and provide the following improvements at the intersection of Piilani Highway and Piikea Avenue, all at no cost to the State and prior to the first Certificate of Occupancy being issued by the County of Maui: A. Provide an additional East bound left-turn lane to create a double left-turn lane onto Piilani Highway; B. Restripe the north-bound left-turn lane to increase its storage capacity to the extent feasible consistent with current AASHTO standards." The newly proposed condition three would read, again, "the landowner shall perform traffic signal timing optimization of the Piilani Highway, Piikea Avenue and Piilani Highway/Lipoa Avenue intersections, all at no cost to the State. The optimization shall be performed when the Downtown Kihei attains at least 70 percent occupancy or at the request of the Hawaii Department of Transportation."

VICE-CHAIR VICTORINO: Thank you, Mr. Chair, and at least the public, and Mr. Couch now, clearly understands what's going on.

CHAIR CARROLL: Thank you, Mr. Victorino.

COUNCILMEMBER COUCH: Got it. I got the document in front of me as well. Thank you.

CHAIR CARROLL: Thank you. Alright. We have a motion on the floor. Any further discussion? All those in favor, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Mr. Couch, was that an "aye" from you.

COUNCILMEMBER COUCH: Aye.

CHAIR CARROLL: Alright. We have six "ayes" and one excused.

**VOTE: AYES: Chair Carroll, Vice-Chair Victorino, Councilmembers Baisa, Cochran, Couch, and Guzman.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Crivello.**

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**MOTION CARRIED.**

**ACTION: APPROVED AMENDMENT.**

CHAIR CARROLL: Proceeding on now. I'm going to open the floor. We have quite a few people over here. We have our Police Department, we have our Fire Department. I can just open the floor to questions or just to be considerate of these people that we have waiting. If you wouldn't mind, I would call them down and you could ask them or --

VICE-CHAIR VICTORINO: Mr. Chair, why don't ...

CHAIR CARROLL: --we can just wait if you have questions.

VICE-CHAIR VICTORINO: If it's alright with you. Why don't we just bring down the Police Department and then followed by Fire and just go right through the list and if we have no questions then they can be dismissed. That's why, they don't have to sit here and wait, if that's okay with you, Mr. Chair.

CHAIR CARROLL: Alright, I'll call down Water first. If you could please identify yourself at the microphone?

MS. BLUMENSTEIN: Good afternoon, Chair, Members. I'm Eva Blumenstein, Planning Program --

VICE-CHAIR VICTORINO: Eva?

MS. BLUMENSTEIN: --Manager for Department of Water Supply.

VICE-CHAIR VICTORINO: Yeah, thank you.

CHAIR CARROLL: Thank you. Any questions for Water?

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR CARROLL: Mr. Couch, I mean, Mr. Victorino?

VICE-CHAIR VICTORINO: I'll defer to Mr. Couch. Let Mr. Couch ...

CHAIR CARROLL: No, no. You, Mr. Victorino.

VICE-CHAIR VICTORINO: No, no, I'll defer to Mr. Couch.

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CHAIR CARROLL: He didn't ask. I just used the wrong name.

VICE-CHAIR VICTORINO: No. Does Mr. Couch have a question?

COUNCILMEMBER COUCH: Yes.

CHAIR CARROLL: No.

VICE-CHAIR VICTORINO: Yes, yes.

CHAIR CARROLL: Oh, he did? Oh --

VICE-CHAIR VICTORINO: Yeah.

CHAIR CARROLL: --okay, Mr. Couch?

COUNCILMEMBER COUCH: Thank you. And I'm sorry, I didn't hear who was up there for Water so I'm sorry if I don't address you properly. The question was brought up or a comment was brought up and I'm very curious is about how that works. The fact that, I remember when this project first came out I was on the KCA at the time and they wanted to do residential units and part of the issue with them not being able to do residential units was the fact that the "Show Me the Water" bill kinda held them up. Is that kind of a fairly accurate assessment of the issue that you have heard anyway?

MS. BLUMENSTEIN: Yeah, thank you, Mr. Couch. Yes ...

CHAIR CARROLL: You need to speak rather loudly so he can hear, in the microphone, you have to talk loud so he can hear.

MS. BLUMENSTEIN: Okay, thank you.

CHAIR CARROLL: Thank you.

MS. BLUMENSTEIN: Yes, that would change the fact, going from residential to hotel units. The factor that would change is that there'd be no kitchens included so the hotel units wouldn't qualify as a dwelling and, therefore, would be exempt from the "Show Me the Water" availability policy.

COUNCILMEMBER COUCH: Okay. Alright, thank you, Chair.

CHAIR CARROLL: Thank you. Mr. Victorino?

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VICE-CHAIR VICTORINO: Following on those same lines, you know, as far as water usage, are you insinuating or are you saying that it's going to be less water usage having a hotel there versus the number of residential units that were originally considering?

MS. BLUMENSTEIN: No, not at all.

VICE-CHAIR VICTORINO: It will ...

MS. BLUMENSTEIN: Maybe the opposite, in fact.

VICE-CHAIR VICTORINO: It may be the opposite?

MS. BLUMENSTEIN: Yes.

VICE-CHAIR VICTORINO: Okay, okay. I think that's something that we want to discuss a little bit more with the applicant. I think one of the things they did say that they are going to be using R-1 water for all their landscaping 'cause the pipe runs right along, adjacent to South Kihei Road and they can hook up but we'll ask them more questions as we get closer. But, thank you very much for that clarification.

MS. BLUMENSTEIN: You're welcome.

CHAIR CARROLL: Any more questions for Water? If not, thank you for coming. We appreciate it.

MS. BLUMENSTEIN: Thank you.

CHAIR CARROLL: Next we call down our Fire Department. Please identify yourself at the microphone.

MR. ENGLISH: Thank you, Chair. Good afternoon, Lieutenant Scott English from the Fire Department.

CHAIR CARROLL: Any questions for Fire? Mr. Couch, you have any questions for the Fire Department?

COUNCILMEMBER COUCH: No, thank you.

VICE-CHAIR VICTORINO: One quick question, Mr. Chair.

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: So as you've looked over these plans and how it's all set up, the egress, ingress, your Fire Department feels comfortable that they can make their

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entrances, exits, with the lanes that are set up there for the, actually, the hotel as well as the shopping area itself?

MR. ENGLISH: Thank you, Mr. Victorino. Basically, the developer would have to follow the minimum requirements for the Code --

VICE-CHAIR VICTORINO: Okay.

MR. ENGLISH: --for the entire development.

VICE-CHAIR VICTORINO: Okay. Okay and that's all I needed to know, that they following the Code. Thank you.

CHAIR CARROLL: Any further questions for Fire? Seeing none, thank you. Police Department? Please identify yourself at the microphone.

MS. KIBBY: Good afternoon, Chair. Good afternoon, Council. I'm Officer Emily Kibby, Community Police Officer in Kihei.

CHAIR CARROLL: Questions for Police Department? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, Officer Kibby, for being here. You heard some, I don't know if you heard the comments about the traffic when there's issues. Does the Department have any plans on, you know, when there is an accident or a road closure or something like that? With the extra added amount of vehicles that are going to be there, does the Department have any plans on doing manual traffic signal controls during these kind of incidences because I believe there was one time when Piilani was closed and the testifier's right, that the roundabout and everything else around it was just jam packed, but that's an unusual occurrence. But it would be good if out beyond the general area where things really start to back up, if the Department had some plans to do some sort of traffic mitigation during an unusual circumstance.

MS. KIBBY: Thank you, Don Couch. Yes, of course, during any kind of incident, we are all out there directing traffic. I think the incident you were referring to, I personally also was out directing traffic. Part of the issue though is manpower. We have five officers at a time in Kihei, which covers the, you know, only, really five intersections. So that's one of the issues, as far as whenever there's an incident and police have to go out and manually direct traffic.

COUNCILMEMBER COUCH: Okay. That's the case everywhere, usually, is manpower. So, thank you, thank you for that information.

CHAIR CARROLL: Thank you. Mr. Victorino?

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VICE-CHAIR VICTORINO: Thank you. And just to add to that, do you have any other plans--and I've noticed that there's other, you know, the testifier said Welakahao or Waipuilani, you know, roads, you know, which are pretty far away but there is Ku...

MS. KIBBY: Kulanihakoi?

VICE-CHAIR VICTORINO: No.

COUNCILMEMBER COUCH: Kulanihakoi.

VICE-CHAIR VICTORINO: No, no, no, no, no, no, no, no.

COUNCILMEMBER COUCH: Kaonoulu.

VICE-CHAIR VICTORINO: No, no, no, no, no. Kupaha [*sic*] Street, which is running, basically, parallel with the development but going down off of Liloa Drive, for which, you know, it doesn't form from Piilani, or does it, I think it might come from Piilani, right?

COUNCILMEMBER COUCH: Mr. Chair?

VICE-CHAIR VICTORINO: Yeah, you know what, wait, Mr. Couch, hang on.

COUNCILMEMBER COUCH: Okay.

VICE-CHAIR VICTORINO: I'm saying this could be an, asking if that's an alternative should, you know, Piikea or, and/or Lipoa and/or, you know, one of these other thoroughfares that you could come down and turn either, you know, turn right onto Liloa and then go back down to, but it doesn't lead to Piilani, I know that, but I'm just saying, some of the problems is Piilani gets shut down, which makes South Kihei Road the only way through the area. And there's no expanding South Kihei Road, not for a long time to come. So that's what I'm asking, is that, some of the, part of the plan when you guys have these emergencies?

MS. KIBBY: Thank you, Council [*sic*] Victorino. I know, recently they are, they're talking about extending Liloa, of course only to Kaonoulu, but that would relieve some of that traffic and then if you take into consideration the totality of developments that are going to be in the Kihei area, there will be more lighted intersections, specifically when our new high school is built. They're also making improvements or expanding the tech park. So I believe there are plans for a lighted signal at the highway and Welakahao. Also, possibly, I believe, at Kaonoulu and the highway. So there will be other lighted intersections to ease traffic, at least onto the highway.

VICE-CHAIR VICTORINO: Okay, thank you. And I guess emergencies is the real problem, you just don't know when they come, and when they come, it really does tie up traffic,

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I don't care how you look at it. But thank you for that clarification. I just, you know, 'cause I see these adjacent, what I call, adjacent side streets that could be used if you have to defer traffic and your answering yes, that can be if necessary. So, thank you very much.

CHAIR CARROLL: Any further questions for Police? And hearing none, thank you very much for coming. Thank you. Environmental Management. Please identify yourself at the microphone.

MR. MIYAMOTO: Thank you, Mr. Chair. Mike Miyamoto, Deputy Director for the Department of Environmental Management.

CHAIR CARROLL: Questions for Environmental Management? Mr. Couch, do you have anything?

COUNCILMEMBER COUCH: No, thank you.

CHAIR CARROLL: Anyone else have anything for Environmental Management? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I would have a couple of questions, mainly for the wetlands. I know that the, in the documents it indicates a buffer zone as well as, I guess, within the buffer zone there's some landscaping for it, I'm under the understanding that the wetlands will be enclosed. And so my question would be, in terms of the drainage that comes out, it also, I read briefly about a new sewer system or a system that would be in place. Can you explain to me how you would mitigate drainage, flood drainage--or I know that there's also a basin that's in place--but is there additional sewer lines that need to be placed to, you know, at least mitigate some of that drainage into the wetlands? I'm not...

MR. MIYAMOTO: Mr. Chair? Fortunately for Maui County, we don't combine our storm water runoff with our sewer system.

COUNCILMEMBER GUZMAN: Oh no, yeah, I mean storm water . . . *(laughter)*. . . that's gross.

MR. MIYAMOTO: Yes. We have a separate, we're totally separate from --

COUNCILMEMBER GUZMAN: Right.

MR. MIYAMOTO: --the storm water. So ...

COUNCILMEMBER GUZMAN: Yeah.

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MR. MIYAMOTO: We have an existing sewer line along Piikea that they would be connecting into. They are connecting into our reclaimed water line, which is along Liloa, so they will be using it. I think their report said they can do it for lots 76 and 30. The 158, which is further away, they would have to put in a new line to somehow extend down to that. So they will have an existing sewer, there is an existing sewer line that they can tap into real easily.

COUNCILMEMBER GUZMAN: Okay, so, just, I stand to be corrected, Chair. I apologize in terms of the sewer line and the runoff. So thank you very much.

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Any, Mr. Victorino?

VICE-CHAIR VICTORINO: And I forgive my colleague 'cause hey, if we don't make mistakes, these meetings get very boring. I wanted to ask you, the R-1 line that's running down, how far does it, does it go right in front of the this project? Where is the R-1 line at this point for usage on this project?

MR. MIYAMOTO: The R-1 line along Liloa currently services the shopping center.

VICE-CHAIR VICTORINO: Okay.

MR. MIYAMOTO: And it terminates currently at Waipuilani. We extended it as part of the bike path project --

VICE-CHAIR VICTORINO: Okay.

MR. MIYAMOTO: --all the way down to Waipuilani.

VICE-CHAIR VICTORINO: So they can hook up pretty easily --

MR. MIYAMOTO: Yes.

VICE-CHAIR VICTORINO: --with what --

MR. MIYAMOTO: It should available.

VICE-CHAIR VICTORINO: -- the locations are?

MR. MIYAMOTO: Yes.

VICE-CHAIR VICTORINO: Okay, thank you very much for that clarification.

CHAIR CARROLL: Any further questions for Environmental Management?

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COUNCILMEMBER COCHRAN: Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: And just sifting through some of the information from the Planning Commission minutes. It was questioned that this project could need an NPDES permit, Mr. Miyamoto, do you know if that had, if that's still on the books to decide if this project does or doesn't or maybe that's for the applicant later, if you folks haven't heard?

MR. MIYAMOTO: Yeah. That's outside of our jurisdiction but in talking with Planning it seems like it might be something they discuss in the SMA permitting process after they get through here.

COUNCILMEMBER COCHRAN: After this portion. Okay, great. Thank you. Thank you, Chair.

CHAIR CARROLL: Thank you.

COUNCILMEMBER COCHRAN: That's all.

CHAIR CARROLL: Any further questions? If not, thank you very much. We have only two more people over here. I'll call up Public Works first. Please identify yourself at the microphone.

MS. DAGDAG-ANDAYA: Good afternoon, Chair and Committee Members. I'm Rowena Dagdag-Andaya, Deputy Director of Public Works.

CHAIR CARROLL: Mr. Couch, do you have any questions for Public Works?

COUNCILMEMBER COUCH: I do. Thank you, Mr. Chair. Thank you, Ms. Andaya, for being here. And I want to thank my colleagues for prepping everybody with my, the questions I was going to ask of Public Works about the drainage. My concern is, this is a lot of impervious surfaces that are going to be created. Have you worked with the applicant on potentially doing a pervious parking lots A and B, how is the runoff going to be cleaned?

MS. DAGDAG-ANDAYA: Chair, and thank you for that question, Councilmember Couch. We have been in discussion with the applicant several times regarding their drainage system. It's my understanding that they intend to use carbon filters and different types of mechanisms that would filter out the storm water before it enters into our system. During our discussions, we did suggest to them to take a look at, you know, different types of green streets or green technologies for their project. And while it's not something that we would require, part of our Code, or any part of our drainage

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rules, you know, as MS4 gets developed, that's something that we'd look at. We currently have our storm water quality rules that the applicant would also need to comply with. So that's another area where, you know, they could look at different alternatives. But in the meantime, they do have different mechanisms for filtering out the storm water system, or storm water in general, and we have given them an opportunity to explore other options as well.

COUNCILMEMBER COUCH: Thank you for that answer. Since...Mr. Chair, if I may follow up? Since they started this project so long ago, are they going to be required to deal with the low impact design requirements that are currently in existence or are they exempt from that?

CHAIR CARROLL: Oh, excuse me, Mr. Couch. Could you repeat that a little louder please? It's difficult to hear.

COUNCILMEMBER COUCH: Oh, sorry. Since this project was started so long ago, are they going to be required to follow the low impact design requirements for drainage and storm water runoff or, you know, such as rain gardens and things like that, or are they exempt from that at this point?

CHAIR CARROLL: Ms. Andaya?

MS. DAGDAG-ANDAYA: Chair and Councilmember Couch, in our storm water quality rules, we don't have a requirement for low impact design. Although, in the rules itself it does give the applicant an opportunity to explore that. We don't have any requirements for it right now, right, at the current moment for LIDs.

COUNCILMEMBER COUCH: Okay. Well then I have a question for the developer when they come up, Mr. Chair. Thank you.

CHAIR CARROLL: We'll call on you when we call the developer down.

COUNCILMEMBER COUCH: Thank you.

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: And thank you. And thank you, Ms. Andaya, for that update. If I'm correct in asking you this question, you have worked with them to make sure that we mitigate any, any strong possibility and limiting any major runoff into these existing wetlands in every way possible, that we could bring forward?

MS. DAGDAG-ANDAYA: Okay, Chair --

CHAIR CARROLL: Ms. Andaya?

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MS. DAGDAG-ANDAYA: --and Councilmember Victorino. We have been talking with them about their drainage impacts.

VICE-CHAIR VICTORINO: Uh-huh.

MS. DAGDAG-ANDAYA: We've reviewed their preliminary report. When they come in for construction, we'll work with them once again. So that is going to be an ongoing process as they move towards the final construction.

VICE-CHAIR VICTORINO: You know, 'cause, you know, now is the time where if we putting conditions, this is where we want to do it to make sure that we protect. Yes, I know this is manmade wetlands, you know, and that we did that for the purpose of preventing flooding in this area 'cause it was prone to flooding in the years past. But, again, now that we have it set and now we have, you know, wildlife living in that area, even like what was mentioned earlier by one of the testifiers about access for the public to go in there and I really don't agree with it 'cause I'd like it to stay a protective area. When you let humans get touching it, humans get in there, other things happen. But that's something I'll talk with the public or the persons who brought that forward. For me personally, I want to see this preserved and I want to make sure we do everything possible to make sure this two wetlands are protected as best we can.

MS. DAGDAG-ANDAYA: Sure. And ...

VICE-CHAIR VICTORINO: Yes, go ahead. I'm sorry.

MS. DAGDAG-ANDAYA: Sorry, Chair, if I could?

CHAIR CARROLL: Ms. Andaya?

MS. DAGDAG-ANDAYA: You know, one thing I also want to point out too is that, right now, existing, the existing drainage, I mean, it flows the natural pattern. With the project coming in, they have indicated in their reports that they intend to treat the water so that will be a benefit, I believe, in this area.

VICE-CHAIR VICTORINO: Okay, thank you. Thank you for that clarification. Thank you, Chair.

CHAIR CARROLL: Any further questions for Public Works? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Ms. Andaya for being here. So going through Maui Planning Commission meeting minutes on August 12<sup>th</sup>, it was asked and I believe it was about like synchronizing the lights, hoping to address the congestion issue and traffic impact issues. And I know, Chair, we passed, we added in that one traffic signal timing optimization. So my questions is, is that what synchronizing is? What do they call it? Mr. Hedani had asked about signalization and

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synchronizing of because he had seen issues in West Maui had occurred and \$250,000 was needed to get this going so he wanted to address this issue now with the applicants if, to provide such funding. And I just want to make sure that what we pass in our condition is in direct relation to this issue that Mr. Hedani had brought up. And if you recall that discussion?

CHAIR CARROLL: Ms. Andaya?

MS. DAGDAG-ANDAYA: Chair and Councilmember Cochran, I do recall that conversation and we, for Department of Public Works' standpoint, we do agree with that condition that the State provided. So, yes, we're in agreement with it.

COUNCILMEMBER COCHRAN: Okay. And a follow-up, Chair?

CHAIR CARROLL: Proceed.

COUNCILMEMBER COCHRAN: So, thank you, and so, Ms. Andaya, in that line of discussion then you had mentioned that you had monies appropriated already in the FY '13-'14 Budget to address that type of usage and you needed to expend it by the end of this past year. So where's that money, is it spent, is it used, is it, do you still have it?

MS. DAGDAG-ANDAYA: Okay, Chair?

CHAIR CARROLL: Ms. Andaya?

MS. DAGDAG-ANDAYA: And that's, currently that's for our South Kihei Road section. So we have a signalization study for those intersections, those areas there. I think also what the State is looking at is for Piilani Highway as it relates to the existing intersection by Safeway. So, but we do have a separate project that we came in for in FY '14 for a signalization study in the area.

COUNCILMEMBER COCHRAN: Okay. For this particular road, Piikea --

MS. DAGDAG-ANDAYA: It would include --

COUNCILMEMBER COCHRAN: --in particular.?

MS. DAGDAG-ANDAYA: --Piikea. Yeah, any kind ...

COUNCILMEMBER COCHRAN: Okay.

MS. DAGDAG-ANDAYA: Yeah, because Piikea would, intersects with South Kihei Road. So in that Azeka area, that's kinda where we're looking at.

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COUNCILMEMBER COCHRAN: Okay. Okay. Thank you, Chair. That's all.

CHAIR CARROLL: Thank you, Ms. Cochran. Anything further for Public Works? Hearing none, thank you very much for coming down. We have one last person that I requested. Ms. Jo-Ann Ridao, who is still with us. Please identify yourself at the microphone.

MS. RIDAO: Good afternoon, Chair and Councilmembers. My name is Jo-Ann Ridao and I am the Director of Housing and Human Concerns.

CHAIR CARROLL: Any questions for Ms. Ridao? Mr. Couch?

COUNCILMEMBER COUCH: Not at this time. Thank you.

CHAIR CARROLL: Thank you. Anyone else have any questions for Ms. Ridao? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And again, looking through the minutes of the Planning Commission, the discussion then was, and also hearing, from Residential to, you know, the Change in Zoning basically. What was it taking away from? I think there was discussion with Mr. Medeiros. I don't know who Mr. Kingsman [sic] is, but it was in dialog with the two of them as to the workforce housing. In relation to this, it does become Hotel and where is, and it was discussed, I guess, that they were going to invest in projects for credits. And so I don't how, is there a relation between the R-3 original zoning and what that was going to give versus what we're getting today with the change of zoning with the Hotel --

CHAIR CARROLL: Ms. Ridao?

COUNCILMEMBER COCHRAN: --I guess, and if there's a direct relation to, like the Workforce Housing ordinance and what have you?

MS. RIDAO: Okay, so, I couldn't answer you on the R-3 zoning and what that would give you in housing. However, I can answer that the hotel will be subject to the 2.96 Residential Workforce Housing Policy and they will be required to provide 25 percent of the number of hotel rooms. So I believe that would be around 38 housing units, affordable housing units.

COUNCILMEMBER COCHRAN: Okay. And so, are you aware--I guess it's for applicant to answer but if you are aware of how that's going to be accomplished?

MS. RIDAO: Not at this moment. Usually what happens is, as they get closer to the construction of the hotel, they would come in beforehand because they will be required to have an affordable housing agreement prior to any building permits.

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COUNCILMEMBER COCHRAN: Okay. Okay, so there's a...okay, thank you.

CHAIR CARROLL: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR CARROLL: Any further questions for Jo-Ann Ridao, Ms. Ridao? Hearing none, thank you very much for coming down. I will now open the floor--you know, it's five after 3:00.

VICE-CHAIR VICTORINO: Take a break.

CHAIR CARROLL: Would you like to take a break or would you ...*(inaudible)*...? You know, let's take a short break because some people like leave early. If we could be back here at 2:15. Excuse me, 3:15. 3:15, we now stand in recess. . . .*(gavel)*. . .

**RECESS: 3:06 p.m.**

**RECONVENE: 3:20 p.m.**

CHAIR CARROLL: . . .*(gavel)*. . . Land Use Committee meeting of March 18<sup>th</sup> is now back in session. Alright, Members, we're into discussion. Mr. Victorino?

VICE-CHAIR VICTORINO: Yes, Mr. Chair, with your permission, I'd like the applicant or his representative to come up because I think we have some small questions that we'd like to ask them, if that's alright with you --

CHAIR CARROLL: Proceed.

VICE-CHAIR VICTORINO: --with your permission. The applicant.

CHAIR CARROLL: The applicant?

VICE-CHAIR VICTORINO: Yeah, please.

CHAIR CARROLL: Is there any objection to calling the applicant down?

COUNCILMEMBERS: No objection.

CHAIR CARROLL: Alright. Could the applicant or your representative please come forward? Please identify yourself at the microphone.

MR. PYLE: Hi, I'm David Pyle.

VICE-CHAIR VICTORINO: And, Mr. Chair, I'll defer to the District --

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CHAIR CARROLL: Mr. Couch --

VICE-CHAIR VICTORINO: --representative, Mr. Couch.

CHAIR CARROLL: --do you have any questions for the applicant?

COUNCILMEMBER COUCH: I got plenty but I think Mr. Victorino asked for them first. If it's okay having me go first--

CHAIR CARROLL: He's giving you the first shot.

COUNCILMEMBER COUCH: --I'll be happy to.

VICE-CHAIR VICTORINO: I give you first shot, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. And I didn't hear the name of the person who's up there.

MR. PYLE: David Pyle.

COUNCILMEMBER COUCH: Mr. Pyles?

MR. PYLE: Yes, Pyle.

COUNCILMEMBER COUCH: Okay. Thank you for coming. And you heard some of the questions, we're talking about the runoff, that's my biggest concern is the cleanliness of the water of the runoff that's going into the wetlands and I'm guessing--I don't know if you've done the studies or not--I'm guessing that the water that comes off your system and goes into the wetlands, and then from the wetlands it settles and then eventually will go into the ocean. Have you done that study at all?

MR. PYLE: Yes, Don, we've got studies on this and I think the best person to answer these questions is Clifford Mukai, who's been doing the work on that.

COUNCILMEMBER COUCH: Mr. Chair, if you don't mind?

CHAIR CARROLL: No. You can please come forward and identify yourself at the microphone. Mr. Couch, they have visual aids which is not going help you too much over here.

COUNCILMEMBER COUCH: If he has it on *Akaku*, I can see it.

CHAIR CARROLL: Okay.

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MR. MUKAI: Chair, Members of Committee, this is Clifford Mukai from Warren S. Unemori Engineering.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: And I think ...

VICE-CHAIR VICTORINO: Mr. Chair, before you start, I, this side of the room really can't see that far away. We're kinda old. Yeah, Mr. Guzman and I cannot see real well. So if they come a little bit closer, you know. Sorry, Mr. Couch, but we couldn't see it.

COUNCILMEMBER COUCH: No worries.

VICE-CHAIR VICTORINO: Can you see it now, Don? Okay. I got it.

CHAIR CARROLL: Okay. Mr. Couch?

COUNCILMEMBER COUCH: Yes. You heard my question to Mr. Pyle so, do you need me to repeat it?

MR. MUKAI: Please do.

COUNCILMEMBER COUCH: Okay. The biggest concern from, sounds like, from several of the Members, is the quality of the water runoff and my specific concern is that the water's going to come off of your project into your retention basins and then it goes, I'm guessing, into the wetlands, but it should be a lot cleaner then. Have you done any studies from where the water goes from there or are you just concerned about what the quality is going into the wetland?

MR. MUKAI: Well, we'll be, we examined both aspects of it in terms of storm water management as well as water quality. And so, if I could, and we realize some of us may not have the benefit of exhibits so I will clearly and concisely describe, first of all, the existing conditions. And as you describe the surface runoff currently, generally flows from mauka to makai, generally, easterly to westerly, from Liloa Drive towards South Kihei Road. So the upstream parcels, which include the existing Piikea Avenue roadway, the hard surfaces as well as the shoulders, drains directly into these two existing manmade wetlands replacement and enhancement sites. And these existing manmade wetland sites then discharge to the County storm drainage system that's along South Kihei Road and it conveys the storm water runoff down to the St. Teresa regulation reservoir, which eventually overflows to the ocean. So as far as the proposed drainage plan, and we'll just flip the exhibit over, the proposed drainage management plan will intercept and remove silt and contaminants at three levels prior to allowing any storm water runoff to be discharged to the County drainage system along South Kihei Road. For level one, there will be activated carbon filters at the drain inlets as Rowena from Public Works mentioned earlier. Level two quality

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enhancement will occur through the subsurface detention drainage systems, which are large, subsurface chambers with internal baffles to encourage siltation. And level three will include well vegetated, landscaped, above-ground detention basins. So the storm water runoff generally will go through all three levels of water quality enhancement prior to being allowed to reach the wetlands. So there will be considerable opportunity to capture and retain silt and other contaminants prior to the, entering the wetlands. Right now, the existing conditions, they go straight into the wetlands from Piikea Avenue and other upstream properties. As far as the runoff quantities, the existing manmade wetlands and the existing downstream drainage infrastructure were originally master planned to accommodate a certain peak discharge from the, from both of these future developments. And so we have, we will ensure that the drainage system will be designed such that we will respect the master planned maximum drainage capacity of the downstream systems, which were predesigned when they were put in to accommodate development from these three parcels.

COUNCILMEMBER COUCH: Okay. Thank you for that. And I got both of the photos and can see 'em on Akaku as well. The other quick question was, have you considered pervious asphalt or some sort of pervious surface so that the water will drain into the ground as opposed to runoff for your parking lot?

MR. MUKAI: We will be taking a look at that during the course of final design. We have been able to implement a lot of the principles that are associated with permeable pavement design. Generally for large-scale, commercial projects like this, there are concerns as far as the pores and the voids between the particles of pervious pavement becoming clogged and quickly reducing the capacity or permeability of the pavement structure. So in lieu of that, to, in lieu of something that has those associated risks for such a large area, that is one reason we've implemented the three-step water quality measures in conjunction with the subsurface drainage storage chambers. So what would normally go through, what would otherwise normally go through a pervious pavement structure and be stored in the granular material underneath would instead be stored in reliable subsurface drainage chambers.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR CARROLL: Thank you. Any questions for them that we have up at the podium right now? Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you. And Mr. Couch basically asked most of the questions that I was very intrigued with. So, and again, you know, I thank you very much and I hope you continue to work with Public Works because, you know, this area, you know, even though they were manmade, it has become very important, you know. And one of the things I would like to encourage, I totally disagree with the fact that I want the public to have access to this area. I'd like the wetlands to be protected the way they are and not to have public access to it. So I will oppose that, even though somebody

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from the community mentioned that. I don't see that as being a vital part of this because this, you know, whenever you let mankind, human beings, access these areas, other things start to happen and I don't think I want to see that. I think this is, what you're doing and what I hope will be done, to when this project is completed, will protect this area in perpetuity. So, thank you very much for your efforts.

CHAIR CARROLL: Thank you.

MR. MUKAI: Thank you, Committee members.

CHAIR CARROLL: The floor is still open. Any questions? Any further information, need from the applicant?

COUNCILMEMBER COCHRAN: Chair?

COUNCILMEMBER COUCH: Mr. Chair, if nobody else has, I have a couple more.

COUNCILMEMBER COCHRAN: No, go ahead.

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR CARROLL: Yes?

COUNCILMEMBER COUCH: If nobody else has, I have a couple more.

CHAIR CARROLL: For the applicant?

COUNCILMEMBER COUCH: Yes.

CHAIR CARROLL: Okay. He's gonna come back down now. One moment. And please identify yourself again at the microphone.

MR. PYLE: David Pyle, representing the applicant.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Okay. Mr. Pyle, one of the other things we talked about with Public Works was low impact design and she said she's been talking with you guys about that. Are you considering potential rain gardens and other low impact design measures as well?

MR. PYLE: Yeah, we're considering conscientious design all the time, all the way through this project. I think, you know, what they are, one, waterline right there that that's an easy fix for us.

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COUNCILMEMBER COUCH: Yeah.

MR. PYLE: We, it's kinda hard to tell on the site plan but we have PIV up on the, we're actually putting shelter for the cars on that upper level, the parking deck, and then PIV on that so we can be generating electricity instead of burning oil for that. You know, we always look for efficiency light fixtures, you know, the technology is changing so fast. It used to be low, you know, fluorescent lights, now its LED lights. As we design, we're always looking at the best practices.

COUNCILMEMBER COUCH: Okay. Well, you mentioned LED lights, just make sure you work with the guys up at the observatory, too, about the right color of the LED lights.

MR. PYLE: Absolutely. I'm a stickler about the color and also the other requirement, fluorescent, we've been working on our lighting plan is keeping the light out of the wetland area as well.

COUNCILMEMBER COUCH: Excellent. Thank you. Thank you, Chair.

CHAIR CARROLL: Thank you, Mr. Couch. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, thank you. And thank you for being here, Mr. Pyle. So I gave a question to Ms. Ridao, Department of Housing and Human Concerns, in regards to the Workforce Housing requirement that will be, I guess, brought about with the building of the hotel itself. So have you folks looked into how that was going to be accomplished?

MR. PYLE: Yes, we have several options before us and we're not going to start the hotel until that's satisfied.

COUNCILMEMBER COCHRAN: Okay. So nothing's solidified at this point? So you're discussing...

MR. PYLE: We have lots of options.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you very much. And also, just 'cause I'm dealing with a project in West Maui with noise and everyone understands it's a good project, but it can't, you know, be, not, I mean, equipment's going to happen, noise is going to happen, and, in particular, where this is going to be located amongst residents and, you know, businesses and what have you, just, and I know reading through, you need to be required to have a noise permit and what have you. But, again, not that anyone's breaking the laws in West Maui, it's just that the loud, heavy work is being done so early. I was able to discuss it with the project engineer to maybe forego those later in the day versus, you know, 7:00 a.m. kind of time frame. So are you folks taking that into consideration being that it's, yeah infill, but also that also means you have neighboring people?

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MR. PYLE: So you're talking during construction --

COUNCILMEMBER COCHRAN: Yes.

MR. PYLE: --time?

COUNCILMEMBER COCHRAN: Yes.

MR. PYLE: Yeah, we'll work with the community. That's a little time off from ...

COUNCILMEMBER COCHRAN: Yeah. But just heads up 'cause I don't think anybody thought to ask the question for this project that I'm having to deal with --

MR. PYLE: Right.

COUNCILMEMBER COCHRAN: --now in regards to noise. So I think it's just a good...

MR. PYLE: We're lucky we don't have a lot of residential immediately adjacent to this property because it's industrial on the south side and it's Yee's Orchard on the north side --

COUNCILMEMBER COCHRAN: Okay, very good.

MR. PYLE: --and retail on the other two.

COUNCILMEMBER COCHRAN: Okay, thank you. And then in regards to the, asking for the height, the extra height limit --

MR. PYLE: Yes.

COUNCILMEMBER COCHRAN: --is that only for the theater, or is this for hotel and theater, or what parts are you looking for the ...?

MR. PYLE: It's only for the theater and it's dictated by the screens, the aspect ratio of the screens, and we've actually done quite a bit of work to mitigate that. When Colleen had the slide up there, you saw that the, only one end of the theater was higher than the other and it's not the whole theater --

COUNCILMEMBER COCHRAN: Uh-huh.

MR. PYLE: --and at the same time with your Maui Code, it's from wherever the floor is but if you would've looked in the section there, it's--unfortunately I can't show it to you right now--we actually depressed that part into the ground. We have retaining walls around

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that. So even though it's 60 feet, what you see from the ground, it's less than 60 feet on one end of the theater building.

COUNCILMEMBER COCHRAN: Okay, and also working with the existing slope, grade area?

MR. PYLE: Yeah, we're dropping the site and flattening it out from Liloa makai and in that one area where it's a little higher, we're depressing the slab of the theater and at the same time, we're concentrating the height on that end only.

COUNCILMEMBER COCHRAN: Okay. Yeah, I see the site plan here --

MR. PYLE: Yeah.

COUNCILMEMBER COCHRAN: --floor plan. Thank you. And this is probably not a question for you. Thank you, Mr. Pyle. I think this might be for Planning. But looking at the Change in Zoning, it's saying everything's R-3 but they're looking for open space for the wetlands, but those are existing. So those are on R-3?

MS. CUA: That's correct.

COUNCILMEMBER COCHRAN: Oh, okay, okay. Just, I thought you would need to have the change in order to get the wetlands to be built. No? I guess not.

MS. CUA: No, you can pretty much build wetlands anywhere.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you, Chair. That's all I have.

CHAIR CARROLL: Mr. Couch, do you have any further questions for the applicant?

COUNCILMEMBER COUCH: I do.

CHAIR CARROLL: Proceed.

COUNCILMEMBER COUCH: Ms. Cochran's line of questioning brought up another question I had. Thank you, Ms. Cochran. In respect to, you know, the affordable housing and everything, how many jobs, both temporary, during construction, and what you think is going to be permanent, how many jobs do you think that this project will bring to South Maui?

MR. PYLE: Don, we had a study on that. It's been so long since I've read it. Going through this process, I can't remember the jobs. I know we had a feasibility study that has the jobs during the construction and then the ongoing and I don't remember it.

VICE-CHAIR VICTORINO: Maybe Ms. Cua might have that ...*(inaudible)*...

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MR. PYLE: It might be in the Child's report that's in the --

VICE-CHAIR VICTORINO: I was going say ...

MR. PYLE: --application.

CHAIR CARROLL: Planning Department's looking that up, Mr. Couch.

COUNCILMEMBER COUCH: Okay, thank you.

VICE-CHAIR VICTORINO: I saw it somewhere but I can't remember exactly where but I think ...

COUNCILMEMBER COCHRAN: And, Chair?

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Perhaps that could be given via the Committee to the Department and when they find it they can forward it to us --

COUNCILMEMBER COUCH: Yeah.

COUNCILMEMBER COCHRAN: --and we can have it. I don't think, yeah, is that okay, Mr. Couch?

COUNCILMEMBER COUCH: Yep, yep, that's good.

COUNCILMEMBER COCHRAN: Alrighty.

COUNCILMEMBER COUCH: Thank you.

CHAIR CARROLL: Thank you, Ms. Cochran.

COUNCILMEMBER COCHRAN: Just to expedite ...

CHAIR CARROLL: Alright, while they're looking for that, does anybody have anything else? I think we're just about to the end of this.

COUNCILMEMBER COUCH: I have some for Planning if you're alright with that, Mr. Chair.

CHAIR CARROLL: Well, I had Planning looking that up right now. If we can let that go for now, I can give you to Planning.

COUNCILMEMBER COUCH: Yeah, yeah, you can let that go.

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CHAIR CARROLL: Alright. Your question to Planning?

COUNCILMEMBER COUCH: Yes. Department, is Ms. Cua, is that who's there?

COUNCILMEMBER COCHRAN: Yep.

CHAIR CARROLL: Yes.

MS. CUA: Yes.

COUNCILMEMBER COUCH: Okay, great. There was concern about, in the presentation it said there's Community Plan consistency. For the most part, I think that's correct but correct me if I'm wrong, isn't there, they do have a Community Plan Amendment just for some minor things but for the most part, the Community Plan itself is Business, right, even though the zoning is residential, the actual Community Plan has always been Business and they're just asking for a little bit height variance and I think one other thing?

MS. CUA: Okay, the, wait, hold on.

CHAIR CARROLL: Ms. Cua?

MS. CUA: Okay, so the...wait, hold on, let me get where I'm trying to get to where I need to be.

COUNCILMEMBER COUCH: Actually, it is only, I'm looking at the ordinance again, it is only, just for the height, but everything else ...

MS. CUA: Right, they're asking to amend the language of the Community Plan to increase the height to 60 feet because in the Community Plan policies, for commercial development, in the Kihei Community Plan, there's a policy that says, commercial, it says here, establish, it's under Urban Design Standards and Building Forms in the Community Plan, establish a maximum of 35 feet in building height for new commercial facilities. And so they need, they need an amendment to that to increase the height to 60 feet.

COUNCILMEMBER COUCH: So other than that, it is pretty consistent with what the Community Plan had suggested?

MS. CUA: They also need a Community Plan Amendment for Hotel, for the hotel portion.

COUNCILMEMBER COUCH: For the hotel portion, correct.

MS. CUA: Correct.

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COUNCILMEMBER COUCH: But in the Community Plan, you know, that's right, there is a difference between Business versus Hotel.

MS. CUA: Correct.

COUNCILMEMBER COUCH: Alright, thank you, Ms. Cua, that's the question I had.

MS. CUA: Uh-huh.

CHAIR CARROLL: Alright. Anyone else have any other questions they would like to bring up or the Chair is going to give his recommendation?

COUNCILMEMBERS: Recommendation?

CHAIR CARROLL: The Chair will entertain a motion to recommend passage on first reading of the proposed bill entitled A Bill for an Ordinance Amending Ordinance 2641 (1998), Kihei-Makena Community Plan and Land Use Map from Business/Commercial (B) to Hotel (H) for Tax Key Map Number (2) 3-9-002:030 (por.), and to Allow a Height Limit of Sixty (60) feet on a portion of Tax Map Key Number (2) 3-9-002:079 [sic], Kihei, Maui, Hawaii, for the Proposed Downtown Kihei Project; incorporating any non-substantive revisions.

COUNCILMEMBER COUCH: So moved.

CHAIR CARROLL: It's been moved by Mr. Couch.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Seconded by Mr. Victorino. Discussion? Mr. Couch?

COUNCILMEMBER COUCH: Mr. Chair, are you including filing of that or do you not file?

CHAIR CARROLL: No, we file on the next one. We have to do the next one before we file the communication.

COUNCILMEMBER COUCH: Gotcha, gotcha. And this is just for the Community Plan Amendment so we're going to deal with the conditions or have they already been added? Oh, that's right, you already added 'em.

CHAIR CARROLL: The conditions, we added by motion already.

COUNCILMEMBER COUCH: Yep, okay, thank you.

CHAIR CARROLL: Any further discussion? All those in favor, signify by saying "aye".

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COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried. Six "ayes", one excused.

**VOTE: AYES: Chair Carroll, Vice-Chair Victorino,  
Councilmembers Baisa, Cochran, Couch, and  
Guzman.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Crivello.  
MOTION CARRIED.**

**ACTION: FIRST READING of revised bill.**

CHAIR CARROLL: Next bill. For this next bill, we have, we want to clarify the title because the title over here--I could call it a nonsubstantive change, but I'd like to do, have Staff read the changes in the title. It's just to make it more concise and more easy to understand. Mr. Jensen?

MR. JENSEN: Certainly, Mr. Chair. I'll try not to repeat the TMK numbers, which stay as they're noted, all four TMK numbers, I'll just read what comes before and after the TMK numbers. The revised proposed bill title would read A Bill for an Ordinance to Change Zoning from R-3 Residential to H-M Hotel District, B-2 Community Business District, and OS-1 Open Space District for Tax Map Key Numbers as they're currently listed and delete "for Property Situated at" and simply end the title with "Kihei, Maui, Hawaii, for the proposed Downtown Kihei Project". It just streamlines the title.

CHAIR CARROLL: Okay, those are the changes from the one that you have before you. Mr. Jensen, could you bring that over here so I can go ask for the motion?

COUNCILMEMBER COUCH: Mr. Chair, I can make the motion as he read it, if you ...

CHAIR CARROLL: Oh, if you could make the motion as it was read, if anybody, is that acceptable to everyone? It was just read to us and on the end, incorporating any nonsubstantive revisions; and filing --

COUNCILMEMBER COUCH: Filing, yep.

CHAIR CARROLL: --of the communication.

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COUNCILMEMBER COUCH: Yep.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: I move, so moved.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: It's seconded by Mr. Victorino. Discussion?

COUNCILMEMBER COUCH: Mr. Chair?

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: I want to thank you for bringing this up. And thank you for also having this, allow me to attend remotely. This is a very important, for Kihei, project. And I want to thank the applicant for putting up with almost ten years of back and forth with the community. They've done a stellar job at working with the community and doing a, coming back to the drawing board with some of the community changes. And there was a lot of community input on this and they worked very hard with the community. And that's what we like see with the folks doing developments. It's an infill development, it is one that, as it was mentioned, was brought up by the General Plan, Maui Island Plan, so I just want to thank the Committee for bringing this up. And thank you for, to the applicant for sticking with this project.

CHAIR CARROLL: Thank you, Mr. Couch. Any further discussion? Ms. Baisa?

COUNCILMEMBER BAISA: Mr. Chair, before we take the final vote here. For future reference, we had asked questions about jobs and that information can be found in a exhibit before the Land Use Commission of the State of Hawaii and it was submitted by Maui R&T Partners. And on Page 22, there's, in the middle, it says "economic impacts" and it gives all the figures about how many workers, how many wages, and all of the money, the payroll, that's involved, for anybody who wants to look it up.

VICE-CHAIR VICTORINO: Thank you, Ms. Baisa. I couldn't find--I know I saw it, but I couldn't find it.

COUNCILMEMBER BAISA: Yeah, I know I had read it.

VICE-CHAIR VICTORINO: Yes.

COUNCILMEMBER BAISA: Took me a while to find it but it is here. Thank you.

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VICE-CHAIR VICTORINO: Thank you, Ms. Baisa.

COUNCILMEMBER BAISA: It's kind of impressive. It talks about 1,469 workers with 68.6 million in yearly wages.

MR. HOPPER: Mr. Chair, I think that may be for the R&T project.

COUNCILMEMBER BAISA: Oh, is that the R&T? That's not this one?

MR. HOPPER: Yeah. It's tough because the binders, the binders kind of all put together right now.

COUNCILMEMBER BAISA: Oh, they're all together that's why. Okay, wrong, sorry. Keep looking.

VICE-CHAIR VICTORINO: Sorry about that. I know I read it someplace, yeah.

COUNCILMEMBER BAISA: Keep looking. Sorry, I thought I had found it. But we do have some good economic development projects in the works, exciting. Thank you.

VICE-CHAIR VICTORINO: And, Mr. Chair, before first reading, if this somehow can be forwarded to us, we'd appreciate it, Ms. Cua.

COUNCILMEMBER BAISA: Yes.

VICE-CHAIR VICTORINO: I mean, if that's alright with you, Mr. Chair.

CHAIR CARROLL: Yes. I neglected, when Mr. Jensen read it, when he began, that it should have said the Chair will entertain a motion to recommend passage on first reading of the proposed bill.

COUNCILMEMBER BAISA: Terrific.

CHAIR CARROLL: Alright. Thank you. Alright, any further discussion?

COUNCILMEMBER BAISA: No.

CHAIR CARROLL: Seeing none, all in favor of the motion, signify by saying "aye".

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes", one excused.

**VOTE: AYES: Chair Carroll, Vice-Chair Victorino,  
Councilmembers Baisa, Cochran, Couch, and**

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**Guzman.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Crivello.**

**MOTION CARRIED.**

**ACTION: FIRST READING of revised bill, RECORDATION of unilateral agreement, and FILING of communication.**

CHAIR CARROLL: This comes to the end of our agenda today. Thank you. Thank you for all of you that attended. Thank you to the members of the community that attended and out there in television land. This Land Use Committee meeting of March 18 ...

COUNCILMEMBER BAISA: Wait, wait, wait.

COUNCILMEMBER COCHRAN: Wait.

MR. JENSEN: Just Carla's clarification that we file.

CHAIR CARROLL: One moment, one moment. Excuse me...

COUNCILMEMBER COCHRAN: Recess.

COUNCILMEMBER BAISA: Recess.

COUNCILMEMBER COUCH: We did say "filed", we said "filed".

VICE-CHAIR VICTORINO: Yeah, we did say "file".

COUNCILMEMBER COUCH: Yes, we did.

MR. JENSEN: Carla's concerned.

COUNCILMEMBER COCHRAN: Okay, wait, you want a recess? Do you need to recess?

CHAIR CARROLL: And we did make the motion to file --

COUNCILMEMBER COUCH: We did file.

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CHAIR CARROLL: --the communication.

COUNCILMEMBER COUCH: I did make the motion to file. Yes, Mr. Chair.

CHAIR CARROLL: Yeah, somebody was, didn't hear us on that one. Okay, thank you again.  
This meeting stands adjourned. . . .(gavel). . .

**ADJOURN:** 3:48 p.m.

APPROVED:



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ROBERT CARROLL, Chair  
Land Use Committee

lu:min:150318:alp

Transcribed by: Annette L. Perkett

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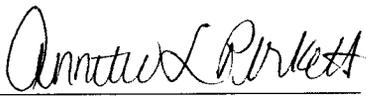
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CERTIFICATE

I, Annette L. Perkett, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 14<sup>th</sup> day of April, 2015, in Haiku, Hawaii.



Annette L. Perkett