

**URBAN DESIGN REVIEW BOARD
REGULAR MEETING
NOVEMBER 3, 2015**

APPROVED 12-01-2015

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, November 3, 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: UDRB Board is now in session. So, this is in – the public testimony, if there's anyone who'd like to testify before any of the presentations because they can't be here during the presentation they're welcome to do so now. If not, that portion of the meeting is closed.

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 SEPTEMBER 1, 2015 MEETING MINUTES

Mr. Conrad: The first item on the agenda this morning is a public hearing. (*Mr. Hunton Conrad, Chair, read agenda Item D2 project description into the record.*) And this is being presented by Malia Balberdi.

I forgot to, to administratively approve the minutes from the September 1st meeting. I reviewed them briefly. Does anyone have any corrections or additions? So, they are administratively approved. Sorry about that. Okay, so --

The September 1, 2015 UDRB meeting minutes were administratively approved as presented.

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

- 1. KERRY RINGROSE of PACIFIC SIGN & DESIGN representing KEHALANI APL PARTNERS LLC requesting variances from Maui County Code, §16.13.030 "Commercial Signs" "Definitions," and §16.13.070 "Signs authorized in airport, hotel/resort, business/commercial, apartment, and industrial districts" for two (2) signs. (1) Sign 1: a "Foodland" Business ID**

Sign to not exceed 16.9 sq. ft., the sign is not attached to the “business establishment” as required; and (2) Sign 2: a “Foodland, Aloha Gas, Aloha logo & Gas Price” Ground Sign measuring 32 sq. ft., the sign exceeds the number of Ground Signs allowed, for the Kehalani Foodland & Aloha Gas business establishments located 255 Kehalani Village Drive, Wailuku, Maui, Hawaii; TMK (2) 3-5-001:063 CPR 0003 (SPV 2014/0002) (M. Balberdi).

Ms. Malia Balberdi: Hi. My name is Malia Balberdi from the Planning Department. Here we have, this slide right here -- and you guys should all have a copy -- this slide represents what is currently allowed with the sign variance, SPV 2013/0003, which was approved on February 4th, 2013. It allowed this Foodland sign and the button to face the Kuikahi Drive, the south part. This is -- this slide is -- this is the proposed area that a second business ID sign will be located. The director is recommending denial of the variance request because a variance permitting Foodland to be installed on the canopy, instead of the kiosk, was approved; and therefore the applicant should adhere to the sign code where only one business ID sign is allowed per business frontage.

This slide represents all four of the lot frontages where the applicant may install a ground sign. Currently, there are no ground signs on the property, and therefore the director recommends that the applicant apply for a sign permit. A variance is not needed for the size of the ground sign if they are proposing to install a 32 square foot ground sign as indicated. Page 4 of the staff report shows an illustration of the ground sign. And with the previously approved variance, these are the signs over here, except we're missing Foodland sign which is facing Honoapiilani Highway, and a Coffee Bean sign which is facing the subdivision. The SPV 2013/0003 allowed the Foodland sign to be located over the eastern entrance and it shall -- it was -- it could only be up to 64 square feet; a Foodland sign to be located facing Honoapiilani Highway limited to 64 square feet; and a Coffee Bean & Tea sign which is limited to 40 square feet; and there's a Foodland and Aloha Petroleum which shall be located on the south facing Kuikahi Drive and shall not exceed 24 square feet. Page 10 and 11 of the staff report states the conditions of the previously approved variance. So now we have Mr. Kerry Ringrose.

(Mr. David Green is present for the meeting at 10:08 a.m.)

Mr. Kerry Ringrose: Good morning ladies and gentlemen. Kerry Ringrose of Pacific Sign & Design, here on behalf of Foodland and the Sullivan Group. If we could deal primary with the ground sign issue. The proposed sign is a commonly deployed price sign that's set up on a pole. It's called a pylon sign. It's not actually on the Kuikahi frontage. It's actually on, it's located on an access road which is the, the kind of a point of contention, I guess. The access road has been named. I believe, it's Kamoli...Kamoli Street. It's not a County road per se, but an access road. But it is a public right-of-way. So what we're, what we're really asking for then is a specified departure from the existing four ground sign allowance since this is not on one of those frontages. This is actually on a frontage facing that Kamoli Street. And...it's in...it's in conformity with the usual ground sign allowances, and it is commonly used, like I say, a commonly used pricing device for gas stations. If we could deal with that one first. Does anybody have any questions before we proceed any further?

Mr. Conrad: Does anyone have any questions? I have a question. Malia, you said that this application isn't actually necessary. Maybe I'm confused. This application for the ground sign isn't necessary as a variance application?

Ms. Balberdi: Yes that is correct. They actually don't have any signs, ground sign permit applications in that were approved or issued, so this would technically be the first ground sign.

Mr. Conrad: Okay. Any you're applying for the variance because it's not on the property? Is that the reason?

Mr. Ringrose: No. The distinction is that the landlord, Kehalani Partners, wish to retain that allowance, future use, the four ground sign allowance that runs the corners of the property. Since this is on an internal access road we're asking for a variance for that reason per se.

Mr. Conrad: So the Planning Department isn't looking at this as a variance application because it isn't necessary because nobody else in your development has applied for a sign.

Mr. Ringrose: At this time, no. My understanding, though, is that the landlord does want to retain those four allowances.

Mr. Conrad: And so legally can you apply for a variance before a variance is needed?

Ms. Jennifer Oana: I think that's why the department has this position that the variance is not needed because it's still possible to have those ground signs.

Mr. Conrad: Okay. So, continue, Kerry. Thank you.

Mr. Ringrose: Yes. Like I say, the, the Kehalani Partners has expressed to wish to retain that allowance, and that's why we're here to, to address the issue of a variance for a sign that is not exactly in conformity of the CSP.

Mr. Conrad: Are there any questions or any concerns? Anybody have anything to say about --. Your presentation on the ground sign is complete?

Mr. Ringrose: Not quite. Again, I just kind of want to reiterate that the issue, the code is a little bit kind of gray in this area in the sense that a County road and a public right-of-way. So what constitutes legally a public right-of-way. I'm assuming it would be if it's an access road that runs across private property open to the public that could fairly be construed as a public right-of-way. So as the code reads for a ground sign, I realize this is kind of on the cusp of two overlapping issues. That's really the position is that there's really no demonstrable harm -- there wouldn't be any demonstrable harm in approving this because, one, it's not on the Kuikahi frontage; it's not on the other, Waialae frontage; it's actually on the access road frontage.

Mr. Conrad: Okay. Anyone have any questions or concerns?

Mr. Demetrios Callinicos: I have just a comment on page 16, on this application. It says, "Director's analysis. The proposed ground sign is allowed without a variance therefore, to grant a variance for a permitted sign would be contrary to the purposes of this chapter." Can I get some clarity on that?

Mr. John Rapacz: Thank you Mr. Chair. John Rapacz on behalf of the Planning Department. Our position is that...because there are currently four ground signs allowed and still available, that if the applicant chooses to install more than four that's the time when they should seek a variance for the fifth sign. Right now they have four available opportunities to install ground signs. So we think that it would be contrary to the purpose of the chapter to -- for the Board to now allow a fifth sign even when four others are still available.

Mr. Conrad: Okay. Thank you. Any other comments, questions? Can I get a proposal for...to pass or to deny?

Mr. Robert Bowlus: I guess I have a question. From the exhibits it looks like there were fascia signs visible for all around, and is it, is there a problem with identifying the Aloha Gas Station on the site? Does -- why would the additional ground sign be needed?

Mr. Ringrose: For pricing.

Mr. Bowlus: Sorry?

Mr. Ringrose: For pricing.

Mr. Bowlus: Oh, for pricing. It's a pricing sign.

Mr. Ringrose: Yeah, it's for gas stations to post their pricing out the front.

Mr. Bowlus: Oh, I see. Okay, thank you.

Mr. Conrad: Anyone else? Would we like to take -- make a proposal one way or the other?

Mr. Callinicos: . . . (inaudible) . . . as to what?

Mr. Conrad: Whether we are going to grant the variance for this ground sign or not. Yes?

Mr. David Sereda: If this is a ground sign and there's four allowed, couldn't they have this one approved as one of the four ground signs, and have three more?

Mr. Conrad: Don't ask me.

Mr. Ringrose: Yes they could, but, but --. Yes they could, but as I've indicated the landlord has clearly indicated that they want to retain that allowance for the future. They haven't begun working on fabricating and installing four ground signs yet, but they want to retain that. So this

is in addition to the four signs.

Mr. Peter Jacobsen: I have a question. You're the owner of the sign company?

Mr. Ringrose: Yes.

Mr. Jacobsen: Yeah. How many variance, sign variance have you submitted?

Mr. Ringrose: Separate --

Mr. Jacobsen: How many sign variance applications have you submitted?

Mr. Ringrose: To date?

Mr. Jacobsen: Over the course of your -- how long you've had your business?

Mr. Ringrose: I would say -- let me think now -- maybe 20 or 30.

Mr. Jacobsen: Several.

Mr. Ringrose: Yeah. A lot.

Mr. Jacobsen: So you feel the laws are...unfair to business owners?

Mr. Ringrose: Actually zoning has invited me to write an analysis of the current code, which I've submitted a draft for. And based on -- my company does work around the State, on island jurisdiction -- the sign codes vary substantially from island to island county. And one of the issues that I did raise with regard to gas stations is that the main jurisdiction that's different is Honolulu. There's a special allowance for gas stations. And the idea being that you can put branding on two sides of the canopy. I mean, theoretically there's no human on the planet that can both sides of the 50 foot wide canopy. I mean, again, we go back to the issue of demonstrable harm or distracting issues with the drivers and what have you. So the idea, it seems a reasonable proposition to give the gas station an allowance for one ground sign, and associative branding on the canopy itself on two sides.

Now if you drive down Kaahumanu Avenue you'll notice that there's two or three gas stations on Kaahumanu Avenue. One side's blind. I mean, it's true that if the brand sign is out there on the ground with the pricing on it, if that can be seen above vehicles and foliage and what have you. But there's no question that if a visitor comes here from the mainland and they've got a gas card for say, Shell, they're driving down, they're looking for a Shell station and they come across there. They've going drive all the way past it to see the branding on the other side of the canopy. So, again, it seemed like a reasonable proposition that there be branding on two sides. And I can really contained within a general square foot sign allowance. And again the price sign is customary. Doesn't seem to be an issue. And it's well within the scope of the current code we have here now.

So we will get to the, to the building sign in the moment. But again, I mean, Foodland is involved with this -- they have a partnership with Aloha Fueling and they want that associative branding. I mean, they have their clients, their customers going into the Foodland shopping center, and as they get out, get into their vehicles, look up, there's a Foodland gas station. So, it's associative branding, and that's why they want that second sign on the other side of the canopy. And again, and I'm asking the Board to determine demonstrable harm or subtraction from the, the visibility, the visible beauty of Maui.

Mr. Conrad: Thank you.

Ms. Frances Feeter: Are we talking about this sign right now?

Mr. Ringrose: Correct. Yes we are.

Ms. Feeter: Okay, is this the only price sign at the gas station?

Mr. Ringrose: Yes. Visibly noticed signage.

Ms. Feeter: It's almost seems like you need it there.

Mr. Ringrose: Yes. I mean, there are some obviously this competition with gas stations and this competitive pricing, and that's the main reason. I mean, the gas station without a sign out the front that lists the prices probably would scare some people away because they're afraid of what they're going to pay the gas.

Ms. Fiona van Ammers: I have a clarification. So there's one sign allowed per lot, and there's only four allocated lots in this development. So the gas station sits on one designated lot? Is there something else proposed for that lot?

Mr. Ringrose: Just to clarify and Mr. Rapacz can correct me if I'm wrong, but the, the Planning has determined that this is a complex with multiple TMK's and multiple businesses, but they're associated in a sense that it's -- you know, Foodland complex and there's a coffee shop and other things. And this is happening around the island in other locations as well, and I'm apparently working on another one for the Ocean Center where the entire area is being determined to be a complex. So that's why the four ground signs allowance.

Ms. van Ammers: So in theory the four ground sign could be placed any where in this complex. It doesn't have to be per lot.

Mr. Ringrose: Well, it has to be per frontage.

Ms. van Ammers: Per frontage for each of the four lots . . . (inaudible) . . .

Mr. Ringrose: Well, actually no, in this case it's four corners of the complex. Correct me if I'm wrong.

Mr. Rapacz: Thank you. Mr. Chair, if I could clarify and I think the members can see what's on the screen now is a depiction of the lot itself. Excuse me, when you refer there being four lots, there is a single lot that's been condominiumized so they're individual condo units. But the sign code is based on lots. There are four frontages to this lot, so there would be four ground signs available. They could be placed any where on the lot. So the Planning Department does not have a problem with there being a ground sign at the gas station with the gas prices on it. It's just that would count as one of the four that are available. And our position is that once the four are used up, and then you can see what the -- how those ground signs have been used and allocated, and what they look like, and how they fit with the overall signage plan, that would be the time to analyze whether or not a fifth ground sign would be appropriate.

Mr. Conrad: That brings up a question for me, John. That gas station isn't quite on the corner. If I'm seeing the gas station correctly it's the white block on the --

Ms. Balberdi: Over here.

Mr. Conrad: Oh, it's right there. So it's not on the corner. And ground signs were sort of indicated as corners even though they're allowed. There's four corners to a lot, so therefore was it an assumption made that they would be on the corners even though they're allowed anywhere?

Mr. Rapacz: No. There's no assumption. And it would be -- the number of frontages, street frontages of the lot is what determines the number of signs, and they can be placed anywhere along the lot.

Mr. Conrad: Okay. Thank you.

Mr. Ringrose: Mr. Chair, if I could just point out. That was the, that's really the crux of our proposal is that -- if you look on page 16, the proposed ground sign is in fact set well back from Kuikahi Drive. It doesn't occupy any part of that frontage. And actually...you could theoretically see it from Kuikahi Drive, but that's on that frontage of that -- I believe it's called Kamoli Street.

Mr. Conrad: On the private road. The private access road.

Mr. Ringrose: Yes. The private road. Correct.

Mr. Conrad: Okay.

Mr. Ringrose: One last comment if I may. It probably boils down to whether or not you want to see my face here again in a few months doing this, going through this process again.

Mr. Conrad: We always like seeing you Kerry.

Mr. Bowlus: Yeah, I've got one more comment. I guess my view on it is that I really have no objection to the sign at all, but I think it's premature to authorize a fifth sign if all the approvals

in place allow for four signs, four additional street signs. I think that this should be one of them. And after those four are consumed, if they need a fifth sign, then we consider a variance at that time.

Mr. Conrad: Thank you Robert.

Mr. Callinicos: I think that's what –

Mr. Conrad: John is saying.

Mr. Callinicos: Yeah. Exactly.

Mr. Bowlus: Yeah, I agree.

Mr. Callinicos: I agree with that too.

Mr. Conrad: I have a question for you Kerry, the landlord is Foodland?

Mr. Ringrose: Kehalani Partners, I believe. If I could -- Mr. Robert Domingo from Sullivan Group.

Mr. Robert Domingo: Hi, Robert Domingo from Foodland Supermarket. As we've mentioned the overall development is owned by Kehalani Partnership, and it's been condominiumized. So, Foodland owns the condominium lot that Foodland Supermarket sits underneath. And then Foodland and Aloha Petroleum owns the condominium lot that the gas station sits underneath. On page 16, the lot that is highlight is the lot owned by the gas station, and that dash line that you see right above the word Kuikahi Drive, that represents the common area that the Kehalani Development owns as a common area element. And then all the entities own their own individual condominium lots. Does that makes sense?

Mr. Conrad: Yes. Thank you.

Mr. Domingo: Thank you.

Mr. David Green: I'd like to make a motion that we follow the County's recommendation and pass on this now, not approve it until, as Robert said, that this sign is needed.

Mr. Conrad: Thank you. Do we have a second?

Mr. Bowlus: Yeah.

Mr. Conrad: Robert has a second. All in favor? All opposed? The motion is passed.

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

VOTED: to approve the County's staff recommendation and deny the variance request for ground sign.

Mr. Bowlus: And we look forward to seeing you in a couple of months.

Mr. Ringrose: Yeah, I guess, yeah. If I could ask for a five minute recess. Is that possible? Just to discuss the --

Mr. Conrad: I mean, we have an unbelievable agenda today, Kerry. Sorry, I'm going to deny that.

Mr. Ringrose: Yeah, okay. Moving on to the issue of the canopy sign, and did address this gentleman over here asked me some questions about that. Again, it's an issue of associative branding with Foodland and Aloha Gas. And again, this is facing north. This would be visible from the parking lot. Foodland itself..not particularly visible. Actually, it would be pretty hard to read from either Kuikahi Drive or the upper highway. And again, it's the whole issue with having branding on two sides of the canopy. It can't be viewed sequentially -- it can't be viewed at the same time. Both signs can't be viewed at the same time. And signs are in conformity with what's on the other end now, and are in conformity with what is current 16, Title 16 sign code allows.

Mr. Conrad: Thank you. Any comments? Questions for Mr. Ringrose?

Mr. Callinicos: I'm not quite sure what you're trying -- what you're suppose to be doing about this. Looking at the, again, what the staff recommended, the Planning staff, it seems to me that there was really no objection to that. Am I correct...staff?

Ms. Balberdi: The department -- there are three criteria that they have to meet, and they met one of them, but they didn't meet the last two, so we did object to it.

Mr. Rapacz: So Mr. Chair, I think the Board can see that on page 15, in the middle of the page, because this is a sign variance it falls under the main heading of Part B. And as Malia said there are three criteria. And as to the first criteria --. I'm sorry, looking at number 2, Part A, not Part B. The first criteria would be whether or not they are unique or special conditions existing. And we think they are. We think it does meet that criteria, number 1. But as to criteria number 2 and 3 which are listed as Item B on page 15, and Item C on page 16, we don't think that they meet those criteria. There is already a variance for the existing sign on this building. We think that...part of the complication here and something that is the reason that there are essentially two ways that it doesn't comply with the code is that the sign is suppose to be on the building for which it is advertising. And we've got a kiosk underneath the canopy. And Kerry can correct me if I'm wrong and my memory's going back to the 2013 variance. So the kiosk underneath, I think you can see there, that's a Foodland business. The canopy is the Aloha Petroleum business. So in order to put the Foodland sign up on the canopy rather than the kiosk where it belongs, that's a variation from the code. In addition to that, this would be a second sign, so

that's a variation from the code as well. So in order to get the Foodland sign up on the canopy, on the north side, it is, it varies from the code in two ways. So that's what the variance is being asked for.

Mr. Conrad: And there's already a variance for the other sign on that canopy because it says Foodland on it.

Mr. Rapacz: That's correct.

Mr. Conrad: But it's actually an operation owned by Aloha Gas.

Mr. Rapacz: That's correct.

Mr. Conrad: Thank you.

Mr. Bowlus: Can I ask about the square footage of the signs? Does that meet all of the criteria, the allowable criteria?

Mr. Ringrose: It does. Yes.

Mr. Bowlus: Well, the ordinance doesn't really define what text goes on there, does it? There's no reason to define what the text is, as long as it meet the sign and size and location. So what are we asking for a variance for? Just for the name?

Mr. Ringrose: Just for the additional sign on the end, and the fact that --. Well, two issues; one, the fact it's an additional sign.

Mr. Bowlus: I see.

Mr. Ringrose: Even though there's already --

Mr. Bowlus: One is allowed.

Mr. Ringrose: Yeah. That's on the opposite side of the canopy. It can't be seen from --. Both sides can't be seen simultaneously. And one side facing the supermarket cannot be seen from a public right-of-way. And the other issue is, of course, the fact that Foodland is on the canopy as opposed, as Mr. Rapacz pointed out, down on the kiosk. But again, I'm basically appealing to the Boards' sense of...some sort of common sense. I mean you'd want your branding to be visible and in the best, most advantageous location on the structure. It's kind of, it's kind of a thin line between saying it's that the kiosk and the canopy are not part of the same structure. The building permit, I believe, would have included both as one.

Mr. Conrad: Is that an accurate statement Mr. Rapacz?

Mr. Rapacz: I don't know whether it was a single building permit or not. But it's the basic

premise in the sign code that the sign would be attached to the building which it is advertising.

Mr. Conrad: Right. Thank you.

Ms. Feeter: Can I just express one opinion? I think differentiating between the canopy and the kiosk is a little nit picky. It's all one there. And why don't we say, okay, just this one building, we know it's a little separate building underneath the canopy, but it's all one. I can't see any reason to differentiate.

Mr. Green: I agree.

Mr. Bowlus: Yeah. I agree with that completely. I guess my question is I'm not really sure if I understand this correctly. But as I recall the property, the Foodland's building, is clearly identified. We went through the signage on that. And their graphics is clear and it's easy -- I understand. So why does Foodland need their name on the gas station canopy?

Mr. Ringrose: Again because it's associative branding. But if I could defer to Mr. Domingo again he can explain that, that relationship.

Mr. Domingo: I think in a newer time there's a partnership that we have between Aloha and Foodland where we are, we've partnered on this development and we've done this on several islands where we've partnered. So while the gas canopy and the kiosk will carry the Aloha colors, by allowing to put the Foodland name on it, it allows the customers to realize that Foodland is a part of that gas station. And there's benefits that our customers can receive through buying their gas at the gas station through their Maika'i Card and all that kind of stuff.

Mr. Bowlus: Alright. Thank you very much.

Mr. Domingo: Thank you.

Mr. Bowlus: So one other question. Can I ask what staff's recommendation is?

Ms. Balberdi: Staff recommends that the applicant adheres to the sign code.

Mr. Bowlus: I'm sorry.

Ms. Balberdi: Staff recommends that a denial of the permit, and that they adhere to the sign code, which is one business ID sign.

Mr. Bowlus: Thank you.

Ms. van Ammers: I have a comment. I really don't have any objections to the sign. It's not going to be visible from the right-of-way, a public right-of-way. I shop here all the time. You would only see the sign if you were on your way to Foodland. And I think it's consistent for marketing purposes, branding purposes with the sign that is visible to the right-of-way. And I

would make a motion to approve variance one and two.

Mr. Conrad: Are you doing that?

Ms. van Ammers: Yes.

Mr. Green: I second it.

Mr. Conrad: Okay. All in favor? One, two, three, four, five. All opposed? One, two, three, four. So I guess the motion passes. Did I count correctly? Can we do that again? All in favor? One, two, three, four. Excuse me. And all opposed? One, two, three, four.

Mr. Bowlus: Oh, Mr. Chair.

Mr. Conrad: I hate being in this position. So because it's a tie and I'm the one that breaks it, the County does have some recommendations if we do pass this variance. So I'm going to read them to you guys so that we're all really clear about what we're voting for. So...so...this is the following: "That the variance shall be applicable only to the request as approved and reflected to in the record as to the property located at 255 Kehalani Village Drive." And it's the TMK which I've already read earlier into the record. That Foodland, the quote, "Foodland sign and the Aloha Petroleum logo button shall not exceed the combined area of 24 feet. That the granting of this variance shall not excuse the applicant from obtaining all necessary permits. That the applicant must update the comprehensive signage plan and landscaping plans. The owners, its successors, and permitted assign shall indemnify hold the County harmless from the, and against any loss, liability, claim or demand arising out of the variance. That a copy of the above mentioned agreement must be submitted to the Planning Department within 90 calendar days of the date of mailing the decision to the order. The Department recommends that the Board adopts the staff report and recommendation prepared for today's meeting." So they're just reiterating that they're asking us not grant the variance.

So because we may end up granting this variance, we have to, in order to, conclusion, to be part of the conclusion of law, we need to -- sorry you guys but this is the way it's required -- that we have to state why we're, we're granting it, and how it meets the three criteria, even though the staff doesn't agree. We've been through this once before, I think, with the sign at the Dairy Queen, if I remember it correctly, a similar situation. So I'd like some of the members who are wanting to see this happen state what they think their -- how it complies, so it can be read and go into the record that we're recording now.

Ms. Feeter: I think maybe number one, the unique circumstance might be that this is a small lot inside a bigger lot, so it doesn't have...a separate . . . (inaudible) . . .

Mr. Conrad: Well, they agree that number one is, is --

Ms. Feeter: Oh, that's okay.

Mr. Conrad: Yeah. So two and three are the ones that we need to comment on.

Ms. van Ammers: Okay, we're talking about -- we're speaking on variance one and two?

Mr. Conrad: We're only discussing the sign on the canopy and we're only discussing two and three of why we are, think it meets the criteria.

Ms. van Ammers: Okay.

Mr. Green: So these three we have to -- these three points, unique circumstances, most practicable alternatives, and it's not contrary to the purposes of this chapter.

Mr. Conrad: Yeah, and it's the most practicable alternative, and that it's not contrary to the...the spirit -- for the lack of a better term -- of the code.

Mr. Green: Okay, I'll take the first one.

Mr. Conrad: Okay.

Mr. Green: I think the unique condition is that it sounds like the County --

Mr. Conrad: The unique condition is already been answered. The County agrees that there's a unique condition.

Mr. Green: It is?

Mr. Conrad: Yes. It's the second item and the third item. So (B). (B), on page 15, the proposal is the most practicable alternative. So...that's one, that's one of the two issues we're looking at. And the other is if the granting of the variance would not be contrary to the purposes of this chapter. It's the...the County's report. Yeah. Page 15. So does anyone want to comment on the proposal is the most practicable alternative?

Ms. van Ammers: I'm trying to formulate a sentence. I would suggest that...because this signage is consistent with the sign on the south facing canopy, it's the most practicable in that it's been approved, the visual has been approved, it's consistent in the branding. It would make, I assume, more sense production wise for the applicant to obtain the exact same sign that they've already ordered. And there hasn't been another alternative suggested by the department.

Mr. Conrad: I think it's whether the sign goes up at all, not exactly what it looks like. So is it -- why is the sign the most practicable alternative? Possibly because it can be seen from the Foodland parking lot so people leaving the parking lot -- which is what Kerry said -- can go, oh I'm going to get my gas at Foodland gas station instead at the Shell station in Kahului because I can use my Maika'i Card.

Ms. van Ammers: Right. Okay.

Mr. Conrad: I'm putting words in your mouth, I understand.

Ms. van Ammers: Yeah, I guess I really didn't understand if we're, if we're in agreement that a second sign makes sense because of the unique circumstances of the lot configuration. Then this alternative is the most practicable. I guess that's how I understood that.

Mr. Conrad: Okay. It just needs to be written into the record, or read into the record to meet the legal criteria for the County, so, yeah, okay.

Mr. Callinicos: Are you saying that the proposal is the most practicable alternative, whereas the County feels that the proposal is not?

Mr. Conrad: I have no opinion yet. I personally have no opinion yet. But I was trying to, trying to clarify for the record whether, how this meets the criteria. Members of the Board are allowed to state why they think it meets the criteria even though the County Planning Department does not feel it meets the criteria, or doesn't, doesn't meet the criteria by County's determination.

Mr. Green: I think you gave a very good reason which hopefully has been recorded, and I would suggest we use that. The one you said that the visibility from a different direction from the main Foodland parking lot.

Mr. Conrad: Okay. Alright, anybody want to address the second one? The third one actually. (C) on page 16?

Ms. Feeter: The purpose is to regulate excessive signage, and it seems to me just having a sign on the other side of the canopy cannot be considered excessive.

Mr. Conrad: Okay. Alright. It's been read into the record. I'm having a really hard time, but I'm going to go with the County's recommendation that the sign be denied.

It was moved by Ms. Fiona van Ammers, seconded by Mr. David Green, then

VOTED: to approve variance one and two. -- MOTION FAILED
(Assenting: B. Bowlus, F. Feeter, D. Green, F. van Ammers
Dissenting: D. Callinicos, H. Conrad, P. Jacobsen, R. Phillips, D. Sereda)

Mr. Bowlus: Good job Mr. Chair.

Mr. Conrad: Thank you. Thanks Kerry.

Mr. Ringrose: Thank you.

Mr. Conrad: We'll take a three minute break. A recess, excuse me.

(The UDRB recessed at 10:44 a.m., and reconvened at 10:48 a.m.)

E. COMMUNICATIONS

- 1. MP VENTURE, LLC requesting design modifications to the previously approved Special Management Area Use Permit plans for the Maui Palms Hotel Redevelopment Project (Maui Pagoda) at TMK: 3-7-003:007:002 (formerly TMK: 3-7-003:007 and 3-7-003:009), Kahului, Island of Maui. (SM1 2001/0012) (G. Flammer)**

The Board may provide its recommendations on the proposed design modifications to the Planning Director.

Mr. Conrad: Board is back in session. *(Mr. Hutton Conrad, Chair, read the above project description into the record.)* Planner is Gina Flammer. Thank you.

Ms. Gina Flammer: Okay, good morning Board members. Thanks for having us. As you can see the original plans were adopted in 2002. I've often thought this would be a really interesting case for a graduate program to study. There was a lot of components to the project, and the former owners and the consultants they steadily made progress throughout the different areas. So where we are at now is the final building, or the final amount will be three different buildings. We have a new owner. It was purchased in 2014, last year. They're ready to proceed. They've made some design modifications which we'd like you to take a look at, and then provide comments to the department so that we can use your comments as we take a look at the modifications. Alright, so I'm going to go ahead and introduce Colleen Suyama from Munekiyo & Hiraga and she's going to give you a history of the project, she's going to introduce the design team, and then present specifically what those materials and what the modifications are. Thank you.

Ms. Colleen Suyama: Good morning. I'm Colleen Suyama. First of all, you know, as Gina explained, we are here to look at the modifications to the Maui Palms Hotel redevelopment project. And the new name of the hotel is the Maui Pagoda Hotel.

For orientation purposes, this is the project site where the old Maui Palms Hotel was located. This is Kaahumanu Avenue, Kahului Beach Road located here and the Kahului Harbor. To the east is the Seaside Hotel, and to the west is the existing Maui Beach Hotel. And across the street there are several commercial establishments, like the Chevron station, a used car lot, and the Ilima Shell station.

Our project team, the new owner and applicant is MP Venture LLC. We have Peter Savio, Derrick Fujisaki and Tyler Street from the, as the applicant. Our architect is Design Partners Inc, and we have both Mike Goshi and Chris Clubb from Design Partners. Our landscape

architect is KI Concepts LLC, and we have Joe Kurakawa as our landscape architect. And our engineering is SSFM International Inc, and we have Wendy McLane from SSFM. And as note we are the planning consultants.

As stated our request is for review and recommendation of a design plans for the four-story, 136 room Maui Palms Hotel redevelopment project as the Maui Pagoda Hotel. For your information the original hotel was four stories, and the original hotel contained 136 units.

As noted, the background information on the project, January 22nd, 2002, the Special Management Area Permit was approved by the Planning Commission for the Elleair Hawaii Inc who was the owner at the time. On June 10th, 2014, the SMA Permit was transferred from Elleair Hawaii Inc to MP Venture LLC. And on September 10th, 2015, the request to modify the architectural and landscape architectural plans were submitted to the Maui Planning Department by the new owners, MP Venture LLC.

In terms of the project's milestones, you know, this is a very old project that has gone through the process. Since 2002 was when the original SMA Permit was approved by the Planning Commission. In 2005, they constructed, initiated the construction of the first phase of the project by then Elleair Hawaii Inc. Then in 2007, an SMA Minor Permit and Shoreline Setback Approval was granted for the new United States Coast Guard access road to the existing beacon on the property. And in 2007, as part of that approval, they also had to do an Environmental Assessment and Shoreline Setback Variance for the demolition of Building K of the Maui Palms Hotel. In 2010, an access easement relocation agreement was finally signed by the United States Coast Guard which allowed the demolition of the Building K to be completed. This was an eight year process with the United States Coast Guard to just get that relocation of the access road completed. And they needed to do that before the demolition of the Building K.

Also in 2013, after -- 2012, the access road was completed to the Coast Guard station. It's basically an access road with grass crete. So right now if you were on the Maui Palms Hotel site, it just looks like a lawn because the grass is grown. Also in 2013, a new electrical room was completed for the Maui Beach Hotel, which was connected in the original plan. Also in 2014, the two-year time extension was granted for completion of construction, and the deadline for completion of construction is January 31st, 2016. Besides this modification of the plans there is a request for a time extension with the department. Also in 2014 was the acquisition of the property by MP Venture LLC. And then in 2015, as the new owners, they did a re-visioning and concept plan adjustment process for the Maui Pagoda Hotel, and that's why we're here today before the Board.

In terms of land use designations, the State Land Use designation for the property is Urban. It's Hotel and Open Space on the Wailuku-Kahului Community Plan. And the zoning is H2 Hotel. And in the H2 Hotel, it allows 12-stories, but the zoning that was granted for the property allows a maximum of eight-stories; and instead of building an eight-story building, they're building a four-story building.

Also these are some recent photos of the project. To the left is the access road from Lono Avenue into the Maui Seaside Hotel which is east of the property. And to the left is the driveway access into the parking lot for the Maui Palms Hotel. And then the bottom picture just shows you what the commercial areas that are across from the highway.

This is looking at the project site through the existing parking lot on the former Maui Palms Hotel property. It's right now just grassed and landscaped. And on the other portion, this is where the Coast Guard beacon is located, and this is the Maui Beach Hotel located here. And this is looking west towards the West Maui mountains.

This is the view along the shoreline. The open space on the property is really the shoreline, the shoreline area that's identified as open space in the community plan. This is looking towards Kahului Beach Road, and this is looking towards the Kahului pier area.

In 2001, the SMA approved plan was for a combination. This is the Maui Beach Hotel located here. They were going to build a combined lobby building for both hotels, and the 136 room wing of the then requested Maui Palms Hotel. This is the elevation of what was being proposed at that time. The Maui Beach Hotel located here, the shared lobby building, porte cochere and the new four story building wing.

At this time I'd like to turn over the presentation to Chris Ball, Chris Clubb from Design Partners and he'll go through all of the modifications that are being proposed.

Mr. Chris Clubb: Good morning. My name is Chris Clubb and I represent Design Partners. I'll be going over the proposed design change. In keeping with the approved SMA program which is the 136 rooms, the four stories, the square footage, we set out to review the features of the previous design which is on this slide here, and come up with...come up with items that were not desirable. The first was the monolithic footprint. If you look at how the proposed building was going to be, it's a continuous building footprint across the entire property. What happened -- what happens with this is you're basically blocking all the views for almost the entire property. We felt that was a deficiency. The second item was the hotel wing. We felt it was just too long, and very inefficient for the hotel guests to get to the lobby, to get to the pool, to get to the different areas. The third thing was the lobby building itself which you can see is within the beacon building restriction area, thus forcing it to be flatter. And on top of that it's lined up directly with the beacon itself. So when you're -- when a hotel guest is coming into the lobby essentially they're looking straight at the beacon, and not at the ocean or anything else. In fact, they have to turn to see the pool and the other areas. So we felt those three items kind of made it not desirable, and we wanted to come up with something a little better.

Essentially the new owner does not want to make a combined 300 room hotel, which is what I believe Elleair was trying to accomplish here. So this is the new proposed site plan. We proposed three things to MP Venture. The first thing is to separate the break of this line here and create two hotels. What this helps us do is separate it from the beacon restriction area. So now you can see the building footprint is not part of that. We break this purple continuous monotonous line. Now you have, you know, an ocean view here. The second thing we did was

we split the hotel wing into two. We put this, the lobby building in between. What this also did was gives us further opportunities to see views to the beach.

Okay, this is the existing site plan as it stands today. As you can see, the Maui Palms was demolished. It's very clear now. We're bound by, of course, this beacon restriction which is this red cone. And we're also restricted by that agreed pre Coast Guard route, which as you can see, it kinds of lassos the whole site and limits us where we can put the hotel. There's also multiple zoning, I mean, flood zone areas, so we're honoring that by keeping the hotel at plus 18 feet above sea level.

This is the proposed site. As was stated there's two main entrances into the hotel. There's this main one which has the existing Maui Beach Hotel signage on the left side as you enter. And then we have a proposed one for the Maui Pagoda. There's also that alternate one that's shared by the Maui Seaside that you can come in. But as you can see, it's fairly easy to get to the porte cochere which is located right here...from both directions. We also have multiple handicap accessible stalls right next to the lobby for convenience.

As we move into the layout, this is the porte cochere area. You get dropped off here. You come in through either this wide stairwell or this accessible ramp to the bell desk, to the front desk, and to the many amenities there is in this lobby, which is very similar to the approved SMA. Which is the shop, there's the business center, there's a bar. We added public restrooms for the pool patrons. And then what we tried to do is create like a hub here. Whereas you can see we're splitting the hotel wings on either side, so the hotel guests don't need to travel all the way across the building to get to their hotel room. We also, we also centralized this so that you can easily access the pool area and the other outdoor amenities like the pagoda and the open...the open space.

This is the building elevation for the west wing. Yeah we tried to create what is essentially a very efficient rectangular hotel wing by pushing and pulling some of the masses, and also using different materials to create separation. We have, if you look at the light tanned areas, that's the Hardie Revealed systems which we have right here. This is an aluminum reveal that kind of scores the skin of the building. It helps give it a modern look. We then broke up the massing which is these stairwell, stair cords, and elevator cords. Broke it up with moss rock veneers. It kind of gives a half, like a good weight to the building. And also separates the spaces. We also created like smaller columns of moss rock between the hotel rooms. This helps separate the spaces so that you're not looking into your neighbor.

As far as the color scheme, the overall color scheme, we wanted to keep it more earth brown as far as the color scheme for the building body. For the roof we're using an aluminum shingle that's green. With that combination we felt that it kind of helps blend in with the environment with the Maui community. We also have dark anodized railings and windows...as well as our Dutch gable roof system. We felt this is probably the best system for this hotel because there's going to be a lot of roof penetrations and things like mechanical ventilation that we need. And we felt the Dutch gable is the perfect opportunity to punch holes through that instead of the roof. That helps with maintenance.

This is the lobby building. Very similar...as far as materials and look. The one thing of note is on all of the buildings you'll notice we have PV panels which Savio wants to use or I mean, which MP Venture wants to use for energy efficiency as well as lowering the electrical footprint on the site. And then this is the east hotel wing which is very similar to the west. But the only difference is --. Actually, the similarities between all of the buildings is we have this spurt, you'll notice. This is all breakaway wall, so it honors the flood requirements. We also have the structural engineer forming the foundations perpendicular to the shoreline, so that water, if any flood happens, the breakaway walls will break, and the water will not be dammed, it will flow through the building.

Here's some renderings of the, of the site. This is aerials taken from the harbor side, the west Kaahumanu, both of these shots. And this is from the Maui Seaside, or the inside, looking west. These are more shots within the site itself. This white cylinder you see here is basically the beacon. This, this is from the beach side looking at the hotel. This is the pool looking back at the lobby building. This here is the porte cochere and the lobby from the front. And then this is the main entrance into the site. You can barely see it, but there's hotel signage front and center there with the hotel in the background. More aerial shots. One shot directly from the street, straight at the lobby building, so you can see how we broken up the height and created space. Especially here you can see the view corridors between the buildings.

And then this last one is showing all the landscaping and open space. Like this is the open space area which is located here and you can see here...with the pagoda in the background. The pagoda's here, and then the pool. And this is another shot from the pool side from the other end.

This is the signage itself, the front signage. We kept it within the codes for the sign area, and the height, the 10 foot height max, and the square footage. We are going to use -- we're going to match what, what the building has as far as the roofing, the stone veneer, the paint, the color scheme. The only thing that will be unique is we're going to add a koi symbol, painted aluminum sculpture within the sign itself, and a little waterfall feature. You can see here there's like a, we have this small pool, kind of a pond look which is this. Actually that's the waterfall will flow into.

Lastly this is the lighting site plan. If you look in your handouts we have cut sheets for those light fixtures. And as you can see they are...they're all LED, IAD approved dark sky friendly fixtures which feature full cut off, full shielded design. Of course the parking lot lights are within the parking structure itself. These may get a little wider as we design it. We may not need it to be as close, thus less lights. Within the structure itself, all the pathway lights are, are the wall paths. And then we have, for landscaping, pathway lights.

I'd like to change this or hand this off to Joe from KI Concepts, the landscape architect.

Mr. Joe Kurakawa: Good morning. My name is Joe Kurakawa of KI Concepts. We're landscape architects located on Oahu. As you can see, you know, the site is a very long and narrow site. We've contained all of the proposed landscape development mauka of the

shoreline setback at the edge of the existing US Coast Guard access route. The, the landscape materials and planting is primarily a native dry land coastal plants which would be appropriate to this very harsh, windy shoreline environment. And so, you know, also reducing the amount of water needed to maintain it. The primary landscape program area as Chris had mentioned is, you know, the pool and pool deck area, the pagoda pavilion, and event lawn area. We've used our large arching walkway system to connect the various components of the hotel, basically from the lobby out to the pagoda, and pathways to basically move laterally along the shoreline within the property area, providing an amenity for visitors and users of the hotel.

The planting also, you know, foundation planting around the hotel basically on the mauka and the makai sides to provide some buffer from the more private room areas to the more public outdoor areas on both sides of the parking lot on the mauka side and the garden areas on the makai side of the property. The other area of landscape is generally out at the entry area where the entry sign is going to be located. And my understanding is we're required to . . . (inaudible) . . . supplementary planting for, for that entry area. The parking lot is primarily going to be left in its existing condition except for some minor modifications to accommodate the new porte cochere and access to that. But other than that, the primary area of improvements will be, you know, around the, the two wings and the lobby area. We are incorporating a water feature that will link the lobby to the pagoda, which is, you know, a primary feature within the landscape.

Also, I want to refer you to our -- your booklets for the, you know, more specific information on the preliminary planting palette.

Ms. Wendy McLane: Good morning Board members, my name is Wendy McLane, I'm the civil engineer. SSFM was the previous civil engineer for the previous owner's design team. We went through the SMA extension process and what we're proposing, what I'm showing you on this slide here is the concept drainage plan which basically follows -- we can follow the exact same concepts that were proposed previously. The concerns previous were dealing with the increase runoff. The -- basically the concepts here, the drainage, as Joe pointed out, the existing parking lot would be retained, so the drainage patterns come from the parking lot, drain out towards Kaahumanu Street, right over here. There's curb cuts, existing curb cuts. We propose closing those off and putting in interception trench drains to intercept and to capture that water so that we would retain the increase runoff for the 50-year design flow. As well as treat a 100% of the runoff from the site prior to discharging into the State's storm water system. So we would need to go through the process, application process with a new State storm drainage connection.

The other side of the site drains out towards the ocean side, and there we would intercept the water through the roof drains and then capture and infiltrate through chambers or some other of type of subsurface infiltration system. So that, again, the two main points; one, is retainage of the net 50 year increase runoff, and then also treatment of a 100% of the runoff that falls on to the development.

Mr. Clubb: Now we'll show a short video of the site.

Ms. Suyama: Okay, thank you. We should have put music to the video. It would have been more interesting. But anyway we are available for any questions from the Board.

Mr. Conrad: Thank you Colleen. Any questions or comments at this time?

Mr. Callinicos: Yeah, I'd like some clarification about something. I tried to find it in the video, but I'm not sure that I saw it clearly. I think the idea, this concept is very good. And the idea of breaking it up into three buildings. As I understood it you want to maintain a view corridor between the buildings to the sea. If you could explain to me on one of these plans whether there is a low walkway between the buildings, and not walls. Is that -- am I right?

Mr. Clubb: Yes. I mean, the connections actually are -- I think one thing I might have overlooked. If you noticed between the buildings between here and back there's a layout plan that shows all three buildings. That's going to be a two story bridge, and we did that just so that, for the --

Mr. Callinicos: What kind of a bridge?

Mr. Clubb: It's just an open -- it will be basically open picket; very open. We're not going to put a wall. Yeah, if you look --

Mr. Conrad: Demetreos, A12. If you look A12, you'll get a visual there.

Mr. Callinicos: A012?

Mr. Conrad: Yeah, A012, upper left corner.

Mr. Clubb: There's like an open railing on two floors. And we did this primarily so that the hotel staff has a way of bypassing the lobby without having to go through it to get to the east wing. Because right now our loading dock is on the west wing, on one side of the hotel. So for them the idea is you load in the linen or room service or what have you into their room, their specific room. There's a service elevator that will take them to the second floor and they can then, you know, go across without disturbing people in the lobby building. So it's only at the first two floors we have that bridge connection. After that it's separated.

Mr. Callinicos: And that railing is what?

Mr. Clubb: It's glass. It might -- depending on the pricing, we might have to go with picket. If not, it will be -- we'll try to keep it as open as possible.

Mr. Callinicos: I'm afraid that with that idea, together with the fact that things grow very quickly here, the landscaping that you have on your landscaping plan, in that area, it won't be very long before you'll see nothing. It will be green back there. You won't be able to see anything through there. That's just my observation.

Mr. Clubb: Yeah between the buildings, we're, we're planning to keep that open as far as just, just the heights of the buildings. Landscaping, we can do things to limit the height of them. And I mean, I believe the local plants that we're putting in there don't, don't grow too quickly.

Mr. Callinicos: You show a few trees.

Mr. Clubb: It's palms I believe, so it shouldn't be, I don't think –

Mr. Callinicos: Palms are okay.

Mr. Clubb: Yeah. Primarily it's going to be Areca Palms, I believe. Yeah, so it's just in that portion. I mean, of course, between the existing Maui Beach and the proposed Maui Pagoda there's a very big corridor you can see the ocean there as well, and of course, on the other side.

Mr. Callinicos: And then I have one other question. Both in the video you had that flashing, like, white panels on the roof which would come and go.

Mr. Clubb: That's the photo voltaic panels.

Mr. Callinicos: Good. Thank you.

Mr. Conrad: Ray?

Mr. Raymond Phillips: I think those of us that are familiar with the project and it's being there for many, many years, and its degradation condition that it's gone into, up to this time period, I think all of us will appreciate the fact that it's going to be quite an improvement to the area, the beautification to the particular corner location. The concern that I have only is the view plains will be lost with these new buildings. And you have folks across the street that this may affect. Can you give us any comment about that?

Mr. Clubb: Only that we're honoring what was approved already in 2001. It was a four story, very, very much like a wall, a single element. So our, our approach to try to improve that was to break it up. Because we still wanted the same density, same amount of rooms. And to accomplish that we either had to go to three stories, which would create a longer hotel room and it would block more view, or you go a little taller and you can create more views either between the buildings or between the existing . . . (inaudible) . . . So that's kind of our decision as to why . . . (inaudible) . . .

Mr. Phillips: Good alternative. Question about the construction process itself. Will you be able to maintain it inside the lot?

Mr. Clubb: Yeah.

Mr. Phillips: And time period? How long do you anticipate from beginning to end?

Mr. Clubb: From beginning of construction to end? We're hoping to get started like by mid-2016, and maybe 12 to 16 months. Maybe a little bit longer; it depends. It also depends on all the approvals. We have to go through as well. But we're...we're excited to get started as soon as possible.

Mr. Conrad: Yes, David?

Mr. Sereda: I think it's a big improvement on the previously approved plan and shifting the buildings over and breaking them up is a much nicer than the monolithic wall. And, and then actually opening a view to the beacon which I'm assuming is staying?

Mr. Clubb: Yeah, the beacon is going to stay.

Mr. Sereda: Yeah, it's kind of an interesting feature. I didn't even know it was there. So...all of those things considered I think that it's a much nicer and more appropriate design than the previously approved one. And I appreciate that Joe used all native plants, or for the most part it looks like a pretty comprehensive list of native Hawaiian species, the plant palette. That's nice. And then my final comment is that we look forward to seeing you back here for a sign variance for the ground sign. Just kidding.

Mr. Clubb: The one thing I failed to mention was the other benefit of pulling the hotel away from the existing is that we could keep that -- let me go back -- we can keep this...this existing parking lot here which was essentially what the Coast Guard was using in the first place to access this beacon and maintain it. So all of this eight year work that we went through to try to lassoed the thing to get, you know, a route around the hotel to get here, isn't really required. I mean, we'll still maintain that, but that's kind of a side benefit as well. Now we don't have the Coast Guard going through the property to get to their beacon. If they so choose. They may still choose to still go that route. I don't know.

Ms. Feeter: Can I make one comment? I'd like to say thank you. I really appreciate you're not utilizing the option of building eight stories.

Mr. Clubb: Thanks.

Mr. Conrad: And I just have a comment. I think it's a really nice project, and I really like that there's three separate buildings. And I understand that the view corridor won't be pedestrian viewing, but it still creates an open space, and a slot of sky and greenery between the buildings, and I think that's very accommodating to the scale of Kahului, so thank you.

Any other comments? Movement to accept as presented?

Mr. Callinicos: So move.

Mr. Conrad: Demetrios. Anyone second?

Mr. Green: I'll second.

Mr. Conrad: David seconds. All in favor? The motion is passed.

**It was moved by Mr. Demetrios Callinicos, seconded by Mr. David Green,
then unanimously**

VOTED: to recommend approval as presented.

Mr. Callinicos: Mr. Chair, would you ask whether they want these documents?

Mr. Conrad: Would you like your packets back?

Ms. Suyama: It's meant for you to keep. If you don't want it, we'll take it back.

Mr. Conrad: I think we should take a five minute break -- or recess, as it's officially called.

(The UDRB recessed at 11:27 a.m., and reconvened at 11:33 a.m.)

- 2. WASHINGTON HAWAII CAPITAL, LLC requesting final design plan modification to previously approved Special Management Area Use Permit plans for the Maluaka Clubhouse component of the Makena Resort Lot H-1 Project at TMK: 2-1-006:037:0014, Makena, Island of Maui. (SM1 2005/0015) (A. Cua)**

The Board may provide its recommendations on the proposed final design plan modifications to the Planning Director.

Mr. Conrad: Session is back into order. Do you want to make the presentation first before the ask the citizen comments, or should I ask for citizen comments first?

Ms. Ann Cua: I think probably we want to introduce the project first.

Mr. Conrad: Okay. And then ask.

Ms. Cua: Yeah.

Mr. Conrad: Okay. Great. *(Mr. Hunton Conrad, Chair, read the above project description into the record.)* Ann Cua presenting.

Ms. Cua: Good morning Mr. Chair, members of the Board. Like the project before you, before this one and the project after this, this project involves design modifications to a project that was originally approved back in 2006 by the Maui Planning Commission. The project was partially built so they, they've started construction. They have received a couple of time extensions to

complete construction of the project. And, you know, as, as Charlie Jencks will speak to you about, there's an existing building there already and it's somewhat of an eye sore. And so we definitely welcome the, the completion of this project to the area, and so with that I'd like to introduce Mr. Jencks to take you through the presentation.

Mr. Charlie Jencks: Thank you, Ann, very much. Good morning, good afternoon, members. Name is Charlie Jencks. I work for Pacific Rim Land. Pacific Rim Land is the land acquisition development and entitlement arm of Goodfellow Brothers Incorporated. We were formed a couple of decades ago to find . . . (inaudible) . . . work for the company, for Goodfellow Brothers, and we principally manage a lot of the assets for the company. Here today to talk as Ann was saying about the Maluaka Clubhouse, I want to first, before we get too far, introduce who I have here with me today. I have, of course, myself, representing the owners. And then we also have Mr. Bob Iopa, and Bob Lazo from WCIT Architecture. We have Mr. David Sereda from Chris Hart & Partners and landscape architecture. We have Austin Tsutsumi and Associates (ATA). We have Adrienne Wong and Terrence Arashiro if you have any questions on civil construction issues. And we also have Gwen Hiraga from Munekiyo & Hiraga, and Colleen Suyama from Munekiyo & Hiraga.

Just as a little bit of background, about a year ago I was asked by...the current respective owners to evaluate this piece of land. It, as Ann described it, it was constructed -- the construction was initiated in 2009, thereabouts, for a clubhouse. It was part of a project called Maluaka. Now Maluaka is a single-family condominium. There were 14 lots created, 14 condominium lots. 13 of those lots are being, are in the process of being sold today as half acre single family lots. The 14th lot was designed as the clubhouse lot. Construction was started, and then during the financial crisis, it was stopped abruptly. The contract was Hawaiian Dredging. They started the basic elements of the clubhouse which included an underground garage, and the first and second floor. It's been sitting there for a number of years. And just let me scroll through so you get an idea, this picture on the left shows you, no doubt some of you have been down there, this show you the current status of the structure, partially completed, pre-stressed concrete. And then on the, on the picture on the right, shows you a view from the makai side. So this thing has been sitting there going on seven years, and frankly it's an eye sore.

I was asked to evaluate this structure from a redevelopment point of view, not only from the entitlement, and the SMA's, and the zoning, but also as a, as a residential condominium. So I took, I took all of the entitlement data, did an analysis, and concluded, I think correctly so, that one could take this structure, modify it, and a create a different type of use, a different structure, using the basics that are there today. The, the perspective owners hired a structural engineer to evaluate that structure, and they got a good report back, so we'll continue on, continue on with this process.

About a month ago I scheduled a meeting with Gwen Hiraga, and I scheduled a meeting with the Department of Planning to talk about this conversion from the clubhouse to a residential condominium structure. And we reviewed a series of plans with, with, with Ann Cua and Will Spence, the Director, and it was concluded that given all the, the previous approvals, the

SMA approvals that have gone forth and extended that this use was consistent and we should come to the UDRB with a design modification request for your consideration, your approval. So that's why we're here today.

Briefly, the SMA's go back as Ann was saying to the mid-2006 time period. There have been a number of approvals. One, for the original Maluaka project which involved a 72 unit multi-family project. It was then taken back to a 13 unit single-family project with the clubhouse. The clubhouse, by the way, was intended to serve the residents of Maluaka, the 13 homes of the 17 units previously approved. In 2009, the SMA was amended to allow for two penthouse units in the clubhouse on the second floor, and a reduction from the 72 to the 13 lots. In July of 2012, there were some milestones that had to be achieved with regards to offsite improvements for the original SMA. Goodfellow Brothers Incorporated did those improvements including, I think, it's a 10 space parking lot on the mauka side, and a large detention basin for the larger Makena Resort and Maluaka project. And then in April of 2014, time extensions were once again extended, bringing us to today. So we have in front of you today a request for the approval of the final design modification for the conversion of the clubhouse from the original clubhouse concept to include two penthouse uses to a six unit multi-family residential condominium.

Before I introduce Bob Iopa, I'm just going to give you a brief summary. As a part of my analysis I looked at the basics of the project relative to impacts and, and the benefits of this project. And I'll just give you just a few brief summaries here. With regard to the water supply, the original clubhouse had a projection of using over 20,000 gallons of water a day. This conversion to condominium will be a little over 3,000 gallons per day of domestic use. For waste water generating roughly 17,000 gallons a day for the clubhouse, down to roughly 1,500 gallons a day for the condominium use. Drainage, no significant change. In fact, as Terrence will tell you the benefits were positive with regards to drainage. The traffic impact assessment, for the 72 units we are looking at 47 trips a day. With this clubhouse we're looking at five trips a day, so it's a big difference in the traffic generation, positively.

There was a burial plan approved for this project for the clubhouse. That burial plan remains in tact. It will not change with regards to the proposed structure. Site coverage remains the same or less than the original clubhouse plan. Building height will be less than maximum allowed which is 90 feet. The current plan for the clubhouse, for the existing clubhouse plan was a maximum height of 78 feet. This plan, with the three story, it takes it to 82 ½ feet which is a gain of 4 ½ feet. The garage finish floor is at 30.5 feet, and the outside finish grade is at 39.5 feet. So we have plenty of latitude. The maximum height is 90 feet, so we have plenty of room to play here. We're only going to three stories, which is, I think, a really, a really nice compromise comparing the original plan to the current plan.

The Community Plan is Hotel. The zoning for this property is Hotel/Motel. So this use is entirely consistent with the zoning and the community plan. We meet all the performance standards for the zoning district and the community plan; and I might add, and I think noted in your package, we have approval letters and recommendation letters from the Makena Homeowners Association, Discovery Land, including the design review committee for Maluaka met, reviewed these plans that you're going to see today, and submitted a letter stating that

they support the conversion from the clubhouse with the condominium use. So with that I think I'm going to introduce Mr. Bob Iopa from WCIT Architects who will take you through a presentation on the plan. It retains the original garage. Everything is pretty much the same with the project, except, once again, the clubhouse to multi-family; and Bob will take you through all of the elevations and the floor plans. So with that.

Mr. Robert Iopa: Hello Chair, members of the Urban Design Review Board. I'm Rob Iopa, WCIT Architecture. It's a pleasure to be with you today. Charlie did a great job of setting us up, so I'm going to be brief in my comments. But we have here with us today our entire design team, including our civil engineer, landscape architect, and we serving as the architect for the project. Many of the slides that are represented here Charlie went over in good detail, so I'm going to being here with the plan. I think one of the things that Charlie established well with just the summary of the changes that are proposed, the modifications of this project, is this sense of sustainability that's being brought forth in this project. We talked about water usage, we talked about size of structure, we talked about the number of cars and trips, everything being reduced as the project moves forward. As we go through we'll highlight some of these elements moving forward. But I thought I'd just start with the perspective that you have here in your package. This probably gives you a general sense of the scale and architectural incorporations in this project, and some of the landscape features. It is three stories. We believe that it's three visible stories. Charlie mentioned the one underground level of parking. He mentioned and we'll go through and I can answer more questions related to the existing structure in place and how we look to sustainably reuse much of that structure moving forward. But what's represented here is the three residential floors. They're side by side units. Our inclusion of landscape material is extensive, though appropriate I think for this use, for this location, and for the sustainable properties. The major element and you'll see this the landscape packages as well as the introduction and use of palms; over 50 located here. Our ground covers are looking to be very representative of native species.

Though a non-roof structure. And we'll go into more detail of why we chose this direction. Though a non-roof structure, we are looking for a fair amount of architectural articulation so the use is breaking up solid wall plains, of lanai features, of decorative elements such as trellis elements and screening elements, all go to establish the character of architecture as we're looking to establish.

We'll show some representative kind of overlays of past and present. But this site plan represents our proposed site plan. We will go into more detail about the landscape but we are happy that we're, that we have over three-quarters of an acre worth of landscaped area included and part of the project. As part of Charlie's presentation he had mentioned two of the historical burial preserves, which will be unaffected and the burial treatment plan and the appropriate buffer zones are all in place, and will not change as previously approved. Charlie also mentioned, and like we said we have ATA here to speak on the civil and drainage components. We have several bio-retention basins located onsite. These are consistent with the previous approvals. And we believe that the project moving forward is substantially less intensive on our uses of drainage. And our ability to care for it, I think, is better suited.

On the site plan probably one of the most distinguishing features at least as you look down on the project, though no one will actually see this or have this vantage point is the inclusion of photo voltaic panels. This is probably one of, aside from the reuse of structure, one of the most significant sustainable commitments that the owners, the developers, are looking to include. Our intention is that we would produce 100% of our energy usage onsite, and then store that as well within the basement and some of the -- in battery backup conditions.

Included in your package is the landscape plan for the project. I mentioned the primary use, or the most dominate use of palms, over 50 proposed. Our intention too is to use, to use mature plant species, to bring in mature plant species, right off the bat so to create an environment that looks well suited and well stated over time. Our water usage has been minimized as Charlie has represented both as potable water for the use of the interiors of the units, and as well as our landscape. We will be R1 ready, and have irrigation systems in place to account for that moving forward. As consistent with the night lighting requirements, our landscape lighting will be fully shielded, and its inclusions are located within your packet. We will be a 100% compliant.

The architecture of the building, I'll start in the basement. As Charlie represented this basement is in place. It has been in place now for seven years. There's been a considerable commitment to evaluate the condition being that it's been in place for this period of time. But not only evaluate its condition for moving forward, but evaluating it essentially for adaptive reuse. So very pleased with the ability that we have to use this structure with very little modification, at least at the basement level to accommodate the parking requirements for the site, and to house all of what I call our mechanical and electrical requirements. So none of that will be visible onsite. Things even support the areas like car wash and things of that nature are all contained within the structure, and outside of public purview and visibility. Our battery storage for the photo voltaic and energy producing systems are here in the basement as well.

As we go up into the six residential units, they're essentially side by side units, stacked three high, so a total of six units. You see the rendered plan on the left, and within your packet that represents for all intent and purposes the general look and feel of each one of these units. I think the colored iteration of this also starts to represent how we started to push and pull, and carve away at the exterior of this to allow for some fenestration detailing some light and shadow that can come into place. Essentially these are four bedrooms plus den type units, and for all intents and purposes, with some slight interior modifications, the same unit plan generally stacked throughout the project.

We've included within your packet and here in the sample board some of the architectural elevations. We tried to skim back at least the landscape that would be in front of this for the purpose of this illustration to give you a clear vision of architecture. But much of this as proposed in the rendering, and as you can see in the landscape plan would be shielded by much of the landscape.

We have included a green roof element so not necessarily on the flat section of the roof where our photo voltaics are. But along the perimeter, we're introducing a large planter that we help

to shield the building to create some softness and also to create some greenery on the structure.

Our primary exterior surface is looking to be the stone that's represented on the...on the material board here. It's a lime stone. We also are looking at earth colors and textures. We'll use the facing stone, but moss rock, lava rock type facing stones; and our primary metal palette for this in doors, and windows, and rails are looked to be the anodized aluminum, but in bronze in coloration.

We also have the inclusion of two large wall surfaces that we are looking to include a GFRC relief pattern. The relief pattern is intended to be reflective of flora and fauna naturally seen in this area. This section represents the general height and scale and massing of the building. It also represents the basement level, and I guess the visible component of three stories. Currently the basement is poured, and the first and second level is slab. We're under the current evaluation structurally on whether we should use that second level slab or potentially demolish just the second and go up from there. But for the most part all of the existing structure would be used moving forward.

We have been sensitive and Charlie's represented have gone out and discussed this publically with the community, with the homeowners associations, with the various residents in the area. We are sensitive to the public view plains and have spent a considerable amount of time representing what the building will look like both in architectural treatment but in massing and scale. There is a substantial view corridor at the end of this round-about that we've included a photo realistic, if you will, representation superimposing in our structure and preserving the substantial view corridor out to the ocean, makai.

We also have included and some of you may have been part of or at least knowledgeable about the previous proposal. So for comparison we've included in our package the previous proposal as it was approved both in plan, in elevation, and in section. We can answer in more of the related questions to this modification, but the one graphic I thought we'd share with you is this overlay. So the gray represents the previous approved clubhouse both in plan and above in elevation. And then the white represents the proposed modifications. So for all intent and purposes in plan a similar footprint. And then in elevation as Charlie has represented just slight inclusions of height to the tune of four to six feet in either end. But well within our height parameters and allowances for the project.

I'll end this with a palette. Maybe I should have put this forth with the landscape plan, but a palette of species both native and tropical and introduced and suited here that you're well familiar with and that we look to inclusion in the project moving forward. As I mentioned we have our entire team. I can speak to more of the design components architecturally as necessary. Thank you for your time and your comments.

Mr. Conrad: Thank you. Questions or comments? I guess before we ask for questions or comments from the Board we should make sure that there -- if there's any citizens that would like to speak to this project they're welcome to make the testimony now. Seeing none that is

closed. So questions or comments from the Board. Yes Ray.

Mr. Phillips: Very nice change.

Mr. Iopa: Thank you.

Mr. Phillips: And since it's has been sitting basically abandoned for quite a while. Two questions. First question is on the PV system. Seeing what's going on with the PUC and the latest alterations. . . (inaudible. Did not speak into the microphone.) . . . This is going to be a totally enclosed system so it's not going to . . . (inaudible. Did not speak into the microphone) . . .

Mr. Iopa: That's our intention.

Mr. Phillips: Okay. Thank you. Second one is any public access?

Mr. Iopa: No public access to the property itself. But we're surrounded by public access points that we are not, we are not affected with the project moving forward.

Mr. Phillips: . . . (inaudible. Did not speak into the microphone.) . . . Okay thank you.

Mr. Conrad: Any other questions, comments?

Ms. Feeter: I would just like to say I think this is --. I don't know the property, but it looks like a big improvement over what's there now.

Mr. Iopa: I apologize. Sorry. I was just asking one question.

Mr. Conrad: Would we like to see a proposal to accept this project as presented? Ray?

Mr. Phillips: I'll make the proposal.

Mr. Conrad: Seconded?

Mr. Green: Second.

Mr. Conrad: David. All in favor? All opposed? The motion is carried. Thank you.

It was moved by Mr. Raymond Phillips, seconded by Mr. David Green, then

VOTED: to accept the project as presented.

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

Recuse: D. Sereda)

Mr. Iopa: Thank you very much.

Mr. Conrad: Very nice project.

Mr. Bowlus: It's a beautiful project.

(Mr. Raymond Phillips excused from the meeting at 12:00 noon. Quorum of the Board was still present.)

3. BURNHAM USA requesting design modifications to the approved Special Management Area Use Permit plans for the Wailea Old Blue/Shops on the Green project at TMK: 2-1-008:118, Wailea, Island of Maui. (SM1 2012/0001) (C. Thackerson)

The Board may provide its comments on the proposed design modifications to the Planning Director.

Mr. Conrad: We will just move forward to the next presentation. Okay we'll continue.

Ms. Candace Thackerson: Yeah. So this project is for as well the design modification for the SM1.

Mr. Conrad: You know, I'm sorry. I'm suppose to read it. I'm sorry. I apologize. It's my fault.

Ms. Thackerson: Okay. No.

Mr. Conrad: This is *(Mr. Hunton Conrad, Chair, read the above project description into the record.)* And Ms. Thackerson is our presenter. Thank you.

Ms. Thackerson: . . . (inaudible) . . . of not being redundant I won't restate what you just said. This project is located on the corner of 100 Wailea Ike Drive and Wailea Ala Nui. You guys probably know it as the Wailea Old Blue Clubhouse area. This came before you back in 2012 and it was approved by this body for the design. And upon getting into the site and doing a little bit of grading they realized they want to do a little of design change to it. So the applicant architect is here and he's going to go over a couple of the design changes as well as the packet in front of you.

Mr. Steve Marlette: Thank you Candace. Hi, my name is Steve Marlette. I'm with MC Architects out of Honolulu. I'm representing the new owners of the project which is Burnham USA. I believe this project came before the Planning Commission and was approved in 2012 as SM1 2012/0001; that's the first one of the year. And since that point in time the project had been sold to Burnham USA. We started in about three or four months ago working on the project and discovered that there were some issues related to how the original project was sort of approved and how it sat on the site.

Just as a little bit of an orientation, this is part of the overall sort of site location map that was originally approved. I think everybody's familiar with the location and the overall location of the Wailea Blue Course so I'll move on to a little bit bigger site plan that the --. This is Wailea Ike Drive. This side, the existing clubhouse is here. And so the portion that we're proposing to modify is outlined in the little plowed area here, and just that portion. Again, this is just the proposed retail of the larger overall project.

Again, a slightly larger view. So what we're really talking about is the five buildings; buildings C, D, E, F, G, and H. So there's a configuration. Again, just orientation, Wailea Ike Drive is up on the top of the plan. This is the existing clubhouse. There has been existing parking that has been constructed as a portion of the original SMA. And again we're only talking this portion. Our proposal, I turned the plan a little bit side ways here. Wailea Ike Drive is on the left hand side of the overall plan. And this is an overlay of the footprint of the approved buildings which are dashed in red, and the proposed buildings which are dark. What we're proposing to do due to various site constraints and everything, where Building C, which is the outline building that I'm circling right now, we're not going to build that building. What we had determined with that site location, there's about a six foot grade drop from the existing road up to that pad. As we started working with that pad a little bit more we determined that there's a lot of steps to go up, a lot of retaining walls, and it became a very unfriendly retail building. And so we're waiving that building entirely. Building C and D is this configuration, and there's a couple of things that we've actually found related to Building C and D. Previously it was two separate buildings with a plaza in between. The grade difference between in front of building, the previous Building D, to up on top is about 13 feet, and it resulted in either a very large retaining wall on this side of the building in order to flatten out a plaza in between. Or else a very large retaining wall on this side of the building to try to get customers in either way. Again, what we're proposing to do is combine the two buildings, build it into the hillside for a two leveled building at this location, rather than two separate buildings.

Buildings E and F, and the configuration over here as you can see, outlined in red, were the previous three building locations that's overlaid here, here, and here. They were a bit larger footprints with a small plaza in between. Again, when we started working with the overall site and the grade difference between this point, as I'm pointing right now, and up in here, is again about 13 feet. And so it resulted in very large retaining walls here, very large retaining walls and ramps in the middle of the plaza area, and potentially large retaining walls on this side. Again, what we're proposing to do is stack those buildings on top of each such -- and with that footprint we get a much larger plaza area. So a cleaner site plan so you can understand it a little bit better. Again, we're leaving this area completely as is. We're doing a two level building here, stacked on top of each other, and so -- and a two level building here and then a single level building here. All retail buildings, and all -- square footage very similar to what was being proposed before and generally built into the hillside. Very similar to -- we did the Wailea Gateway Project just up the street where the Monkey Pod Kitchen is, where the lower level of that is built into the side of the hillside so the result which is very similar to that in that from the mauka side and from the residents, I believe it's the Ekolu townhouses on the mauka side. From that perspective it appears to be a single story building with a parking lot that you can walk directly in on the upper level. And from this perspective it looks like a two story building

that you can again walk, pedestrians can walk right in on grade on the lower level. Again, result is a much larger plaza available to us. Single story building here, restaurants on the end. The -- what I want to zoom in on is this is the upper level portion of it so that larger parking field here which is very similar to the approved parking field previously. You can walk in on grade. Large open covered stairway. At this location it gets you down into the lower plaza area.

To better understand what we're really talking about is shown in sections. Upper level parking lot. Very customer friendly to walk in on grade on the upper level of the retail structure. We're excavating in underneath that portion of the retail structure for an open plaza on this side, and retail that walks in on grade on that side. So what we found is that, the result is, again, a much larger plaza area, a much more customer friendly retail environment and overall a benefit to the overall project.

Landscaping ends up being almost exactly the same; and grading, and almost exactly the same as we were proposing before. Again, it's the same footprint. Just the amount of pervious area and the landscape area is identical. All drainage comes across the site and flows down into a retention basin right in front of the clubhouse area. Landscaping is pretty heavy with the exact same amount of screening, and type of planting and everything. Around the periphery, heavy Areca Palms as requested by Wailea Community Association as well as the neighbors from above. The bigger difference right now is we do have a parking area on the upper level of the smaller Building D up here, that again, you can walk in on grade.

Footprints and floor plans of the proposed new buildings. Again, lower level does have a potential - Building D does have a potential of a drive-thru potentially for a bank or a small coffee shop or something like that on the lower level. This is built into the hillside. Upper level is set up for outdoor seating potentially for a small restaurant and...or a bank or something like that on the upper level. Stairs, negotiating the grade difference in between. The Building E and F is, again, consolidation of those three buildings that were previously proposed. Upper level, walk straight in off the upper level parking lot, and you can come to the front of the overall building with open lanais, outdoor seating area. Restaurant set up on this end. Again, open lanais, outdoor seating area that looks over the plaza in front. The lower level again is built into the side of the hillside, and is only open to the plaza area here. Very small retail spaces per se associated with all of that. Freestanding building, very similar to the freestanding building that was original approved, quite small, set up with trellises, and outdoor seating area capability around the outside.

Exterior elevations are very similar that the original proposed building that was approved. Had the very simplified architecture of the current clubhouse which is very unadorned white plaster finish with a lot of trellis and wood elements on the outside sort of buffering it in a flat style roof. We are taking that same concept, adding a little bit more trellis element to the outsides, some stone elements to the base, and there's been a material, sample board go around. The only element that we're adding that hasn't been approved before would be the siding...in areas to accent some of the feature areas and to soften some of the exterior which is an aluminum type of wood grain siding on the exterior of the building. And again it's –

Mr. Jacobsen: Is it exterior application or interior?

Mr. Marlette: This is an exterior application?

Mr. Jacobsen: It's exterior?

Mr. Marlette: Yes. Correct. Has the tendency to soften the white plaster facade a little bit, and mesh in the stain on the wood trellises per se. Bronzed anodized aluminum . . . (inaudible) . . . clear glass generally. But, again, we're trying to break up the facade quite a bit from what you had seen before. This is again the elevation of the two level side, facing the plaza. Accents on the coffee shop in the middle, around the ends. Potential restaurants on the ends here. Standard retail store fronts. Some fenestration and screen work on the front. A rail that is stainless steel. A cable rail for transparency as much as possible. Trellis elements that cover this outdoor walkway area, and a large transparent covered common area in the middle that covers the stairs and everything. This element is nearly exactly what is in the Wailea Blue Golf Course right now, the main area that they're walking in. And they're proposing to actually roof that in somewhat similar to what we're doing here, actually at the same time.

This is what you see from the mauka side. Again, it appears to be -- it will be a single story building. From that side, and we're breaking up the facade with fenestration on the exterior. Trellis elements, your standard store fronts, and connections back into the facade of the, the existing golf clubhouse. Freestanding building, all of the same elements. Breaking up the fenestration. Large trellised, covered outdoor seating areas to lead out into the plaza area. This is a view as to what it will look like from the, from Wailea Ike Drive. Again, two story on this side, large monkey pod in the middle, larger flattened public area on the outside that we'll make available for events and all sorts of public functions. And all of the retail and restaurants generally looking down on to that overall plaza as, you know, overall public space per se.

Overall height of the building are within the zoning guidelines of 35 feet, to the very max which is at this point as a single story side. The other side is a maximum of 16 feet. So again, it's within that profile of what has been previously approved for the overall site. Again, the plaza area is much larger than what was originally approved for the site which we think is a lot healthier and makes it a lot more leasable area, our leasability for the overall project. We have reconfigured some of the loading areas on the overall site to screen them a little bit more from what was previously approved, and that seems to work out better for just about everybody involved. Total overall square footage, it was this portion of the site was originally approved for 43,281 square feet. We're proposing 43,064 square feet which is basically a decrease of 217 square feet from what was done. So we're not asking for anything over and above as far as density or anything like that from what was previously above. Total number of parking count or stalls on site, there was 286 stalls approved previously. We're showing 290 stall, an increase of four stalls from what was previously approved. Again, drainage, and everything else remains primarily the same. Landscaping and...and...hasn't changed from what was previously approved. And all the site amenities such as the screen lighting, light fixtures, energy saving devices, the low flow toilets, the LED lights, and everything else is still remains as originally approved through the original SM1 Project.

So, with that, is there anybody that has any questions?

Mr. Conrad: Thank you. I see that there's nobody here from the public to make testimony so we'll forego that portion of it. Any questions or comments from the Board?

Ms. Feeter: One question. Are you anticipating any wheelchair customers or is this not -- I didn't see any way to get from one level to the other except stairs.

Mr. Marlette: Yes, we are anticipating wheelchair. There is some ramping and such that goes around the outside of the building. And we have, generally, have an ADA walkway that connects all of the buildings, as well as handicap parking stalls on each side of each building such that they can walk directly in.

Ms. Feeter: Okay. I couldn't tell there were ramps.

Mr. Marlette: Yeah.

Mr. Jacobsen: So you've got a pretty good sized retaining wall along the road on the one side?

Mr. Marlette: No. We don't have any retaining walls left on the road. That, that -- our whole task of being here was to eliminate all of those crazy retaining walls that were originally planned, and just make it a little bit more friendly. So generally what we're doing is we're using the backside of these buildings to retain, essentially, versus separate retaining walls. It just gives us a better relationship where the customers are coming from, and better relationship to the overall street.

Mr. Conrad: No, I compliment you on that. The site plan is 10 times better than what was there before so thank you.

Mr. Marlette: Thank you.

Ms. van Ammers: I agree -- sorry -- the site plan and the lay out of the building is much better. I appreciate removing the retaining wall from the road corridor.

Mr. Marlette: Yes. Thanks.

Mr. Conrad: David?

Mr. Sereda: WCA -- WCA previously reviewed it and approved --

Mr. Marlette: Yes.

Mr. Sereda: -- reviewed this one as well?

Mr. Marlette: We had an informal meeting with WCA about a...almost two months ago now to

just get a feel for what they thought there would be any issues related to going to a configuration like this. The only thing that they really brought up that was of any concern to them was there is any initial WCA approval. There was a little bit of concern from the residents on the mauka side of the overall site. They were really concerned about the view plains going over the top of this overall development. And so as a result of that originally, the original SM1 was reduced to single story buildings and to preserve those view plains, and we're maintaining that single story appearance from their view plain, from that side of the building. It opens up to a the two level on the plaza side, away from them, but essentially everything else is the same. So their original reaction was that should be fine. It was approved before, they were happy with it before, and it should be again.

Now, we are meeting next Monday with the neighborhood association for the apartments to do this very same presentation, and right after that we're meeting with Wailea Community Association with a more formal proposal to get some feedback from them, in writing...just in case we get passed this element and get to the Planning Commission. And I have something from them that states they're in support of the overall change.

Mr. Sereda: Thanks.

Mr. Conrad: Can I ask for a proposal?

Ms. van Ammers: I'll make a motion to approve as presented.

Ms. Feeter: Second.

Mr. Conrad: All in favor? Okay, very good job. Thank you.

Mr. Marlette: Thank you.

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

VOTED: to approve as presented.

F. DIRECTOR'S REPORT

- 1. Reports from members who attended the 2015 Hawaii Congress of Planning Officials (HCPO) Conference, October 14-16, 2015 at the Hawaii Convention Center, Honolulu, Hawaii**

Mr. Conrad: Alright, it looks like --. The next thing is Clayton's report.

Mr. Clayton Yoshida: Thank you. Good afternoon Mr. Chair and members of Board. First of all there was a Hawaii Congress of Planning Officials conference conducted last month at the

Hawaii Convention Center. I think two members attended, Commissioner -- I mean, Board Member van Ammers and Vice-Chair Feeter. I don't know if you want them to report on this now or you want to wait till the next meeting due to the extensiveness of this meeting.

Mr. Conrad: Thank you. I'd appreciate that unless someone is excited to say something now. Okay, let's go. We'll defer that till next time.

2. Status of the Board vacancy.

Mr. Yoshida: As far as Item 2, there has been no change in status regarding the Board vacancy, although we did make several suggestions to the Mayor's Office on potential possibilities.

3. Agenda items for the December 1, 2015 meeting.

Mr. Yoshida: Our next meeting is scheduled for December 1st. We probably have a Special Management Area Use Permit application for the Kihei Wellness Center. This is a property in -- located along, on the makai side of South Kihei Road. Dr. Bhatia, a dentist, purchased a property that's community plan business, and would like to develop an office building for his practice, so we have that item.

And we thank you for your diligence today. I know it was a long agenda, but we had several cases where new owners came in on an older permit and they wanted to make some modifications. And, from a business mentality is, you know, try to wrap things up before the end of the year. Different request, but we thank you for your diligence, and we'd like to wish all of you a Happy Thanksgiving and we'll see you in December.

G. NEXT MEETING DATE: December 1, 2015

H. ADJOURNMENT

Mr. Conrad: Thanks Clayton. With that, meeting is adjourned.

There being no further business brought forward to the Board, the UDRB meeting was adjourned at approximately 12:25 p.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
David Green
Peter Jacobsen (alternate)
Raymond Phillips (excused at 12:00 noon)
David Sereda
Fiona van Ammers

OTHERS:

Clayton Yoshida, Planning Program Administrator, Current Planning Division
John Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division
Ann Cua, Staff Planner
Gina Flammer, Staff Planner
Candace Thackerson, Staff Planner
Malia Balberdi, Staff Planner
Jennifer Oana, Deputy Corporation Counsel