

**URBAN DESIGN REVIEW BOARD
REGULAR MEETING
MAY 1, 2018**

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 10:02 a.m., Tuesday, May 1, 2018, in the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

B. INTRODUCTION OF NEW MEMBERS – Caryl Hitchcock-Sprinzl, Stuart Marlowe, and Darren Okimoto (alternate)

Mr. Hunton Conrad: Let's see. We have several new members. Caryl Sprinzl and her husband used to be on this Board years ago, so it's great to see you here. Thanks Caryl. Stuart Marlowe, you're from Lanai, correct?

Mr. Stuart Marlowe: Correct.

Mr. Conrad: And Caryl's from Molokai. And then we have Darren Okimoto who is one of new substitutes, correct?

Mr. Darren Okimoto: Yeah.

Mr. Conrad: Alright. And then, you guys, I think Ray and Harry know each other.

Mr. Harry Hecht: Yeah we do.

C. ELECTION OF OFFICERS FOR THE 2018-2019 BOARD YEAR – Chair and Vice-Chair

Mr. Conrad: So the next thing we're going to do is elect officers for the 2018-19 Board Year, so I'm looking for nominations for Chair and Vice-Chair and so I guess we proceed with that. I was going to nominate David, but he's not here today, and number two, he left a message that he does not want to be Chair.

Dr. Caryl Sprinzl: May I propose that Hunton Conrad continue as the Chair?

Mr. Hecht: Second it.

Mr. Conrad: Then I guess you have to vote.

Ms. Jennifer Oana: Any other nominations before we vote for the Chair? Seeing none.

Mr. Conrad: And then, also, we'd like to see a proposal for Vice-Chair. And I'd like to nominate Brandis.

(Ms. Brandis Sarich attends the UDRB meeting at 10:04 a.m.)

Ms. Brandis Sarich: Me?

Mr. Conrad: And so looking for a second.

Mr. Raymond Phillips: Second.

Mr. Conrad: And all in favor? Brandis, you've got to move chairs.

Ms. Oana: I'm sorry, just to get the record clear. So no other nominations for Vice-Chair, correct? Seeing none. So was that a motion to elect Mr. Conrad as the Chair, and Ms. Sarich as Vice-Chair?

Mr. Conrad: Yes.

Ms. Oana: And it was seconded.

Mr. Conrad: And voted.

Ms. Oana: And voted, okay. Thank you.

It was moved by Dr. Caryl Hitchcock-Sprinzl, seconded by Mr. Harry Hecht, then unanimously

VOTED: Mr. Hunton Conrad as Chairperson.

*(Assenting: H. Hecht, C. Hitchcock-Sprinzl, S. Marlowe, D. Okimoto, R. Phillips)
(Excused: B. Sarich, D. Sereda, M. Torgerson, D. Unemori)*

It was moved by Mr. Hunton Conrad, seconded by Mr. Raymond Phillips, then unanimously

VOTED: Ms. Brandis Sarich as Vice-Chairperson.

*(Assenting: H. Conrad, H. Hecht, C. Hitchcock-Sprinzl, S. Marlowe, D. Okimoto, R. Phillips)
(Excused: D. Sereda, M. Torgerson, D. Unemori)*

Mr. Conrad: We're being a little casual.

Ms. Oana: No, that's okay.

Mr. Conrad: Alright, so Brandis, would you do me the pleasure and come and sit next to

me?

D. 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. Testimony will be limited to a maximum of three (3) minutes, with 30 seconds to conclude.

E. COMMUNICATIONS

- 1. MS. SHARON WRIGHT of MICHAEL WRIGHT AND ASSOCIATES on behalf of the ASSOCIATION OF APARTMENT OWNERS OF VALLEY ISLE RESORT requesting a Special Management Area Use Permit in order to reconstruct the Valley Isle Resort's fire damaged two-story commercial building at 4327 Lower Honoapiilani Road, Kahana, Island of Maui, TMK: (2) 4-3-010: 004. (SM1 2017/0003) (Keith Scott)**
[Project Description](#) [Powerpoint Presentation](#)

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

Mr. Conrad: So, next, public testimony. If there are anyone who wants to testify on either of the items on the agenda today, we will open up the floor now for, for that if you cannot stay until after the presentation to make your -- to give your testimony. Seeing none that, that part of the testimony is closed.

First item on today's communications . . . *(Chair Hunton Conrad read the above project description into the record.)* . . . Keith Scott is the County planner.

Mr. Okimoto: Chair?

Mr. Conrad: Yes.

Mr. Okimoto: Before we start, I just like to formally recuse myself from the discussion and vote for this since the company I work is part of the consultant team for the project, so for the record.

Mr. Conrad: Accepted. Thank you.

(1:47:48)

Mr. Keith Scott: Good morning Board. As you may recall the, the building, the commercial building at Valley Isle burned down in 2012, and they are now in the process of getting permits so they can rebuild it. They do require a Special Management Area Use Permit in order to build it.

As a side bar, you should be aware that Valley Isle has been very active in the attempt to re-nourish the beach in Kahana Bay. They have been very active. They're, they're...they're entering the Kahana Bay...Association or the steering committee -- I'm sorry -- made up of representatives of all the condos and the single-family residence along Kahana Bay are entering now into a contract to do an EIS to move that particular project forward. And there is -- it has been introduced to the County Council, a bill, to form a special improvement district to fund that particular project, the actual re-nourishment of the bay. So I know that's not a part of what your consideration is here, but I think it's something important to know.

So with that, I would like to turn this over to Sharon Wright who will make a presentation on this specific project.

Mr. Conrad: Thank you.

Ms. Sharon Wright: Good morning. Okay, good morning Chair and members. I'll move this a little closer. Thank you. My name is Sharon Wright. I'm with Michael Wright & Associates and we are working as project and construction management company on the renovation of the existing two-story commercial structure that was burned down in 2012. And I've prepared for you all a packet of the power point which I think you've gotten and the exhibits that kind of describes the history. So I just wanted to go through that. Before I do, I want to let you know that we have members of the design team here. We have Steve Heller who will be functioning and is the project architect. Bill Mitchell is our landscape architect. Allen Unemori is our civil engineer. And they will they will also be participating in this presentation for their applicable sections so we'll go ahead and get started.

So like I mentioned, in 2012, Valley Isle Resort suffered a loss on their two-story commercial building, and their commercial tenant who was Maui Muscle and Fitness had a fire in their facility and it burned the entire top floor and sections of the bottom floor of the two-story building. And it was later determined that...the structure could not be saved, so it had to be taken down to the slab level. So you can see here the original...aftermath of the burn which is on the cover of your presentation.

So Valley Isle, just to give you a little history, Valley Isle Resort -- I'm going to take this off -- Valley Isle Resort is located on Lower Honoapiilani Highway between Sands of Kahana and Royal Kahana. Here is the upper highway. This is the McDonald's area. This is a commercial shopping center. So it is surrounded by hotel use, hotel use other

condominium properties, residential and hotel condo, out in Kahana.

Oh, dear, Keith, I lost it. Let's see. Sorry about that, where did I go? Sorry about that guys. Yeah, let's go back here, Valley Isle. No, the bottom one. I apologize. Okay --.

Okay, so we'll get started. So I've given you the location on the island, out in Kahana. So again, it broke out on the second story of the two-story commercial space. A majority of the two-story was -- had to be demolished as it had some asbestos, etcetera, and it was taken down to the floor. So you can see the structural members...as we go through.

Now what I wanted to bring you up to speed with is the Valley Isle was built in 1973. It had an open air volcano structure on the entry and that is one of the features that we are requesting a change to for this SMA. And Steve Heller will be going through that a little more detail. But that is what the Valley Isle looked like pre-fire. Nothing is changing on this application relative to this, the space. We're using the existing footprint, so we are not going beyond the existing concrete slab, so the square footage remains. The parking remains unchanged. The signage remains unchanged. We're simply re-building the structure, and that is the AOA's responsibility. That is in their condominium documents, as part of their declaration, that they are responsible for building the shell. So this application is for the shell structure only. The -- once the shell is constructed, it will be turned back over to the tenant, Maui Muscle and Fitness, and they will be responsible for coming in and getting their permits, and the SMA and building permits, relative to the uses that they chose to permit within their space.

In addition, on to the left of the cone, there is a single-story, three unit office, single-story office space. That will remain unchanged, and I'll show you that a little closer. And that is right on the far left, and that remain as is. There was some interior renovations done to that after the fire, cosmetically. The roof tiles will change to tie it in to the two-story building so it looks like consistent, one structure consistent.

So here are just plans of the original building. Again, the biggest changes for this are the cone shaped, and a little -- an amendment to the walkway which connected to the tower, and that has been pulled back because of the shoreline setback issue. So I'll go through that at the end with you. But again, these are just some of the original. It was all wood framing, members. And you see the parking is to the right. There was a covered porte cochere. The open air lobby which will be reconstructed just without the cone. And then we also had to comply with flood zone requirements because this project sits in the AE flood zone. And it is between 15 and -- 14 and 15 based flood elevation so you're going to see flood gates that are being proposed to comply with the flood code that are going to be built in to comply with the FEMA requirements for flood proofing because we're remaining at the same slab elevation. Okay?

So these are some originals. Again, this is just a summary of the square footage of the

Valley Isle, the original two-story, and the porte cochere. So the porte cochere, the main lobby, the restrooms, the elevators, those are all common areas elements for the owners of the 12-story commercial -- or the 12-story residential building. The other space within the commercial building is the Maui Muscle and Fitness tenant. Okay.

So here is an aerial showing today's existing conditions. You can see the slab that was --. The building was demolished and taken down to the slab. You can see the circular area, just to the left out front. That was where the cone sat. The single-story office building is to the far left. The pool is behind. And there is the 12-story residential structure in the background. And you'll see a covered walkway just to the left of the concrete slab. That was the walkway that connected the two-story building to the tower. And mechanical equipment ran within that walkway above, and that's all being relocated underground now. A portion of that walkway where it turns left and connects back to the tower will be locked off, the covered area. So there will only be an on grade walkway at that point because again we are anticipating that that section is in the shoreline setback based on the current, current conditions out at the shoreline which Keith was talking about a little bit briefly.

To the right and just adjacent to the Sands of Kahana behind the tree, that is going to be the storage, trash, generator area, and that is shown on your site plan, the architect site plan as well as the landscape site plan which is in the back.

Again, here are some of the surrounding properties that are commercial, residential and hotel use surrounding. You can see the parking lot for Valley Isle. They have ample parking for the action. The entry that has the signage, and that sign was permitted. By the way, that's a current sign for the resort. That's out to the left. There's two entrances. There's one on the left, and then there's one on the far right. And consequently the County has put a bus stop station right in the middle of those two entrances for the public bus system as well.

So I've identified for you the covered walkway, the single-story, the porte cochere main lobby, the footprint of the building to be reconstructed and the 12-story tower. Lots of pictures.

Here's an aerial which clearly shows the single-story to the right, the walkway, and the old footprint for you.

Again, these are the two entrances that exists off of Lower Honoapiilani Road, which are going to remain unchanged. And the Valley Isle sign is to the far right. It's a little hard to see; it's a wood sign. And then there's only one other sign at the single-story office building, and that will remain unchanged. There will be no additional signage. Again, another view, kind of skewed of the frontage, showing the bus stop that's existing.

This is just to give you some information that was in the SMA. This is the beach access that

is one property over. There's a public beach access to the left of the Valley Isle...just on the other side of Sands of Kahana.

Right now I'm going to ask Steve Heller to come on up. I'm going to work the slides for him, and he's going to go through the architectural design that he has created for the reconstruction. Steve, do you want to take this?

Mr. Steven Heller: Good morning everybody. My name is Steven Heller, I'm the project architect for the project. I brought some additional boards for you to take a look at. The colors on these boards are a little bit better than what you're seeing in the slides. I'm going to start by showing you a photograph of the original building.

That's the way it looked pre-fire. And if you look at our elevations, this is what we are proposing to do, and I'll get into a little bit more detail. Sharon, if you could get those slides up as well. And we can come back if you have any questions about it.

This is the architectural site plan of the...the new structure. You'll see all the --. You see the tower there. You see the L-shaped figure on the top, a rectangular shaped figure, that's all the ground level retail space. I mean, the commercial space, municipal space, and then, more or less, a rectangular shape in the middle. So we are actually this design considers removing the cone, the circular shape of the footprint, taking the cone out of the design, and then coming back with a complimentary roof following the exact same roof pitches of the existing structure. Can we go to the next slide?

So in the very center of that upper elevation you see the new shape. You can see that it's much lower. Again, it has a complimentary shape. It fits the scale. The proportion is a lot better in my opinion than what they had originally. And that was pretty much the first thing that I looked at, that we looked at, as a group to rebuild this structure is this is what we were proposing, is to make an improvement of this nature.

So the porte cochere essentially and the covered lobby area takes place of the cone and what was once a porte cochere with a mansard roof. The mansard roof was an out of place element. The cone itself, I didn't design it, so I can't speak to why it was there in the first place, but, I think you can agree this is a little bit more sympathetic design having the, this new roof in the center, same proportions, I think it brings it together. On the right hand side of that upper elevation, that's the back view of the one-story portion of the building. So those are all connected. So the one-story was connected to this central element, the two-story on the other side, and we're continuing that, so everything will be connected when we're done, but I think we're doing a much better job.

That's a building section. It cuts through the building. So we're not making any fundamental changes to the original design in terms of space, interior volumes.

Okay, now this is an illustrated floor plan. Again, a close up of the ground level. You see the two commercial apartments, that's the legal name. These are eventual spaces for lease for other businesses. Maui Muscle has the right to go back in there and rebuild the interior, again, legally, and so our design does not include interior improvements. There's a central - you see the tiled area or what's gray with the tile looking hatch, that's the open air lobby. The walkway through the building meanders turns right, there's two restrooms, turns left and out the back. And then this is again the original design that we're obligated to reconstruct.

This is the upper level. Again, the original shell design. Stairwell in the middle. There's stairs on the periphery. Upper right hand corner, there's an elevator. And then from the upper level views, you're looking down to the new roof. It tucks in there very nicely. Oh, that's fine.

And then the three rectangular shaped units on the bottom of the page, the lowest two of those are empty at this time. And then the third one is an office, the administration office and the general manager has an office in there as well. They have their own restroom.

Again, the upper level, and then the roof plan over on the right. This is study models. This is how we arrived at the design, shape of the added porte cochere. You can see it from a number of different angles. You see the tower in the background. There's four of these views. The top one is from the interior courtyard, and then the bottom one is a pull away view.

In terms of materials, we're obligated by code to...to meet the current codes. The original structure was all wood frame, a large wood column which is environmentally -- not environmentally sound these days. Well, wood sidings, wood roofing, all of those contributed to the why this fire happened aside from the combustion inside that it went pretty quickly. What we're going to do is use modern materials, steel and masonry construction on the ground level. It will be a wood floor, but it will be clad in an exterior finish system on the outside, and we're going to be using concrete tile roofing and it's basically a Boral product. We've used this product before. You see it in the islands, picking earth tones again for the roof.

So the building on the left, that's an aerial view of a recent reconstruction at the Whaler condo in Kaanapali. We're looking at a similar tile, and I participated in that design as well as this one. And this is a slide of the tile roof itself. It has a simulated shaped look, but its modeled browns and grays. This is the texture of the exterior finish system called a Sto system. It's acrylic plaster over a fiberglass board. It helps with the fire rating on the exterior part of it.

That's the existing administrative office. We redid this area. That's all in glass. That's the top unit, the closest unit to this new construction, to the lobby. That's where the offices are

right now. So this is the older color scheme. I'll get into the new color scheme. This is the way it stands right now. Excuse me. Okay, I think I should go over colors, and then we'll get to this one. That's a change of subject.

The photograph shows how . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Conrad: The mic. Yeah, thanks Steve.

Mr. Heller: So the photograph shows the tower right now. As you I'm sure are aware color reproduction is very, very difficult to get it, to get it right on the prints. But the three colors that you see down below are as close as I could get to the actual wall colors. The accent one is the light sort of creamy yellow, and the, the very light brown is an accent too is what we're calling it. We're going to use essentially those three colors on the new structure. So the walls will be the cream color, the middle color shown on there. The accent one will be vertical columns, and the horizontal bands, as well as the fascia. And the brownish color will be used for accent. So there are some metal doors in the back, and we might have the opportunity as we get further detailed in here to repeat the brown as well. And then we would go back when we repaint the original building, the scheme would match, so it's very muted. It's exactly what you see in the tower. Everything is going to blend very nicely.

And this is, this is a concrete roof tile if you'd like a closer look. No. I'm sure you've seen many of these around.

Okay, moving to the subject of making a building flood proof. We have to protect the building to an elevation as directed by code. This system is designed for exactly this purpose. This is called a flood panel. I believe it's manufactured in Florida, but it's used all over the country. Essentially you're seeing horizontal panels that are held in place by --. These are aluminum sandwich panels. You're seeing two verticals on the very end. That's what holds those in place. Now these panels are removable so the brackets on the sides -- which is essentially aluminum shape -- are bolted to the building and left there. The management has to take care of the panels, store them in a...in an obvious way, they'll be marked for each opening. And if there is a flood event, they will have to apply these panels to the building. Unfortunately we get some, some notice when there is a big storm and we anticipate large amounts of water, and that's, that's essentially the program that's involved with these panels. You have to be ready, prepared, everything has to be tested. It's fitted at the proper time, and these panels, from an exterior point of view will protect the building. So we have these wherever there are glass openings, and we would have these at the ends of that interior corridor. We also have them on the --. We have to protect the, the back doors that are opening up into that service yard.

And...oh, in addition, as far as the flood, we have to also protect the infrastructure of the building. So the electrical system has to be protected as well. Yeah, conduits, pipes, anything having to do with plumbing also will have to have some, some protection involved.

Ms. Wright: Do you want to bring up the floor plan to show where these go or no?

Mr. Heller: I can if you --. Yeah, please.

Ms. Wright: Okay.

Mr. Heller: We'll just give you a little more information on the flood gates. Okay --

Mr. Conrad: Excuse me, we have a question.

Mr. Heller: Go ahead.

Ms. Sarich: Why did you decide not to raise the floor level?

Mr. Heller: Well, it was --. We're talking five-feet. So we couldn't raise the whole building five-feet and, and create access and make it blend into the site. I mean basically the only decision that was feasible was really to replace it in the existing condition. So raising it five-feet would change the entire character. It would make the downstairs unusable, as well as the upstairs, except accessible by, by stairs, so it just wasn't practicable. I think the ground floor space as you probably well know is the more valuable space and it becomes -- you can't walk into it essentially. That's the only reason. Any other questions?

So again, if you're looking at the far left, there would be protection on that open end of that corridor. There would be protection down at the end of the stairwell. As you come around, the back is protect those doors. And the very front is a glass aluminum store front, that would be protected as well. And then we would block off the front end of the corridor right next to the restrooms. So essentially our obligation is to protect with this system the new construction. Theoretically water will go through the lobby and dissipate on the site. But we don't have the obligation, again, by rules to protect that. Any other questions?

Mr. Harry Hecht: Is this the only system that works in this, these panels? And you have to call somebody up to put them in when the water rises?

Mr. Heller: Well that's two questions. The first is we did a little bit of research and we found this to be a perfect system for us. I'm not -- I'm sure there are other manufacturers. But we wanted something that was removable so to detract from the appearance of the building. And these will be, these will...not be terribly visible. All you're going to see is some aluminum stanchions if you will or clips. So this is the direction we chose to move in.

And the second question, please remind me.

Mr. Hecht: Well, evidentially 24-hours a day you might have . . . (inaudible) . . . and so do

you have some sort of a fail proof system to have somebody go out and put these things in?

Mr. Heller: Yes. That would be the management's obligation, the AOA's obligation. They would have to have somebody onsite trained. Their staff.

Ms. Wright: Excuse me?

Mr. Heller: Yes?

Ms. Wright: May I answer that? May I answer that?

Mr. Heller: Yes, of course.

Ms. Wright: I'm sorry. I failed to introduce Gary Gondart who is the resident manager. Gary lives onsite full-time, so that is one of Gary's responsibilities. And he would be responsible for deploying the flood panels, the flood gates, with his staff to prep the building for any such event.

And just to add to Steve, we consulted with FEMA after the fire when this whole thing started, after it burned down, and we knew we had to comply with the codes. So the base flood elevation -- the base elevation of the existing slab is 11 because we have to work to a base flood elevation of 15. The County adds one, so we really have 16. We have to be at a base floor of 16. And then to get FEMA insurance, flood insurance, for the, for the structure, FEMA adds another foot. So you're really looking, the flood gates were the best possible solution to comply and get everything that they needed.

Mr. Heller: In my research I also understood that you have to have a plan to deploy. And so that's going to be a part of our approval, I'm assuming, is you know, this is where they're stored properly, this is the training that we have to provide. And these panels are fairly light because they are made out of aluminum so. And most of them will be reasonably short lengths. I think the widest one might be around 10-feet or so. And they came in one-foot increments, so hopefully lighter than a 2 by 12. Anyone else?

Ms. Wright: No, I think we'll bring Bill up.

Mr. Heller: Okay. Thank you for your time.

Mr. Bill Mitchell: Good morning Mr. Chair, members of the Board. My name is Bill Mitchell. I'm the project landscape architect with Hawaii Land Design. As you can see the site plan up there, we're essentially just renovating what is and around the new building and structure. We're fortunate that we have a nice compliment of existing canopy trees in the parking lot, and I believe we have the requisite count because we will have to comply with the landscape parking area requirement permits. So we will be submitting an LPAP permit

application, and using obviously our existing trees in the parking lot for compliance with that. Around the structure itself, as I've said, it's essentially a renovation of, of existing landscape with the introduction of new, some new tropical elements. We have some shrub, shrub material along the borders. We may have to supplement that to comply with the off-street parking and loading ordinance, but we've got what is really a pretty nice, a pretty nice setting to drop a new building to. We'll also have to comply with the requirement to supply ultimately R1 reclaimed water to the site so our new irrigation systems and essentially and ultimately a renovation of the existing irrigation systems will comply with the R1 water requirements.

Do you want to roll to the next slide? There's just some pictures of plant materials typically used here. I'm sure you're all familiar with the palms and the ground covers and shrubs. There's another -- is there another slide behind that one? As you can see the canopy trees there, Royal Poinciana, Hong Kong Orchids, and Rainbow Shower Trees there in the existing, in the existing parking lot. Now they're kind of zoomed down to them. They're nicely maintained. We also, just showing, we're not changing, but we are keeping the existing parking, parking lot lighting. There's no addition of landscape lighting or anything in the parking, in the parking area, so what's there will continue, continue to exist. A couple of more shots. Yes, please?

Ms. Hitchcock-Sprinzel: . . . (inaudible) . . . the parking lot lighting because when I saw that it looked very minimal and does it meet the legal requirements now.

Mr. Mitchell: I don't know if there's been any --. I don't know if there's been any updated study from an electrical engineer. Good question, I don't know, whether that's been looked at.

Ms. Wright: There are standards all throughout the parking. But I think because of the trees, they are hard to see in the photos.

Ms. Hitchcock-Sprinzel: It just looks a little dark and . . . (inaudible) . . .

Mr. Mitchell: That may be reviewed when we do the LPAP. There that question would probably come up.

Mr. Conrad: Would you explain what the LPAP is please?

Mr. Mitchell: Yes, that's a requirement of the Zoning Division of the Planning Department that all parking lots, both new and existing, where there is a building permit process in place, have a minimum of one canopy tree provided for every five stalls, with requisite root barrier, and then any required shrubs are screening from public right-of-ways. And that's a very defined process. We submit an application. We submit a plan that shows all the parking stalls, the parking stall sizes, the travel way, and then the location types and

botanical names of all the trees. Thank you for asking. Yeah, I think it's ubiquitous but, yeah, not everybody is going to know what that is. Thank you.

Just another picture of trees and shrubs. And that's the parking analysis that will eventually that will go in with the new building permit application. Then we follow up with the landscape parking area plan. I will turn it over to Allen to answer any questions you might have about the grading drainage.

Mr. Allen Unemori: Hi, I'm Allen Unemori from Warren S. Unemori Engineering. We did the preliminary engineering report which included an analysis of the drainage. Basically a 10-year one-hour flood or rain, or I should only produces a peak flow of one cubic foot per second. And that's just sheet flows east to west down the parking lot. There is a graded inlet catch basin over here which . . . (Inaudible. Did not speak into the microphone.) . . . to a broad grassy swell. On the other side, we've got a concrete swell . . . (Inaudible. Did not speak into the microphone.) . . . Because what you have here right now is a solid concrete slab.

Mr. Conrad: Pardon me?

Mr. Unemori: Yes?

Mr. Conrad: Would you take the microphone with you because we can't record when you're speaking over there.

Mr. Unemori: Okay.

Mr. Conrad: Thank you.

Mr. Unemori: Shall I go over there again?

Mr. Conrad: Yeah.

Mr. Unemori: Okay. There's a graded inlet catch basin here which day lights out to a grassy swell, a broad swell. On the other side there's a concrete swell that captures all the sheet flow off from the parking lot and directs it towards the ocean. But you can imagine that with one cubic foot per second, over this width, that flow is very, very low.

So, I started to say that because existing you've got that big concrete slab, and you're going to build over it with basically an impervious roof that the net change in the runoff is zero. So we're not adding anything to what the present condition is. Okay.

Mr. Conrad: Thank you.

Mr. Hecht: Question. How about the offsite drainage that comes through that property? If it's five-foot above the slab, or four-foot above the slab, there's a tremendous amount of drainage that comes through the property, right?

Mr. Unemori: That's, that's because of the zoning, the FEMA AE zone which establishes the base flood elevation as being here at 14 and 15 feet.

Mr. Conrad: I believe that the flood elevation is more for ocean water coming in as opposed to rain water going out.

Mr. Unemori: This the zone VE which is due to ocean events. Any questions?

Mr. Hecht: Four-foot of water above the slab and you're putting a flood gate . . . (inaudible) . . . water that's coming off the site, onto the site, right? And I was curious about what happens to that water.

Mr. Unemori: It will just flow to that, that base flood elevation that's predicted by the FEMA models. This is the line that demarcates the end of that flooding so it creeps or encroaches slightly into the parking lot so it won't go any higher than that according to FEMA. Yes?

Mr. Raymond Phillips: Looking at past, in the past, what has happened flood wise in the area?

Mr. Unemori: That, I'm not familiar with.

Mr. Phillips: Any history on it? Tsunamis or anything? Nothing. How far from the ocean is the structure?

Ms. Wright: Well, it's a 150-feet behind, from the top of the embankment, the existing embankment.

Mr. Unemori: The embankment is here.

Ms. Wright: The current structure sits --. The top of the embankment is out in front of the tower. You'll see on the left, there are some sandbags. Allen, if you could.

Mr. Unemori: Yeah, right here.

Ms. Wright: Right. So there's a sand bag revetment right now in place because of the ocean. And that was what Keith was saying the Valley Isle is participating in a regional beach nourishment program. But right now they have temporary sandbags. And so from that point, the top of the sandbags, back to the structure, the corner of the structure is probably about 180-feet and it sits behind the 12-story tower. But we pulled back the

walkway. We locked off --. I'll show you, I'll go to the next slide and help Allen describe what's going on.

So right here -- let me show you -- are the top of the sandbags. And this, the code, requires you to have 150-foot shoreline setback. We actually went 160-feet to give another 10-feet because when they come out and certify the shoreline someday, we -- you have a requirement with the shoreline setback variance, if you need a variance, if your structure lands in the shoreline setback variance, you need an SSV Permit. But, our structure does not sit behind. This is 160 to this line, to answer your question. Somebody asked how far it sits back. So this red line is 160. But again it's protected by a majority of the 12-story tower. So when you talk about the base flood elevation that is what FEMA has set as the ocean. So those flood gates are if there was a tsunami to protect the building. They're not for, like, a rain event. They are, they are designed to -- because FEMA protects all of us in a flood, a major flood event, like what happened on Kauai, or in a tsunami. So in this case, we are protecting the building based on the prescribed base flood elevation which is 15 plus another foot that the County lops on. That's, that's what will determine the height of the flood gates.

Mr. Phillips: Thank you.

Ms. Wright: Does that answer everybody's question? Yeah. And this is the section of the original design that we removed and would someday come back in and get a variance for. This portion of the covered walkway has been removed, and this is just an on grade slab. Right now, the covered walkway ends right about here, and that is noted in some of your site plans. And then it's just an uncovered walkway to the tower. And that's because we couldn't build in the shoreline setback, what we believe will be the shoreline setback.

Mr. Hecht: The question I had was on these FEMA gates. Those are only for a tsunami.

Ms. Wright: They're for a flood event.

Mr. Hecht: So the management when they put these things in gets a --. You know there's a tsunami in Japan, they go put the gates in. Is that the process?

Ms. Wright: Right. Well, if the, if the national, NOAA issues a warning that we're going to have a tsunami, the resort would prepare itself and its building to protect it in case there is wave. But you have to remember that this is a big berm out here, and you know, it's a sandbag revetment which is probably about 10-feet from the wave height. So then you've got 10-feet up to the top of the grass here, and then you're coming back and protecting your building another six-feet so water can't penetrate. So you're going to be at 16-feet above the wave height is how it works. That's what the FEMA requirement is to get a flood development permit for this building because of the zone that we lay in. We're AE. It's all based on the flood zone requirements per structure.

Ms. Sarich: AE, rain water, just to clarify.

Mr. Hecht: That's what I thought.

Mr. Scott: Yeah. Yeah. AE is rain water in a drainage area.

Ms. Sarich: Thank you.

Ms. Wright: There's VE, AE, and X. Right.

Mr. Hecht: . . . (Inaudible) . . . storm water, not from tsunami. There's a different designation for a tsunami.

Mr. Scott: Right. Right. VE is for wave action. V is just general ocean. AE is in a storm channel, if you will. And A is a flood area but not in the storm channel. And then X is outside of all of that.

Mr. Conrad: So if I can clarify. AE is, you know, the water coming down from the mountain, and there have never been any issues with the AE issue in parking lot or the swells or any of the issues for getting rid of rain water going out into the ocean. So, so the only new event that's occurring with this project is that we're putting in these dams in case of a tsunami situation. What I'm calling dams is flood gates. Is it only for tsunami situations or both?

Mr. Scott: No. No, no, no. No, the gates are in because a good portion of the building is in the AE zone. So that's ground water or water coming off of the mountain.

Mr. Conrad: Okay. So then what I think your question is, Harry, is how do you prepare in advance for a flood event, the AE, because the County doesn't necessarily call you up and say we're expecting it, to get, you know, above your flood elevation level.

Mr. Scott: No, but the County does do storm warnings.

Ms. Sarich: One other question for you Keith. If there were a flood event, and they get the gates up, would it impact the ocean?

Mr. Scott: No. It wouldn't necessarily impact the ocean; it would certainly impact the building.

Ms. Sarich: Okay.

Mr. Conrad: Thank you.

Ms. Wright: Okay, I think that concludes our presentation. Do you have any other questions?

Mr. Conrad: Thank you.

Mr. Phillips: Could you be a little bit more explicit on the fire protection; what's going to be going on with the building, including materials and sprinkling and things like that?

Ms. Wright: Yes. Yes, the building will be sprinklered, the shell will be, and it will comply with the County fire requirements for the flood code, you know, based on the -- or fire code; pardon me. At the time, the building permit, all of those things will be complied with.

Mr. Phillips: And then standard construction materials are going to be up to code?

Ms. Wright: Absolutely. Absolutely.

Mr. Phillips: Okay.

Ms. Wright: So those, all of those things will be vetted through the building permit process. But right now we have to get through this process and the SMA, and to be able to go on to the building code section.

Mr. Phillips: Thank you.

Ms. Wright: And we have received letters from all of the departments for the SMA applications.

Mr. Conrad: Thank you. Are there any more questions or comments before we move into a motion?

Ms. Sarich: I guess I would just like to know, is there anything in this development that's against the community plan? I cannot find anything.

Mr. Scott: No.

Ms. Sarich: No, okay.

Mr. Conrad: Any other questions or comment? Can I see a motion or a discussion among us?

Mr. Phillips: Motion to accept --

Mr. Conrad: As presented?

Mr. Phillips: -- the proposal as presented.

Mr. Conrad: Can I see a second?

Ms. Sarich: I'll second.

Mr. Conrad: All in favor? The motion passes. Thank you for your presentation. Excellent.

It was moved by Mr. Raymond Phillips, seconded by Ms. Brandis Sarich, then

VOTED: to accept as presented.

(Assenting: H. Hecht, C. Hitchcock-Sprinzel, S. Marlowe, R. Phillips, B. Sarich)

(Recused: D. Okimoto)

(Excused: D. Sereda, M. Torgerson, D. Unemori)

Ms. Wright: Thank you.

Mr. Conrad: And I really do like the new entry piece. Thanks.

Mr. Phillips: Definitely.

Ms. Sarich: The volcano was cool, though, I have to say.

Mr. Phillips: It had its charm.

Dr. Hitchcock-Sprinzel: Very tiki, but Pele had her own ideas about using . . . (inaudible) . . .

Ms. Sarich: Yes, that's true.

Mr. Conrad: Why don't we take a five minute break while the other group sets up?

(The Urban Design Review Board recessed at 10:53 a.m. and reconvened at 10:58 a.m.)

2. **MR. GENE RODDENBERRY requesting a Special Management Area Use Permit in order to construct the Roddenberry Residence, a 7,825 sq. ft. single-family residence, including a 1,032 sq. ft. detached garage, a 658 sq. ft. accessory dwelling, a 318 sq. ft. pool cabana, a 218.5 sq. ft. covered lanai, and a 6-ft. deep swimming pool with spa at 10 Kai Ala Place, Kaanapali, Island of Maui, TMK: (2) 4-4-014: 001. (SM1 2017/0007) (Keith Scott)**
[Proposed SMA Permit Plans](#) [Project Description](#)
[Powerpoint Presentation](#)

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

Mr. Conrad: Alright, so our next communication for the day is . . . (*Chair Hunton Conrad read the above project description into the record.*) . . . Keith Scott is also the planner.

Mr. Scott: Hello strangers. I do want to get a little side bar on this also. You may all be aware that the climate change and adaptation commission of the state recently released a sea level rise report. And there's also associated with that a sea level rise viewer which you can see online.

One of the --. The way that that relates to this particular project is that this project lays outside of the danger area that was determined in the particularly report. There's a red line that you can see in the eroding areas. This is right close to or right next to Airport Beach, and so it is a beach and it does erode, but this particular project is outside of that erosion areas. So, with that, as kind of a side bar, I'd like to introduce Jim. He's, he's been working with Mr. Roddenberry for a long time, several different projects, and he's going to give you some specifics about this proposed project, Kai Ala Place.

Mr. James LeCron: Thank you. Jim LeCron, the architect. This site is in Kaanapali North at Airport Beach. And you probably, may be familiar with these, these lots. They're the only six single-family residential lots in the Kaanapali Resort area. There's currently four houses developed in the 90's, and these two vacant lots are the only ones remaining. The -- you can see the two vacant lots. Our lot is the, the one closets to Airport Beach Park. This is a flipped around version so that you can see the highway entrance. Here, Kai Ala comes in. This is the Westin. This is the Maui Kaanapali Villas condominiums here. And these are the, the six residential lots. Beach walk goes along here connecting all of the different resorts.

This is the...the entrance. Kai Ala, Kai Ala comes in there. Kai Ala Place comes in here this corner lot. Airport Beach Park is here. The HOA has installed and maintained these existing walls. The individual homeowners can replace the gates, but the walls themselves and the landscaping is to be maintained. There is an HOA. We received approval from them. It's a little --. It's almost kind of joke. It's just the individual homeowners, so there's four members of the HOA.

This is the house immediately next door to us. It was built in the 90's. It's much bigger than what we're doing. There's another vacant lot, and then another house that's here. As you can see they're all very well maintained and landscaped. Different gates; some are solid, that's one is solid, it's open. This is a view looking north immediately south of the lot.

These trees are these tree here. This is the lot looking towards, towards the ocean, so this is a side view of that on the beach path. Looking up, that's the Westin Villas. This is the beach path looking south, and this is the lot, the view of the lot from the beach path with the large house next to it.

This is that house immediately adjacent from the beach path. There's another vacant lot, and then another house. They're all two-story houses with the exception of the house on this side of this one, which is one-story, and then another two-story house, and then the Kaanapali Villas condominiums.

This is a survey. You can see the beach path here. The shoreline. There is a HOA maintained drainage easement with culverts through here. All the lots have been engineered to drain to this and not the street and not to the beach.

This is our site plan. The shoreline setback is here. You can see we're well behind that. There's actually an HOA setback for this drainage easement, so we're behind that. The blue is the HOA setback. The red is the County's setback. I should, I should note that the zone for this is hotel even though it's in the general plan of the resort for these to be designated for single-family. But as far as the County's concern, the height limit is six-stories. It's a hotel zone.

So we come in with a motor court, detached garage, and storage for landscape maintenance and whatnot. A one bedroom ohana. These darker areas, it's all going to be tropical landscaping. The darker areas are turf lot in order to park, so you can't park on the street. So if there's guest parking or a function going on, we can park onsite. But it's all essentially lawn. But this is reinforced turf lot so that you could park on it if need be.

The ohana is here. The main house is, is here. These look like they're separate buildings, but they're not. They're connected with roofs. The idea is these are bedroom suites, and then most of them have an outdoor garden, bathroom element. So your, your tub and whatnot could be outside in a walled, tropical feature.

A pool on the back, barbeque open cabana with a roof here. A pool, a Jacuzzi, and then lawn. And this is the existing drainage, and we're not going to be doing any landscaping in here. Just maintaining it, and then it goes out to the, to the beach path.

This is a 3D architectural rendering of the style of the house. It's just a very typical Hawaiian style architecture. Stucco, concrete roof tiles, a planter at the second floor, Bougainvillea, palms trees that were added, a low pool. The house is about two-feet above the base elevation at this point, and the pool would have an infinity edge along this side. A little closer view of that. Wood, lava rock. This is the view coming in to the motor court, so all of the buildings in here are single-story, small scale lava rock walls, and a little covered area at the motor court, and then a little water element by the front door.

This is the proposed lighting. Everything is shielded. These are up lights for landscape for the palm trees and whatnot. Any lights on the building itself will be completely shielded. These are path lights for the landscaping, and then tiki torches.

The gates themselves are going to be a combination of Ipe wood and glass stained some different colors. Again every gate in the, in the subdivision is about the only thing that you can personalize. And that's our proposal. In your, in your handouts there, you've got more detailed drawings showing the landscaping, the irrigation, the drainage and all that good stuff, and the roof plans, and the two dimensional elevation. Thank you.

Mr. Phillips: Are you going to be able to use reclaimed water for your landscaping?

Mr. LeCron: For the landscaping, we haven't looked into that, but that's a great idea, yeah. We'll look into that.

Mr. Hecht: What flood zone are you in?

Mr. LeCron: We're in zone X, so we're outside of any problems.

Mr. Okimoto: Looking at the grading and drainage plan, and this drainage easement that you mentioned was owned and maintained by the association, does it accommodate the full build out of these project, the increase in runoff?

Mr. LeCron: Yeah. Yeah.

Mr. Okimoto: All master plan?

Mr. LeCron: It's all master plan. It's designed for all of that, and it's actually way overkill. Yes?

Mr. Phillips: Any solar?

Mr. LeCron: We're looking into it. We actually like to do a Tesla roof, but yeah, I'm not sure if --. Tesla said they'll be there. Have you got your model free yet?

Mr. Phillips: You can buy one in the paper.

Mr. LeCron: If we do, if we end up doing panels, the panels that we'd like to use are all these black panels, and they'll be --. I want to see if I can go back to --. I don't have the roof plan in here, but you do. It would be located -- I don't really want to see them, you know, from an architectural standpoint, so we put them on these roofs back here, which would be screened by that larger house on the south side. We're not going to put them on

the front, facing the ocean. I'm just not. There's enough roof that we could accommodate that. But I'd really like to do the Tesla roof. We'll see.

Mr. Conrad: You want to be the first, huh?

Mr. LeCron: So does Tesla in the island, you know, with the roof, they would love to do this house. We've been talking to them.

Mr. Conrad: Yes?

Mr. Marlowe: There's a resident on Lanai that has gotten notification after he put his down payment money with Tesla, and it wasn't definitive, but they did indicate in the communication that they're closer now than, quote, ever before. The timeline that they suggested would be another year.

Mr. LeCron: Yeah. Okay. Well, that could be about right. Very constant contact with them, and they keep telling us the same thing so we'll see.

Mr. Conrad: Any other questions or comments?

Dr. Hitchcock-Sprinzl: Just comments from the neighbors, I'm sure you've asked them, and they're delighted probably to have somebody as a new neighbor.

Mr. LeCron: Yeah. The HOA, and it's in, I believe it's in the information that you got, has, has approved it, and so they're, they're fine with it. The owner is actually -- I think he's president of the board now -- he actually owns both the lots, so we'll be coming in with the other one at some point too.

Dr. Hitchcock-Sprinzl: Alright, thank you.

Mr. Conrad: Alright. Can I see a motion? And I forgot -- thank you. You know, I also forgot if there's anybody who wanted to testify on this project in the audience, and I didn't ask because I didn't see anyone, but at the same time I forgot to do that. So seeing none, the public testimony is closed on this project. So we'd like to see a proposal, but it needs to include looking into using re, reclaimed water for irrigation. Anyone would like to make a motion?

Ms. Sarich: I will. Go ahead.

Mr. Hecht: I'd like to make a motion to approve the plan with the, with the stipulation for the R1 water.

Mr. Conrad: Thank you Harry.

Mr. Hecht: To look into it.

Mr. Conrad: Thank you. Can I see a second? Ray is seconding it. All in favor? Thank you for the presentation, Jim. Very nice. Thank you.

It was moved by Mr. Harry Hecht, seconded by Mr. Raymond Phillips, then unanimously

VOTED: to recommend approval of the plans with the comment that R1 water be considered for irrigation.

(Assenting: H. Hecht, C. Hitchcock-Sprinzel, S. Marlowe, D. Okimoto, R. Phillips, B. Sarich)

(Excused: D. Sereda, M. Torgerson, D. Unemori)

Mr. Conrad: Okay. Let's take another five minute break.

(The Urban Design Review Board recessed at 11:12 a.m., and reconvened at 11:18 a.m.)

F. ORIENTATION WORKSHOP NO. 1

1. **Rules and Responsibilities – [Chapter 2.26 Maui County Code](#) (Clayton Yoshida)**
2. **[Meeting Schedule](#) (Clayton Yoshida)**
3. **Sunshine Law (Corporation Counsel) [Sunshine Law & Ethics Presentation](#)**
4. **Ethics (Corporation Counsel) [Guide to the Sunshine Law](#)**

Mr. Conrad: Alright, thanks Clayton.

Mr. Clayton Yoshida: Thank you Mr. Chair. Clayton Yoshida with the Planning Department. We thought that we start the new board year that we have a bit of orientation as to your roles and responsibilities, and items such as the sunshine law and ethics just to kind of start up on the right foot. And then we'll have additional training later. We didn't know how long the two items would take today.

So I guess most of your authority comes from Chapter 2.26 of the Maui County Code which has been distributed to you. And the purpose entitled Urban Design Review Board, the purpose of the Board is to ensure that the architectural qualities prevalent in a community are preserved, it is deemed essential that new construction, reconstruction, and renovation within a community enhance and complement existing built environment.

Moving to the composition of the Board as found in Section 2.26.030. This Board is somewhat unique in that it has alternate members. You have nine regular members, and four alternate members. And it also has certain, I guess, vocational requirements and

geographical requirements. So, I think there's only the Urban Design Review Board and the Public Works Commission which is modeled after the Urban Design Review Board that has this alternate members. And the purpose of the alternate members is that if -- since several of you are professional consultants, if you cannot participate on a certain matter because your firm represents the applicant, then you would recuse yourself. So we could call upon the alternate member to sit through the meeting and participate in the decision making process. So, in terms of the composition, there's supposed to be two architects, one landscape architect, two civil engineers, and four persons with interest in urban planning, fine arts, beautification, conservation, or historic preservation. Also, there's a geographic requirement that one of your members be a resident of the island of Molokai, so that is Caryl Hitchcock-Sprinzel. And one of your members has to be a resident on the island of Lanai, so that is Stuart Marlowe. And you have the four alternate members that consists of two architects, one landscape architect, and one civil engineer. Appointed by the Mayor and can serve up to a full term is a five-year term. And your terms are staggered so there's room for transition and a carry-over in knowledge.

As far as your powers and duties found in Section 2.26.040, you advise the Commission on matters within the jurisdiction of the Planning Commission, and carry out such duties as may be delegated to advise the appropriate Planning Commission whereas provided by law. So the Planning Commission may call on you to comment on certain policies in the community plan updates relating to urban design, say Kahului town, Makawao town. So you would be called to comment on that. You also advise, review and advise the Planning Department on design related matters involving projects within the County. So there may be certain projects like a new school, say Pomaikai School in Maui Lani. It's not in the Special Management Area, but still it's a very public place so we would ask the Board to review and provide their comments on these, some of these public facilities.

A primary responsibility of the Board is to review project plans in accordance with the provisions of the Special Management Area rules of the appropriate planning Commission, and that's what you did today for the two, the 10 Kai Ala Place, and the Valley Isle Resort Commercial Building. They require a Special Management Area Use Permit from the Planning Commission. You are reviewing the design, all of the elements of the design, architecture, landscaping, lighting, and so forth. Can make recommendations to the Planning Commission which they could include as conditions of the SMA Use Permit. So your -- any comments or recommendations that you have on the SMA Permit would be transmitted to the Planning Commission for their review and consideration.

You also review Country Town Business Design Plans. We have our country towns, rural towns; say Kaunakakai on Molokai, or Lanai City, Makawao, Makawao town, Paia town. And as these commercial establishments come in and do renovations or redevelopment, you would review those plans for consistency with the Country Town Design Guidelines which were adopted by the Planning Commissions, but now has to be adopted by the County Council.

And then you have as your guide the Rules of Practice and Procedure, which were adopted back around 2000 as to how you operate. And you also review -- well, you decide on the sign variances. At the last meeting that's essentially what you did for the Harbor Shops at Maalaea, review and decide on sign variances.

As far as meetings are concerned. Right now we're meeting, the Board is meeting once a month on the first Tuesday of the month at 10 o'clock. I guess our Special Management Area Use Permit activity has gone down. At one time, say 2007, the Board had -- I mean, the Department had received 40 Special Management Area Use Permits so the Board was meeting twice a month, on the first and third Tuesday. But, with the recession and recovery, we're getting about maybe 10 to 15 of these Special Management Area Use Permits a year. So it's --. And then, I think, in 1990, we probably hit the high point before the Gulf War of 60 Special Management Area Use Permits for the year. So, a lot of your activity is with the Special Management Area Use Permit. Sometimes we do meet outside of the first Tuesday, such as if the General Election day falls on the first Tuesday in November, then we'll probably meet the day after the General Election. If a holiday, 4th of July or whatever falls on a Tuesday, we may meet on a Wednesday.

It is important that you call Leilani who's a vital staff member, if you cannot make the meeting, or if you are conflicted out on a specific item so we can make sure that we have enough voting members for the Board to make a decision. And then these meetings are recorded and transcribed, so I'm reminded that it's important to speak into the microphone so that the secretary, Leilani, can transcribe your comments. Because it's difficult if you make a very salient point but it's -- Leilani cannot make out what exactly you're saying so it's going to come out as "inaudible." And if you are making the final decision, it's hard to go to the judge, and say, well you know, judge, this was a critical point that they made, but it's listed as inaudible. But what they really meant was, you know, whatever. It's kind of hard to do.

So, you know, we'll have different planners coming in and presenting their projects, working with the consultants and presenting their projects over the course of the year. So, any questions on responsibilities or meetings? Yes Brandis?

Ms. Sarich: I was trying to understand, should we take these projects and review them against the community plan? What is -- what is our criteria for reviewing the projects? Our own design sensibility?

Mr. Yoshida: Well, I mean, there may be -- it may be in the country town district, a commercial development in a country town district, so we are on one hand evaluating it against the country town design guidelines. There may be certain policies in the community plan or the Maui Island Plan relative to design, so you would be reviewing it against those policies and objectives. But, I guess, in the absence of that, perhaps just to see that it

enhances the community and compliments the existing built environment.

Ms. Sarich: I feel like most of the projects we look at they say it's typical Hawaiian architecture. They don't say this is specific to Kaanapali or Kihei, so should we be asking them to be specific to the location?

Mr. Yoshida: Well, I mean, if the Board member feel that that's important in their decision making.

Mr. Conrad: I just said that it's very personal in that sense when, you know, that if you feel that the Kihei architecture should identify itself differently than Kaanapali architecture, then that's a personal issue. It's not a County issue. It's not a Board design issue. Am I accurate on that?

Mr. Yoshida: Yes. Well, I guess you're trying to formulate comments as a Board so you have kind of convince the other members about a particular point that you're making and the particular recommendation that you're making and the reason for it.

Ms. Oana: May I answer that question?

Ms. Sarich: Yes.

Ms. Oana: So basically when you guys are reviewing like business country town and it's specific to that area. And then your question is general SMA review. You reviewed one for Kaanapali. Does it have to be specific to Kaanapali architecture? And so I can only really point you to Chapter 2.26 in the Maui County Code, the purpose and intent, and it's really vague to what your question is. And the purpose and intent of this Board is "to ensure that the architectural qualities prevalent in the community are preserved. It is deemed essential that new construction, reconstruction and renovation within a community enhance and complement the existing built environment. It is the intent of this chapter to protect and preserve the architectural character of a community, encourage the identification, preservation, and enhancement of the architectural character of a community, and encourage the formulation of County wide comprehensive design policies, guidelines, programs, and plans." So it's really vague as to, you know, any standards that you're reviewing against. But if you see something that is totally out there, I would speak up and say that as a comment. A lot of you folks, because you guys are mostly all professionals -- engineers, architects -- and I know you asked me a question, you asked me a question before about maybe drainage. You know, you guys were questioning design of the drainage, and one of the planners said well you guys --. Her answer was kind of like, well, you guys only look at the colors. In my opinion why do we have civil engineers required on this Board if you guys are only talking about colors? So regardless of what the planner says, oh, you guys only talk about, you know, colors and how pretty it looks, if you have a comment based on what was presented to you, and even if they say, no, that's not your

realm, say well that, that is what our comment is. Because you guys are smartest board I think in this County, you know, with your qualifications and your experience and your education. So, make a comment. If it's about drainage, insist that that be a comment because like, like I said, I don't understand why they're requiring civil engineers if you're not going to comment about your civil engineering thing.

Mr. Conrad: And the Planning Department asks them to make presentation on the civil. And the civil engineers is almost sitting in the presentation, so it must be a part of our purview whether its --

Ms. Oana: And if it's only about colors, then maybe we should, you know, provide this and get the civil engineer . . . (inaudible) . . .

Mr. Conrad: Wait a second, no, we just got a brand new member.

Ms. Oana: But you know you guys are the smartest people in the County and if, if, you know, this does get reviewed by all of the County departments including Public Works and all the other engineers, but you guys might see something that they're missing. So if you want to send a comment out there, to double check or to review something else, go ahead, send out the comment. I think it's entirely appropriate for you guys to do so.

Ms. Sarich: I just worry about making too many comments about design. I mean, things are adequate. I don't know if it's really may place. I mean, my whole job is infilling in Lahaina, and historic preservation so I understand the federal guidelines for how you infill in a community, and I could hold these projects really strictly to that kind of thing if we're supposed to enhance what's already there. But I don't know if that's really what I'm supposed to do here, or if it's just good enough.

Mr. Conrad: Well, can I comment on that? I'm going to use an example. You know, Wailea, a couple of years ago brought that new condominium project across from the Kealani in front of us. Okay, the Kealani, it looks like it belongs in Morocco.

Ms. Sarich: Right.

Mr. Conrad: Why that ever got passed, I don't know. But, across the street is now this very modern -- I personally like it very much, very -- the first attempt on Maui to do, in my opinion, commercial projects of condominium that are done in a, you know, a very modern sense and not trying to fit in to the existing. So I think, you know, that's where it gets very personal. Somebody else might have been offended that they weren't split pitch roofs there. This Board at the time asked it without any negative comments. So I think it does get very personal. But, if it's like in Paia town, and it's right in the middle of town, I personally think -- this is my own personal opinion -- and the County's guidelines are too strict. They don't allow for kind of a mixed of historic with a little bit of modern to kind of

bring it up to today and still let it fit into the street scape. So my personal range is much bigger than, I think, what some of the design ranges are. So if you see something that you like or dislike, to me, that's exactly why we're here. We're here to give our personal design opinion whether it's about a color, or a site, or a style, or anything. So that's been my interpretation the years that I've been on the Board, and, and these guidelines like you said are very vague, but one of the things they say in there is it needs to fit into the community. Well, what's the, what's the criteria for fitting into the community?

Ms. Sarich: Well, I don't know if we can use historic guidelines because that's very specific that. That the architecture should not be the, the first thing, you should see the historic thing first and then you can use a very modern design so that anyone in the community can see this a modern building. It's part of the story of that community.

Mr. Conrad: Yes, and that is what I like to see rather than just cookie cutter. And I think the County has gotten more, and the people have gotten more accepting of that lack of cookie cutter situations.

Ms. Oana: And remember your comments are just comments. It's recommendations and comments for the Maui Planning Commission. And they're the ones usually making a decision on yes or no to the SMA application. So anything you want to comment back to them so they know because they're not engineers and architects and you know, they're just basically random citizens volunteering on that board, commission, so any comment back to them could really be helpful to them because they don't know. They don't know how your view and everything.

So like the first application we saw today or the first project we saw today I think you guys approved the design as presented. Well, that goes, that goes in a form of a letter to the Maui Planning Commission; Urban Design Review Board reviewed this project on this date, and that it's a wonderful design as presented. So that's all really the Maui Planning Commission or the other planning commission see is you guys liked it. But you want to say well we like it, however think about R1 water whatever. That's just a little bit more info that the Planning Commission will have in their, you know, review and approval or disapproval of the project. So you can approve as presented, however, we make these following comments just so that they have something in their mind know what you guys are thinking as opposed to we just like it.

Ms. Sarich: That make sense because we probably could make a lot more comments. I understand that.

Ms. Oana: So you can make, you know, design comments, you know, however you see it, and it could just be comments.

Ms. Sarich: And what do we do in the case -- Michelle was here for one project and a lot of

issues with and she wouldn't take any of my comments. She kept saying, no, that's not applicable. And I'm like, well, it says it right here in the book it's applicable.

Ms. Oana: I mean, I wouldn't --. You mean, a planner?

Ms. Sarich: Uh, huh.

Ms. Oana: Just say, I insist that my comment.

Ms. Sarich: Okay.

Ms. Oana: You know, and then have a motion. Have a motion, second it, and it passes, okay, write it down. But I really think it's ridiculous when the planners just want to hear about what you guys think about colors when we have all this knowledge sitting on this Board. And, all of the requirements of all of the different types of, you know, engineers, so I think whatever you guys see, whatever you guys want to comment, whatever you guys are uncomfortable with or love, you can just make that all your comments.

Mr. Conrad: Sometimes been in my experience on the Board that we make, we make recommendations as you did today Ray -- we make recommendations to the people making the presentations, and they make the changes before they ever go to the, to the Planning Commission, so that's happened. A big example of that was the hotel on Lanai where they had that horrible tower sticking out of the tile roof, and we made it -- the Board made a suggestion that they remove that and it didn't fit in with the style of the building. And the next time they came in front of the Board it was gone. So, you know, the people are sensitive to what we say. You know, it's not like people aren't sensitive to what we say. We've had several experiences where paint colors have been changed, and recommendations like you made at the, the one about the hotel and where they are actually -- they're actually grateful for these comments. So it's not like we're in any kind of adversarial position. A bit last week with the variance request, but the variances are the hardest things we do in my opinion.

Mr. Yoshida: So are there any other questions? If not, I'll turn it over to the board attorney, Jen Oana, to talk about the sunshine law and ethics.

Ms. Oana: Okay, that's me. I handed out to you folks a bunch of different handouts. I'm going to read off my power point because I didn't bring my jump drive with me, and it's a real short thing. I'm going to be talking about the sunshine law and about the code of ethics. So I also passed out to you this open meetings guide to the sunshine law for state and county boards. I got this off online. It's the State of Hawaii Office of Information Practices website, and they have a real good tutorials and other kinds of handouts and things to talk, to teach people about the sunshine law. So I got this off the web, and you know, this is really great document. I refer to it all the time when I have sunshine law

questions. So if you wanted to read through this whenever you have a chance, it pretty much answers every question you might have about the sunshine law.

But what is the sunshine law? And that's basically Hawaii's open meetings law. And so what is the general policy and intent of the sunshine law? It's to open up governmental process to public scrutiny and participation by requiring boards to conduct their businesses openly as possible. So there are exceptions to the sunshine law when board members can meet, but exception to the sunshine law should be strictly construed against closed meetings. So if there's any question, it should be strictly construed against having closed meetings.

Now what is required in an open meeting? Every meeting of the board is open to the public, and all persons are permitted to attend. All interested persons shall have an opportunity to submit data, views, or arguments in writing on any agenda item and we take that during public testimony. And interested persons shall have the opportunity present oral testimony on any agenda item. The board may make reasonable time limit of oral testimony and we usually give three minutes.

Now a meeting is actually something very specific. A meeting means convening of a board for which a quorum is required in order to make a decision or to deliberate towards a decision upon a matter which the board has supervision. So for our board we have members, five members makes up a quorum. We need five to have a meeting. At a meeting, to make decision, you need five votes in affirmative.

So general things about the sunshine law; more than two members of a board cannot gather to discuss board business. This also means no serial communications. Therefore, Caryl cannot talk to Stuart about something, and then Stuart talks to Brandis about the same thing, and then Brandis talks to Hunton. That's a serial communication and it's against the spirit of the sunshine law. Likewise, board members cannot discuss board business by phone, fax, e-mail or social media. Sometimes Leilani will e-mail something generally to you guys, don't reply all because then we're starting a discussion outside of a meeting. So just reply straight to her. Even if I also e-mail you folks, just reply straight to me. You can at any time e-mail Lani, or me, or Clayton about anything, but just don't add other members.

How about social gatherings, can you talk to each other if you guys see each other at a party? Yes. They're called chance meetings. Just don't talk about anything you think will come in front of this board.

Can you discuss board business with non-board members? Yes. The sunshine law doesn't apply to non-board members.

The meetings also can be held by telephone or video conference, however, my office

discourages it because if you're having -- if you're going to be some place else, we can, you know, hook up phones, however, we have to notice where you are on the agenda. We have to put your address. One time, this Lanai Planning Commission commissioner wanted to have it at her home, she wanted to stay home, we advised against that because we had no control over who would come to her home. So security purposes and safety of the commissioner we said no.

So on page 3, what is board business? So like I said, if you go see each other at a party, you can talk about the weather, about your kids, about whatever, but nothing about board business. And so board business is "matters over which the board has supervisor, control, jurisdiction or advisory power, and that are before or reasonably expected to come before the board." So anything on the agenda is board business. And you all have projects, and you all probably know whether they're going to come before the board. So if you think that they're going to come before the board, then just don't talk about that.

The next couple of slides are for those exceptions to the sunshine law, when you can meet outside of a meeting. And besides I only have a couple, but if you look at the open meetings guide on page 16 that's kind of like the cheat sheet of when you can interact with other board members. And then on page 32, it's on the back of that guide is the actual law, the Hawaii Revised Statutes on the sunshine law. So on page 32 is actually the law on the permitted interactions.

But one of the permitted interactions is permitted investigative groups. And we call them PIGs, or TIGs, and that's basically if you guys want to assign members of the board, two or more, but less than a quorum to go out and do some investigation. Let's say you have a project in front of you, you think you need to do some more investigation. Usually this board does it, but if you did, you know, you can vote through motion to assign two to four members of the board to go out and do some investigation. You'd have to vote an authority of the TIG or PIG, give them what they have to do, they'll go out and do it, they'll come back to the board at a next meeting to present their report or findings. No action can be taken at the board at that meeting because you're really just accepting the information. If there's any action to be taken, it will be at the third meeting, because basically you and the public would have gotten the information to make the decision. So TIG and PIG are great useful tools, however, just know that it takes three meetings to actually do something, take action by the board. So sometimes it just doesn't work out in terms of time.

Another permitted interaction is presentations and discussions. A board may assign two or more members but less than quorum to present, discuss or negotiate any position that the board has adopted. It doesn't really happen too much in this board, but let's just say that you wanted to go to the Planning Commissions to explain the board's decision on something, you could do that with this permitted exception.

On page 4 another permitted interaction and this does happen; testimony and presentations

at cancelled meeting. If a meeting is cancelled due to lack of quorum or technical difficulties the commissioners -- I'm sorry, I should have said board members -- present may receive testimony and presentations. Board members may question testifiers and presenters. No deliberation or decision making can happen at that meeting because there is no meeting. And a record must be created and presented to the absent board members at the next meeting. So this kind of happens especially when you have something on the agenda, and let's say it's an applicant from Oahu, and they've flown in for this meeting, but we show up and there's only four, so there's not a quorum, we can't have a meeting. Because they flown in, they may not want to come back to present again. You can accept their testimony, the public testimony and their presentation with the remaining board members who are present. So let's say there's four of you, you can accept their presentation. One of the four would have to keep really good notes, keep record of what was presented, and then at the next meeting, real meeting, that person would present to the remaining board members or the, all of the board members, what was presented. Planners also help you guys out on that. Depending on the planner, sometimes they do the report for you and so -- but under the law, one of the board members have to report. So that does happens not a lot, but has happen in the past.

Another permitted interaction, attendance at other meetings. Less than a quorum may attend an information meeting or presentation on matters relating to board business including a meeting of another board or a County Council. Members may participate in discussions. No commitment related to a vote on the matter may be made or sought. And attending members must present their attendance, and the matters presented and discussed that relates to board business. So sometimes this is like a conference or some kind of continuing education thing or some kind of training that the Planning Department puts on. Not all of you can go, but less than quorum can go, and then at your next meeting, whoever goes can present a report on what you guys did.

The other permitted interaction -- well, it's executive meetings. So executive meetings can be closed to the public. So let's say we're in a regular UDRB meeting and one of you has a question for me about the board's liabilities or what your duty is, and we may not want the applicant or anyone in the audience to hear because it's, you know, maybe a question on will the UDRB get sued if we do it this way and you just want to ask me. Well, we'll take an executive session. And basically for an executive session, we have to add it the agenda. So two-thirds vote has to be had in order to add it to the agenda and to also to hold the executive session. So anytime you have a question just for me about your duties or liabilities or privileges just request the Chair, Chair may we go into executive session? I have a question for our lawyer regarding our liabilities.

Okay, so the sunshine law violations. What happens if you violate the sunshine law? Any decision that you've made in violation of the sunshine law could be void. Someone could also file an injunction against whatever you ruled on. It's also a misdemeanor so there could be criminal aspect to it. You can also be removed from this board.

So that's basically the sunshine law. Kind of a fast thing on the sunshine law. But this thing is awesome. If you want to just read through it...even a couple of times, it's really, really helpful, and I refer to it all the time too.

So the next thing I want to talk --. Oh, does anybody have any questions? And you can always e-mail me if you have any questions about sunshine law. So the next thing is Ethics. I've handed out part of the Charter, front page, and then pages like 45 to 52, I think, or 45 to 48. So basically Article 10 is the Code of Ethics, the County's Code of Ethics, and the declaration of policy states:

“Elected and appointed officers – and you guys are officers according to the Charter – and employees shall demonstrate by their example the highest standard of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.”

So we are -- we have to abide by the Code of Ethics. And most of you probably know that there is a Board of Ethics. Just like how you all were chosen to be on this board, people apply to be on the Board of Ethics. The Mayor chooses, and the Council approves. And two main things that the Board of Ethics does -- or three. They also review your financial disclosures. But, they also initiate, receive here, and investigate complaints of violations of the Code of Ethics. And they also, under (c), render advisory opinions with respect to the application of this article on request. All request for advisory opinion shall be answered within 45-days, and...let's see... Maybe I'll get to that part later.

Okay, so anyway on page 47 of the part of the charter is Section 10-4 Prohibitions, and so we have to be mindful of that because you guys have to be bound by that. The major thing is no accepting of gifts. I don't know if you guys were ever approached, but if anyone wants to give you a gift for a positive treatment of their project, please just say no. If they come here with donuts or something and they give everybody including the public out there, it's okay to take a donut. But, you know, no gift cards or you know, anything like that.

Another prohibition is business transaction or activity or have a financial interest which may tend to impair independence of judgment in the performance of an official duty. So this kind of happens in this board where you could be on the consultant team of the applicant who is presenting in front of you. So just like Darren did today, just recuse yourself and that should cover it. Also feel to disclose the financial which kind of goes hand in hand with that.

The penalties for violation of the Code of Ethics is you can be fined and you can be removed from office.

There's another thing I wanted to talk about which is disclosure of conflict and that's 12-101-17. That's in your Rules of Practice and Procedure for this board. It kind of comes up

pretty frequently, so I just wanted to go over that. So whenever a conflict of interest or other ethical question is raised by anyone regarding any member of the board, the affected member shall promptly make full disclosure of the circumstances to the board. When a member is deemed by the board or the Board of Ethics to have a conflict of interest, the member shall be disqualified for voting and all actions relating to that matter. It's kind of self-explanatory, right? But (b), whenever a member of the board or member's firm or employer represents a client who requires board review of an application, the member shall not participate in the client's presentation to the board. The member may answer technical questions posed by other members of the board, but the member shall not advocate on behalf of the member's client. So this is kind of real specific to this board. Usually (a) is in like a lot of different boards and commission's rules, but (b) is really specific to this board because you do have a lot of chance for one of you to have a project up there. So the rule is just like what Darren did today disclose the fact that you are on the project team and that you will be recusing yourself voting.

Ms. Sarich: So I need to bring a sign variance to this board, but I'm the only person on the team. Can I do that?

Ms. Oana: When are going to do that?

Ms. Sarich: Probably in three months or so.

Ms. Oana: Okay, what I would probably do -- because I also gave you this handout and usually if you have kind of question on what you got to do, go to the Board of Ethics way in advance and ask them the question. Give them as much information as you have, and they will render an opinion as to whether you can do it. And in your question to the board, I would say I am the only, I am the only one. You know, they hired me, I'm, you know, whatever. There's no other person to present. Can I please just do that? Because this opinion, and this is kind of old, but it still holds true and we still abide by this.

This was presented to the Ethic's board in 2000, and it was a question, kind of a general question for all of you. What if I have a, I have a project, I am on the consulting team, what do I do? And so the Board of Ethics basically said, you have to disclose it, you can't present, you have to have another member of your firm to present it, and you can answer technical questions and be a part of the discussion. However, you can't go as far as advocating for your client, so there's kind of a line drawn. So in your situation since you're the only one and you have some time, I would probably ask the board.

Ms. Sarich: Okay. Can I get Annalise to present it for me?

Ms. Oana: Sure.

Ms. Sarich: So a planner can present it for me, and I just don't do any of the presentation?

Ms. Oana: Sure. There is -- there's always usually a part though that the applicant kind of does, like an intro thing so maybe you can either work it out with Annalise or...you might want to take it to the Board of Ethics. Because that's actually something that might happen in the future for all of you people who are kind of in a solo firm situation. What if there is no one else to present. That might be good for the Board of Ethics to kind of tackle. Because this one says have someone else in your firm, but there's no one else in your firm, what do you do? That might be good.

Ms. Sarich: Can you help me write that letter?

Ms. Oana: Sure.

Ms. Sarich: Okay, thank you.

Ms. Oana: So, yeah, read this. This is kind of -- this pertains to all of you...because we've had it multiple times. I think the Chair had it at least once. Mr. Sereda had it many times. Mr. Phillips, I think, had it a couple of times too, so it does happen kind of frequently. And not like any other board, this is like the only one because the other boards are kind of just volunteers citizens and it's where that they have an application in front of that board. But this one . . . (inaudible) . . .

Okay, so when in doubt, if you have any questions, you can ask me, you can e-mail me, jennifer.oana@co.maui.hi.us, 270-7740 is my phone number. Or like I said, you can get an advisory opinion from the Board of Ethics. And if you do and you follow their advice, you cannot get dinged. So that, I was trying to find where it says in the Charter, but it does say something, it does say that somewhere. I just cannot find it right now. So, you know, if someone has a problem with what you did but you're following what the Board of Ethics told you to do, you won't get into trouble. So that question would be really good for just this whole board in the future. Anybody have any questions on anything? And like I said, you can always e-mail me or call me. And that's it for me.

Mr. Conrad: Very good. Thank you.

G. DIRECTOR'S REPORT

1. Agenda items for the June 5, 2018 meeting.

Ms. Oana: You're welcome.

Mr. Yoshida: Let's see, the next board meeting is scheduled for June 5th. Right now we have one item. That's the design guidelines for the proposed Waikapu Country Town

Project. This consists of several hundred homes. It's a master plan community located across from the Maui Tropical Plantation. Several hundred homes and some commercial development as well as recreational amenities. So the design guidelines will kind of guide the development of the project. So that's the item on the agenda. We may have some additional orientation training on the country town design guidelines.

H. NEXT MEETING DATE: June 5, 2018

I. ADJOURNMENT

Mr. Conrad: Thank you Clayton. So with that, we are adjourning our meeting.

There being no further discussion brought forward to the Board, the meeting was adjourned at 12:03 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Hunton Conrad, Chair
Harry Hecht
Stuart Marlowe
Caryl Hitchcock-Sprinzel
Darren Okimoto
Raymond Phillips
Brandis Sarich, Vice-Chair (from ~10:04 a.m.)

EXCUSED (E)/ABSENT (A):

David Sereda (E)
Mikal Torgerson (A)
Darren Unemori (E)

OTHERS:

Clayton I. Yoshida, Planning Program Administrator
Keith Scott, Staff Planner, Current Planning Division
Jennifer Oana, Deputy Corporation Counsel