

**URBAN DESIGN REVIEW BOARD  
REGULAR MEETING  
AUGUST 4, 2015**

**APPROVED 10-06-2015**

**A. CALL TO ORDER**

The regular meeting of the Urban Design Review Board (Board) was called to order by Mr. Hunton Conrad, Chair, at approximately 10:00 a.m., Tuesday, August 4, 2015, in the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Board was present (see Record of Attendance).

Mr. Hunton Conrad: Alright, good morning. This is the regular meeting of the Urban Design Review Board we're calling to order. Agenda, sorry, here we go. We have two items on the agenda today. One is Munekiyo & Hiraga presenting a variance request from Target. And we also have Victory Development requesting a Special Management Area, Management Area Use Permit. If there are any people who want to testify on either of these before we begin you are welcome to do so, but you may not testify again when you're, when the presentation is being made. So if people need to leave, then you are welcome to start the testimony now. I do have two people signed up, a Patricia Hoskin and a Carole Eiserloh. And would you like to testify now or would you like to wait?

Ms. Carole Eiserloh: I can wait.

Mr. Conrad: Okay, and the same with Patricia?

Ms. Patricia Hoskin: Yes.

Mr. Conrad: Okay, thank you.

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

**C. ADMINISTRATIVE APPROVAL OF THE JUNE 2, 2015 MEETING MINUTES**

Mr. Conrad: So we will proceed with Karlynn Fukuda of Munekiyo & Hiraga, Inc. Oh, sorry, administration approval of the minutes. Anybody have any questions or...considerations with the minutes from last meeting? Or well, actually, two meetings ago? No? Okay. I reviewed it pretty well, and I didn't find anything either. Okay, so they are administratively accepted.

***The June 2, 2015 UDRB meeting minutes were administratively approved as presented.***

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

1. **KARLYNN FUKUDA of MUNEKIYO & HIRAGA, INC representing TARGET CORPORATION requesting variances from Maui County Code, §16.13.050 “Commercial Signs” “General Prohibition,” and §16.13.070 “Signs authorized in airport, hotel/resort, business/commercial, apartment, and industrial districts” for four (4) signs. (1) Sign A1: a “Target” Business ID Sign of not more than 21 sq. ft., the sign exceeds the number of business identification signs allowed; (2) Sign C1: a “Target Logo” Business ID Sign of not more than 29 sq. ft., the sign is not an authorized type, and it exceeds the number of business identification signs allowed; (3) Sign C2: a “Target Logo” Business ID Sign of not more than 29 sq. ft., the sign is not an authorized type, and exceeds the number of business identification signs allowed; and (4) Sign D: a “Target Logo” Business ID Sign of not more than 64 sq. ft., the sign is not an authorized type, exceeds the number of business identification signs allowed, and exceeds the maximum sign square footage allowed, for the Target Maui Store located at the corner of Ho’okele Street and Pu’unene Avenue, Kahului, Maui, Hawaii; TMK:(2) 3-8-006:079 CPR0001 (SPV 2015/0002). (Paul Mikolay)**

Mr. Conrad: Okay, again . . . *(Chair Hunton Conrad read the above project description into the record.)* . . . And this is being presented by Paul Mikolay. Good morning Paul.

Mr. Paul Mikolay: Mr. Chairperson, members of the Board, good morning. I’m Paul Mikolay. I’m from the Zoning Administration and Enforcement Division of Planning, and we staff the meeting for sign variances.

I’d like to start with a small correction to the agenda item today. For sign (4), Sign D: a Target Logo, it lists the one too many variance requirements. I’ll read it into the record as it really ought to be; the correct version. And (4), Sign D: a “Target Logo” Business ID Sign of not more than 64 square feet, the sign exceeds the number of business identification signs allowed, and exceeds the maximum sign square footage allowed for the Target Store, the Target Maui Store located at the corner of Ho’okele Street and Pu’unene Avenue, and on from there. So along the way we just figured out that was incorrect.

Mr. Conrad: The “not allowed” was an incorrect statement.

Mr. Mikolay: Yeah, the “not an authorized type” was an incorrect statement. It’s corrected for the record now.

Mr. Conrad: Thank you.

Mr. Mikolay: The meeting packet you have today, it includes...the Director’s Report and Recommendation on the variance. And it includes Exhibit A which is the large application

packet. And it includes Exhibit B which is the docket that the staff report, or rather the Director's Report, refers to for Figures 1 to 6. And you might find this Exhibit B quite useful today in the discussion because we tried to consolidate all the salient features of the -- here's the large 11 by 17 document -- all the main features into one.

So the Board, the UDRB, acts in many different roles in the County. Sometimes it's a recommending board or a commenting body. In this case today, though, however, the Board will be the deciding body. Pursuant to Maui County Code 16.13.170, variances from restrictions imposed by the Commercial Sign Code may be granted when the Urban Design Review Board finds one of the following. Now the applicant has, in the application, applied for a variance under both categories of criteria. The first one -- I'll read the relevant section of it -- a variance may be granted for structure or activity which is undertaken by a private facilities for improvement which is undertaken by a private entity and is clearly in the public interest provided that the proposal is the practicable alternative which best conforms to the purpose of the chapter. That would be the one category of variance that the Board could issue today. Second category has three...criteria...each of which, each of which must be met. A variance may be granted for a sign if the following criteria are met: (a), unique circumstances or special conditions exists which are peculiar to the land, structure or activity involved. And, (b), the proposal is the most practicable alternative. And, (c), the granting of the variance would be not be contrary to the purposes of this chapter. So you have two categories to consider today, and the applicant will present their case for those in a minute.

So the variance request today is for four business identification signs, all of one sign type by the Code. They're in addition to the existing two permitted business identification signs and the three existing permitted ground signs at the perimeter of the Pu'unene Shopping Center where Target Store is located.

At this time I'd like to turn the presentation over to Erin Mukai of Munekiyo & Hiraga to make the presentation, introduce her team members in this project variance.

Ms. Erin Mukai: Good morning Chair, members of the Board. My name is Erin Mukai. I'm with Munekiyo Hiraga, and we're here today on behalf of Target Corporation for review of their sign variance application for their Target Store in Kahului.

So joining us here today are members from the project team including John Dewes of Target, and Karlynn Fukuda of Munekiyo Hiraga. And we are available for questions following the presentation.

So as Paul had explained, we are seeking a variance in order to permit a total of four additional business identification signs at the existing store in Kahului. The first sign -- the first sign is a Target sign so it's 20.8 square feet in red, illuminated internally. For your reference in the plans before you, that's labeled as Sign A1. The second sign is a double faced bullseye logo sign. It's 28.27 square feet in red and illuminated internally. That sign is referenced as Sign C in your plans. The third sign request today is the double faced bullseye logo sign. It's actually the same sign as the second, but because it's double faced the Planning Department has

determined this to count as two separate signs. And the fourth sign is a bullseye logo. This one would be 63.61 square feet, white and illuminated internally. And that's reference as Sign D on the plan.

So as you know Target recently opened earlier this year. It's the first store located within the Pu'unene Shopping Center. With the center itself located at the corner of Ho'okele Street and Mokulele Highway. The total acreage of the parcel itself is approximately 24 acres. So here's the site plan of the Pu'unene Shopping Center. To orient you, we're looking at Mokulele Highway here, Ho'okele Street here, and Pakaula Street here. Access to the shopping center is provided via an access way off of Ho'okele Street, as well as an access off of Pakaula Street. So the signs that we are requesting, the first sign, A1, the Target sign is proposed to be located on the north elevation of the store. And we're proposing that to be located below and existing red bullseye. The second and third signs is the double faced bullseye logo, and that's located in tower like structure at the store. It would be behind glass. The tower structure is not made entirely of glass. There is solid wall on the south elevation. And the fourth sign is a white bullseye logo, and that would be located on the west elevation of the store.

So here is a photo of Target today. Under Maui County Code, Target's allowed to have two business identification signs which Target has already obtained its permit and has installed. Its two existing business identification signs are a red bullseye logo and a pharmacy sign. The pharmacy sign was determined to be a business identification sign and was installed by Target in order to inform customers of its pharmacy service. Both signs are located on the store's north elevation. So in addition to these signs Target is looking to install the wording Target under here. The double faced bullseye logo would be located here, and it's beyond view but the white bullseye would be on the, on the corner, around the corner of the building.

So here's a photo of a Target in Hawaii. The first photo is in Hilo, and second photo is in Honolulu. So Target's brand, it's their corporate brand to have the bullseye logo and the Target word together, but our Planning Department has interpreted this to be two separate signs. So we're here today to request for the Target wording to match the corporate logo.

In addition to the existing business identification signs at the, at the store itself, there are directory signage. There's three of those ground signs which are located at the corner of Pakaula Street here. One at the entrance off of Ho'okele Street. And the third ground sign is located at the corner of Mokulele Highway and Ho'okele Street. So these signs were installed by the overall land owner of the shopping center. It's not included in the sign variance application but we're putting it here today to, to show you what it looks like out there at the site. Target, because Target is the first store constructed within the lot, it's the only store represented on the ground sign, the directory signage. But as future, future stores are established within the shopping center, the ground sign would be completed to show other establishments.

So again this is just the list of the four signs included in our variance application. And the locations of those signs; again, all within the Target building itself.

So this is the north elevation of Target. Again, the Target sign would go below the existing

bullseye, and we're looking to install the doubled faced bullseye logo in this tower here. And the last sign, the white bullseye, would be located behind glass on the west elevation.

Okay, so this table was put together by the Planning Department. It takes out the applicable sections of the Maui County Code for which we are seeking a variance. So I'll go over those with you now. We slightly modified the table to simplify it a little bit, but the first section is Section 16.13.050, General Prohibitions, "All signs not specifically authorized by this Chapter are prohibited." So in this case the signs that would need a variance from this section in the Code would be the doubled face bullseye logo here. And that's because the Planning Department has identified that this type of sign is not listed as a type of sign allowed by Code, which I'll get to in a moment.

The second section of the Code relates to the number of sign allowed, and that comes from Section 16.13.070 of the Code. So Target is allowed to have two business identification signs which they have already installed. So in addition to those two signs we are seeking to install these four others signs which in case a variance would be needed for all signs from this particular section. And for the type of sign that's allowed, in the business commercial district, wall, window, hanging, projecting, wind or roof signs are allowed. The case for the sign in the tower, that type of sign is not specifically listed so a variance would be needed from this section. And with regards to size, the white bullseye logo located on the west elevation, a variance would be needed from the size section of the Code.

So in terms on justification for a variance request. A variance may be granted for a structure or activity which is undertaken by a private entity and is clearly in the public interest; provided that the proposal is the practicable alternative which best conforms to the purpose of this chapter. So again access is provided via driveways off of Ho'okele Street and Pakaula Street. The Target and two bullseye logo signs on the north elevation of the store will provide travelers along Ho'okele Street and Pakaula Street with identification of the store. The third bullseye logo sign on the west elevation will provide travelers on Mokulele Highway, over 600 feet away, with similar symbolic identification of the store.

So we just included the site plan here again to illustrate, you know, how far back the, the Target Store is located from the roadways.

So a variance may be granted for a sign if the following criteria are met: (a), unique circumstances or special conditions exists which are peculiar to the land, structure or activity involved; (b), the proposal is the most practicable alternative; and (c), the granting of the variance would not be contrary to the purposes of this chapter.

So we'll take those one by one. The first being a unique, unique circumstances or special conditions exists which are peculiar to the land, structure, or activity involved. So as I had explained Target is the first lot constructed within the shopping center with frontage along three roadways. At full build out of the shopping center there will be additional retail buildings located to the north and west of Target. The parcel, parcel 79 which is the parcel for the entire shopping center, is approximately 24.45 acres, with the depth of the parcel at approximately

725 feet. So Target, at its closest point is approximately 600 feet away from Ho'okele Street and over 600 feet away from Mokulele Highway. So given this layout and lot configuration, the views of the signs may be limited. So here's the site plan. I'll just point out the locations of the future buildings here. And again, the setback from, from the roadways.

So the second criteria, the proposal is the most practicable alternative. So the proposed Target sign and the two bullseye logo signs will be located at the front entrance of Target, facing Ho'okele Street and the parking lot. And the third bullseye logo sign will face Mokulele Highway. So following build out of the center, the signs will face the parking lot and future buildings, and may potentially be only visible from within the center.

And the last criteria, the granting of the variance would not be contrary to the purposes of this chapter. The proposed signs are intended to inform the public of the business location within a planned commercial area. The signs are not considered a distraction to drivers and adjacent roadways, nor are they seen as a potential hazard to the health and safety of the public.

So in summary, we're here today to respectfully request consideration of Target sign variance. If you have any questions, we are available to answer those. Thank you.

Mr. Mikolay: In your discussions today, we can refer to the recommendation of the Department. And for organizing the order of the discussion, the Department would like to suggest taking the sign A1 and sign D first. The Department recommends approval of these signs for the reasons given in the staff report and recommendations; and then, discuss signs C1 and C2, where the Department is recommending denial for these two signs. I'm available to answer any questions you have about the recommendation of the Director.

Mr. Demetrios Callinicos: I have question. Looking at the Figure 2 sheet, on the top left hand corner they're showing where the proposed sign C1 and C2, well, where is C? I mean, there are two signs from what I understand here. Which one is this? Is this C1 and where is C2?

Mr. Mikolay: Yes. I'll explain why the department considered these two signs and then particulars about the attributes of the signs beyond that we probably defer to the applicant. The, the -- it took a while for us to understand the proposal. This is a new kind of sign for us to address in Maui. And their request came in first of all for a glass tower, and we...we thought of a four-sided glass tower. When we, and when we wrote a variance requirement's table, we were under the impression it was a four-sided glass tower. Later on when we were able to inspect the site, but after the application packet was complete, we discovered that the back wall is existing, and it's a three-sided glass tower. Now there are some attributes of the sign, though, that remains important and why we are still calling it a two signs. The sign at the back when lit will be visible from, not entirely the southern elevation but portions thereof, particularly with respect to the new subdivision that A&B is putting in. So the sign will provide, will be visible, from more or less the northeast elevation to some considerable extent. And further with respect to the statement of the purpose of the chapter, the sign will be lit and quite, it will be 30-some feet high. So we recognize that the potential for the amount of light given by these two lit sign surfaces; one would be reflecting backwards to board and existing, a solid wall. But if

that wall is reflective or matte it will actually impact greatly how much light is put towards Kahului and Ho'okele Street. The sign lit on the face, it's pretty easy to assess. We can imagine Target sign lit and facing out of the tower. But the impact or the effect of the back, back part of the Target sign being lit, reflecting off that wall may change considerably the amount of light house effect say that the sign may make, so we recognize that this sign, the lit portion of the back of that sign, C2 as we're calling it, may have considerable and be influenced on how bright the tower, the tower sign appears to the public at night and from a distance. So we're leaving the two signs in as separate items for you to address. That way you can measure the impact or effect of each one, and decide on them separately or together as you like. But we thought they merit a separate discussion.

Mr. Callinicos: Thank you.

Mr. Conrad: Thank you. Anyone else? I have a question for you.

Mr. Robert Bowlus: Yeah, I, I do. I don't think I really, really comprehend how that sign, C1 and C2, works. Is the sign surface mounted or is it inside a glass box?

Mr. Mikolay: If you look to, I think it's Figure...Figure...I think you should look probably at Figure 4. The figure on the left is, of Figure 4, is the Target sign, logo and sign. The middle figure is the one that depicts the tower in a sectional view from the side. So you can see that the front face which is clearly like a window depiction in this section would be going towards Ho'okele Street. And the, the back section when lit would reflect off or would be absorbed by the walls to the back. When we first accepted the application we more or less thought that the back wall would also going to be glass because it's a glass tower, and that's, you know, mistakenly we assumed that. And that's how we processed the application. But you can see that the actually structure is . . . (inaudible) . . . as depicted here. So the combination of the one, the one light from the other. I mean, the front light shooting, you know, going directly towards Ho'okele is more or less easy to assess. But the light reflecting or coming from the back of the sign, lite separately, and going towards the solid surface of the back, we thought it was appropriate for the UDRB to assess what that cumulative effect of the two signs lit at night might be on the view from Kahului or Ho'okele Street or adjacent property. And the amount of light actually emanating would be somewhat dependent on the reflectivity or the magnitude of lighting in the first place, and then reflectivity off of the back wall.

Mr. Bowlus: The fact that it's under a lid. It looks like there's a lid over it. Is that to protect the dark, dark sky philosophy, and protect the observatory from more light being shining up in the night?

Mr. Mikolay: Well, I let the . . . (inaudible) . . . I believe it's a structure with just a roof on top. But the, the applicant could address that.

Mr. Bowlus: On all of these signs, are they more aimed horizontally and downward rather than upward? Just the light dispersement. Just curious about the light dispersement.

Mr. Mikolay: Well, that's another thing I think I'll leave for the applicant to address.

Mr. Bowlus: Okay.

Mr. Mikolay: But it is, the height, the center of the height of the sign is 30 some feet above the ground. That's the thing that is easy enough to explain, and it's how people view it from the street or close up before, before the applicant and for the board to discussion.

Mr. Bowlus: Good.

Mr. Conrad: You asked very much what I was going to ask. But I also want to clarify, when you're calling C2, you're calling, they're lighting the back side of that sign from the outside so it bounces off and hits that back wall. So it essentially is like an echo of the same sign being projected out in the same direction right? It's not going towards Pu'unene Mill because of the solid wall, correct?

Mr. Mikolay: Yes. And I --. Yes.

Mr. Conrad: So it's almost like an echo effect. I mean a light echo if there was such a thing.

Mr. Bowlus: Halo

Mr. Mikolay: A reflection.

Mr. Conrad: Alright. Thank you.

Mr. Mikolay: Any other questions regarding the --? Yes?

Mr. Green: You said, I believe, you said 30 some feet. Do you know what the exact feet is or should we --?

Mr. Mikolay: Yeah, I actually have it in the...analysis. According to my notes, adjacent all. 31 feet above the ground to the center of the sign, approximately. It says on the scale drawing.

Mr. Green: To the center?

Mr. Mikolay: To the center of the...Target.

Mr. Green: Yeah, the logo.

Mr. Mikolay: Yeah, the logo.

Mr. Conrad: I have another question. It may not be answered by you. I wanted to know whether that glass box is going to be lit if we deny the sign. Is the glass box going to still be a glowing glass box?

Mr. Mikolay: All of these lighting things are the realm of designers and architects and store owners. More or less the code itself is silent on the lighting of this particular sign. The lighting of the interior illuminated sign is allowed.

Mr. Callinicos: I also have another question. I don't know if I should address it to the applicant. Coming back to this...sign, I'm a little concerned with this, with this word here. The back is currently a solid exterior wall. What do you mean by that? Currently? You're proposing to get rid of it? Open it up and put a glass there?

Ms. Karlynn Fukuda: No. So what I'll -- Karlynn Fukuda of Munekiyo Hiraga. I will have John Dewes from the Target Corporation respond to your question.

Mr. Callinicos: Thank you.

Mr. John Dewes: Good morning Chair and Board members. My name is John Dewes with Target Corporation from Minneapolis, Minnesota. And in answer to your question, I think your question was, if the sign isn't allowed, what would happen? The...the glass -- for sign C, the tower, the three sided tower I want to call it, it has glass on three sides -- would remain. The sign would be removed. And the same on the west side, the sign there as well will be removed. The glass would still remain in place. And I think there was a question about if the sign wasn't there would the tower still be lit? I, you know, that's a good question. I, I certainly, would look at that, and I think we have...I think there would be a precedent for doing that. Maybe we could do it with red lights in there. But...but yes, I think, we could, it could be illuminated if -- it still create the enhancement. Because the architectural feature of the tower itself is, is important to the overall design.

Mr. Conrad: Thank you. And then Demetrios's question was when it says on the back side, that back wall facing Pu'unene Mill, it says currently a wall. I don't know if that was put in by the Planning Department or by you, but -- or I guess Demetrios wants to know whether that could be removed and glass placed there.

Mr. Dewes: I believe it could be, although I'm not sure -- and I just don't recollect from the Planning Department if there was the feeling that, that Planning didn't want the...the light exposure to the back side of the building or not.

Mr. Callinicos: Well, I would be uncomfortable voting in favor of this...if the word "currently" remains in there because once it's approved, what is going to stop you removing that back panel? Because you said on here it's currently a back wall.

Mr. Dewes: Well, no, by currently, no, we have no intentions to remove that. And actually right now it's, the design has been approved, the overall design with that wall in place. If we were to take that out and put in a glass panel, I, I assume we would still have to go back to the, through the approval process for that.

Mr. Callinicos: Why don't you remove the word "currently?" Why can you not remove the word "currently?"

Ms. Fiona van Ammers: I think that that's a mark up from the Planning Department. I think that's a mark up from the Planning.

Mr. Mikolay: Yes, that's the case. In the original analysis we understood the towers to be four sided. When we went on a site visit later when we could access the parking lot from the back, after construction was established and completed, we observed the wall is there. So we left the application with the four sided and also with the consideration for the fact that it is actually structured as a three sided and left it for the Board to decide today how they would like that.

Mr. Dewes: The, the idea of the word "currently" is a little bit of a misnomer. It's not that it's currently and there's some plan to change that. It is designed the way it is, and it will remain that way.

Mr. Callinicos: Except until you take it off so that you can see the sign from the other side.

Mr. Dewes: No, that's, that's not the intent, and that would not occur.

Mr. Callinicos: Well then where is sign C2 then?

Mr. Dewes: Sign C, itself is just the double faced sign. So the front, it's the bullseye, and it's doubled faced on the front and the rear, and Planning is just considering C1 and C2 two separate signs.

Mr. Callinicos: I'm not trying to be obtuse here, but if it's a doubled sided sign –

Mr. Dewes: Yes.

Mr. Callinicos: -- and one side is visible through the glass panel.

Mr. Dewes: Correct.

Mr. Callinicos: What is the purpose of having the back side also?

Mr. Dewes: Well, it's a three sided tower, so if you're –

Mr. Callinicos: You think people will be able to see it?

Mr. Dewes: -- from the side, you would see just a metal backing in other words. It wouldn't be very attractive if you were from the side view of it. So the idea was just to make it a full double sided sign.

Mr. Callinicos: I see what you're trying to do. Thank you. That was my question.

Mr. Conrad: Any other questions?

Mr. Dewes: If I may just really quickly, the...from our standpoint, certainly understanding where the, the sign ordinance comes from, but as in terms of the main building identification sign, with the bullseye and the target below it, again, that is copy righted as, as what our signage is...as one sign. It's just the, the definition of the ordinance, the sign ordinance here that requires us to ask for the variance. Normally that wouldn't be the case. Thank you.

Mr. Conrad: Thank you. Yes Paul?

Mr. Mikolay: Yeah, a clarification regarding the Target logo and the Target word sign. The Target logo itself is the maximum size allowed for a business identification sign, so we treat it as one sign. And then with the addition of the word Target with its 20-something square feet wording, it, it -- the variance would either be for a, you know, a larger sign or two sign, so we thought for simplicity sake that the sign would just be an additional business identification sign despite the fact that it will obviously act as one sign. When it's finished it would need a variance in any case, either whether its size or the number. That's all.

Mr. Conrad: Thank you. Any other discussion? Yes?

Mr. Green: Are we taking these one at a time?

Mr. Conrad: Yes.

Mr. Green: Or --. So --

Mr. Conrad: We would do that. When we get to the point of voting, then yes we would take each sign individually. I mean, C1 and C2, from a discussion point of view are two signs. But from a voting point of view, in my opinion, it's one entity. So are we ready for a vote? Just before we do vote, I want to just formally close public testimony for this variance application. Unless there's someone who showed up that wanted to do so. Okay, then it is closed.

So Frances is asking me if we can just vote all at once if we are all in favor of the variance application as the Planning Department has recommended which is that we approve of sign A and we approve of sign D, and we do not approve of sign C. So, I'm, we're obviously we're open either way. I prefer to look at it at each individual, I think, it gives everybody to make a vote...except for me. Yes Clayton?

Mr. Clayton Yoshida: Yes, Mr. Chair. I guess the Department does have a recommendation on page 17 of the staff report, so you can allow the Department to present its recommendation and you can work off of that.

Mr. Conrad: Yes Paul if you'd like to read the recommendation.

Mr. Mikolay: Recommendation. Based on the foregoing analysis, for sign A1 and sign D, the

applicant has met all of the requirements of the granting of the subject variance. Therefore the Director recommends approval of the subject variance, for signs A1 and D. For sign C1 and C2, the applicant has not met all of the requirements for the granting of the subject variance. Therefore the Director recommends denial of the subject variance.

Mr. Conrad: Thank you. So do we want to make a vote?

Mr. Callinicos: Well, are we all in agreement to do one or the other, either Frances's suggestion or your suggestion?

Mr. Conrad: I, I'm, I'm fine with voting as long as all of us together think we should go with the Planning Department's recommendation, then I'm fine to vote that way.

Ms. van Ammers: Why don't we use that as a starting point?

Mr. Conrad: Okay. Alright. So –

Ms. van Ammers: I vote in favor of the Planning Department. I concur.

Mr. Conrad: Peter?

Mr. Peter Jacobsen: It's just my opinion is that I think the existing signage is adequate. I don't object to putting a Target sign under the existing bullseye. The tower element seems redundant on that elevation. You have two bullseye so I don't think that's...it's kind of an overkill, I think, for Maui. I think there's adequate signage. I don't object to the small target banner underneath the bullseye.

Mr. Conrad: So, I guess what we ought to do is ask for a motion. So maybe Fiona if you would propose a motion. Thank you Peter. My mistake.

Ms. van Ammers: I make --. I motion to approve the Planning Department's recommendation on page 17 to approve signs A1 and sign D, and not approve C1 and C2.

Ms. Feeter: Second.

Mr. Conrad: Okay, all in favor? The motion passes. Yes David?

**It was moved by Ms. Fiona van Ammers, seconded by Ms. Frances Feeter, then unanimously**

**VOTED: to approve the Planning Department's recommendation on page 17 to approve signs A1 and sign D, and not approve C1 and C2.**

**(Assenting: R. Bowlus, D. Callinicos, F. Feeter, D. Green, P. Jacobsen,**

***R. Phillips, F. van Ammers***  
***Excused: D. Sereda***

Mr. Green: I, I'm just concerned about the tower being lit even if there is no sign in it. I don't know if we have any authority over that or not.

Mr. Conrad: I don't know the answer to that either. Since it wasn't brought up as part of the option I didn't feel that –

Mr. Bowlus: It's like a light in the window.

Mr. Conrad: How do we deal with that Paul? Can you answer that for us?

Mr. Mikolay: If the sign were lit...at night and...it would -- to be covered by this section of the Code, Title 16, section 13, then the signs, they would have to qualify somehow as a sign. And it may actually take an analysis beyond the, my...my, my single response here now to determine if, for example, red lights of a certain nature constitute a sign or not.

Mr. Green: I, I just...I don't -- yeah, I think it, it's inappropriate to have a light that high up in the air with light that would be lit and visible from three sides, whether it's --. I mean, if there's not going to be a sign there, one wonders why the structure then would remain. But, I, I don't think we...maybe we can just make a recommendation if we don't have the authority such that --. Well, this doesn't go anywhere.

Mr. Conrad: It doesn't go anywhere. That's our -- normally we . . . (inaudible) . . . So it, it feels to me like we don't have a say about that. And my guess that Target, if they did want to put, since we've denied the sign, if Target wanted to put lights up there, like red lights as was proposed, that that would have to come in front of some body as part of a permitting process. Would you agree with that Paul?

Mr. Mikolay: Outdoor lighting is largely governed by...excuse me a second. It's administered by the Department of Public Works. I can tell you that.

Mr. Green: I, I'm assuming that, did other people or other members of the...concerned about that as well or is it just me?

Mr. Callinicos: It's not just you. Given the set of photographs, below, an actually photograph. The one above is a drawing. Now that's a . . . (inaudible) . . . It's there. It's been built, so it must have been approved when the plans they put in. I don't think it was approved as a glass box with a red light in it. Whether it was approved to be a location for sign C1 and C2.

Mr. Paul Fasi: Paul Fasi, senior planner with the department. The original design did review -- we probably did review the lighting for this entire development, and the lighting does have to conform to County lighting ordinances. And everything has to be down lit. They can't be anything up lit because of the observatories. And so when it was initially before you if you were

here, that's probably when the lighting for the parking lot and the structure and the entire development was reviewed. But the bottom line is that lighting does have its own set of rules and everything does get reviewed.

Mr. Conrad: Thank you Paul.

Mr. Callinicos: Was it -- excuse me? -- was it approved for a red light or white light?

Mr. Fasi: I can't say.

Mr. Conrad: Mr. Dewes?

Mr. Dewes: If I can maybe just help, yeah, simplify this. The red lighting was just kind of a joke.

Mr. Callinicos: Okay.

Mr. Dewes: I'm not intending to put red lights in there. Now the idea, it is, it does have a roof and a back side so it's just -- that now whether we can illuminate it or not with just a soft glow is, is the question. And it sounds like there's a question as to whether that would be --. Well, we would work back through Planning if that were to be the case.

Mr. Conrad: Yeah, I think that's the best since we're not really able to --

Mr. Dewes: Sure.

Mr. Conrad: We have our concerns as citizens, but we are not --

Mr. Dewes: Yeah, and I'll remember not to tell bad jokes anymore so thank you.

Mr. Conrad: You're welcome. Yes, Paul?

Mr. Mikolay: And for the record, the applicable section of the code is 20.35 outdoor lighting. And any lighting in the County does have to conform to this chapter.

Mr. Conrad: Okay, thanks. Okay.

Ms. Fukuda: Thank you very much.

Mr. Conrad: Thank you. So moving on to section E. Would you like to take a break? Let's take a five minute break.

*(The Board recessed at approximately 10:48 a.m., and reconvened at approximately 10:53 a.m.)*

**E. COMMUNICATIONS**

- 1. VICTORY DEVELOPMENT requesting a Special Management Area Use Permit for the Nani Loa Condominium Hotel project, a 39-unit hotel condominium project and related improvements on approximately 1.438 acres of land at TMK: 3-9-020:032, Kihei, Island of Maui. (EA 2015/0004) (CPA 2015/0002) (SM1 2015/0004). (Paul Fasi)**

**The Board may provide its recommendations to the Maui Planning Commission on the design aspects within its purview based on the proposed Special Management Area Use Permit plans provided for the project.**

Mr. Conrad: ...requesting a Special Management -- Ray's not here. Excuse me, I'm going to hold it for a minute. Second item on our agenda is, under communication, is . . . (*Mr. Hunton Conrad, Chair, read the above project description into the record.*) The presenter for the County is Paul Fasi and we are going to take testimony by the public after the presentation. So Paul, do you want to open up or do you just want them --?

Mr. Fasi: That's pretty much it what you just said in introducing the project. The department doesn't have too much more to add to that, so if it's okay I will turn it over to the applicant.

Mr. Jordan Hart: Good morning Chair and members. My name is Jordan Hart at Chris Hart & Partners. I'll be here to present the project. The project as stated is the Nani Loa Condominium Hotel. We are in the process of completing a Draft Environmental Assessment (DEA). A Draft Environmental Assessment is being prepared in support of a Community Plan Amendment (CPA). Once the Community Plan Amendment is completed, we'll be coming to the Maui Planning Commission for a Special Management Area Use Permit for the development of the project. So at this time we're in a Draft EA.

So the project team consists of Victory Development. The project developer, that's Greg Walker and Todd Leibl who are here today, as well as Chris Hart & Partners, the consultant team. We're the land use planner and landscape architect for the project. Raymond Cabebe is lead planner, and I'm President of Chris Hart & Partners.

As noted the project requires a Community Plan Amendment. The project is currently in the community plan, multi-family district. We're requesting to be put into the hotel community plan district. Property is currently zoned hotel. And then after the completion of that land use designation change, we'll be requesting a Special Management Area Use Permit.

This is the location map. The project is roughly across from Kamaole Beach II in central Kihei. This is the tax map. The project is accessed off of South Kihei Road via a perpetual easement that runs through the center of the Kihei Kai Nani Project which is directly makai of our project site. The parcel site is 1.438 acres in site size. This is an aerial photograph. North is up. This is the north-south collector road which is under construction at this time. A proposed Aloha

Village Project, the Kihei Kai Nani Project, this is the Kihei Akahi Project. This is the project site.

This is a community plan map. This shows the land use designations as they had been. This is the hotel community plan designation section. This is also a hotel up here. This had been known as the Kamaole superblock. During the last community plan update, this chunk was proposed to be multi-family as you can see the boundary formally included it. It no longer does, and so we're basically asked to be put back into the hotel community plan designation.

This is the zoning map. The property is H2-Hotel. It abuts HM. This is an oblique aerial, looking towards the west. This is the project site. Kihei Kai Nani, makai. Kamaole Shopping Center. Kai Nani Commercial Center. Freds and Mooses is located there. Kihei Akahi.

Also to bring up there is a drainage path that occurs in this direction. It flows through the project site as it currently exists out a box culvert and sheet flows on to the central driveway of Kihei Kai Nani, towards the ocean. That's the current configuration of how the drainage is accommodated. This is the box culvert where that drainage exits. And, again, it just sheet flows straight down this driveway which is the design of the Kihei Kai Nani. You can see the project site in the background here. This is the perpetual easement area for the project. This is the character of the undeveloped site. This is a photograph from the north-south collector road in construction, towards the west, the ocean.

Project overview, it's 39 condominium units in two buildings, three and four story buildings. There's parking underneath; two and three bedroom configurations; one to 3.5 bathrooms. There's common area amenities included. 83 parking stalls. This is the site plan. So there's a central roundabout feature that straddles the property line between Kihei Kai Nai and the project site on the west end where the main driveway entrance. Parking will be under the buildings. This would be building one, here; and building two here. This is the drainage way that was mentioned. The project proposes to leave that unchanged as it is and basically just construct on the sides of the existing topography.

This is a site plan showing landscape planting material. Hong Kong Orchids, Milo Trees, Geiger Trees, Dwarf Plumerias will be planted as well as coconut palms, Areca Palms, Joannis Palms, and MacArthur Palms. And then Beach Vitext would be shrubs, Naio, Red Ti, and Queen Emma Lily, Firecracker Plants. Some of the plant material.

This is an oblique aerial. The difference between the last and this current version is that the structure is superimposed. You can see that the elevation of the building is somewhere between the existing Kihei Akahi and the Kihei Kai Nani being a three and four stories. It fits into the areas urban infill.

This is a section of the elevation of the project. This is the Kihei Kai Nani here, building two, building one. I'm sorry, Kihei Akahi is here, building two, building one, and then the Kihei Kai Nani as it slopes down to the ocean.

These are some sections of the building. This is building one, which is on the north end. Looking through a section of the drainage way at the building. Building one. Now we're at building two...looking through the section of the drainage way. Other elevations. Perspective renderings. This would be the roundabout. It's existing. Perspective renderings looking towards the west. This would be looking southwest. This is the proposed project signage...and colors. The lighting plan. Proposed lighting fixtures. I should also mention there is a materials board here on the side...going around. The project is proposed to include solar that will power the common area elements. This diagram just kind of indicates the, the project's infill nature and its relation to existing pieces of whether they be infrastructure or public services amenities. . . (inaudible) . . .

Mr. Conrad: And where is your project?

Mr. Hart: Right in the center here.

Mr. Conrad: Thank you.

Mr. Hart: OK. So just, just to go through some of them. Maui Medical Group, Kam I, Kam II, Cove Beach, Rainbow Mall, Kamaole Shopping Center, Kai Nani Center, Kamaole Beach II, Kamaole Beach III and then Kamalii Elementary School. So quite a few public amenities and services. And then these are bus stops. There's approximately -- there's two bus stops...within 0.2 miles approximately. 0.1, and point -- sorry, 0.14 and 0.2. The north and south on South Kihei Road.

Some water conservation measures, they're really kind of standard at this point as far as County requirements. Include native and climate adaptive plants. Pot irrigation, raised centers. The project will be R1 ready, but R1 is not available in this location at this time. Energy conservation measures that are going to be included, high energy windows, open corridors for air flows, ceiling fans, split air systems, radiant barrier roofs.

As noted earlier, the project infill development, it's consistent in scale and character with the surrounding development. It's consistent in proposed use with the surrounding development. There's no significant impact to the visual character of the community. That's our presentation.

Mr. Conrad: Thank you Jordan.

Mr. Hart: Thank you.

Mr. Conrad: So any questions for the applicant? Yes?

Mr. Phillips: Hi Jordan. Ray Phillips. Would you be kind to give us a little bit of a discussion on how drainage is going to be handled on the site?

Mr. Hart: I will. The general explanation, the project is required to retain 100% of the post development runoff. That will be done. The -- separate from that the existing drainage

configuration is basically going to be left unchanged. So drainage will be retained onsite in underground retention systems. Separate from that, the existing pass through will continue to be a pass through as it is now.

Mr. Phillips: Thanks.

Mr. Hart: I apologize. We, we're also adding additional 20% of retention from the 100%. So 100% of the difference between pre and post development runoff.

Mr. Conrad: Yes Ray?

Mr. Phillips: Can you give us a little comment on, again, the character of the structure surrounding and the effects of the project on their view plain?

Mr. Hart: Okay. So we'll try and show...in the Special Management Area, the criteria for a project is to assess the view impacts from the public realm, so that would be, State legislation says the highway nearest the ocean, as well as the ocean mauka. In actuality, the County looks to preserving views from all public roadways. Because of the location of this project being landlocked, it's not really anticipated to have any visual impacts from public roadways. It's anticipated that there will be view impacts from private property. As an example, some of these mauka units, they may currently be looking out over trees and/or grass, mauka, towards the mountains. At the time this proposed development is constructed there may be, you know, private view impacts. But, the north-south collector currently does not exist in this location, so it's not... it's not so discernable what the impact would be. However, as I stated, the project is lower than the Kihei Akahi, and equal to some of the Kihei Kai Nani structures, with the exception of building number two which is one story higher. It's really not visible from South Kihei Road at all.

Mr. Conrad: Thank you Jordan. Paul?

Mr. Fasi: Thank you. I would just reiterate that the building heights are 35 and 45 feet high. Currently they're zoning for 160 feet but it's 35 feet for the three story structure and 45 feet for the four story structure.

Mr. Conrad: Thank you Paul. Any other questions or comments? I think now -- yes?

Mr. Green: I, I'm assuming there's no other access to the building site other than...coming from Kihei Road, South Kihei Road. Is that correct?

Mr. Hart: At this time the, the only legal access is the recorded easement, through the Kihei Kai Nani. The applicant has reached out to other land owners that are mauka of the project site to begin the discussion of obtaining access, but nothing's secured. As you can see that mauka site is also undeveloped. It's expected that at some point, this project will come in. At different times in the past our company has represented developers looking at that project, so someone will come for it at some point. It's owned now obviously, but...Victory Development has made

contact, but there's no firm agreement or permission to access that way.

Mr. Conrad: Thank you.

Mr. Hart: I should, I should add that they are also in communication with the Aloha Villages project which is to the north as well.

Mr. Conrad: Thank you Jordan. So now we're going to be opening up this to public testimony. Public testimony will be limited to three minutes person. And I want the public to be quite aware that we are the Urban Design Review Board. We are here to discuss the merits of the architecture, the colors, the planting, and things like that. We are not available to make any judgement about the SMA itself or the Change in Zoning or any of that, so I just want to make that quite clear. Please keep your comments to the issues that we're in front of, things that we're here to deal with. Thank you very much. The first person would be Patricia. Patricia please state your name first. Thank you.

Ms. Patricia Hoskin: Patricia Hoskin. Okay. Can I hold this up so you can see it? Can you still hear me if I hold it up? Sorry, I turned that the wrong way. Because I have my talk taped to the back of it so that makes it easier for me. My name is Patricia Hoskin. I'm a full-time resident, owning and living in unit 163 at Kihei Kai Nani. I'm here to describe the effect of this on my particular unit so when we saw the pictures, the building I'm in is towards the beach right from their building number one, I believe. My east condo wall is 10 feet from Victory Development's property line. I will be most affected by the light and sound pollution from the cars of the proposed development. At the present moment we have a wonderful buffer zone -- that's what I'm hold up here -- which was provided by mature trees -- so I'm talking about planting -- which have been living there since the 1970s. All previous owners have acknowledged Kihei Kai Nani's management of this landscape buffer. The trees provide shade, keep down soil erosion, holds back silt which would go down with rain and flood waters to the reef. These trees provide a vibrant bird habitat which includes an observed . . . (inaudible) . . . owl, which is the Puleo, northern cardinals, java sparrows, gray franklins, common minah, house sparrows, house finches, doves, spotted doves, Japanese white eyes, saffron finches, warbling silver bills, and love birds. The blossoms of the autograph, rainbow, shower, . . . (inaudible) Kamani, monkey pod and Hayden mango trees also provides nectar for honey bees.

These trees are reducing the atmospheric carbon dioxide to a carbon dioxide . . . (inaudible) . . . and providing air quality improvement by absorbing and intercepting pollutants such as ozone, sulfur dioxide, nitrogen dioxide and particulate matter which is important due to the cane burning.

Victory Development assessment report, their only report, concludes, quote "the proposed project is not anticipated to impact public view corridors, and it is not anticipated to produce significant adverse impacts upon the visual character of this site and immediate environment." Unquote. I believe this statement is false. That removing these trees and replacing them with cement buildings will affect the view of Haleakala from, of course, South Kihei Road, in addition

to changing the physical environment which affects the bio-diversity of the area.

Now County ordinance 19.36A.070 requires developers to provide landscaping to mitigate light and sound intrusion. Looking at Victory's proposed plans, 12% of all the parking spaces have the car headlights directly facing into units 163 and 175 of Kihei Kai Nani. I am requesting that the Urban Design Review Committee if they do not believe these trees which provides a fabulous buffer zone should be saved that they require Victory Development to replace these trees with landscaping which will produce at the minimum equal benefits as are currently provided by these beautiful trees, or require that require the development put in a five foot high wall to block light and sound. The current requirement is for one tree for every five parking stalls. That number of trees will not mitigate the headlights and noise. The Maui County planting plan has suggested hedges, however, these will take some years to reach maturity. This allows the headlights of cars leaving the proposed complex to go directly into these two units. So, thank you.

Mr. Conrad: Thank you very much Patricia.

Ms. Hoskin: So I wanted to say this is the view we have now with their property.

Mr. Conrad: So next is Carole.

Ms. Carole Eiserloh: My name is Carole Eiserloh. My husband and I have owned the Kihei Kai Nani for 34 years so we have seen a lot of development take place, of course, in Kihei in general. This particular property located right behind the Kihei Kai Nani property is, as was already mentioned, land locked. The only way they have into that property presently is through an easement on our property. We have a very narrow driveway, as a matter of fact, and the Planning Commission has already advised them that they need to seek other places to go to bring in their utilities including a fire line, a water line, a sewer line, and so on, that they can't come along and dig up our driveway. So that's the reason I understand that they're discussing with the neighboring properties, whether or not they can enter that way.

My view of Kai Nani. This is another picture and I can certainly hold it up and pass it around. Here's the Kai Nani. You can see narrowness of the driveway. The widest point is 20 feet. It's very narrow – it just meet the qualifications for the entrance of emergency vehicles. The property that is in question is right here in this little section here. And as Pat showed you, what we now see, of course, is the beautiful landscaping in the back. It is, in fact, beautiful old growth trees. Some of them, in fact, 45 years old, sitting magnificent monkey pod trees and others that are there. These will all disappear because the Victory Development project will remove every one of those trees and they're, as Pat described, they're going to be right up close, within 10 feet of our property. And this, this particular area takes up roughly 25% of the property in front, so that's going to be gone.

Victory also talked about the...their property itself which is 78% of the property will be covered with building and parking. The only open space will be the gulch which bisects the property, which has been the gateway for serious flooding down through their property onto the Kihei Kai

Nani property, Kihei Road and ending in the ocean at Kam II beach. I don't see personally how 78% coverage of that property with buildings and parking is going to mitigate the amount of water that's coming down through that property. And I have a couple of photos for you to see. This is a flood that took place. This is 19 -- 2011. 1, 13, 2011. The second photo, the same thing. Here's a wonderful photo. This happened to be from an earlier storm, but just to give you an idea of what happened. Here's their property right back here, and here's the water flow coming down our driveway. This water by the way has entered our swimming pool on at least two separate occasions. It continues to go down and has . . . (inaudible) . . . property South Kihei Road.

Mr. Conrad: Ms. Carole?

Ms. Eiserloh: Yes?

Mr. Conrad: Your time is up. Thank you very much.

Mr. Eiserloh: Sure. Thank you.

Mr. Conrad: And our last testifier is Ethel.

Ms. Ethel Belway: Aloha. I've been an owner of Kihei Kai Nani also for 34 years, and been –

Mr. Conrad: Can you state your name please?

Ms. Belway: My name is Ethel Belway –

Mr. Conrad: Thank you.

Ms. Belway: – an owner of Kihei Kai Nani.

Mr. Conrad: Thank you.

Ms. Belway: The initial developer of Kihei Kai Nani had planned to build a building about 18 one-bedroom units on what is called Lot 1A. He apparently abandoned the idea when he discovered it was to be build across a gulch that bisects the property. He decided not to build the building and instead divide off the 1.438 acre property from the original development. He sold as a separate piece of land with easements through the development. Victory Development who is about the third owner of the Lot 1A property in the past 30 years has now decided to develop the property by building 39 two and three bedroom condominium on a 1.438 acre property. This concentration of units and quick building design plan cover 73% of the property and all of the land area. The gulch will be the only open area in the middle of the lot. The building is containing condominiums and parking garage under the buildings will be build on each side of the gulch.

To protect their buildings and parking garages from being flooded during rain storms they are

planning to wall off the gulch with a six foot to eight foot wall on each side without vegetation. The slide shows vegetation but when the water comes down those trees will go right on down to the ocean. This will only funnel storm water with increasing speed down the driveway of Kihei Kai Nani. At the Planning Commission hearing a commissioner asked if we ever tried to mitigate the flow of water through our Kihei Kai Nani property. 30 years ago storm water had acres of land to absorb the water. Since development has occurred above Kihei Kai Nani the speed of the water has increased in the past couple of years. With each development project is considered separately -- when each development project is considered separately, the flooding doesn't sound important, but when all projects are added together, the danger of flooding increases. The pass of the water as it travels down to the ocean increases speed as it travels through a funnel of each development around the gulch. The path of water gains speed as it squeezes through a culvert on Piilani Highway, more speed as it squeezes through a housing development that the gulch walled off to protect the houses, through a culvert on the newly constructed South Kihei Road, through a vacant lot which doesn't slow it down, and now will squeezed through another planned walled off gulch through Nani Loa building plan.

The Nani Loa building plan doesn't help the situation because to protect their densely constructed plan they have to wall off the gulch to protect their pool which is in the path of the gulch and parking garage. This will cause another funnel for the storm water to increase its speed. Since Kihei Kai Nani is on a down hill path of the ever increasing speeding water, we will get all the flooding in our complex as it travels to the ocean. In conclusion, constructing a building that covers all the available land is too dense. Trying to 39 two and three bedroom condominium units on what was originally planned for 16 to 18 one-bedroom condominium units is trying to put too much in a small space and over power the area.

Mr. Conrad: Thank you very much.

Ms. Belway: I have copies . . . (inaudible) . . .

Mr. Conrad: Thank you. Is there anyone else who would like to make public testimony that's not on our list? With that, the public testimony for this application is closed. So I think if there are comments or questions for the applicant or discussion among ourselves. Ray?

Mr. Phillips: Jordan, would you be kind enough to comment on the quickability of a culvert, and its capacity to handle the flood waters when they do occur, I guess, on the 100 year flood, if and when?

Mr. Hart: How do I put this? That, that culvert was installed by the Kihei Kai Nani development and remains in place.

Mr. Phillips: It's considered adequate to handle the --?

Mr. Hart: As it is now, yeah. And there's no -- we are not proposing to, to make any changes to that, to that culvert. I would like to, you know, directly relates to drainage and water percolation, it's actually correct that 34% of the project site is going to be developed. It's not

73, so it's significantly different as far as the amount of impervious surface that's going to be added. But with regard to that existing drainage way, the proposal is just basically to not change it from what it currently does. And, you know, it was stated that the water flows down through Kihei Kai Nani, that has been the design, and you know, this was the design of the original developer of this existing condominium complex.

Mr. Phillips: And you're handling the excess on property, the subterranean?

Mr. Hart: That's correct. That's correct.

Mr. Phillips: Catchment.

Mr. Hart: Yes. And, and it should be reiterated that would be an increase from the standard which is a 100% of the post development increase, so we're doing 120.

Mr. Phillips: So the applicant considers the flow that's already possible, not really a concern for him as --

Mr. Hart: Well, you know, as was stated this is a regional issue. You know, this, this storm water is flowing from mauka of this property, you know, significant distance. And so there's no real way for 1.4 acres to begin to address this regional problem, so they are proposing to address any potential increase that might result from their development, and to have the existing conditions remain as they are.

Mr. Phillips: Thank you Jordan.

Mr. Callinicos: I'd like some clarification on -- and I was listening, but maybe I don't understand it, but how do you propose to handle the water, the storm water off your property?

Mr. Hart: With subsurface retention. So --

Mr. Callinicos: You can do that?

Mr. Hart: Well the requirement is, is 100% of the difference between existing undeveloped and post development. And so we believe that we can accommodate 120% of the difference between existing and post development runoff.

Mr. Callinicos: On your side without any of it going through that culvert.

Mr. Hart: Right. Well -- okay -- so exactly where water will fall. As an example, let's say our collection system is located mauka of some of the water that can fall on the makai end of the site. We won't be able to capture that water, but we'll be able to capture the volume equal to the difference between pre and post development if you follow what I'm trying to say there.

Mr. Callinicos: It doesn't sound very reassuring, to me.

Mr. Hart: Ok. Well –

Mr. Callinicos: You know looking at those photographs of the flooding over the years on the property down there, I realize that -- not your concern -- because that was done by their development. And with floods like that -- and I'm assuming here that that didn't come off their property, that flood water, came off this property. Because first and foremost there's a lot, a lot of dirt went down that road and lot of dirt went into the swimming pool, so that indicates coming through some fairly large area of vegetation. So I'm assuming that that again, I ask you, assume it's coming from the vacant lot.

Mr. Hart: That would be a massive amount of water to come from, from 1.4 acres. It's actually a regional –

Mr. Callinicos: Not, not just from there. I realize it's coming down the hill and it's the gathering of water all the way down and so on, but the point is that, that's not going to change. That water is going to still come when we have very high rain, rainfalls, and it's still going to fall down into that little gulch that's being left there. There's no way it's going to be able to retain the water. That's going to flow out, and I think...I don't know how well these subterranean systems work, but if you have a really violent storm, can you state to me that there will not be any debris water going from your property onto their property?

Mr. Hart: I can say this -- that the proposal for this drainage way is to keep it unvegetated so there would be no landscape waste or excess trees down in there. So if you want to talk about debris, I'm pretty certain that by the maintenance program there wouldn't be debris coming down. Now if we look at the aerials, there are unmaintained properties or the locations mauka of this project site – I have that. So if you're asking me to certify that this project would make sure that there's no landscape debris in this area, mauka, I would expect there's no way to do that because it seems to me, on current conditions, that people are throwing landscape waste into that drainage way.

Mr. Callinicos: I'm, I'm not saying that. What I'm saying that is that when the water comes down the hill, and it goes through that property, and it come onto your property, the applicant's property, and you, you know, you're unable to retain that water or to handle that water, it's going to flow through your property and it's going to be going down that, the . . . (inaudible) . . . of the easement. I, I anticipate that it's going to be. . . (inaudible) . . .

Mr. Hart: Well, my response to that would be that is the current design of that existing development, is to basically receive that drainage through their center driveway. And so this project, what this project can do is not compound that. We can't solve it, but we cannot increase it. And that's what we're proposing to do because there's a method of calculation for the impervious service and the runoff water that is generated for that. And so we've accommodated subsurface retention basins to retain 120% of that increased volume. That's the increase volume that will result from the impervious surface added to the project site. There will no change to mauka or the current condition of the site as an undeveloped site. Those would all be existing, and that's the County's --. So we're meeting the County's standard and

proposing to go 120% beyond that is what we are proposing.

Mr. Callinicos: The County's comfortable with this?

Mr. Hart: Well, we're going through the process, but we're, we've been -- the project has been reviewed by Public Works and this is not an issue that they're...generating concern for us over.

Mr. Callinicos: Thank you.

Mr. Conrad: Any other questions or comments? There are, aside to what --. Yeah?

Mr. Phillips: Jordan, a little bit off the subject, but concerning water and the ability to facilitate the need. I take it that the project will be having fire suppression?

Mr. Hart: Yes.

Mr. Phillips: As a commercial condo project. Where, where's the project at in terms of Water Department giving all sort of approval?

Mr. Hart: The project has a dedicated meter. The project has a dedicated meter.

Mr. Phillips: Okay, great. And that's both for fire suppressions and potable and irrigation? All three?

Mr. Hart: It's a two inch meter, I mean, as much as I can say about that. Yeah. So we'll go through -- when we're, assuming this a favorable process, we'll have the building permit review and that's really when the Fire Department gets technical on their fire supply requirements, but we've just gotten preliminary comments from them at this point.

Mr. Phillips: Been there, done that. Thank you.

Mr. Conrad: Any other questions or comments about colors?

Ms. Feeter: I have one. Just to clarify myself on, on the flooding issue. As I understand that you've made mitigating plans that will not solve the flooding problems before they had, but will not make it worse. Is that kind of, is that kind of where we are? You're not going to continue additional flooding problems, but there's no way you can solve what you have now.

Mr. Hart: That's an excellent summary.

Mr. Conrad: Anyone have a motion?

Mr. Bowlus: Yes I do.

Mr. Conrad: Thank you Bob. I appreciate that.

Mr. Bowlus: First I have one other comment before I make a motion, but I, I appreciate all the work you've done. It's a very difficult site. And I kind of like the fact that you have the darker colors on the building because not light white and, and be reflecting, be reflecting a lot of light. Your building will some what disappear. And I like the colors and the green trim, and I think it's very nicely done. So...with the proposals before us, I would make a motion to accept the proposal as submitted.

Mr. Conrad: Do I have a second?

Ms. Feeter: Second.

Mr. Conrad: David and Frances. David seconds. All in favor, please say aye. All opposed? Project is accepted as proposed.

**It was moved by Mr. Robert Bowlus, seconded by Mr. David Green, then unanimously**

**VOTED: to accept the project as proposed.**

**(Assenting: R. Bowlus, D. Callinicos, F. Feeter, D. Green, P. Jacobsen,  
R. Phillips, F. van Ammers**

**Excused: D. Sereda)**

Mr. Hart: Thank you.

Mr. Conrad: Thank you.

## **F. DIRECTOR'S REPORT**

- 1. Status of board vacancy**
- 2. Agenda items for the September 1, 2015 meeting**

Mr. Conrad: Thank you public for the testimony. So now we have the director's report from Clayton.

Mr. Yoshida: Thank you Mr. Chair and members of the Board. Regarding the status of the Board vacancy, we have nothing new to report. We will make it known again to the Planning Director and the Deputy Director, who can make it known to the Mayor's Office that there is, has been a vacancy, a regular member vacancy on this Board since April of 2014.

As far as your next agenda scheduled for four weeks from today, September 1<sup>st</sup>, we do have one item right now, which is Special Management Area Use Permit plans for some improvements to the Wailea Marriott project in South Maui. The Wailea Marriott, I guess, came under new ownership about a year ago and the new owners want to make some improvements

to the existing hotel, so the Board will be reviewing those plans on September 1<sup>st</sup>.

**G. NEXT MEETING DATE: September 1, 2015**

**H. ADJOURNMENT**

Mr. Conrad: Alright.

Mr. Yoshida: That's all we have to report.

Mr. Conrad: Thank you Clayton. Well, with that, I think we should adjourn today's meeting.

There being no further business brought forward to the Board, the UDRB meeting was adjourned at approximately 11:31 a.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE:**

**PRESENT:**

Robert Bowlus  
Demetrios Callinicos  
Hunton Conrad, Chair  
Frances Feeter, Vice-Chair  
David Green  
Raymond Phillips  
Fiona van Ammers

**EXCUSED:**

David Sereda

**OTHERS:**

Clayton Yoshida, Planning Program Administrator, Current Planning Division  
Paul Mikolay, Staff Planner  
Jennifer Oana, Deputy Corporation Counsel