

**MAUI PLANNING COMMISSION
REGULAR MEETING
JULY 10, 2007**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Johanna Amarin at 9:07 a.m., Tuesday, July 10, 2007, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Ms. Amarin: At this time the Chair will open up the floor for public testimony on any agenda item in order to accommodate those individuals who cannot be present at the meeting when the agenda items are considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits will be for three minutes. Conclusion will be within 30 seconds. So at this time, I do have a list.

The following persons testified at the beginning of the meeting:

Edwin Ferreira – Public Hearing, Item B-3, Ron Serle, State Land Use District
Boundary Reclassification
Zar Ogata – Public Hearing, Item B-1, Maui Lani Shopping Center, Phase 2 Project
District
Dodd Hessa – Public Hearing, Item B-1, Maui Lani Shopping Center, Phase 2 Project
District
Charles DeCoite – Public Hearing, Item B-3, Ron Serle, State Land Use District
Boundary Reclassification

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

- 1. MR. LLOYD SUEDA of SUEDA & ASSOCIATES requesting a Phase 2 Project District Approval for the proposed Maui Lani Shopping Center, a neighborhood shopping center consisting of restaurant, retail offices, gas pumps, approximately 720 parking spaces, landscaping, and related improvements at TMK: 3-8-007: 121, Wailuku, Island of Maui. (PH2 2005/0007) (A. Cua)**

Ms. Ann Cua: Good morning, Madame Chair, members of the Commission. This application was received by the Planning Department in August of 2005. That is not a typographical error. And for the last almost two years, the applicant has been trying to resolve concerns that was expressed by department agencies as well as with the community.

We've received a number of letters of concern in opposition, and most of them are attached to our report. But today, I passed out six additional letters to you. I'd like to real quickly go over them to make sure you have all of them: one is from Mr. Eric Amaral, another from Stephanie Ohigashi. Two e-mails that we received: one from Charles Araki, the other one from Douglas Schenk. An additional letter for Sakae Uehara. You do have one in the – attached to your report, but we've received another today, and I believe Dr. Uehara will be basing his testimony on this application – I mean, on this letter. And then finally, we have a letter from Lisa Giamoyris.

What we'd like to do today is have the applicant come up, do the presentation. I'll come up and give you some of our analysis. I think most of you read the report already. You know that we are going to be recommending deferral of this application, but we are going to go on with the public hearing. Because of all the roadway improvements that the applicant has worked out with the Department of Transportation, as well as the up-sizing of a drainline on Maui Lani Parkway, the project is required to obtain a – or go through the environmental assessment process. And once that is completed, we will come back before you. So with that, I'd like to introduce the applicant, Lloyd Sueda. And he will start off the presentation and then introduce his team today. Thank you.

Mr. Lloyd Sueda: Thank you very much, Ann. Good morning, Jeff Hunt, Planning Director; Madame Chair; and members of the Planning Commission. My name is Lloyd Sueda representing the owner and the developer of this project who happens to be HRT. Here with me this morning, I have our design team, and some of them will be making a presentation. I have Jeff Benner, the project architect from Benner and Stange. I have Warren Unemori who's our civil engineer, Wayne Yoshioka who is our traffic engineer from Parsons Brinckerhoff. I have Russell Gushi, our landscape architect, Gwen Hiraga, our planning consultant for the environmental assessment. I have Lisa Hazuka, an archaeologist that will make a presentation on the burial sites that we found. And I have with me, Wendell Brooks, who is representing Safeway. Wendell has to catch a plane at 10:30 here, go to New York at–what? Twelve o'clock. So I'm going to make it real quick, and maybe I can slip Wendell in here. But we'll be all be here to answer any questions at the end of the day.

Let me give you a quick background of the developer, HRT. HRT is the Honolulu Rapid Transit Company. It was the old company, a bus company, in Honolulu years and years ago. It is a part – it is a subsidiary corporation from the Harry and Jeanette Weinberg Foundation. It's also a 501C3, a nonprofit. All of the corporations are becoming nonprofit. Since Harry had passed away since 1991, the Foundation has donated over a billion dollars to charity of which Hawai'i has received 170 million dollars in grants.

The proposed shopping center is part of a planned commercial development of about 23 and a half acres, which we got a project district zone in many, many years ago, phase one. So our phase one proposal that we did come to the Planning Commission was Kaiser

Permanente, which is a four and a half acre, 42,000 square foot, single story building that was built about four or five years ago. We also came back to the Planning Commission for our phase two, which was the commercial site development, which is across the street. And with this map over here, we have Kaiser over here, which is 42, which is a four and a half acre parcel. We also have a ten-acre parcel here, which we had a project district – we had approval for four buildings. We have built and it is under construction. The building is complete. The Saint Francis Dialysis will open in August, a 16,000 square foot, 32-chair facility to be opened in August. As you can see right now, we have another single story medical building that's under construction which is 20,000 square feet of which we have no tenant, but the Foundation's going to build this building, and we're going to look for tenants. Hopefully, Kaiser needs more space. I don't know at this particular time. If there is a need, we will continue to build another medical building. We have approval on a 23,000 square feet and maybe a little service facility of 13,000 square feet. That's part of the commercial development across the street over here, if you look at the map over here. And what we're here today is for basically, phase three, which is a 12.96-acre parcel zoned commercial that we would like to put this Safeway or this shopping center called Maui Lani Shopping Center.

Our goal is to create a synergy between all the proposed development. All buildings will relate to each other both in site relationship, architectural design with similar roof lines, materials, a comprehensive landscape plan. Really, at the end of the day, we'd like to have a community or a development that would be very well planned and accepted by the neighbors.

The site, as I said, is a 12.96-acre piece of property, which is 564,527 square feet. It is zoned project district one. The height limit is four stories, 60 feet. The existing floor area ratio is 1.0 meaning, we can, if the developer chooses to do, build a facility with 564,000 square feet. But what we are proposing is a facility of 128,000 square feet or which the approximate is 28% of the buildable area. As you can notice across the street, even with Kaiser and the proposed building, this particular developer, because all of the money at the end of the day goes to charity, does not try to maximize all of his development. They're all single story buildings. The commercial development across the street also builds about 20% of the buildable area.

Lot coverage—we're allowed a lot coverage on this 12.96-acre of 60% or 338,000 square feet. We're proposing a coverage of about 128,000 square feet or 35% of the allowable.

We did during our mass grading hit some burial sites or discovered some burial sites. And I will have Lisa come and make a presentation on the burial issues.

Our site conditions—we have a condition that has a 60-foot height difference between Maui Lani Parkway and the neighboring property on the top. From Maui Lani Parkway, there's a 60-foot height limit from here to the adjacent property which seems like a lot, but over

1,500 square feet, it's basically, a 5% grade.

We are – we have this illustration here, and I don't know if you can see it very well. What it shows is in the green line, which is over here, is the existing grade prior to our mass grading. The purple line over here shows the treetop lines of the existing kiawe trees at one time. The red line here is our mass grading. So what we've done to level the site is we've actually taken off quite a bit of cubic yardages, so our structure is really below the existing grade as we took the piece of property. And this line on the top is our 60-foot height limit over the existing grade, so we're way, way below the allowable 60 feet height limit.

And what we're planning to do along the property line, just for your information, we do have a six-foot high wall to buffer the neighbors from the adjacent property. Where we exceed heights over six feet, we will terrace the wall down especially, in the upper areas. So we would set back a wall six feet and terrace it down so we can level the site for the Safeway site.

Drainage—there is presently a 36-inch storm drain that goes Maui Lani Parkway and exits into the golf course. Part of our improvements is we need to upgrade this 36-inch storm drain to a 48-inch storm drain. If you have any questions for utilities or civil work, Warren is here to answer.

There is an existing 12-inch waterline along Maui Lani Parkway. And in 2003 when we did Kaiser, we already prepaid for two meters. We prepaid, I think, 42,000 for Kaiser, and we paid 72,000 in 2003 to reserve a three-inch water meter for the shopping center site. The sewer right now is available and it is on Maui Lani Parkway.

We do have two accesses, two main accesses: one off Maui Lani Parkway 500 feet in from Kaahumanu, and then we are proposing to use the other Kainani access. And I will have Wayne Yoshioka talk about all of these accesses and the traffic at a later time. Our noise consideration is that we talked about all of the air-conditioning, all of the refrigeration equipment. All will be concealed. All will be screened off. And we will meet all of the required Health Department rules as far as sound control.

Wendell will tell you something about Safeway's loading, and time, and noise that I think most of you are concerned about.

We held community three meetings with the neighborhood: one is September 2005; August 2006; and last month, June 2007. And we also made a presentation to the Urban Design Review Board in 2006 of which we had a unanimous approval with two conditions. And the two conditions were that we create a landscape buffer along the property line here, and Russell will discuss that. And the other issue they had was they were concerned that all of the trash will be contained. It will be covered, not visible from the public. And conditions

such as odors will be taken cared of. So those were something that we are going to do in our final.

The other thing that came up is that in the last two weeks, we were told that we needed to do an environmental assessment. We now have on board, Munekiyo and Hiraga that will be doing the environmental assessment. We also were told that we need a cultural impact assessment, and we're in the process of finding someone to do that to complete this process.

So now what I'd like to do is maybe I should turn it over to Wendell since you have to leave. He's with Safeway, or he's a broker, but he represents Safeway. So we'll have Wendell, then I'll have Jeff, and I'll have the rest of them. Thank you very much.

Mr. Wendell Brooks: Hi. I'm Wendell Brooks. I've been handling Safeway real estate for about 12 years. And thank you for your time.

Safeway has an interest in opening a store in Maui Lani. I guess the best example to point to would be the Piilani Village Shopping Center in Kihei. That's a very similar store that we're proposing here as a tenant under the Weinberg Foundation. It's about 55,000 square feet. It's a full service store with pharmacy, meat, bakery, all of your traditional departments with the parking in front. Our loading area is indicated here. And we understand that loading might be of a concern to some people.

We currently offload from the docks Tuesdays and Thursdays during daylight hours for the large containers. It's been that way for many, many years. And the smaller chip truck, the beer truck, that's more on a daily basis, but also during the daylight hours.

We are proposing a 24-hour store. All of the three stores on Maui are 24 hours. We noticed that our competitors, Foodland and Star, I think Foodland has seven stores on the island, and I think most of them are 24 hours. What we find is that with approximately a third of the workforce in the visitor industry that we have business at night because these people are working graveyard shifts, and they need to shop for their families. So it's designed to accommodate what we found to be a traditional need from the community. Again, we're proposing to be a tenant with other shops in the center under the Weinberg Foundation. A little different than Piilani where Safeway is the actual owner. And I'm here to answer any questions that I can at the appropriate time.

Ms. Amarin: I have a question. To appease the customers regarding the 24-hour store, what percentage would you say – I know the volume during the day versus maybe 10:00 to 6:00 a.m., what percentage? When I shop during those times–

Mr. Brooks: It's empty.

Ms. Amarin: It's pretty much.

Mr. Brooks: It's around 10%. So they'll use those hours also to be cleaning the store, preparing for the next day, stocking shelves from the warehouse, but the actual customer count is about right around 10.

Ms. Amarin: Thank you. Commissioners, any questions? Commissioner Pawsat.

Ms. Joan Pawsat: How old is that other Safeway? What are you going to do with the other Safeway the other side of town?

Mr. Brooks: The Kahului store was recently remodeled to – I don't know if you've heard of Safeway's new lifestyle format. And so that store has been completely remodeled and upgraded to match their national prototype store.

Ms. Pawsat: How old is that store?

Mr. Brooks: Oh, boy. Safeway's been on the islands since the mid-'60s, and that was one of the first leases signed. So I want to say close to 30 years, something like that. It's a very small store for us. And with the shifting population, we see this as a good match for the growing population in this area. We're unable to expand that existing store.

Ms. Pawsat: And I guess my only other question is, besides – how do you feel the design of this project, and the parking lot, and everything like that, what distinguishes it and makes it unique to Hawai'i, and would make it a nice piece of architecture along this very visible street in Kahului?

Mr. Brooks: I may defer that to the actual owner of the property. Again, we're a tenant. And we found that Mr. Benner's work has been very satisfactory in many locations throughout Hawai'i. So I'll have to defer to the design element to the architect.

Ms. Amarin: Thank you. Commissioner Hedani?

Mr. Hedani: Does Safeway – do all Safeways look the same? I mean, do they all end up being 55,000 square feet of space in its ultimate format? Or does Safeway have alternative formats where they can offer something different? The reason I say that is because if you look on this map over here for Maui Lani, the description for the project is a village commercial center, and to me, that doesn't look like a village commercial center. Does Safeway do things like a village commercial center?

Mr. Brooks: I think the blanket answer is they do all types of things in all different locations. The evolution of the grocery store many years ago, 25,000 square feet might've been appropriate, and you'll see some of those remnant stores around town. But as the retail

environment shifted, for example, Safeway now is one of the largest pharmacists in the country. So we no longer necessarily team up and have a Longs with us in our stores. We actually offer all of that for one-stop shopping. So the store size then has increased. There are stores ranging from 46. We're building one in Honolulu right now that's 67,000 square feet. So I think the answer is yes, but it was very well and carefully thought out with what store size product offering would work in this environment. The company decided that a 55,000 would meet those needs.

Ms. Amarin: I have another question. Your store, as far as security, do you have your own security in place to police the area during your 24 hours of operation?

Mr. Brooks: Absolutely. That's a high priority for the company. We work with the property manager. Again, we don't own this property, so we will have our own store security, but then we work with the owner's representatives for the shopping center security as well. It's an extremely high priority.

Ms. Amarin: And as far your area, your premise, what is considered your premise to be policed during the time of the 24-hour operation?

Mr. Brooks: Under a lease agreement, it would be the store interior of the walls, and then the area directly in front the arcade area. And perhaps – I mean, we're going to take care of the parking lot too. If we see something, then our security force is supposed to deal with any situation near the store, behind, for the security in the back. We look at it as a partnership with the owner of the center, so we work together on that. We're not going to just stop if we see something.

Ms. Amarin: And then one more question as far as your loading dock, can you refigure that so it doesn't go into the street that there's a lot of concern about?

Mr. Brooks: I hope so. I mean, if that's an issue that is determined to be a critical one. Jeff Benner, the architect, is – could present us with a couple other options. I wouldn't say we're cast in stone on that at all.

Ms. Amarin: Okay. I know you have to catch a flight. One more question. Commissioner Hedani?

Mr. Hedani: Some of the testifiers or a lot of the concern that's been expressed by the neighborhood is over the entrance and exit from Kainani Street. From Safeway's perspective, is that entrance/exit mandatory?

Mr. Brooks: Mandatory?

Mr. Hedani: Let me phrase the question in a different way. Can you live without it?

Mr. Brooks: I don't know that I can answer that, because I think we'd have to re-evaluate the overall situation. I mean, clearly, that's a hot button for the community, and we are about win-win. I mean, it absolutely does no good to have a situation where half of the community is angry. Now, if we could find a solution through the experts at the DOT, through our design team—I mean, there's some great minds in this room—we should be able to come up with an access. Is it the big trucks going up there? Do we look at possibly the trucks not exiting on there? Would the community be better or be willing to meet halfway which is cars leaving there? We can look at that sort of thing. But actually, to create a single access point in a bottleneck off of the Maui Lani is actually worse for everybody, and I'm hoping our traffic will support that, but to have just one single point of entry is highly inefficient for the center.

Ms. Amorin: Commissioner U'u followed by Commissioner Pawsat.

Mr. Bruce U'u: On regards with the comment you just stated where half of the community maybe against it, I can see why they are against it is because the other half is gated. Yeah? So if I would to live in a gated community, I can be for the road. Yeah? But when you getting one access onto a non gated community, well, that's the community that not going be so happy. I put money down if you would run that road through the gated community from Kainani Street, everybody be unhappy.

Mr. Brooks: Yeah, I'm sensitive to the situation. I'm hoping that we can find the middle ground.

Ms. Amorin: Commissioner Pawsat?

Ms. Pawsat: Yeah, this isn't really about us being efficient for the center. It's about the center being beneficial for the community. And that access point in the back is not only a hot button for the community, it is a hot button for me. That is – I mean, you guys talk about a synergy creating with the architecture. And really the only synergy I see is 1,300 parking spaces. And I don't think you guys should have that access out, personally. And, you know, and the whole design, yeah, you guys can get a lot, lot more creative if you do something. A lot more creative. And that's an understatement. And I think you know that because that looks like everything else.

Mr. Brooks: Again, I'll defer to the design people on that.

Ms. Pawsat: Well, it seems like you have some input in it more than you're conveying. So—

Ms. Amorin: Commissioner Hiranaga?

Mr. Kent Hiranaga: You were unable to answer Commissioner Hedani's question about whether Safeway could live without the Kainani Street entrance. So I'm wondering during

the EA process, can Safeway come up with an official statement as far as their position regarding the Kainani Street entrance?

Mr. Brooks: Sure. It's above my level to just say that it's okay.

Mr. Hiranaga: Right. Okay. Thank you.

Ms. Amorin: Thank you very much.

Mr. Brooks: Thank you for your time.

Ms. Amorin: Have a great flight home.

Mr. Brooks: Thank you.

Mr. Sueda: I guess the Commissioners were aware that at one time when we originally started the shopping center, we did have three entrances. We thought we had a – we had proposed a right-turn in and right-turn out off of Kaahumanu. And we did work with the Department of Transportation for almost a year, and we were finally denied both accesses. And we also proposed maybe just a right-turn out just to eliminate some of the traffic, and again, we were turned down on that. And then what we did was we went back to Safeway because when Safeway first looked at this project, we did have three accesses. After we were denied Kaahumanu, we went back to Safeway whether they were still interested with the shopping center, and, yes, they were. So again, like Wendell said, he needed to go back to Safeway because they had three. They lived with two. Now, this thing whether they can afford one, I don't know. So now I have Jeff Benner, the architect.

Mr. Jeff Benner: Yes. I'm Jeff Benner. I'm with Benner, Stange and Associates, the architects. I think before I actually start to talk about the site plan, maybe I can make some additional comments on issues of access, loading, etc., because that does seem to be an important issue.

Early on when we created the site plan options, we had a right-in and right-out here on Kaahumanu. And as time went on, that seemed to be the most successful opportunity to get traffic in and out, as well as the primary entry off of Maui Lani down here. The entry here at Kainani has always been here, but we really did assume that was going to be kind of the least used access point. But DOT came back, had suggested that we at least eliminate the right-out onto Kaahumanu due to some traffic conflicts that I personally can't quite see, but maybe Wayne will be able to explain these in more detail, but conflicts with the intersection here, and people merging from Kainani onto Kaahumanu, or people coming from Kainani, try to merge across traffic and getting into the site. I think that probably is true, but maybe only 5% of the day. We're only talking about peak time issues, I believe. And it's my feeling that if we could still work with DOT, and Wayne will obviously have to

kind of concur with this, but that's still a good option to look at. And it may happen and it may not happen. But I think that begins to minimize the impact of the traffic here at Kainani and the center itself.

The other comment about truck traffic—traditionally, projects are served on the back side for delivery purposes, loading purposes, etc. I think the idea of being able to bring people – or excuse me, bring the vehicles, the truck vehicles, from the back of the center back out to Maui Lani is a good idea. The problem that we have is that there's a median out here. And that raised median prevents us from being able to get our trucks back out to Kaahumanu without having to traverse neighborhoods, or head up towards the Maui Memorial Hospital. And if we could find an option that may allow us to break the median or to work with that median, we could probably begin to look at truck-turning radiuses, etc., and eliminate some of that truck traffic concern right here on Kainani.

So I think if we look at, you know, maybe revisit this, and maybe I'm speaking beyond what I should be speaking of, and I think if we could look at some options here with an opportunity here to get the trucks out, that could benefit not only the center itself, but all the adjacent neighbors that are concerned about the traffic up here.

So now moving forward, I don't want to be redundant to what Lloyd has already referred to, but basically we have a 13-acre site, an intersection at Kaahumanu and Maui Lani Parkway. We've got 128,400 square feet currently shown on the site plan. The site plan that we had for design review when we went before the UDRB actually had more square footage back in here. So we know that we're able to get approximately, another 4,000 square feet of GLA on the site should we need it, and still meet all the parking concerns. Of course, we have Safeway here, which is an approximately, 56,000 square foot lifestyle center. We have a proposed 24,000 square foot, secondary mid-major who is yet to be defined. There is no kind of fixed tenant in place at this point. We have approximately, 17,500 square feet of tenants, etc., flanking the Safeway Store.

We have along Kaahumanu and Maui Lani Parkway, a number of structures. We have a 2,400 square foot freestanding pad here which could be one or two mostly likely, small food-type users. We've got a lot of plaza area to work with out here, a lot of outdoor seating area that we can work with. We've got a proposed restaurant of about 6,400 square feet here. Once again, the opportunity for outside, outdoor seating area. We've got a corner retail. It'll be a – it's about 5,300 square feet. That'll be specialty shops and again, food-users. We have a Safeway fuel center here along Maui Lani Parkway. I'm sure everybody's familiar with how these fuel centers work with Safeway. And it's a very kind of common thing that Safeway's incorporating as often as they can in as many projects as they can. And then, of course, we have a two-story – it's about a 14,000 square foot office/shops, specialty shops, building here that also is very close to Maui Lani Parkway.

Pedestrian access—we have enough – a number of access points. We actually have one coming in from Kainani down into the site. We have another one up here that comes from Kaahumanu directly into this Pad J area. And then, of course—

Ms. Amarin: Mr. Benner, for the sake of the citizens who is here, could you direct – do you have a directive, a light directive so you could probably scan that other mapping so that the audience are able to really see?

Mr. Benner: Right.

Ms. Amarin: Thank you.

Mr. Benner: Okay. So here's the – so we have the pedestrian access coming from Kainani down into the site here. We have a primary pedestrian access here adjacent to Pad J, and then a major pedestrian connection through the parking field down to the front of the Safeway Store itself. We have another one here which comes adjacent to the restaurant. And people are actually able to work their way again down towards, in this case, Safeway and the adjacent shops. Of course we have a pedestrian coming off of Maui Lani up to the shops. And when I say up to the shops, there's a fair amount of a grade differential from here up to here. Is it about 25 feet? I think it's about 25 feet. So we're actually making a significant grade change from Maui Lani Parkway up to what we'll call the base of the side itself.

What you see here is actually what I'll call the upper level. There is a below level parking field in here. And as you come into the site here, you're actually able to turn into this lower level parking. We have ground floor offices here. Then, of course, the second floor office/shops up here.

So we're trying to accommodate about 60 feet of fall from Kainani down to the Maui Lani Parkway entry. And for a retail center, that is very significant. That's partially what's – when you take – you look at a retail center, there's a lot of issues that go into – that play into account with respect to slopes within the parking fields. This has to do with shopping carts, ADA requirements. We obviously don't want to get too steep. Car doors tend to fly open and hit other car doors. So we've tried to tier it in the sense that we have an area up in here that works consistent with the two acres and the shops. And then we're starting to step down towards the intersection. I believe from here to here, the fuel center and the shops building here to the secondary, major anchor, I believe it's 25 feet. That's a significant grade change in a retail center.

The primary focus that the retailers look for is towards the major arterial, which in this case is Maui Lani – or excuse me, the Kaahumanu Avenue. But we've also been able to provide a series of other uses adjacent to the major streets, along with the fuel center for Safeway.

We'll get into this a little while, also when we talk about building design, but throughout the site, taking advantage of a lot of the foot-type tenants, the restaurants, we've created large, outdoor, seating areas. These areas will be created with certain landscape treatments, concrete patterns, colors, materials, you know, textures, just inviting areas where we can actually have outdoor tables, umbrellas, etc., etc. So we've tried to accommodate as much as possible throughout the sites these types of opportunities.

As we come back, I do want to hit on a couple of items. Loading was again brought up earlier. We have screened this. We actually provide 12-foot, screen walls for both of these anchor uses here. And then the equipment-type areas, those are much smaller in scale. They'll be eight foot, but in any event, all of this area is very well screened from these adjacent property owners right here which are the closest.

We do have other speakers here. I think at this point, we might want to move to landscaping. We'll let Russell discuss landscaping, and then maybe Lisa can talk about the burial sites. And then maybe we come back to questions and answers?

Ms. Amorin: Thank you very much.

Mr. Russell Gushi: Good morning, Commissioners. My name's Russell Gushi. I'm the project landscape architect. I guess the first question I always ask myself in landscaping a project is, how do you go about designing the landscape? Just for your information, our office was the landscape architects of the Piilani Shopping Center in Kihei, so the approach and the overall final design is going to be what we hope will be something similar to that so you can envision what the intent of the design is here.

The first thing we consider is satisfying all the government agency requirements. In this case, it would be satisfying the parking lot, parking shade tree count requirement. In this case, you can see that we have provided an ample amount of shade trees which is more than the minimum requirement of one tree per five stalls.

The next approach is to work with the context of the project. In this case, this environment is influenced by the ocean conditions: sandy soil, windy, somewhat dry, and so the landscaping will – plant types will reflect that.

The other item that we take into consideration when designing the landscape is the context of the project. And in this case, we have – we're surrounded by or adjacent next to two major highways, the roadways. And on the other side, it'll be residential properties. And of course, Baldwin High School is across over here, I guess.

So the choice – the plant types that we select would have to address those adjacent properties. In this case, along Kaahumanu Highway, there's a setback of the State road right-of-way which is a pretty ample setback. And then we have – proposing large trees

that would compliment the trees that already exist in the median strip which are royal poincianas. And then, of course, Baldwin High School has some large banyan trees as well.

Along Maui Lani Parkway, because the elevation of this section or this part of the shopping center sits lower than this part of the shopping center as Jeff explained earlier, the plant types along here will be larger in character but also be taller to kind of mitigate some of that elevation difference.

Along this boundary of the property, because the site sits much lower, I think I would probably like to work with the community a little bit more to see if the concern is more of preserving views, which will be probably opened up more now that the site sits lower, or/and screening out some of the development that occurs on the property.

Along this property boundary, our concern again is to screen out as much as possible some of the development. And again, what we're proposing, I think – not I think, we already have decided there'll be a screening wall along this edge, some tall hedges in the sense that when I say tall hedges, we're looking at something like areca palms or something that will get up to at least 20 feet high, and supplement it with shade trees or flowering trees as well.

As far as shrub types and plant types again, we're looking at something that is conducive to the environment, drought-tolerant, native plants, but also some plants that are – shrubs that'll be residential in character: bougainvillea, hibiscus, only because there's – we see that's evident in the surrounding properties as well.

As far as irrigation again, because of the plant selection type, we're looking at being as water-conservative as possible using whatever equipment and techniques as far as conserving water that compliments the planting.

Basically that's what we're proposing for the landscaping. Any questions?

Ms. Amorin: Thank you very much. Do we have another representative to come forward? Thank you.

Ms. Lisa Rotunna-Hazuka: Good morning, Commission members. Lisa Rotunna-Hazuka for the HRT. This property has been investigated archaeologically, since 1997. In 1997, there was an inventory survey done where they identified one burial which is in the right-hand corner—Site 4401. Since then there's been various stages of monitoring going on, and we found a total of 18 more burials.

We have gone to the Burial Council for all of the burials. We do have an accepted preservation plan; however, for just three at this moment, which is Site 4401; and these two

burials near Kainani—Find Spot 58 and Find Spot 83. Right here, these two burials, as well as this one here is an accepted burial treatment plan from the Burial Council.

During monitoring, we did find this group here of 11 burials intact. We also had another intact burial here—Find Spot 84. The Council had asked that this burial be preserved in-place, as well as this concentration of 11 burials. And they redesigned the parking lot, changed the grades to keep these burials in-place.

There is a group of three burials right here that are labeled 88A, B, and C. And the parking lot could not be redesigned to where the burials in the driveway of the parking lot. In other words, if we left the burials in-place, they would've been driven over. Often we have – if we have burials that happen to be in the parking stall, the parking stall will be given up. They'll put a planter there, a burial platform. But in this situation since it's a thoroughfare, we went back to the Burial Council and asked for relocation, and the Burial Council agreed to those burials being relocated.

And our long term preservation measures consist of some shade trees, a rock burial platform over the burial. We will have this – it's black fencing that goes around the burial to protect the platform so that children won't come and sit on the platform. And we also plan to have a couple benches, too, just to make it a nice atmosphere.

So in total, we've had 19 burials at this location so far. And the majority of them, I believe 14, 15 are preserved in-place.

Ms. Amorin: We have a question for you. Commissioner Hedani?

Mr. Hedani: You have 19 burials. How do you preserve them in-place?

Ms. Rotunna-Hazuka: You redesign. What happened is – see this group up here? They were in the middle of the parking lot in parking stalls. They created a huge median around the burial so that you cannot park on them, and made the stalls around the burials. This – same with this group here. This one here is in a median now. And also, this one is in a median. So they create a little space for the burial within the parking lot. And then the burial has a rock platform and certain types of preservation measures for it. On this plan here, the group of 11 is here. The ones that has a preservation plan is in this median here, and the other ones: one here, and then one in this area right in here.

Ms. Amorin: Thank you very much. One more question, Commissioner Hedani? Commissioner Iaconetti?

Mr. William Iaconetti: I find a lot of inconsistency here with how we treat these burial sites. We've had several developments, not of this size, where the burial sites are very carefully taken cared of. Building around them, on them, driving over them is totally unacceptable

by the Burial Commission. And I don't understand the inconsistency here with the treatment of these burial sites.

Ms. Rotunna-Hazuka: Well, there really isn't an inconsistency. There was a group of three burials that had small portions of the burial left in-place. And there was no way for them to redesign the parking lot, so the Burial Council wanted the burials to be relocated instead of being driven over. So those burials will be relocated, this group right here, with this concentration.

Mr. Iaconetti: The Ritz Carlton development on the west side moved their entire hotel away from burial sites. That seemed like a – it actually closed part of the highway to do this. I find that inconsistent with what we're doing here.

Ms. Rotunna-Hazuka: Well, I can also tell you that the subdivision, the gated community that we talked about earlier, we did have around 35 burials that were found during the construction of that subdivision. Those burials again were preserved in-place, but they're in someone's front yard. They're in their back yard. Some are in a median. So–

Mr. Iaconetti: So what makes these – what makes the difference? Is it the generic source of the buried – people that are buried there? Why is it so inconsistent as to how you treat burial sites?

Ms. Rotunna-Hazuka: Well, I'm not understanding what you're saying by inconsistent because to preserve in-place is the goal of the Burial Council. They want the burials to be preserved in-place particularly when you have a concentration, and that's what has been done. It is in a parking lot, but–

Mr. Iaconetti: But what?

Ms. Rotunna-Hazuka: I mean, I don't know what else you could do in that area.

Mr. Iaconetti: Maybe not build over it and drive over it.

Ms. Rotunna-Hazuka: Well, you won't be driving – they will not be driven over because they're going to create a median that protects them. You cannot drive over the burials.

Ms. Amorin: Commissioner Pawsat followed by Commissioner Hedani.

Ms. Pawsat: I guess what the question is, at what point does it shift from being like, okay, we have an individual grave with a two-foot setback for a parking lot as opposed to, okay, this is a conglomeration of grave sites, and we're taking the whole area containing that and setting back from the whole area? Because – I mean, right now, it's just like, okay, each person's got– There's something – I mean, it's very peculiar, really, to have, you know,

squeeze in, you know, burial sites in a parking median, and it's also pretty disrespectful. And it's like this game, almost, to Safeway to maneuver around their parking around grave sites. So – but I think that's the distinguishment as far as at what point is it considered a large mass? And at what point does it become individual and you weave around it? So–

Ms. Rotunna-Hazuka: Well, I can tell you that the single burial, this burial right here, was in one stall, and then the Burial Council asked them to preserve the two stalls on either side to give it a wider preservation area. The buffer zones for the 11, the concentration, that has not been determined yet.

Ms. Amarin: Commissioner Hedani?

Mr. Hedani: I guess I'm just not understanding how you treat the burials, in this particular case. When you say you put them in a median, or you put in a – when I think of median, I think of a grassed median where I can walk over it getting from my car to another stall, or getting from the stall to the store. And in the case of the residences that you mentioned adjacent to the project where they're buried in somebody's front yard, does the purchaser understand that there's a burial on his residence?

Ms. Rotunna-Hazuka: Yes, they do. Yes, they do. Yes.

Mr. Hedani: And will I understand that there's a burial present in the median when the median is developed so that I don't go walking over it?

Ms. Rotunna-Hazuka: Yes, because the long term treatment, you'll have a two-foot high, burial platform—a rock, burial platform—over the concentration or over the single burial. And then around that, there'll be groundcover that obviously, protects from walking on it. But we are going to put this black, four-foot high – it's like wrought iron fencing around the burial site so that people cannot access and walk through there. And there'll be signage. So it'll be a nice space in a parking lot, but it'll be protected, and people will know that those are burials.

Ms. Amarin: Commissioner Pawsat, another question?

Ms. Pawsat: No. I was going to make a bad joke.

Ms. Amarin: Okay. Thank you.

Ms. Rotunna-Hazuka: Thank you.

Ms. Amarin: Do we have any other representatives to come up at this time?

Mr. Brooks: Yeah, Owen Crisman is going to give a brief over of the architectural design.

Mr. Owen Crisman: Good morning. My name is Owen Crisman. What I'd like to introduce now is the exterior elevations that we're proposing for Maui Lani, and just kind of give you a quick overview.

First of all, our constraints that we have really right now – not a constraint, but a guideline that we want to use is one of Lloyd Sueda's designs of the Kaiser Permanente facility right across the street from Maui Lani, which is the main emphasis on that facility or building. Their strong impact is their traditional roof of the – what is called the double pitch, Dickey roof. We've incorporated that within the center, throughout, and more of smaller scale of a – or a village look broken up with masses, and verticalness, and all the protections with large overhangs placed in for the roof lines of the center. We've also incorporated in the rear of the facilities or the back portion of the building as faced towards the residential, to give it a – again, a scale of sense with the roof lines.

The colors we've used, the materials we've used are all natural stones, or natural – actually, what we're proposing is the CMU units for the exterior portion, which is made locally here. We initially submitted color samples that we've incorporated from – as close enough for what we thought for the Mainland, but we did more research from Maui from what stone that they did have to make it a little more indigenous to the earth tones here. We resubmitted some new color samples for that.

The heights—you know, as we talked about originally, the zoning allows up to 60 feet from existing grade, but this center is virtually a single story with roughly on the average of maybe 23, 24 feet height, roof line with the tower portions that may reach up to 34 feet or so, plus.

This elevation here is virtually showing – because of the site having a 60-foot drop, this is facing more towards Maui Lani. What we've done along Maui Lani here, as we indicated earlier, we have a two-story portion. This is kind of the front facade here facing north. This is the subterranean parking level here. Again, this is an all office – proposed office with some maybe potential retail up above. And a lot of this office will probably – what we're kind of assuming maybe be brought into it more is the medical end to compliment some of the Kaiser Permanente needs. This is the back elevation, or as you would say, the south elevation, the residential view of – along Maui Lani at this portion along with the rail – I mean, the exit balcony along this portion here. This area here, a breezeway through to create kind of a natural feel of the breeze of what Maui Lani provides – I mean, what Maui provides. But you can see that this area kind of compliments to bring in the scale of the terrain of the site, the two-story aspects, and how it – of what – excuse me, of the Safeway portion.

Now, Safeway is our challenge architecturally, because of the fact that it has a pretty big facade. We have broken up with their two basic entries, you know, the really – a means of interest and bringing the scale down for pedestrian purposes. The breaking downs and

the using of the traditional roof, local traditional roof here. And then this portion here is the start which is back, is this portion back here of kind of the setbacks of the retail portion of that.

On 3.3, this again, is the back elevation which we put a lot of material breaks, colors, roof lines of Safeway here. This is the loading area of Safeway here. As Jeff indicated earlier, we have a 14-foot high screen wall which we'll screen, but also at the same time, reduce any sort of acoustical aspects, but we've also taken an indication of breaking up the wall line with the materials, and then with some of the verticalness of mass that we've applied onto this.

On 3.3, again, it's just the extension of the west end. We have also the elevations of the small – the restaurant users, the corner facility. We even have the fuel center which is this elevation here. Again, we put in the traditional roof line kind of bringing in the wholeness of the whole center as into one. And the color again, are the colors that we're allocating on this is to again, the same materials that's been provided on the Kaiser Permanente facility.

And if there's any questions, I'm here to answer in regards to the exterior elevations.

Regarding the exterior lighting again, here, again, this is the same kind of lighting, very scaled or human scale-wise is the same kind of fixture that has been done at Kaiser Permanente. So the parking fixtures – the parking lighting will be a fixture of this type. These are what's being proposed for the wall sconces, for the buildings themselves. And we would be providing a photometric to meet all the criterion for safety in lighting, and making sure that we compliment any restrictions that may be applied for lighting purposes under the ordinance. The size I think of the poles, Lloyd, do you remember what – are they about 20 feet? Pardon me? Twenty-five feet? But again, they'll be double belled just like what's done at Kaiser Permanente.

Ms. Amorin: Are these lighting fixtures adequate as far as safety concerns in a huge parking lot to make sure that people are seen and not attacked?

Mr. Crisman: Well, they will – we will have a photometric done. I think a lot of times, not just with the ordinance is the tenants like Safeway, they have a minimum requirement, you know, if it's two-foot candles, or three-foot candles, or whatever. We will – they will require a photometric requirement under their lease agreement that we have to meet. And what that entails basically, is that the fixture not being as high as what a typical retail center would have. It would just mean we have more fixtures applied to this, closer spacing, to provide the safety and security. And then the same thing in the back of the building. We'll be putting some wall packs with screens, so they won't reflect to the neighborhoods, but it'll provide a photometric supply to a minimum of maybe a one-foot candle to the property line itself.

Ms. Amarin: Okay. Thank you. Commissioner Hedani?

Mr. Hedani: I'm sorry. I didn't get your name.

Mr. Crisman: Owen Crisman. I'm with Benner, Stange.

Mr. Hedani: Owen, I think you've done a heroic job in terms of trying to make a Safeway not look like a Safeway. And from that perspective, I appreciate your efforts along those lines. I think the problem is that Safeway is a Safeway. And you're still dealing with that from that perspective.

When you look at the light fixtures, you know, from my perspective, the light fixtures wouldn't qualify as a full, cutoff downlight – a fully shielded, down-lighted fixture.

Mr. Crisman: We would not apply this to the rear. Are you talking about—?

Mr. Hedani: I'm talking about the whole center.

Mr. Crisman: For the whole center?

Mr. Hedani: Right. And like in a case of where you have photometric requirements of the tenant, Marriott is a good example. Marriott had a photometric requirement for their property in Kaanapali. And they just completed an addition to the Marriott in their sequel building. And when they light it up at night, we're getting complaints from two miles away up on the hill that this thing is lighting up the night sky. And so they're retrofitting the entire building with fully shielded lighting. Rather than go through that exercise, I think you should take that perspective from the outset.

Mr. Crisman: We'd be open to it, but like I said, generally when they do a photometric, they consider the actual fixture, and there's reflection value in order to do that. If it states that we need to put some . . . (inaudible) . . .

Mr. Hedani: Like in this particular case, if you see the bottom of the fixture extending below the bottom level of the shield, it would probably not qualify as a dark sky, approved fixture.

Mr. Sueda: Excuse me, Wayne, actually, that is not – the actual fixture that we're using, that's not a – the one that's been used for both phase and phase two is a shielded light. It's a completely shielded light. All of the lights will be shielded.

Mr. Hedani: So it's a fully shielded fixture?

Mr. Sueda: That is not – I'm sorry, but that's not the fixture that is used in phase one and

phase two. We will be using the same fixture that was used in phase one and phase two which is a totally shielded light.

Mr. Hedani: Right. And I think that you can still meet the photometric requirements of the tenant, but you need to do it in a way that keeps the light pollution from invading the surrounding properties.

Mr. Crisman: And I agree. I stand corrected here. Our intent is to match exactly what Kaiser Permanente has so it has continuity between the adjacent – our proposed facility and the existing facility. So – but the form of it is what we're kind of stating that we're looking at, and will be more accurate when it comes to the fixtures being chosen.

Mr. Hedani: Right. The other perspective that I had on it was that from my perspective, I kind of feel that any development should be attractive from all viewable sides, and when you're dealing with residential projects butted right up against of this center. Unfortunately, the way the center is laid out, it turns its back onto all of those residences. And when you look at the elevations that you have on the back side, although you've tried to make it attractive, it's still not inviting to those people. And it's still not attractive from a visual standpoint say from the second floor of the residences that are abutting the property line. The center does turn its back to all of those residences on that side. And I don't know how you address that.

Mr. Crisman: We could do some further studies on the thing, but it wasn't – I mean, we took the attempt, and it does give the softness of instead of just a parapet line, we're putting a roof line in there which is an attempt at softening the appearance of it. But I'm sure – there's quite a bit of, you know, consideration of what we've done, plus this is kind of a flat facade. Believe it or not, there's a lot of ins and outs, too, that will create some shadow lines . . . (inaudible) . . . of that sort, too, will break, but we'll surely give it some considerations and some of the concerns that the Council may have – the Commission.

Mr. U'u: As far as this square footage, it's 55,000 square feet for Safeway. And knowing that you guys gonna duplicate the, I guess, the one in Kihei, is it required to be that big? I know Wailuku is growing, but did it grow as much as Kihei in the past? And does it really need to be this size?

Mr. Crisman: Well, when Wendell spoke about this, he indicated Kihei is a smaller scaled store. It has no means of expanding. There's more growth up in this area. And apparently, Safeway's done their analysis in regards to their lifestyle center type store which is a typical 55,000. That there's a market for that here where Kihei is a lot smaller and it can't grow. So–

Mr. U'u: The lifestyle is where? Maui or–? Whose lifestyle you're talking about?

Mr. Crisman: Whose lifestyle?

Mr. U'u: Yeah, it ain't mine, I tell you this much. You know when you say a design Safeway lifestyle—

Mr. Crisman: No, that's what their center is called, is a lifestyle: what they do within their store, what they're supplying.

Mr. U'u: So is it – so with their history and background, this is the suitable size at 55,000 square feet?

Mr. Crisman: That's what they're informing us, yes.

Ms. Amorin: Commissioner Pawsat?

Ms. Pawsat: You know, yeah, you do try to – it is hard to play with facades. You're a facade designer? Is that what you do? You design facades for these buildings everywhere or—?

Mr. Crisman: We're retail architects. We design under the retail guidelines of what constraints and what the market allows. And we have to – there are times when we have to put in and push the retailers, the users, enforcements that is required upon us and some outside means – what, you know – but it's been – we've been very successful in what we've done. But again, everybody has a different eye on how they look at it. If you took a typical traditional roof line or a traditional prototype, you might get something that may not be acceptable and hasn't been acceptable to a lot of people.

Ms. Pawsat: I mean, this is a prototype.

Mr. Crisman: It's a prototype floor layout, but it's not a prototype exterior.

Ms. Pawsat: It's a prototype exterior, too. You may have played with it a little bit, but no matter how you dress up a big box retailer and a parking lot, it's still a big box retailer and a parking lot. You guys gotta do something different. I mean, there's nothing different from this place than 120th Street, 40th Street, 160th Street, and Black Bob Road in Kansas City. I mean, you guys are bringing the Mid-West to me. I mean – I really – you guys gotta get a little more creative, you know, instead of just like – I mean, this place is about as exciting as 1,300 parked cars.

Mr. Crisman: I don't see 1,300 cars, but—

Ms. Pawsat: Well, that, and the one across the street. It's like, you know, it's like – it's just building parking lots with buildings surrounding parking lots. I just don't get it, but—

Mr. Crisman: Well, keep in mind, we're designing under the guidelines of the ordinance, so—

Ms. Pawsat: Oh, yeah, so this is another representation of how the County Code and the parking code, and how it makes big boxes and parking lots, and how that's not what we want to do.

Mr. Crisman: Is that what the zoning is stating?

Ms. Pawsat: The zoning doesn't say anything. It's how we interpret it.

Mr. Crisman: Well, we interpret it, too, so—

Ms. Pawsat: No, you don't. You just do the same thing, the same place over and over and over again. The only thing interesting now is you have dead people in the parking lot, which, you know, I'm just wondering if I can buy a lot in a median when I die and get buried there.

Mr. Crisman: But at least now we identified them. We didn't before.

Ms. Amarin: Commissioners, any other questions to the applicant regarding the design? Commissioner Iaconetti?

Mr. Iaconetti: Reference has been made to pedestrian access on this entire property. Maybe you're not the individual I should be directing my comments to. Do you expect a lot of pedestrian traffic coming from outside of this development?

Mr. Crisman: I think we compliment what – if there was just one, he has a choice. There is a school across the way that may end up using it. Residential may use it. But it's just another means of providing it. It can be used. We're not – you know, it's just something I think is there, and we generally always try to compliment the footwork.

Mr. Iaconetti: Well, I, too, am concerned about the size of this whole development, the size of Safeway. I wonder if something that large is really necessary in that area. We've had several people present us with the concept of pedestrian-friendly, shopping areas where people can walk from their home to the shopping area. This apparently is a concept that is being put forth in some of the other developments. I wonder if this entire development isn't much bigger than is required for that residential area. It seems to me that we've got enough large shopping areas up and down Kaahumanu. We don't need another one that big in a residential area that obviously, the residents are objecting to. Now, I've asked the question earlier: is the objection simply traffic or is it the presence of this development in that area? And I think the answer she gave was both. And we have been spending a lot of time talking about how we can improve the traffic, but to me, this is a development that

is considerably larger than that area needs, or should have, or the people that live there want. And that is my only comment.

Ms. Amorin: Commissioner Hedani followed by Commissioner Hiranaga.

Mr. Hedani: I guess, yeah, following up with what the Doc is saying is when I view the proposals that have come in for like the Kahului Town Center where they're talking about integrating affordable housing, live above, work below kind of smart growth concepts, it doesn't relate to this. This is – the automobiles are happy in this shopping center, and the people all around it are not going to be happy. And I think what we need to do is figure out if there's a way to make everybody happy.

I guess in the broad perspective, if you started with a clean slate, you know, if the center was not a Safeway center, if it didn't have to be 55,000 square feet, if you integrated affordable housing into it, if it was an Ah Fook's, people would love it. They would say, make it bigger. But here, I guess I'm not hearing from anybody that's coming from the Maui Lani side that says, this is how this integrates into the entire Maui Lani Project District. And what you have here, as Commissioner Pawsat said is, you have a parking lot, a very large parking lot that's facing Kaahumanu Avenue now. You have a very large parking lot across the street, although it's fronting a very attractive building with the Kaiser medical facility. And the entrance experience to Maui Lani is going to be a gas station with fast gas. And I don't know how that relates to Maui Lani's concept of welcome home. But those are comments that apply to a clean slate. And you're given certain parameters that you're bounded by that you cannot work around, I assume. Right.

Ms. Amorin: Commissioner Hiranaga?

Mr. Hiranaga: I'm sorry. Has the applicant completed their presentation, or are there other consultants?

Mr. Crisman: No, there is one other consultant, which is traffic, and he needs some time too.

Mr. Hiranaga: Okay. I do have one question. I'm not sure if you're the right person to ask, but who made the determination to put or to propose 12 fuel pumps in this project?

Mr. Crisman: That's under the guidelines of Safeway. It was requested by Safeway.

Mr. Hiranaga: Okay. I guess I have a concern about putting 12 fuel pumps in this project because it's just going to generate traffic that really will be primarily an in and out type of a traffic not really benefitting the center. So I'm hoping that Safeway or – will reconsider having a fuel center there. And if, at the least, reduce the number of pumps. I mean, 12 pumps, that's – I think that's more than Maui Oil has at their project. That's a lot of pumps

there. Thank you.

Ms. Amorin: Commissioner Guard?

Mr. John Guard: Thank you. This is probably for the applicant in general. Following up with Commissioner Hiranaga, part of the EA maybe to discuss what the original concepts plan were when they got the original approval for the Maui Lani Project District, and to see if it was more of a neighborhood town center idea versus something that belongs on a major highway. I mean, I was just on the West Coast and that's exactly what they had up there. And right off the freeway, you get off the freeway, you drive in, you can go right to the gas station. You can go to your supermarket. You can go to a little 7-Eleven to get my slurpee and get right back on the freeway. So I don't know how many people need to get their slurpee before they go home two minutes away in the middle of Maui going into a neighborhood district. So I think maybe Weinberg needs to go back and really evaluate if Safeway is the right tenant that they want to have in there, but to go back to the original concept for the project district and what it was meant to be when the community approved that.

Mr. Sueda: Well, I represent the Foundation right now, but what I can do is I can bring back your concern. You know, they have been working with Safeway for over two and a half years on this. And this particular parcel has been zoned commercial. And I guess dealing with Safeway, there was no – at the initial planning stages, to try to do like an open town center. I think they were our principle– We don't have a lease with them yet. We have been discussing it with them. And I'll bring back your concerns. I mean, I'll go back to the Foundation and I'll talk to the trustees that these are some of your concerns. And again, a lot of these things were initiated because we only have, although it's 128,000 square feet, we only have one tenant, not signed, but basically, that's the only firm negotiations that we've done. So I'll bring it back. If not, what I'll do is I'll call up Wayne Yoshioka. He's the traffic consultant, and I think he'll try to address some of the Kainani issues. Wayne?

Ms. Amorin: Commissioner Guard, you had another question?

Mr. Guard: This might just be for staff if – we're going to essentially see this again if they have to now do an EA, correct? So a lot of these questions can just be addressed as part of the EA?

Ms. Cua: They do have to do an environmental assessment. It hasn't been determined whose going to be the accepting authority yet because there's multiple – there's State, there's County, so it hasn't been determined who would be the accepting.

Ms. Amorin; Before we go on to traffic, the Commission will engage in a five-minute recess, and then we'll have traffic. And for those who are here for public testimony, we'll get right into all of that on this agenda item. Thank you.

(A recess was then taken at 10:44 a.m., and the meeting reconvened at 11:00 a.m.)

Ms. Amorin: At this time, we'd like to call up traffic analyst, Wayne Yoshioka.

Mr. Wayne Yoshioka: Good morning, Commissioners. Just for the record, my name is Wayne Yoshioka. I'm with the firm of Parsons, Brinckerhoff. I think you know us better as Parsons, Brinckerhoff. We just went through a name change, so I – our legal company name is now PB Americas.

Ms. Amorin: Repeat that name again?

Mr. Yoshioka: PB Americas. PB still stands for Parsons, Brinckerhoff, but our legal name now is PB Americas.

What I'd like to do today is go over several different areas. And this shouldn't take more than about ten, 15 minutes. Basically, I'd like to first establish that – what we found through our traffic analysis. And then, I'd like to talk a little bit about the issues that you probably have heard from the public on is things like cut-through traffic and those things. And then finally, I'd like to kind of cover the issues of how we propose to design some of the elements of the traffic so that we can – we think we have a current configuration that works well for the access to the center, and describe that to you.

First of all, I'd like to say I'm really impressed with the level of sophistication that I heard Commissioner Hedani talk a little while ago about smart growth concepts of how land use should be integrated with the surrounding development. And I think what we have here is a – we're in a period of change right now. A lot of the newer developments that you see have the opportunity to implement some of these what they call new urbanism or smart growth concepts in that you start with an open field, and you can perhaps build your retail, and your residential, and your other components in an integrated manner kind of like a smart growth concept. Meanwhile, though, the rest of the world has gone on before. And I view this parcel as not so much a new growth parcel, but I find this as an in-fill in which you have established neighborhoods surrounding the area, and that's been built quite a few years ago. You do have some new development, but that new development has come under the – I would say not quite the current new urbanism concept. So you still have this issue of residential development in one location, and then your commercial uses in another location. And therein lies the challenge of how do we integrate that in a way that makes sense.

Now, one of the things that we also have to look at in transportation is the desirability of co-locating land uses so that you try to reduce traffic in the area. For example, look at Kaahumanu Avenue. Kaahumanu Avenue is one hell of a busy street. And one of the reasons why it's such a busy street is it's a major conduit between primarily residential areas to primarily commercial areas. And so you have this trip going on that says, okay,

I live here, but I work there. Therefore, I'm going to be driving here to there. And then in the afternoon, I'm turning around, and I'm going to do the same thing coming back. And if – that's one component that sometimes it's difficult to change because place of work is not necessarily predetermined.

But one of the things that can be worked on are some of the optional uses – well, not so much optional, but some of the other uses that you can anticipate will be needed for an area such as retail. People have to buy groceries. And so, what you try to do is you try to locate these groceries in an area near the residential block so that you reduce travel. For example, right now, I would say with the closing of Ooka's for example, this area is blanked in terms of grocery stores. So what's the travel pattern like now? The travel pattern is like Wailuku to Kaahumanu – I mean to Kahului. Right? You're either going to Kaahumanu Center, or you're going beyond to Star Market, or something else. And I think one of the goals is to try to locate these types of centers so that you intercept the trips either as they radiate from home, or as they're coming home from work, for example, they can stop off, buy something for home, and then proceed on to home. So I think that's part of the whole philosophy here. It's not the smart growth, new urbanism, you know, typically, because right now again, we're not dealing with just a blank slate, and just building right – a complete development. We're trying to fit into an overlying structure of a development that's happened over years and years and years. And this area definitely shows the need for something in this category. There is a scarcity of grocery stores in this area especially, with the closing of Ooka's, as I said.

So going from there, what I'd like to do – you've seen enough of the site plans, so I'm not going to belabor that point. But again, just to recap quickly, the main access is envisioned to be on Maui Lani Parkway. And Maui Lani Parkway access is located directly across the existing Kaiser access. I'm going to briefly go back to the site plan here. So again, this is the main access right there on Maui Lani Parkway, directly opposite the existing Kaiser access. The intent here is that when warranted, and again, we don't install signals when they're not warranted, but when warranted, the signal will be installed. So this will become a signalized intersection on Maui Lani Parkway—clearly the major access that we envision here. This signal will be installed at the cost of the developer entirely. So there's no cost to Maui County on this.

The secondary access is – well, excuse me. Let me also point out there is another access on Maui Lani Parkway right here. This is a truck access. It is a right-in, right-out because of the existing raised median on Maui Lani Parkway. Trucks will turn in, come into the back of the shopping center, and access the loading docks back there. Currently, the idea is to have them continue on out, exit via Kainani Street, and out back onto Kaahumanu Avenue.

The secondary access is on Kainani Street. And I'm sure we've heard enough about Kainani Street already, but here is the access on Kainani Street. We've – and as I'll show you later, we've proposed improvements on Kainani Street to make that access or to

configure that access in a way that'll allow this intersection complex to operate properly, and also to make sure that traffic doesn't impede or get interfered with access into the Sandhills Subdivision for the residents that are currently using Kainani.

Originally, this last point here, no right-in, right-out, originally, we petitioned the State DOT for right-in, right-out access right at that location there. And the intent of that right-in, right-out access was to reduce even further the importance of the Kainani access to the center. For example, traffic coming from Wailuku, instead of turning here, could turn right into right-in, right-out from right into the center. And likewise, if they wanted to exit this way right, they could do it right-out that way instead. The State DOT determined that due to some concerns they had with regard to some of the future patterns, because some of the future patterns show that there's a significant demand of traffic that would turn right from Kaahumanu onto Maui Lani Parkway later on when Maui Lani Parkway actually connects all the way through to Kuihelani Highway. Anticipating the future, DOT determined that this right-in, right-out was not acceptable to them. We went on to another concept of asking them for a right-in only, not a right-out, but just the right-in only. And again, there were some concerns with regard to operations, and they denied that request. So we're left with the major access on Maui Lani Parkway. Eventually, it will be signalized. So again, this our major access. Secondary access on Kainani with improvements to make sure that traffic flows through this area without impeding the existing residents in the area.

Access patterns—now this area, this is – again, this is Kaahumanu here that turns into Main Street right there. This is Maui Lani Parkway right here. Here's the site. This is Maui Lani Parkway as it exists right now. Mahalani going to the hospital. This is the entrance into the Islands. Is that what it's called? The Maui Lani? And this is Waienu Street that now connects Maui Lani Parkway to Waiale, which now also connects via Kauikahi Drive extension to Honoapiilani Highway right here.

So – and I show you this access pattern because when you look at the area, the areas to the east actually are – if you were looking at trips that were leaving home to come to a grocery store, I would say the trips coming from this side going to the shopping center are lower than some of the other areas primarily because there are opportunities for them to have other grocery stores to the east. But people coming home from work from that direction actually destined for some of the residential in this area who logically come back past here, and then turn into the center, do their business, and then keep on continuing on to their home after they do their grocery shopping.

Areas down here, this is a large growth area down here. You have parts of Maui Lani growing down here along with Kehalani Makai, Kehalani Mauka. You also have the two going – stuff going along Waiale. There's a lot growth down in that corridor. So this growth area wants to come up and use this center because right now, they don't have any retail in that area. But clearly, the Waienu, Maui Lani Parkway is the most expeditious way to do that.

Old Wailuku, traditional Wailuku, Main Street to Kaahumanu in from the Kainani side is probably the route of access to the center. Makes a lot of sense. And of course, across the street, Lunalilo Road, up on the ridge, you have some development up that way as well. So this is kind of the like the access pattern that we see for this.

In looking at this, I fully understand why this residential community has concerns because in the past, historically, this community here along Halenani, Naniloa, Nakoa, those areas, that whole subdivision, Sandhills Subdivision, in the past, they have had problems with cut-through because in the past, all you had was Waiale here that went under Main Street, didn't really connect to anything. Yet, the Wailuku area – and so if you're down in this area, you either had to thread your way back up into Wailuku and come back around Main Street, or nothing, or maybe you go all the way down to Waiko Road, and you really had no way coming to Kahului.

When this connection was made to Kuikahi here to allow traffic from Honoapiilani to come down to Waiale, then the connection was made on Waienu Street to connect up to this new Maui Lani Parkway. That provided the preferential path to this area. And I think the residents will agree with me: when that happened, their cut-through problem went away.

So we still feel that given the improvements in the area, given the upcoming improvements such as the extension of Kuikahi in the future as part of the Maui Lani 100 Development to the future Maui Lani Parkway that will connect to Kamehameha, providing these people with a direct route right into Kahului via Kuikahi, Maui Lani Parkway, Kamehameha, or to Kuihelani and up Kuihelani, the patterns will change in the future also to even further de-emphasize the likelihood of cut-through to this subdivision.

Now – so that gets us to the whole issue of operation. The two intersections of particular interest is the Queen Kaahumanu intersection with Maui Lani Parkway, and the Kainani/Queen Kaahumanu access, also the driveway intersection access. Now, all our analysis have indicated to us, and it's documented in our studies that all these operate at acceptable levels for peak hour operations, and the shopping center doesn't appreciably change the level of service of these operations. So I think we can rest assured right now that we're not creating a traffic problem at the operation of the intersections. So let's put that to rest, first of all.

Now, other issues that we looked at, this pedestrian access to the shopping center—I'm going to flip back again to the site plan here—one of the things that we played close attention to is pedestrian access. And, yeah, maybe a pedestrian access may not be a major mode of access to this center, but I think one of the things that you see in most developments as they develop nowadays is providing that mode so that we allow that to happen as attitudes change, as things change. For example, one of the things that Maui can really crow about is its success of its transit system as it grows right now. Now, one

of the key things to transit system access is pedestrian access, because if you don't have good pedestrian access, you can't access the transit. So for example, if sometime in the future it is decided to provide a bus stop somewhere in this area, but let's say we make this very inhospitable for pedestrians, I mean, that bus stop would get very little usage. But what they've done is provided good, solid, pedestrian access to Kaahumanu, along with a sidewalk along here that does not currently exist. The other issue that they provided is a sidewalk from Nakoa, from the Sandhills Subdivision all the way across here along Kainani, and there's a crosswalk here, and the sidewalk continues. But fully, what we don't want people to do is having to cross this access as people are turning in to get into the center. So we've also provided a sidewalk down this driveway here. And they can cross down here where there's very little traffic because this is really the truck-loading dock, so there's not much traffic coming out of this. So if you take the pedestrian path this way and across into the center, you face very little vehicle conflicts as you're coming in. So the pedestrian access has been thought out very thoroughly on this trying to encourage that, and anticipating sometime in the future that if there is transit, more transit service into this area, the pedestrian access would be there to encourage that mode.

Now, I think one of the key issues here is cut-through traffic. I think, and again, in my professional opinion right now, given the way the network has changed in the area, given the fact that on Nakoa, Halenani, and Nanihoa there are currently speed humps, and given that the potential – you know, if need be, you can always put speed humps on Kainani as well, but right now, in my professional opinion, we don't believe that cut-through traffic is going to be an issue given the way the center's being accessed, and given the way the network has changed over the years. However, having said that, nobody's perfect, right? And so what we've offered is that given that Weinberg Foundation is not a fly-by-night operation, they've been here a long time, and they'll be, and they'll continue to be here, we've given the assurance that we will monitor this situation. And what we will do as we monitor the situation is that if cut-through, by some chance, becomes an issue, we commit to doing something about it.

Now, I was talking to Fred Cajigal yesterday. Freddy's the district engineer with – for Maui with the State DOT. And Freddy asked me a good question. He said, well, okay, what makes it – what triggers this, then? If you say that you guys are committed to doing something if there's cut-through, what will trigger that, right? I mean, you guys can say anything you want when it triggers it. And I thought that was a valid comment for Freddy. And so what I think – here's what we'll do. We're going to go into an EA. So I think what I want to suggest is that what we will do is, we would work with the residential neighborhood to come up with an agreement with of, okay, what is the threshold? What is your current traffic through your area now? And if that traffic should increase in the future for some reason, at what point of increase would we agree that that triggers the requirement to mitigate this through other means? I'm saying this and I passed this by Lloyd. I think Lloyd said yes, right? That I can commit to that? But–

Mr. Sueda: We will – I will go back to the trustees. I don't see a problem with that. I think if it becomes a problem, we will try to address it. We will address it.

Mr. Yoshioka: So given that again, in my professional opinion, I don't think cut-through traffic is going to be an issue, but – I guess I'm saying that I can be wrong. Okay? So what we're doing to back ourselves up in this situation is making the commitment that we're not going to just say okay, well, it's not going to happen, so therefore, we're not going to do anything about it. What we're saying is, we'll monitor it. And we will work with the subdivision to come up with some threshold that everybody agrees. Okay, if you increase traffic by more than this much for no other reason, then you guys are on the hook to do something about it. That's our commitment as we go into this. Again, all this would need to be rehashed again because we're going to go through an EA on this thing, but that's where we currently stand.

Real quick recap: there are no operational issues on the intersections on Kaahumanu or the access to the shopping center. The current feeling, my opinion, is that given the network changes, we don't think cut-through traffic's an issue.

We've also looked at several– Can everybody see this? This is the current proposal for the intersection here. Currently, all Kainani Street is just a two-lane kind of access through here. It's a two-lane street from Kaahumanu up here, and it curves, and goes up into the subdivision here. Now, what we're proposing to do is to channelize this throat here to provide multiple lanes. And there have been comments on this particular configuration. Right now, this is the configuration that was approved by the DOT who has jurisdiction in this area because this whole portion of Kainani here is within State DOT's right-of-way. So they have the call on what that thing should look like. And we've gone back and forth with them on this, and this was the final approved layout that DOT acknowledged was we have two lanes coming out this way, one that goes left or through into Lunailo, or left toward Kahului – Wailuku, excuse me, or right turn to Kahului. In fact, right now, that right turn kind of exists. People still make that right turn as a separate lane, but there's no formal lane to do it. So we're going to formalize that lane. And then on the way in, we have two lanes. A right-turn – a lane that you can turn into here that goes straight up Kainani, and then another lane that is here that provides the left turn into the shopping center itself. And of course, on the driveway, the option to turn left, right, and of course, here's the entrance.

Now, there have been some concerns expressed about this not only by the residents, but by Maui County DPW. In fact, I was speaking to Mike Miyamoto just the other day who expressed this very concern. So we've taken a look at an alternative concept here. And here's one of the ones that came out of the residents. They saw two lanes going eastbound here. And they asked the question, why do you need two lanes there? And looking at that, we agreed. Why do we need two lanes? We don't need two lanes. So we're proposing to bring that down to one lane in an eastbound direction between Nakoa and the driveway subject to an agreement by DOT. Again, all this has to be run by DOT

because DOT really has the final call in this configuration.

Secondly, the question was, you know, there are two lanes here, and there's a possibility that somebody can turn into the left-turn lane, would have to weave out of the left-turn lane into the through lane to get up to continue to go. We don't like that. Mike echoed that sentiment by saying that he thought it would be better if everyone turned into a single lane and then were offered a choice of either going to the left-turn lane or continuing on through the through-lane. So this is what that reflects here. What we've done is that, there's only one receiving lane. Now, previously there were two. But there's only one receiving lane now. You come in, and then you split out into the left-turn lane or the through-lane. So that's again, all this – I gotta preface all this by saying that all this is subject to review and approval by the State DOT because this is their jurisdiction, and they need to concur with what we're doing here.

But here's some of the things that we'll be working on especially, during the EA to work some of those issues out. We think it's workable. We can come out with various solutions on how we can configure this. But this looks like a feasible way to do this. And I think the way Warren has laid this out is a very workable, geometric configuration. So hopefully, we can arrive at some kind of consensus as to how we should do this access.

There was another comment about a bike lane here. And it says "proposed new bike lane." And all this is, is we're relocating the bike lane to the curb. There is an existing bike lane that runs along here on the outside of the turn lane. So we're not adding the bike lane. We're just realigning it. But the comment that came from the public was that, you know, this bike lane vanishes up by the Main Street overpass. You know, it's that overpass that goes over? It vanishes up there, and it creates a dangerous situation. Yeah, I could see where that's true. It's really not our call to eliminate that bike lane, though. And again, Freddy's here. He's hearing it. So if this is an issue in terms of bike lane, or if maybe the State DOT has a grander plan for the bike lanes to extend it through in the future. So right now, again, all we're doing is replacing the bike lane in a configuration that was more palatable to the DOT review. So again, we're neutral on that issue. However State DOT would like us to handle that, we're willing to handle that however they would direct us to do so.

With that, any questions? I'm open to—

Ms. Amorin: Commissioner Hiranaga?

Mr. Hiranaga: I'd like to suggest that we commence the public hearing portion so that those people that need to leave and not miss the entire day can provide their testimony. Then we'll probably break for lunch, and then resume question and answer after lunch, because I do have a lot of questions, and I hope all the consultants will be available this afternoon. I'd like to suggest that.

Ms. Amarin: Thank you very much, Commissioner. At this time, let me turn it over to Ann Cua. We have the Maui Police Department also here. And maybe the public would want to hear what the Police Department wants to say about the project also. So to the audience out there, just give me a hand show. Can you – which one needs to leave in a hurry? Okay. We have two that needs to leave in a hurry. Okay. So why don't we have those two? And then we have the Police Department, because I'm sure we're taking up their time. And thank you for being here, and also the Department of Transportation. Ann Cua, do you want to present your comments?

Ms. Cua: I just want to clarify. We asked the Department of Transportation to be here today. The Police Department, we did send them our report, and I'm assuming that that's why they're here. They don't have any formal comments to make; however, they are available for you to ask any questions that you have of them. So while we had thought that it would be good to hear from them first, we appreciate that people do have to leave, and so maybe you would want to take that testimony? And then – I don't know. Can you guys stay? Police can stay? DOT? Okay. Very good.

Ms. Amarin: Thank you very much.

a. Public Hearing

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

Ms. Zar Ogata: Aloha, my name is Zar Ogata, and I'm here for the Maui Lani Project. I live at 157 Halenani Drive. When I first – actually, I bought the home at Halenani Drive back in 2002. And the reason why we bought that home was because of the way the neighborhood was set, and the private roadways, and how everything was situated. We have nearby shopping and the school where our kids go to.

When we found out about the Maui Lani Shopping Center where Safeway was going to be built, I took a lot of concern because my kids go to Baldwin High School. And it takes me 20 minutes to drive from Halenani to Baldwin every morning just to drop off my kids off of Kainani. And for me, the impact for them to be using Kainani is, number one, a burden on mothers like me and all the people who live there because we cannot get out of Kainani as easy as everybody thinks we can. And with them adding more traffic to that area also makes it more of a burden for me to take my kids to school, number one. Number two, to pick them up and bring them home. Number three, the traffic after work hours. And number four, there's no pedestrian walkways through any of our streetways in that area, as well as Kainani.

And another issue that I really am concerned about is the bypass bridge. That bridge was built in 1939. It's on a historic – Historic Society. The traffic flow using that bridge for additional traffic, which I don't think anybody else would think it would be used by all of

Maui and people to go to Safeway for shopping, but I believe it will be. And the wear and tear on that bridge will just break it down even more.

There's seven stop signs up above Halenani where I've gotten into close calls with hitting cars trying to cross over into Halenani off of Kainani. And more traffic into that area would just make it more dangerous for the people who live there now. And I don't mind Safeway being built. I just mind the fact that they're using Kainani as a going in and exiting. And it's a Maui Lani Project. It should stay on Maui Lani Parkway. It should not be used on Kainani. That's how I feel. Thank you. That's all I have.

Ms. Amarin: Thank you very much. Zar, we have a question for you. Commissioner Hedani?

Mr. Hedani: Zar, what would you like to see happen?

Ms. Ogata: I know that – how could you say? I know that they need that road for the trucks to exit out. That's what they were saying at the two meetings that I went to. Okay? Because this is the entranceway. This is the Parkway entrance. And here is the – right here is where the big trucks gonna go through, reverse, and then go out here, and then exit. The only problem is, is that we have kids in this area. We have people who walk through. I really don't want to see that happening in this area: anybody getting hit by a truck. Anybody getting hit by a car. I drove semi trucks, so I know how hard it is to see a pedestrian up high. And a lot of times, kids, they don't pay attention. Older people have hard of hearing. And there's a lot of people who walk on our streets.

Mr. Hedani: So is your proposal to close that entrance?

Ms. Ogata: Yeah. I mean, you know, basically, yes, to be honest with you, because it's not a Kainani, historic, Sand Hills Project. This is a Maui Lani Project. It should be used only on Maui Lani Parkway.

Ms. Amarin: Thank you very much.

Ms. Ogata: Thank you.

Ms. Amarin: One more question. Commissioner Iaconetti?

Mr. Iaconetti: Zar, do have an objection to the development of this project as well as the traffic, or is the traffic your only objection?

Ms. Ogata: The development, to be honest with you, if it was – you know, to be honest, it's poor, to me. The whole thing is poorly set up: the way the lot was set up, the way the properties – that division was made. Personally, the houses should've been in the back,

and the shopping mall should've been along Parkway because they're gated. I wouldn't have minded the gated community gate there, but I do mind the fact that they're going to have heavy traffic coming through Kainani off of Safeway, and we all shop at Safeway. We all know how much traffic goes through Safeway. They have 673 parking stalls. And they cannot tell me that only five or six cars are going to be using Kainani. I live there. I have personal experience there. And I'm the one who's going to get impact for the rest of my life along with all the other residents there. Not too bad if we was gated. I wouldn't mind, then nobody can use our driveways, hitting people, or anything, but we're not. Like I said, if that was – if the houses were situated in the back and that was a gate, because they have the gated community gate down here. If this lot was switched over, the gate could've been up there, but it's not. That's why I feel it's poor planning, the way that the lots were subdivided.

Mr. Iaconetti: Thank you.

Ms. Ogata: Mahalo. Anything else?

Ms. Amorin: Thank you. Thank you, Zar.

Mr. Hessa: Oh, Dodd Hessa, 260 Halenani Drive. My first thought when I heard about this project was, well, there goes the neighborhood. My concerns were – something I haven't heard yet is ambient light. There goes the night sky. Noise. Of course, the traffic. We have Kaiser, Baldwin High, and now we're going to have a Safeway?

And then another question I have is a little more philosophical: how come we need so many Safeways on this island? Are we turning into Oakland? Please. I swear if there was an Ooka's was going in there or an Ah Fooks going in there, maybe I'd think a little bit differently. It might be a little more pliant, but they wouldn't be 24 hours. They would be local businesses taking in local money and keeping a lot of it here. But my problem with these things is, we've got shopping center, shopping center, shopping center, and a lot of these businesses are bleeding our money off this island. They're not staying here. They're turning the local people into servant class. And I just don't like that.

We have Sack 'N Save—what? Seven minutes away. We've got Foodland, three minutes away. We've got another Safeway in Kahului. So it's not like we really don't have any place to shop. So I guess my main objection is just the entire thrust of this development. And I think that sums up what I have to say. Thank you.

Ms. Amorin: Thank you, Mr. Hessa.

This concludes the testimony that was received at the beginning of the meeting.

Ms. Amorin: At this time, the Chair will open up for public testimony on this agenda item.

I'd like to call up Lisa Giamoyris.

Ms. Lisa Giamoyris: My name is Lisa Pascual Giamoyris. And My family has lived at 330B Naniloa Drive for 70 years. Unfortunately, in those days there wasn't much planning for neighborhoods. We have inherited roads that have no shoulders, no sidewalks, no paths, stonewalls right against the road, the lane ending. We have problems with those people who live there are driving two-lanes traffic. Outside our driveway, there's a telephone pole that abuts into the right-hand lane as you're going towards Kaahumanu. So although the traffic man said there'll be no cut-throughs, I question that because there already are. All you have to do is be on Naniloa or Halenani at 3:30 when the County garage which is only one employer lets out work to see that not everybody is going to go to the further entrance, the Maui Lani Parkway area. They're going to go up Naniloa, which is right across from the County garage. And that's a four-way stop. No matter what it is, whether it's speed bumps or narrow roads, they will still come. I have to stop behind that abutting telephone pole. Yesterday I had to stop three times to let the other car come through before I could make my left-hand turn. And there have been two accidents there already right in that particular area. Now with more cars going through— And how you gonna count them? I don't ever see those cords across the road counting how many cars go through for a week or so. And how they're going to fix the problem if there is additional traffic going through? After here, we're talking about a four-lane road going into the shopping center. So my concern is the danger of these roads.

We already have a major problem with the garbage can collection because there's no place to put them on the shoulders since there are no shoulders. So the garbage cans go in the roadways, in the driveways, and that makes for more hazardous driving in the neighborhood. So that's one thing.

And I believe that one of the solutions, and this was given to you would be that Kainani be an exit only from the shopping center. I do not understand why it has to be an entrance and exit. If it's just exit, then those people – most of them will opt to go on Maui Lani Parkway. They will also come out to another stop light on Kaahumanu. And some people, yes, may still do the shortcuts, but it doesn't make much sense. I think the shortcuts are mostly taken to get to the shopping center.

Ms. Amarin: Lisa, can you conclude in 30 seconds?

Ms. Giamoyris: All right. So that is my suggestion on the road. The other problem is that this has been a long, existing neighborhood. I don't know of any other place where the commercial property that's granted permission to exist next to it is so high impact. It should be a low impact thing. What makes it high impact is the 24-hour retail food store, etc., super store. I don't think the rest would be as high impact. So they should be responsible for any liability for pollution of any kind, vagrancy, and loitering also, and – to protect our neighborhoods. I thank you for listening to me.

Ms. Amorin: Thank you for being here. The Chair at this time will call up Eric Amaral.

Mr. Eric Amaral: Good morning. Eric Amaral. Just a concerned citizen. On the Nakoa side, you got about seven residential properties that is going to be adjoining to this build-out. You got Tokunagas, the Hondas, Kamedas—long term residences. Nishiharas, Feiteras, Aviaus, Itamuras—long standing residences in this community.

I speak out of experience. I live behind one of these build-outs directly behind a shopping center and it's nasty. It's the worst case scenario in my life. Every day, every night there's impact. Twenty-four hours a day I'm exposed to fan noise, dumpster stench. There's fish, meat departments, everything going in that. What's typical is, this is typical. You want the front to look beautiful, aesthetics, next to Kaahumanu Avenue. It draws in people. And where do you put the negative impact? Right against property lines. Poor people, you know, the old standing people on Nakoa. They also have all these new homes coming into Maui Lani. It's bad. Noise travels. A six-foot high wall along this property is not enough. Trucks stand eight, ten-foot high. Refrigeration units blaring, reverse beepers, it just goes on and on. Forklifts. These residences are going to suffer. I've suffered. We had a property 40 years now. And I've always had to go and be the complaining neighbor. They've never come to me and said, hey neighbor, how are we doing? I've had to pursue. And it is a Honolulu ownership. So as far as this, 24 hours negative, I'd say, are they going to be selling liquor? Is a restaurant going to be there? That was mentioned. Drinking on the property produces problems. Retail, I think it'll be selling – if anything, not cold liquor like Wal-Mart so people will actually, physically, have to take it home. They can't be drinking on the properties. So I say, not 24 hours. My quality of life is gone.

There's a lot to say, but if something like this – flip it back. Put the warehouse, loading docks against Kaahumanu away from the homes. So you flip this upside down. Make parking all on the front over here and your loading docks, trash, receptors, trash compactors, everything facing the road. Leave a buffer zone. There's no buffer zone. This is a drive-thru with a six-foot – with a couple trees. It's not going to work. But anyway, I would say no, completely. This is out of place. Out of character. The convenience for the 5,000, 10,000 people gonna trash the residences here.

Ms. Amorin: Eric, can you conclude in 30 seconds?

Mr. Amaral: That's it. I'm done, yeah. Thank you.

Ms. Amorin: Thank you for your patience. Thank you for being here. Cordis Higa?

Ms. Cordis Higa: Good morning, everyone. My name is Cordis Higa. Please excuse me if I read from a paper because this is the first time I've ever testified. I live on Nakoa Drive two houses away from where they're going to do that intersection at Kainani. I don't believe that Kainani should be used as an entry or exit for the proposed Maui Lani Center. Please

come and see our neighborhood. Look at the streets and the way Kainani is configured. It's a winding road. They talk about bumps or humps to slow down traffic. We already have that in the road. In fact, that would make it even more dangerous. I urge you if you have the time to please come and see the neighborhood. I would meet with you and show you the neighborhood. Look at it from the top of the bridge to the proposed exit/entry, and you will clearly see the hazards that the additional traffic will have.

The traffic engineer hired by the developer has stated that he doesn't think a lot of people will use the ramp, which you didn't even talk about or address of people coming up. You know how Wailuku is really developing? Waiehu side is all developing. We know there's no Ooka Shopping Center. Why do you think they want to build a 55,000 square foot Safeway? Because they know that people will come. And for him to say that there won't be impact on our neighborhood? I just want you to think about it. If you're coming from Wailuku, would you drive underneath the bridge maybe enter a ramp that's already filled up, wait at the traffic light to enter the Parkway? Or would you go up the ramp by our bridge, no traffic light, come all the way down, have straight entry into that Maui Lani? And you tell me that there will be no way traffic impact on Kainani Street? I live right on Nakoa. I want to come out, and all that traffic is coming down. What's going to happen? It's just a traffic accident waiting to happen. And for a traffic engineer with 28 years of experience that we've been told repeatedly at our County – at our meetings with the community to not see this, I can't believe it. The way Kainani is configured and the additional traffic, like I said, poses a danger to not only our community, but to the people who are going to shop at the center.

You know, when he talked about solutions, did you hear any concrete solutions except those bumps? Those humps? Is that going to be a solution to stop people coming into and using Kainani? It's like fixing a problem after it's already started. Just looking at it, you know there's going to be a problem.

The buildings, the landscape, they've done a great job, but it can't hide the ugliness of the project, the treatment of the burials, which I find totally disrespectful and unbelievable. I'm glad it hasn't happened yet, and I hope that it's not approved. But the treatment, just the way that they treated the dead and how they're going to treat the living to make their building beautiful, they give us their back side.

Yeah, this person talked about old neighborhoods. Yeah, I know these people they're talking about. I live across from them and they're retired people. Do they deserve that? To hear all of that traffic, the air-conditioning units going 24 hours? Yes, 12-foot walls will be built, beautiful landscaping, but does noise only travel 12 feet high? Can you stop that reverse sound? Can you stop dumpsters? All those kinds of sounds, and for why? If Weinberg donates all of their money as they said, their profits to charity, why do they need a Safeway there, then? Couldn't they build something more in synergy? The hospital is there. Kaiser is there. Couldn't they build small medical facilities? Rehab facilities? Long

term care there that would fit more into the community and what the community needs? We have a Safeway in Kahului.

Ms. Amarin: Cordis, conclude in 30 seconds.

Ms. Higa: That's all I have to say. Thank you very much for listening.

Ms. Amarin: Thank you. Thank you very much. Claire Apana?

Ms. Claire Apana: My name is Claire Apana and I was born in the house that my parents built just before I was born in 1953. And we've always had that property. And I've always loved the Sandhills neighborhood. And with the incursion of this prospective project coming in, I mean, I just cried thinking that we would have that coming into our neighborhood.

I chose to come back here and buy the property from my brother so that I could live here in 2002. I came from Honolulu. I did not come here to find more traffic. I actually came because I have a medical condition which requires me to have a more quiet place free from the environmental pollution. And I believe that this shopping center project will do just that.

I stood on the bridge at Naniloa, which is called the Naniloa Bridge in the historical register—the Ting Bridge to us—last night, and I looked down at the lights. I could count every single light in the Kaiser medical facility. I could see it. And you should see it from the properties right on the back side of Nakoa going down there. It's really bright. They're better than most, but it's really bright, and there are proposed 92 lights. I counted about ten that I could see on Kaiser's lot, and there's 92 that are going to go into this proposal. That's a lot of lights, and we are going to see it. You're going to get complaints just like you're getting in the other shopping center.

And then the gas station, I totally agree with the person who was talking about the gas station. Why in the world would we build something that would have to hold flammable toxic material with the potential – and every time you're filling that tank of having an accident right next to our high school? Why would we build it across from a major medical facility? We don't need it. There's gas stations within a mile. There's five of them. We don't need it. And some of them are 24 hours.

But what I am really, really appalled at is that the developer would have the audacity to bring this project forward without being ready. I've reviewed the burial report. And they come from 2003. And today, she brings out a new record and there are so many more burials there. Why isn't it reflected in there? I went through the reports over and over and over again. And I'll show you. This is what's in the report: there are one, two, three, four places. She showed what? Sixteen or 18 burial sites? What is going on? I mean, we can't even honor the people that lived in this area, died in this area. And why can they just

come in here and do this to us without being ready? I really hold you, Commissioners, to helping us, helping us to keep our neighborhood, helping the Hawaiian people and those burials in there to be respected. And I'll tell you where the projected four lane is, there is a burial site there. And I see that on this map, the old one, it's there. And on her map, it was not there on the corner. Please, please go with a fine-toothed comb and make this project pono.

I just want to say this: you know, Mr. Sueda very jokingly says, you know, we can't get the grass to grow. And I know why the grass isn't growing. Let's make this project pono. Let's make it work for all of us. Thank you.

Ms. Amarin: Thank you, Cordis – Claire, I mean, Claire Apana. Calling on Stephanie Ohigashi?

Ms. Stephanie Ohigashi: Good morning, Chairperson Amarin and members of the Maui Planning Commission. Or I should say almost good noon. You've been here all morning listening to the plan. And I do want to thank the developers for trying to work with the community. I have to give Mr. Sueda a lot of kudos for meeting with us as many times as he did. And he did hear from us. And I hope that we are continued to be invited in the mix so that we can come out with a win-win situation.

I did want to give a bit of information to Mr. Yoshioka, the Honolulu consultant, that we on Maui love the bus, and the bus does stop at Ting Bridge so, you know, if people are going to take the bus to Safeway, they will have to walk down Kainani Street. So you must put the sidewalk all the way up to Ting Bridge. Okay?

Now, here's my formal testimony. I've a lifelong resident of Wailuku. I'm a product of this town. And I really love Wailuku. Sandhills was brought forth by professional people more than 80 years ago. The Chinese community, the Hawaiian community, my own back yard has burials. My dog has dug up bones, and I've carefully and lovingly put them back. I also am very respectful of our host culture's practices. And I hope this developer will too.

I've lived in that house since 1954 and I know I don't look that old, but anyway, I've been driving those streets since I was able to drive. I won't tell you how many times the Maui County Police Department has pulled me over because I was one of the most reckless teenage drivers at Baldwin High School. And Mrs. Medeiros, my neighbor, has called on the Police Department to stop me.

The road of Halenani is used as a nighttime drag strip. I don't want to alarm you, but I live right on it, and every Saturday night the low-riders purposely come cruising because they want to hit those bumps and fly. Now, if you put more bumps, they'll just have more fun.

We live within 500 feet of the proposed Maui Lani Shopping Center, so I'm one of the bonafide neighbors. I've attended the community meetings, reviewed the applications for this phase two project district. I can say that I can live with the design. It doesn't bother me. It's cookie cutter. It fits in with the Maui Lani Master Plan. It's their community. We're divided. Our historic neighborhood sits above it. We look down on them and it's okay. I mean, I can live with green. If Kaiser was smarter, they would've done the old-fashioned Hawaiian pink color. I would've liked that better.

Anyway, I want to go on the record that I'm not against the development. I like shopping. If they build it, I'll shop. What I am against, Mr. Sueda, is seeking the use of Kainani Street, my street, an old historic two-lane road as a truck exit. No matter what they say, no matter what their analysis is, this is a glorified truck exit. And we have a County ordinance in place to prevent trucks from using Kainani Street. I guess the Police will tell you about that. But the driver of trucks will be fined up to one hundred dollars for driving trucks on Kainani Street. I don't want to see that happen, so don't allow trucks on Kainani Street. Mahalo.

Mr. Amorin: Thank you, Stephanie. Teresa Wright?

Ms. Teresa Wright: Good morning. My name is Teresa Wright. I've been a resident of Sandhills since 2000. I've never been through this process before, but I appreciate the opportunity to testify in front of you, and kind of appreciate that you are serving the community.

While I think the shopping center is beautifully designed, I'm opposed to the project in its current given three primary reasons: traffic issues, lack of having roadway and potential water infrastructures in place for the project, and operation of a 24-hour Safeway with added noise carrying up into the community.

My review has been more technical in nature. It's just my personality. So I've identified several issues that I believe should be considered by the Commission before this project is approved. My focus was only on aspects that I've discussed – that are discussed below. So as part of my review, I reviewed the Wailuku Community – Wailuku-Kahului Community Plan and determined that the project is not consistent with the following recommendations.

The first one is cultural resources. Page 17 of the community plan requires development projects to identify all cultural resources located within an adjacent – within or adjacent to the project area as part of the initial project study, and that all proposed activity including recommendations to mitigate potential adverse impacts on the cultural resources. So Naniloa Bridge is specifically named in this community plan. And the project team did not include that in your analysis report.

The other thing is infrastructure–water. Page 30 of the community plan – and I think you

might have a handout I sent out, too, with some maps and stuff, but page 30 of the community plan indicates future growth should be phased and to be in concert with service capability of the water system. So again, the frustration I think a lot of us have is the application is – a lot of the comment letters in the application are very dated. 2005 was – March 2005 was when the first application was issued. So that application was reviewed by the Water Department, the Department of Water Supply, on October 11, 2005. And at that time, the water meter reservation the applicant paid for in 2002 had already expired. The Department further indicated that they were not issuing reservations for future meters until new sources were brought in line. So, I guess, at this point it's not clear from the application if the developer has shown and will be able to show in accordance with their County Code whether there is good cause for delaying the reservation from 2002 – the 2002 water meter, or if the Board of Water Service will approve or has already approved further extensions. It's also not clear if the application – from the application whether the Department is now issuing reservations for future meters, or whether new sources have been brought on line so that they can do so.

The third one is, the overall Maui Lani Project District traffic infrastructure. So page 12 of the community plan indicates public facility and infrastructure improvements should not lag behind development in the region. Upon adoption of this plan, it shall be required that adequate facilities and infrastructures will be concurrent with future development. Page 29 also indicates upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with impacts. And then page 36 of the community plan also provides several improvements for the regional roadway network for the Maui Lani Project District including planning the Maui Lani Parkway as an arterial road. That's the main road.

Ms. Amorin: Teresa, can you conclude in 30 seconds?

Ms. Wright: No.

Ms. Amorin: Or after we have the last testifier, you can come back if you have new information.

Ms. Wright: Okay. So I'm done, then?

Ms. Amorin: Yes. Thank you. Sakae Uehara?

Mr. Sakae Uehara: Good morning, Madame Chairman, members of the Commission, and Dr. Iaconetti, my old friend. I usually don't come to these meetings, but after I read the proposal, and after I've been to several of the meetings, I thought I better come up and speak.

Starting from the end of my presentation because this was brought up by – presentation

by the traffic consultant, the thing about the sidewalk he talked about, nobody had mentioned it up to today. And the reason I think they mentioned it but because they saw my report when I said get rid of the sidewalk. Now, if you look at the sidewalk, it goes from Kainani Street up to the bridge. And in my 40 years in Sandhills, I've never seen anybody use that bicycle path or the sidewalk. There is a sidewalk. There is a bicycle path, but there's dirt on it. Nobody uses it. The one person who tried to get under the bridge coming from Wailuku going down got hit by a vehicle, ended up at Tripler Army Hospital. And he ran for Mayor at one time of Maui County. And if you go down the road from Wailuku, you'll find white stripes just before the bridge saying don't go any further, right? But there's no white stripes on the Kahului side. And the Kahului people coming up from Kahului, because they saw this on the map now, they gonna come under the bridge. I walked that bridge couple weeks ago. And it's very, very scary because you come under the bridge, and I think the widest bicycle path there was six feet and there's a two-foot sidewalk. But it comes around the curb, under the bridge, and when you look up, you'll see this traffic from Wailuku coming zooming down right at you. Eliminate this thing. Nobody uses it now. The students from Baldwin High School on the opposite side of Kaahumanu Avenue walk up to the bridge, top of the bridge, cross the bridge, and go down on the south side on the down – you know, the up ramp. They go down to Wailuku Town. So we don't need that bicycle lane. Why do you mean by a new bicycle lane? It's not a new one. It's the old one nobody uses. Just get rid of it.

Ms. Amarin: Dr. Uehara, can you conclude in 30 seconds?

Mr. Uehara: Oh, I'm sorry. Okay. There are other changes I have recommended. And the biggest one here is that the traffic from Wailuku will turn not into A, but into B, and then the traffic from Kahului coming up going to B. That way you get rid of the massive crossover that occurs right there which is inviting danger. It's very hazardous. You ever tried cross over there? I drove that thing at 16 miles an hour. And I come to about there, and I had four seconds to that intersection. And in four seconds, I had to make a decision, and cross over into my lane that goes up to Sandhills. Same thing happens with the people coming down from Wailuku. In four seconds, they have to decide and change lanes. So I'm suggesting they have the crossover over here. And I've seen this happen. I've seen this in place near Cobo Hall in Detroit, 40 years ago. I've seen this near Whacker Drive in Chicago near the post office where the Eisenhower Freeway starts.

Ms. Amarin: Dr. Uehara, your time is up. Do you wish to come back to deliver new information to us?

Mr. Uehara: Okay.

Ms. Amarin: Do we have any other individuals in the audience who wants to come up at this time that's not on my list to do public testimony? Please come forth. State your name.

Mr. Hinano Rodrigues: Hinano Rodrigues, State Historic Preservation Division. I'm the Cultural Historian. I initially had no intent to say anything, but I think it would be negligent on my part not to do it after hearing what was said this morning. I think there's a great misunderstanding or a misrepresentation as to how the burials are to be treated.

First of all, the Burial Council does not make decisions as to how burials are treated in all cases. They only make decisions with respect to previously identified burials. After listening to Lisa's testimony, I find that they could make only one decision out of the 19. The remaining 18 is to be made by State Historic Preservation. So at this point, you might be under the understanding that – you might think that SHPD has made a decision with respect to those burials and we haven't. I realize that this morning. We have not made a decision to those burials. And, yeah, that was the first part that the Burial Council does not make the decisions. They only recommend to us and we make the decisions with respect to inadvertent fines. And, of course, the number two is that we haven't. So I think it would be somewhat premature for you to make a decision at this point because we have not dealt with the burials. That's it. Thank you.

Ms. Amarin: Thank you very much. Any questions? We have any other individual out there who wishes to speak on this agenda item? Okay. We have a recall: Teresa Wright.

Ms. Wright: I think I'm going to have to talk faster. Just getting back to my point about the infrastructure, the traffic infrastructure, there is a map in your Attachment A that shows the project district boundaries for Maui Lani. And I've highlighted in yellow all the areas that relate to the Maui Lani between those boundaries. The green lines were those where roads have been improved. And the red lines were those roads that have not been improved. So as can be seen from this, the arterial road for the Maui Lani Project District has not been put into place.

The traffic analysis report, analysis report, says 40% or the most dominant movement of the future timeframe is the south. So when they designed this project, they put all the commercial site, 93% of it, up by where we are. We feel that the application, traffic report, nor the Commission packaging addresses this critical component of the infrastructure. It's my recommendation consistent with the community plan that the Planning Commission requires that these roadway infrastructure improvements be made prior to or concurrent with development of this project. By putting these roadway improvements into place, this will reduce the project impact on the adjoining – on our adjoining and existing neighborhood.

I performed some analysis regarding Kainani access. And what I did is I put together another – I think it's Exhibit – Attachment D in your package. That's the traffic activity – analyze the traffic activity compared to the maps that were included in the traffic analysis report. And in that, as reflected on the worksheet, 30 vehicles turning westbound left onto Kaahumanu are going into the project while 125 vehicles turning eastbound or right off of

Kaahumanu are going into the project during peak period. So that's 30 versus 125. So the Public Works and Police Department, the State DOT all had issues with westbound left traffic. Nobody brought up anything about right-bound turn traffic off of Kaahumanu. They indicated that of the 174 and 179 feet at the eight-car queue space on Kainani into the project, the maximum potential would be a three-car queue. So they felt that that would be supportive. Again, if there's three cars out of 30, how many cars out of 125 vehicles are going to need to be stacked up into that right-turn lane? I don't see that considered. We've asked their traffic consultant to address that with us and we haven't found out. So that was the first question—that 125. And if the proposal is to add a no turn on red at the eastbound traffic, that adds for more traffic turning there.

So there's a photo in there: Attachment F and F.1. Kainani is a hairpin turn. It's awkward. It's very sharp. It also appears that adding two additional lanes on the traffic – to this traffic's intersection will tighten the intersection where existing metal poles can't be moved. So this will require the hairpin turn to be even tighter and sharper. So where the hairpin turn ends approximately, 120 feet from the intersection, this leaves only about 55 to 65 feet from after the end of the hairpin turn to Kainani access road, the driveway. If 176 of the developer's numbers will allow for eight cars, 22 feet per car, then 55 to 65 feet will only allow 2.5 to three cars. It's unclear at what point the State and County agencies would think it's safe for cars to turn right from Kaahumanu onto Kainani to allow for the crisscrossing to get into the left lane.

Ms. Amorin: Teresa, you have 30 seconds to conclude.

Ms. Wright: Okay. So anyway, we have issues with that that haven't still been addressed. The other thing is that on the traffic analysis report, it shows the developer did not address how much traffic is going to be turning right off of Kainani. He shows zero in the spread sheet. So he's not showing traffic coming out of the shopping center and then turning right.

I have a lot of other issues I can bring up. I've got several options that I can offer, but I'm out of time.

Ms. Amorin: Thank you so much. Dr. Uehara, do you want to come forward and finish up?

Mr. Uehara: Yes, I'd like to go back to the first slide there. If we arrange it so that a crossover occurs in this area, then this traffic will come down into B over there, and this traffic come down to A. And that's what I use to go home. That goes straight into Sandhills. I don't have to come down to B, and then fight the traffic coming down this way that's trying to cross over. That's dangerous. And I try to get my wife to drive that. I won't trust her. You have to make your decision just in a few seconds over here. It's impossible. Now, if you make this cross over up here, and then that's governed by the traffic signal up here, then we can improve this T intersection, and allow only traffic from G to go to Sandhills. A big sign down here, "Trucks only right turn," "Trucks only right turn."

And if you notice the presentation by the traffic consultant is very deceptive because they say "Access to Kainani." They don't say "Exit to Kainani." What does "access" mean? You can come in, go out. They don't say that. But they only talk – they only using the Kainani to exit, then they don't go into Kainani. And there's a Maui ordinance I think that says trucks don't go in here. But this is a State area, as I understand it. And I don't like the language that they proposed. Very deceptive. And I don't trust them.

Now, if you make this G, and then you put signs down here, only traffic to Sandhills, or only traffic to Wailuku, Kahului, Kaahumanu, then you have one lane coming down into the shopping center.

The other one is this two-lane coming down which originally had only one lane. To me, it's a very subtle way to not discourage cut-through. Like they kept saying, they discouraging cut-through, but they not discouraging cut-through. Now, if they really need traffic turning right, later on they can put this little cut so this traffic can come, make the right turn into the shopping center. But this way, from here, it's a single lane. All the traffic may come down the Sandhills.

Ms. Amarin: Dr. Uehara, can you conclude in 30 seconds?

Mr. Uehara: Okay. And also, Nakoa Drive is right up 'til the new street in Sandhills. It was made about 40 years ago. The old Sandhills is 80, 90 years. And Sandhills – the Nakoa Drive is very wide so they're going to use that for cut-through. So put more speed bumps after you consult with the residents. Safety first.

Ms. Amarin: Thank you. Thank you very much. Dr. Sakae – Uehara, Dr. Uehara, we have a question from Dr. Iaconetti.

Mr. Iaconetti: This is only comment, Sakae, I promise not to say anything to your wife about her driving.

Mr. Uehara: She's my Planning Director, but she had to hurry off to bowling this morning, and she forgot to tell me to where my hearing aid. So I'm sorry. I missed quite a bit of the testimony.

Ms. Amarin: Thank you. At this time, the Chair will turn it over to Staff Planner Ann Cua for more comments.

Ms. Cua: I know you're approaching your lunch hour, but we do have the Police Department and DOT here. I don't think they'll be very long. At that point, I just have some brief comments, and then we are recommending deferral. So would you be open to just taking these two groups? This project will have to come back before you for action.

Ms. Amarin: Do I have a consensus since we have all the citizens here to at least listen?

Okay, Ann.

Ms. Cua: Maybe you want to start with – do you want to start with the Police? Do you have any questions for them? Call the Police up first, I guess, if that's okay?

Ms. Amarin: Yes. Thank you so much for being here. If you can share your comments on the testimonies regarding Kainani Street, will be so appreciated.

Lt. Wayne Ibara: Good morning. My name is Lt. Wayne Ibara. I'm the acting Commander for the Wailuku District which entails where this project is going to be – is being developed. This is Sgt. Orikasa. He's in charge of – our Administrative Sergeant in Wailuku who's responsible for addressing any projects that come up and taking a look at the impact that it will have on police services.

As far as Ms. Cua said earlier, we do not have an official statement regarding the project. We do have some concerns that we'd like to express and I'll turn it over to Sgt. Orikasa.

Sgt. Stephen Orikasa: I think like with any development on Maui, there's going to be some type to the community as far as safety and from a police perspective. There were issues brought about the ingress and egress points to this development because of its size. That, I believe, from an emergency services' perspective, two points of entry and exit would be a good idea, but that's also something that should be left between the development – in the development stages.

Like the Lt. said, we don't have any official statement regarding the roadway at this point, but we are open to answer any questions you may have regarding the traffic. We'd also like to mention that it fit – any type of traffic hinders the flow on Kaahumanu Avenue, then that would be something we'd have to address also.

Ms. Amarin: Commissioners, any questions? Commissioner Hiranaga?

Mr. Hiranaga: In the staff packet, there is a memo dated September 13, 2005, from the Police Department from Mitchell Pellazar to Chief Phillips. And in the third paragraph, second to the last statement, it's not numbered, or 19, I guess, of the staff report, or Exhibit 19, third paragraph, second to the last sentence says:

The left-turn in should be eliminated as this has a potential of having vehicles stacked up in the left-turn lane and overflowing onto Kaahumanu Avenue. A concrete island could be used to prevent left turns in from Kainani Street.

I'm just wondering if that's still the Police Department's position. This is when you're coming off Kaahumanu into Kainani. They're proposing allowing left-turn into the development. And so this seems to say that you're against allowing the left-turn into the

development, making a left turn there into the development. So I interpret that statement to be – so I'm just wondering if that's still the position of the Police Department.

Sgt. Orikasa: This is something we're going to have to go follow up on because there has been a switch in positions since the writing of this. So it's something that we have to follow up on.

Lt. Ibara: So as the Sergeant mentioned, we're trying to give you an answer based on what the recommendations were at that time. And one thing that comes to my mind quickly is, when they did this survey, when they did this answer to this question, are we looking at Kainani Street as a primary entrance into their shopping center? Or as the residents here or their main concern is, is it a secondary entrance? If the traffic is impacting into this shopping center off of Kaahumanu, the primary entrance should be on Maui Lani Parkway. So my question to you or during this time, was this Kainani Street entrance at that time when this was done, was that a primary entrance? Or is it a secondary overflow such as Maui Lani is to the hospital as opposed to Mahalani?

Ms. Cua: I can answer that, if need be. Maybe provide some clarification. If you notice, there's three letters from the Police Department. The letter that you're asking about is the 2005 letter. And so at that time, there were three access points provided or requested for this development: Maui Lani Parkway, which had two, but that was one access point. They were proposing Kaahumanu Avenue and then Kainani Street. But Kainani Street was not planned as it is right now. As you've heard from testimony from the applicant today, the improvements that are proposed there now has evolved as a result of the disapproval from the State Department of Transportation to add an additional – or to add an access off of Kaahumanu Avenue between those two blue buildings, or the two buildings that you see there. So that's the 2005 letter. Then there's the 2006 letter and also a 2007 letter, which basically they're acknowledging that DOT eliminated the driveway access off of the highway. So their comments have evolved over time as a result of the project trying to address concerns raised by different departments, including the Planning Department, the community as well. I don't know if that helps or–

Mr. Hiranaga: So you're saying that because of the creation of the dedicated left-turn lane that the Police does not object to a left-turn into the project off Kainani?

Ms. Cua: Well, our understanding from looking at – from reading their comments was that they did not have the concerns that they had in 2005 based on the most recent plans, and we just have these letters to go by.

Mr. Hiranaga: Okay. Thank you.

Ms. Amarin: Any more questions, Commissioners? Seeing none, thank you, public servants for being here. Thank you very much.

Lt. Orikasa: Thank you for having us.

Ms. Amorin: Ann Cua, you want to introduce DOT or—?

Ms. Cua: Just very briefly, I had contacted Mr. Cajigal sometime ago asking for a representative to attend this meeting. And we sent a letter to their Honolulu office. And they have sent who we started off asking. So, Mr. Cajigal, if you would please come forward, we'd appreciate it. Thank you for coming.

Mr. Fred Cajigal: Madame Chair, members of the Commission, good afternoon. My name is Fred Cajigal. I'm the District Engineer for State Highways here on Maui.

The only comment that I have is pretty much itemized in our letter dated May 23rd to Director Hunt. I think it should be in your packet. And it pretty much echoes the sentiment of the community here. And in fact, some of the solutions that we proposed is basically monitoring that intersection not only for a year or so, but we're talking about ten years and forward mainly because you guys been here long enough to know that Maui Lani has been in the books for years. We've – in fact, it's been overdue. They still, as you can see, they still are missing a segment of Maui Lani Parkway. That's not even built up to this point. And that's the reason why we said, hey, go up to ten years because we don't really know how these patterns that Mr. Yoshioka talked about going to develop. Ten years from the patterns gonna be different. Five years from now, it's probably gonna be different. If Maui Lani Parkway is not connected, you'll never find that true pattern. That's why we made those comments.

But we are – we've been continuously working with the developers. This access on Kainani is not new. They've approached us from long time ago. It's always been there. We've expressed our concerns on the Kainani access, so that's why they went onto Kaahumanu Avenue. But Kaahumanu Avenue, from our analysis, is just as bad. So that's why we are here today. We've made our comments known. We've made our concerns known to the developer as well. And I think they're going to have to address all that when they prepare the EA.

Ms. Amorin: Any questions, Commissioners? Commissioner Pawsat?

Ms. Pawsat: Is there or is there not an ordinance in place allowing no heavy vehicles on that street?

Mr. Cajigal: The ordinance is pretty much under the County of Maui. We don't go by ordinance. State Highways doesn't go by ordinance.

Ms. Pawsat: Well, what is that? Will these people be ticketed or not if they—?

Mr. Cajigal: I really don't know. I'm not familiar with the ordinance. I'd have to defer that to the Planning Department or DPW.

Ms. Pawsat: So the Department of Transportation, that other fella, the traffic consultant, he was kind of gesturing the blank spots on the wall where their future plan transportation development. Are there larger maps? I mean, it's kind of hard when you guys aren't – you're talking about transportation and then it's off the map. I mean, how does this connect up with other Department of Transportation? Are you the right person to ask about that?

Mr. Cajigal: If you are talking about our State – I mean, highway facilities, our system is Kaahumanu Avenue, which also includes that front Kainani, which is a frontage road that comes out that Lunalilo/Kainani intersection. It wraps around to up to that bridge. I think we own it all the way up to Halenani. From there it becomes County. The other system is, of course, Honoapiilani, and Kuihelani Highway, and Puunene Avenue on the other side, and Kahului Beach Road. Other than that, it's in the Central Maui. It's pretty much the County of Maui's system.

Ms. Pawsat: Yeah, I mean, this would be helpful if the Commissioners could distinguish between what is State, what is County, and what is private, things like that, or else we'll be talking to the wrong people. Thanks.

Ms. Amarin: Thank you very much. Any more questions for DOT? Fred, thank you, on behalf of the Commission for being here and for the public's sake. Thank you so much. Ann Cua?

Ms. Cua: I guess I'd like to ask at this point what is your pleasure because I know it is lunch time. Do you want me to continue?

Ms. Amarin: Commissioner Guard?

Ms. Cua: Or do you just want to go with the deferral at this point? It's your choice.

Ms. Amarin: You have a comment?

Mr. Guard: I see we're going to defer, but I was actually going to ask if Mr. Rodrigues from SHPD might be able to come back up to talk about how long their process is for looking at what happens with archaeological sites that are found and maybe how old they are.

Ms. Cua: And I do want to make a comment actually about that because I was – you know, we – again, like I said about the Police Department, we go by the letters we have from the agencies. And if you look at your packet, and maybe you can clarify for us, we have a letter from State Historic Preservation Division that says there will be no impact provided the monitoring plans and the burial preservation plans are – not implemented, are adhered

to. So I guess maybe that's my question. From the Planning Department's standpoint, I thought that SPHD was okay with it. And if we bring it out that letter, I can tell you what exhibit it is, but maybe we can have that clarified because I would be really interested in getting that information as well. I'll get that exhibit.

Mr. Guard: Yeah, that was Exhibit 25.

Ms. Amorin: Again, please state your name.

Mr. Rodrigues: Hinano Rodrigues, Department of Land and Natural Resources, State Historic Preservation. Okay, well, a lot like the other testifiers, I've been on Maui for a long time so I gotta go get my glasses.

Let me preface by saying that all of this precedes me. I was employed by State Historic Preservation in January of 2006, so I've been here only about a year and a half now. So I'm not too sure what happened here, but I think if we understand the process, we can figure out what might've happened.

At this point, I think there was only one burial treatment plan that has been accepted, but yet, we have 19 burials? And my understanding is that of that 19, only three were addressed in that one burial treatment plan. And what is very interesting is that, as I said before, jurisdiction lies with the Burial Council if it's a previously identified burial. A previously identified burial is defined under the law for all intents and purposes as burials that are found during an archaeological inventory survey. Once that survey is done and a burial is found, it is considered to be under law, inadvertent. So now jurisdiction switches over to SHPD and not with the Burial Council. And I've heard comments made, well, the Burial Council decided this and decided that. Their decision is simply a recommendation to State Historic Preservation, but the Burial Council does not make the final decision. That being said, it's my understanding at this point that there has been no final decision with respect to maybe 16 of the burials. So, you know – and that's really important.

When I found out two weeks ago that this was going to happen, I approached the archaeologist and I said, I want you to go to your developers, and I want your developers to superimpose on their final plan, my burials. I don't want to see a separate plan as you see here, my burials with all those lines, because being Native Hawaiian, I don't work looking at that kind of stuff. I work more visually. So that map there don't mean anything to me. If they could superimpose those burial sites onto something like that, or something like this, we can see exactly where the burials are, how is the parking, how is that your loading trucks gonna affect the burial that I think is going to be in the median. I heard that word used this morning. So all that kind of stuff we cannot understand unless we actually see the burials on a map like this.

Now, I didn't read this letter yet. I'm making the assumption that this letter itself is

somewhat premature also. I mean, I assume this letter was written by – there's a code on this and you can see who actually wrote the letter. All right? The signature is not the person who wrote the letter. Okay, the person who wrote this letter is no longer employed by State Historic Preservation. So I really need some time to look at what this person wrote and what this person said to really understand what point she was trying to make. We try not to use terms like "no negative effect." We're moving away from that because that is a conclusion. That is not based on fact because the future has not happened yet. And let me give you a perfect example: I predict if you widen Kainani, you gonna hit more burials. I predict that at this point. And all my predictions in the last year and a half has all come true. And that's true with Maui Lani, Kuikahi Extension, and all that. You gonna hit burials there. So I cannot see how – if that is what – if that is the essence of the nature of this letter when this person wrote it and said no negative effect, I can't see how that conclusion could've been made. But again, I'm talking and I really haven't read this letter, so I'm not that sure, in all fairness to the person who wrote the letter. But I am available if you guys got questions this afternoon, I can come back or in the future. I assume you gonna defer this matter, and so we'll come back up again and provide more testimony.

Ms. Amorin: Commissioner Guard?

Mr. Guard: Thank you for your time with that. And I believe – and I think that's the consensus of the Commission and staff is to maybe take a deeper look at all of these issues. But thank you for your time because we have a lot of people come here and say that everything's okay with archaeological sites, and it turns out that it's not. So hopefully, you can take charge on some of these other touchy Maui properties that we're looking at.

Mr. Rodrigues: As of two months ago, I've decided – I made the decision to attend all CRC meetings. And I think after hearing what happened this morning, it might behoove me to start to attend Planning Commission meetings, or you guys might want to make a request through staff that an SHPD representative be here during the meetings, and we're more than happy to do that.

Mr. Guard: Thank you.

Ms. Amorin: Thank you so much. Ann Cua, everything so noted?

Ms. Cua: Yes.

Ms. Amorin: Thank you. Ann Cua, your recommendation?

Ms. Cua: We're recommending that you defer action on this matter to allow them time to prepare the environmental assessment.

Ms. Amorin: Thank you.

Mr. Iaconetti: So moved.

Mr. U'u: Second.

Ms. Amarin: Okay. We have a motion on the floor by Commissioner Hedani, seconded by Commissioner U'u. Motion by Dr. Iaconetti. Any discussion? Any comments? Seeing none – Commissioner Guard?

Mr. Guard: Hopefully, I know we're talking about entry and exit points. So maybe they can really look at if Safeway need ...(inaudible - changing of tape)... one of their main concerns is to be able to have all these entry points so people can fuel up and leave as Commissioner Hiranaga noted and to look at the whole scale of what their intent is. I know Weinberg Foundation as a non profit. I don't think they need to make one bad development to do good deeds on the other side that we might be able to make a win-win for everyone.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: As a comment, I'd like to see them analyze the possibility of closing the entrance to Kainani Street and looking at other alternatives whether or not, you know, whether it be coming from the service road and doing a loop and going out the main entrance or something like that, you know, that would not necessitate using Kainani Street as an alternative.

The other comment that I would like to make is I think that the development as it's proposed today makes it impossible for pedestrians. If you were a pedestrian in the residence that's 20 feet away from Safeway you would actually have to get into your car drive back out onto the road, drive back into the parking lot just to go get a cup of coffee and it makes it impossible or unfriendly for people to penetrate into the shopping center.

Unidentified person in audience inaudible due to not speaking into the microphone.

Ms. Amarin: Your comments are not recorded. Did you want to say something please come forward. State your name again.

Mr. Lloyd Sueda: That is a two-story building right there. So what they propose to do is coming in here there is a elevator and a stairs that would take the pedestrian up to the upper level.

Mr. Hedani: Yeah, Lloyd all I'm saying is that if you're a resident in Maui Lani on this side, I mean, there's a wall there now, yeah. So you can't physically get through this way.

Mr. Sueda: We'll look at that.

Ms. Amorin: Commissioner Pawsat.

Ms. Pawsat: I think the scale of it is just totally off base and it needs to be looked at scale wise and I think the whole project needs to be revamped completely actually. I just, you know, I look at this and I think of the other Safeway and think of the condition it's in and think wow, it's not going to be very beautiful in about 20 years. And I don't see any precedent in good construction in these retail suburban centers. And so I would, you know, I just think the whole plan should be redone and reevaluated.

Ms. Amorin: And my own, my own comments after Commissioner Pawsat, what does this need, a tune up or an overhaul. The public has come forth to the developers, you have heard all the testifiers and all their concerns. And I think the number one concern that sticks out is safety. But you want to plan something and you want a win-win situation. So the EA, you need to go and tackle it. Best to all of that. Thank you. Ann Cua.

Ms. Cua: That's it. I guess, you need to vote.

Ms. Amorin: Okay.

It was moved by Mr. Iaconetti, seconded by Mr. U'u, then

**VOTED: To Defer the Matter.
(Assenting - W. Iaconetti, B. U'u, J. Guard, W. Hedani, J. Pawsat)
(Excused - K. Hiranaga, J. Starr)**

Ms. Amorin: Motion carries. At this time the commission will take a break for lunch and we'll reconvene at 1:35p.m.

A recess was called at 12:35 p.m., and the meeting was reconvened at 1:40 p.m.

- 2. LIPOA STREET PARTNERS, LLC requesting a Special Management Area Use Permit for the PACIFIC PLAZA PROJECT, a two-story commercial office and retail complex including 40,385 sq. ft. of office and 3,380 sq. ft. of retail, landscape planting, on-site parking, and associated infrastructure at 99 E. Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (T. Abbott)**

Mr. Thorne Abbott presented the Maui Planning Department's Report.

Ms. Amorin: Thank you Thorne.

Mr. Glenn Tadaki: Good afternoon, Director Hunt, Chairperson Amorin, Members of the

Maui Planning Commission. My name is Glenn Tadaki with the landscape, architecture and planning firm of Chris Hart and Partners. With me today are members of our project team. The applicant Zac ...(inaudible)... of Lipoa Street Partners, Chris Hart, Jason Medema of our firm, project architect, Wes Deguchi, project engineer, Stacy Otomo, project traffic engineer, Phil Rowell is joining us via conference call.

As Thorne pointed out the project site is located in an urbanized area which is predominately characterized by existing business commercial uses. Examples of some of these uses include the Haggai Institute, Lipoa Center, Lipoa Plaza, Star Market, Azeka Makai, Mauka, Longs Drug Shopping Center and Piilani Shopping Center.

The following are some photos of the project area. This is the view along the project's Lipoa Street frontage facing west. This is the view in the opposite direction facing east. This is the photo of the Kauhale Nani Subdivision which is across the street. This is a view taken from the southwest corner of the site facing northeast. Another photo of the site taken from the northwest corner facing southeast. This is a photo of the replacement wetland which borders the property along its northern boundary. This is the American Self Storage and retail complex which is the second lot to the east of the project site. The Haggai Institute is just beyond that. Kihei Quick Stop to the west of the project site and adjacent to it. Lipoa Center and the Kihei Plaza office complex also lay further to the west. This is the Star Market shopping complex and the Azeka Makai Shopping Center.

This slide basically contains information about the project which Thorne already covered. The key thing is that this project is an infill development with an area that is existing business commercial. At this time, I'd like to turn things over briefly to Wes Deguchi, the project architect who will take you through the architectural design aspects of the project.

Mr. Wes Deguchi: Good afternoon Members of the Planning Commission and Madam Chair. Basically the design called for two structures on the property. This is Lipoa Street. It's a long rectangular property, pretty much flat and it's already – it's a graded site. We elected to put the two-story commercial office building towards the back of the property, parking in the middle and then basically screen the parking with a single story retail facility in the front. That retail facility is about 3,800 square feet. This being about 20,000 square feet per floor and we've incorporated also a courtyard in the design basically to create more light and ventilation for the two-story office space. Entry is at this point here.

We have a total of currently of 92 parking stalls, they're all regular sized stalls right now. We have two loading zones, one for the retail and one for the commercial component. Accessibility stalls, we have stalls, areas for bike parking. We have trash locations. We also have – the plan is to use or to have recyclable bins at both trash locations.

One more thing, there's basically a minimum of 10-foot setback on all three sides of the commercial office building. This aerial shows basically from Lipoa Street the commercial

component, excuse me, retail component and then the parking and then two-story office building in the back. This is a site profile. So Lipoa Street would be here, single story. This is basically your maximum height that's got a pitch roof of 22 feet high, parking area in here and then the two-story commercial also has a pitched roof and the maximum height is 34 feet.

This is a shot from the entry or the parking lot area. What we are considering for the project basically in terms of structure it's a steel frame building. Second floor would be metal pan concrete floor, the studs would be metal studs, exterior would be a dense glass with an Effis finish. Concrete tile roofs and the windows basically, punched windows, combination of punched window and ribbon windows on the second floor. On the ground floor we're looking at storefronts with vision glass and ..(inaudible)... glass.

I have also sample boards which I could pass around if you would like to see the sample boards. I'll now turn it over to Chris Hart for the landscaping.

Mr. Chris Hart: Thanks Wes. Okay, our landscape planting plan essentially is as Wes said essentially there'll be landscape planting along Lipoa Street and generous landscape planting in the parking lot which would be in between. One large crown shade tree for every five parking stalls. And then a 10-foot buffer around the building and a landscaped courtyard entry into the building.

One thing we did do in the context of comments by the KCA and also the Urban Design Review Board. We are changing the shade trees in the parking lot from pink tacoma to a native plant which would be Hawaiian kou and those trees are similar, those are the same trees that are the parking lot tree at Kaahumanu Center. So it is a very nice native plant. And also we would be incorporating some additional native plants in the ground cover and shrub palette for the project. Thank you.

Mr. Tadaki: Thanks Chris. Just one point of clarification, the Hawaiian kou shade trees were added in response to some feedback that we got from the Planning Department. We replaced the pink tacoma with those Hawaiian kou trees.

The next couple of slides are the building elevations of the two-story and retail building. The project proposes to utilize conservation and convenience features. These features are described in the Planning Department's staff report and are also recaptured here on this particular slide.

The staff report if you refer to page 8, they're recaptured on that page. The attempt on our part is to provide a building which incorporates energy efficient features and conservation features both in terms of architectural design, landscaping and civil work.

This slide reflects the preliminary grading plan, I'll let Stacy Otomo, the project engineer

take you through this part of the presentation.

Mr. Stacy Otomo: Good morning Madam Chair, Members of the Planning Commission, Stacy Otomo. Regarding the drainage, the property right now slopes from about elevation eight right in this area to elevation four at the rear property line. It slopes down to about elevation six and a half at Lipoa Street. So it's a fairly level lot.

A portion of the project is in a flood zone. If you look at this U shaped right in here, it's in Flood Zone AH with a base flood elevation of six feet. I'd like to mention that the existing ground is already higher than six feet that particular area and this little corner right here is also in Flood Zone AH, the rest of the property is in Flood Zone C.

What we're going to be doing is running some area drains along both the mauka and makai sides of the building they'll be the main drains in the parking lot which would be connected to a subsurface perforated drainage system. We'll be putting in the catch basin inserts to help the pollution aspect of the drainage and everything will be contained on site which would include the increase of runoff. The developer has agreed to oversize it by at least 15% to keep that additional runoff on site and this is basically the drainage concept.

Mr. Tadaki: The slide that we're looking at right now shows the locations of 11 intersections which comprise the study area for the traffic impact assessment report prepared by Phil Rowell. Of these 11 intersections six of them are signalized and five are stop sign controlled. The project will generate up to 88 trips. This is the maximum number of trips and these trips will occur during the a.m. peak hour. The p.m. peak for your information trips generated are 71.

The traffic study set forth some recommendations for mitigation for five of the intersections. The intent of the mitigation of measures is to improve the level of service to one which is acceptable. In urban environments Level of Service D is considered the lowest acceptable of service.

The assessment of the intersections are what you see on this slide here. They're also captured in Thorne's staff report. Rather than read verbatim, I thought I'd illustrate the proposed traffic improvements through the use of this graphic. The traffic study recommends as mitigation for the intersection of Piikea Avenue and Piilani Highway some adjustments to the median island. What it would entail would be to provide an existing left turn north bound storage lane so that you would end up with two left turn lanes and one right turn lane. Presently there is just one left turn lane and one right turn lane.

At the intersection of Lipoa Street and Piilani Highway where there's currently a left turn, through and a separate right turn lane, the traffic study recommends as mitigation converting the existing left turn through lane into a dedicated left turn lane and then modifying the right turn only lane to allow for left turn, through and right turn movements.

This would also require some adjustment to the median island.

Further down at Lipoa Street at the east bound approach to the project's driveway the traffic study recommends as project mitigation the installation of a left turn storage lane. The reason for this is, if no left turn storage lane is provided then you would have vehicles backing up or queuing behind the cars turning left and that could cause vehicles to back up toward that intersection of Lipoa Street and South Kihei Road.

Two other recommended mitigation measures involve Welakahao Road. One as – one at the future intersection of Lipoa Street which would be extended within the time frame of the traffic study. Currently we have a two-way stop I believe and what the traffic study recommends is a four-way stop at that intersection. Also, at the intersection of Piilani Highway and Welakahao Road, traffic study recommends the installation of a traffic signal for year 2011. The traffic signal warrants will be met for 2011 both with and without the project.

This graphic basically illustrates the location of the project and this is the project driveway. What we would do would be to construct within the roadway right of way a separate left turn storage lane so left turning vehicles can enter onto the site without causing traffic to back up or queue behind it.

That's it for our presentation. If you have any questions, we're free to entertain your questions at this point. Thank you.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Glenn, what does the landscaping around the three sides of the building that border the property lines?

Mr. Tadaki: Let's see. Pardon me, my eyes aren't what they used to be, here we go. Okay, thank you Wayne for your question. Hibiscus hedge borders the property along the west, north and eastern boundaries.

Mr. Hedani: So all three property boundaries are fully developed at this point?

Mr. Tadaki: In terms of the adjacent properties?

Mr. Hedani: Surrounding uses.

Mr. Tadaki: Yes. There's the Quick Stop at this location here. Lipoa Center abuts the property and borders the site along the remainder of its western boundary. There are two parcels which abut the site to the east. The parcel on the Lipoa Street side received SMA permit approval a couple of years ago as did the one on the rear portion abutting the site.

I believe the project that received approval on the front is for a retail office complex Thorne? And the one at the rear was for warehouse office complex both of which I believe were two-story facilities.

Mr. Hedani: And the wetland is to the rear?

Mr. Tadaki: The wetland is located, right to the north of the property on the adjacent parcel. I might add that the wetland was created as a result of the development of the Azeka Mauka Shopping Complex. It's a replacement wetland because the original wetland was filled in and developed and to compensate for that development the applicant was required to replace in-kind the wetland.

Mr. Hedani: There are no wetland designations on the current site?

Mr. Tadaki: No, we received a letter from the U. S. Army Corp of Engineers in April 1990, I believe, which indicated that there are no wetlands on the property. That the existing wetlands located adjacent to and north of the property and there's a grade differential of about four feet.

Mr. Hedani: I just wanted to compliment the architect on the design of the building. I thought it was very attractive from my perspective.

Mr. Tadaki: Thank you very much. We appreciate it. When we went to the Urban Design Review Board as well as the Kihei Community Association Planning Committee they both were very complimentary about the project's architecture and design.

Ms. Amorin: Commissioner Pawsat.

Ms. Pawsat: Do you have to use Effis? I really, you know, I don't think I know any Effis building that would look good after 20 years and I know I can put a hole in it with my elbow if I tried.

Mr. Tadaki: If you don't mind Commissioner Pawsat, I'll refer your question to Wes, our project architect.

Mr. Deguchi: I believe the Effis basically is, we have a contractor on board and we're working this as kind of like a design assist project. And that was the recommendation to go with metal studs and Effis. But you know, I guess we are open to other –

Ms. Pawsat: Because like what's the warranty on the Effis? It's like a 20-year isn't it?

Mr. Deguchi: Actually Effis right now basically if you do residential work it's actually, it's not insurable, but on commercial projects, I guess it's a different story, but I don't know what

the warranty would be. But an alternative might be plaster, cement plaster, but then we'd have to look at the cost.

Ms. Pawsat: Well, right. The other thing is, are there any alternatives to an asphalt parking lot? Like can't you do just like, compacted soil with gravel on top of it or something like that?

Mr. Deguchi: We're certainly open to any ideas that will help in terms from an environmental standpoint. You know, basically getting away from petroleum-based products and having the perforation from a water standpoint to be more soluble. Again, I'm not sure. I guess that would be a call for the civil engineer might have some ideas.

Ms. Pawsat: Just one other, I think it's a pretty good looking building too, but I think you guys missed some opportunities because I like that interior courtyard space and the fact is it's about, you know, it's about the car thing again. You know, it just seems like – and there's no – basically you park your car and you have to walk around the medians to get into that slot in your building. So it seems even if you didn't make the whole parking lot gravel, you'd want to take that slot, where the slot is in the courtyard and extend the gravel strip shooting out of there that becomes some sort of walkway into that space and reconfigure the parking. And you know, and even to the fact that you guys ...(inaudible)... like maybe even that space turn into gravel and goes all the way to the street and then you have, you know, – I mean, not too grand, I mean, because in the end, I'm like oh, well it's an Effis building, you don't want to make it too grand. Then why that building in the front isn't like two buildings. One on each corner so there is a main access that goes into that center building that you can see from the street so it becomes more pedestrian activated that way.

Mr. Deguchi: We took a look at several schemes in terms of, you know, basically the access point massing. This works best from a parking standpoint to maximize the parking. You take the parking aisle and you put it towards the center, you won't get as many stalls. So that was really the driving factor was enough parking.

Ms. Pawsat: Well, right then we get into the required stalls.

Mr. Deguchi: We have required stalls, right.

Ms. Pawsat: But I think, you know, there has to be some leniency about the required stalls to make it a decent piece of public architecture.

Mr. Deguchi: I mean, I'm all for that. I mean, if we can take out some of the stalls and extend the courtyard that would be really nice feature, but we're kind of – it's driven by parking.

Ms. Pawsat: Yeah, I do think that courtyard should be a pedestrian path from the street all the way into that building.

Mr. Deguchi: Sure, sure, absolutely.

Ms. Amorin: Any more questions Commissioners? Commissioner Guard.

Mr. Guard: On the recommendation page 23, is there a well on the property somewhere that's not identified, a brackish well?

Mr. Tadaki: No, there's no brackish well on the property. In fact that was an oversight in the preparation of the staff report, and that will be corrected here at this meeting.

Mr. Abbott: We appreciate you pointing that out though. Thank you.

Ms. Amorin: Any more questions Commissioners? Seeing none, staff planner.

a. Public Hearing

Ms. Amorin: Before I bring Thorne up, do we have any public testimony or any individual out there who wishes to speak on this agenda item? Seeing none, Thorne.

b. Action

Mr. Abbott: Thank you for pointing out some of the typos and the oversights on the recommendations of conditions. Also, in response to your concern Commissioner Pawsat, we're very sensitive too much impervious surface areas being created and both this site and especially the neighboring site had looked into using impervious or porous concrete as a surface and had worked with Hawaiian Cement who is doing some test sites with it. But to date, there's no one on island that has the technology to do that.

Ms. Pawsat: Why do you have to do concrete at all? I mean, why does it have to be an impervious? I mean, really it was more of an aesthetic and just kind of a sane thing to do, you know, because you don't know what's going to happen with transportation in the future. But you know, it just makes more sense just landscaping wise, just the numerous reasons that you just go with an unpaved surface period. You know. And I know you can still make the little lines somehow in there if that's a problem. But I just don't, you know, I just think big slabs of concrete drive me nuts.

Mr. Abbott: We appreciate your comment and respect it.

Ms. Amorin: Thank you Commissioner Pawsat for your comments.

Ms. Pawsat: And one other question actually. How do the trees actually get water? Do you guys have underwater, water lines? How do the trees get water when the canopy area is paved over? That's always kind of confused me.

Mr. Abbott: I'll let Chris speak to that since he's the landscape architect.

Mr. Hart: Chris Hart speaking. Actually we have an underground irrigation system that we would put in prior to the paving of the parking lot so the sleeves would all be in prior to the paving of the parking lot. And so basically each one of the planters is irrigated. It would either be by a spray head depending on the size of it or a drip system.

Ms. Pawsat: What do you guys do if one breaks?

Mr. Hart: When one breaks underneath?

Ms. Pawsat: Yeah.

Mr. Hart: Basically the – the PVC pipe is actually put in – it's two pipes. There's a sleeve that's put in first with a larger diameter and then the actual water line is strung through the sleeve to the planter. And generally speaking, you know, –

Ms. Pawsat: I should have said leaks instead of breaks.

Mr. Hart: Well, it doesn't and if it did, you know, if we had a problem we'd have to dig it up but in general, you know, the technology is quite good these days and really doesn't seem to present much of a problem.

I would like to comment though about the idea of using pervious paving. I think that's an issue that's come up many times and as landscape architects we've really tried to limit the amount of asphalt and concrete. The only time essentially that we're able to do it is in the context of non required parking. ...(inaudible)... parking is not required for a project we could actually do something like maybe make the travel lane like compacted or stabilized gravel. And we did some of that at Seabury Hall and it's worked out well. But really what it would take is an amendment to the ordinance because it really does – it is something to consider though and it can work, but usually if you try to use something like grasscrete it really is a maintenance problem. If the parking is used very intermittently like at residential setting, it works fine. But in a context of a commercial project, the grass just isn't capable.

Ms. Pawsat: Oh yeah, no I don't think grass. I just think a big gravel –

Mr. Hart: Yeah, no, that's a really good suggestion. But it really would ultimately take a change in the ordinance.

Ms. Pawsat: And it slows people down automatically as well.

Ms. Amorin: Commissioner Guard, followed by Director Hunt.

Mr. Guard: Thorne, you may have mentioned it and I forgot. Is there a sidewalk fronting the property and either – and a bike lane? Anything of that nature. If we're going to do the left-hand storage lane, could we add in, just to make sure the bike lane and sidewalk is there. On the photo, it looks like people are walking on the renderings that got passed around. I'm just making sure that –

Mr. Tadaki: Yeah, there is an existing curb, gutter and sidewalk along the street frontage. So we'll continue on with whatever striping is –

Mr. Guard: Is there a bike lane there?

Mr. Tadaki: Not to my knowledge. No, our project civil engineer says no.

Mr. Guard: How difficult would that be to add? I know it ends, it probably ends if no one else has done it about that. But it would still be better if you were riding a bike to have a refuge area here and there. I think that's one thing to start considering just because an entire street doesn't have, even now and then to have some refuge for cyclists they don't have to sprint the entire street to get to safety. Might be something to consider.

Mr. Tadaki: I think in context of a, you know, master plan or regional bikeway system, you know, it would need to be cohesive, universal effort, but you know, we'd be more than willing to do our part such a program, our plan was established, you know.

Ms. Amorin: Director Hunt.

Mr. Hunt: In regard to the parking the Planning Department supports the idea of minimizing necessary parking. In this particular case it's noted that they have three excess parking stalls so that's something you might address. The ordinance does require that all site, pardon me, off street parking be paved. However, it allows us to modify up to 25% of the required spaces maybe located on a grassed area or concrete masonry which are designed to permit grass growth. You might want to discuss with the applicant perhaps 25% of the spots are not going to be high use and you might ask them what their analysis is on the parking. Are they building parking for the church on Easter Sunday or is this a minimum amount or, you know, how do they feel about the unnecessary parking. Is there ability to perhaps use some grasscrete in there.

Ms. Pawsat: Why wouldn't I just ask you to change the ordinance?

Mr. Hunt: So done.

Ms. Pawsat: Well, yeah exactly. So how is it done, you know what I mean? I mean, if this ordinance keeps tripping up everything. I mean, I'm going to bring this up every damn time. You know what I mean and I'm going to get sick of it and it seems like it's the ordinance thing. So how do you change the ordinance then? I mean, this is death by parking and I'm sick of it.

Mr. Hunt: The ordinance has to be changed by Council after a lengthy public process.

Ms. Pawsat: Well, when does that start then? I think it needs to be started. There's no reason why it shouldn't. Is it started?

Mr. Hunt: We are looking at a comprehensive review of our zoning ordinance in this next fiscal year that has just started.

Ms. Pawsat: Yawn.

Mr. Hunt: There's a lot of changes that need to be done to the zoning ordinance.

Ms. Pawsat: Are you guys prioritizing it or are you just going to clump it all together so we have to wait?

Mr. Hunt: We're going to do a comprehensive analysis of the entire situation.

Ms. Amorin: Thank you.

Mr. Hunt: We agree with your concern it's just the process and prioritization. We get inundated all the time daily about the changing the ordinance, this, that –

Ms. Pawsat: But why can't you just grant variances or something for individual projects? I mean, you know.

Mr. Hunt: A variance has a hardship case. And it would be difficult for them to meet a variance.

Mr. Abbott: If I may add, the applicant has offered that in response to Commissioner Pawsat's recommendation regarding the entry area that perhaps two of those parking stalls could be changed over to pervious material rather than asphalt to create a walkway, a pedestrian walkway into the project. Would that be amenable to the commission?

Ms. Pawsat: I mean who cares? It's still back to the same thing. I mean, I don't see why we have to do 20 more projects before Jeff Hunt gets this comprehensive review done, yo.

Mr. Hunt: Excuse me?

Ms. Pawsat: Why do we have to wait so long and pass 20 more or 30, 40 whoever God knows how many more projects until this is finished?

Mr. Hunt: The Planning Department understands your concerns.

Ms. Pawsat: I know you keep saying –

Mr. Hunt: Let me finish. There is a host, a long list of concerns that the Planning Department is dealing with and we'll get to them as soon as we can.

Ms. Amarin: Okay, with that said, Commissioner Hedani.

Mr. Hedani: Thorne, I wasn't totally awake when you said it. Is the parking lot going to be made of pervious concrete or impervious concrete?

Mr. Abbott: Impervious concrete. ...(inaudible - changing of tape)... asphalt on island. Currently the technology cannot be implemented because Hawaiian Cement and Ameron does not have the capability to do so here or on any island at this juncture. They are trying to import that technology from California but at this juncture it is not available. Does have a good record on the mainland but we just don't have it yet.

Mr. Hedani: So nobody provides it?

Mr. Abbott: No.

Ms. Amarin: Thank you. Commissioner Guard.

Mr. Guard: Just to follow up on that. Haven't we, I thought we had a project come through that was doing pervious concrete? I can't remember which but just to say that it's not available when I believe we've had something that said they going to do it. So if that's from the applicant versus –

Mr. Abbott: No, this is coming from my personal experience, communications with Hawaiian Cement and my last communication on this specific topic was about a year ago. They were still doing some trials. It has to with the aggregate. There has to be a fairly porous concrete mix and so it wasn't – you know, it was that kind of mix that they were having a problem with. In fact, as you know, Maui sand is like little tiny ball bearings and it's excellent for making concrete that's really strong and really compact. Well, of course, that's not what you want with porous concrete. You want something very porous and that will allow along of gaps and air. So, would the commission entertain a recommendation for a project change where they do provide a two parking stalls for this entryway that would be a different kind of material instead of impervious concrete?

Ms. Amorin: Commissioners what's your consensus? Do we have a concensus?

Mr. Guard: I guess the two versus Jeff is saying they can go up to 25% as – I guess it depends on their dealing with how many spaces they're trying to lease out for grass. So two out of "x" number ...(inaudible)...

Mr. Hunt: And they're also three over the required amount from the county.

Mr. Guard: Right.

Mr. Hunt: So you do have a little room to play with.

Mr. Guard: So they have three plus.

Mr. Hunt: I would suggest you ask the applicant whether they can go up to 25.

Mr. Abbott: And you also have to consider for deliveries, you know, like delivery trucks coming in that the, you know, more natural material or more pervious material is not useful in those circumstances. It doesn't hold up very well. I think there might be some code requirements to that extent as well as getting a fire engine to turn around and those kind of things.

Mr. Guard: Well, it's part of the code for a reason to have that flexibility, correct?

Mr. Abbott: Sure.

Mr. Guard: Lets ask the applicant.

Mr. Abbott: May I ask the applicant to speak to it? Thank you.

Mr. Hart: Mr. Chairman, Members of the Commission, actually in talking to the applicant, it would be really difficult to do 25% of the stalls as grassed. So you know, the opportunity exists that we would basically eliminate, we would look at the three stalls that we have and we'd basically would be eliminating those stalls in order to create a better sense of basically a setting for the entrance to the courtyard in the front of the building and that's basically what we would propose as part of this project.

Ms. Amorin: Commissioners you have any consensus on that?

Mr. Hart: Usually with the grassed parking, 25%, it's usually a situation where like in a hotel setting, you know, where there's a lot of lawn area, and you know, if there's basically additional parking or there's – that you'd essentially be using in the context of significant events and so on, that you could make it grass and it would be sufficient. But you know in

the context of a commercial project that's being used every day and probably all the stalls would be filled or most of them it would be really difficult to basically have 25% of the stalls grassed.

Ms. Amorin: I have questions from Commissioner Hedani, followed by Commissioner Pawsat.

Mr. Hart: Okay.

Mr. Hedani: Personally I think, you know, I like the project so much that I hate to mess with it to the point where we make things difficult to function. From the standpoint of pervious versus impervious I think if all of the drainage from the site is being retained on site in subsurface drainage –

Mr. Hart: Which it is, yes.

Mr. Hedani: It's going down. I mean, whatever water is aggregating on the site is going to end up being permeated into the ground so it doesn't really matter to me. And from an aesthetic perspective, it be nice to have additional grassed areas but the frontage along Lipoa Street is already landscaped and quite nicely I thought. So I would be open to either just considering the project as it is or as proposed by the applicant.

Ms. Amorin: Commissioner Pawsat.

Ms. Pawsat: Yeah, I don't care if it's grass. I mean, just 25% gravel. Just so it's just less asphalt offensive. You know, that's all. And if parking is on one of the list of concerns and you know it is, do you have a list of all your concerns and can we get a piece of paper of what those concerns are?

Mr. Hunt: No.

Ms. Pawsat: And that's you cooperating with the community and cooperating with this board, is that correct?

Ms. Amorin: Okay, getting back to the agenda. As far as the proposal to increase grass area to the two parking stalls, are you all in consensus for that or leave the project as is?

Mr. Hedani: What is the recommendation from staff at this point?

Mr. Abbott: Staff would recommend you accept the applicant's offer of two to three stalls to be changed for aesthetic purposes.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Make a, I guess, it would be an addition to the conditions or just taking it saying that they're going to do it based on what we've heard here today?

Mr. Abbott: We can make it as part of the conditions. Part of the conditions needs to be revised anyhow because of my typing skills.

Mr. Guard: We got to remove 23, so we have – 23 is now a blank.

Mr. Abbott: I would recommend you remove 23, also no. 17, this is on page 8 of your staff recommendation report.

Mr. guard: We're removing 17?

Mr. Abbott: No, I'd like to correct a comment there. You'll see in the first sentence it says, "that the applicant shall participate in any applicable future impact fee for traffic and roadway improvements in the Kihei and Makena area." Is should say "region" not "area" because we use regional community plans. Forgive my typographic errors.

Also, no. 23, as you've pointed out, should be deleted.

And then on the last page, condition 32, basically says what condition 17 says. So I would recommend you delete condition 32 and add, "that three stalls in the parking area fronting the commercial building use non-impervious surface material and provide pedestrian access."

Ms. Amorin: So Thorne, we're cancelling three and adding one? So you would have a total of –

Mr. Abbott: No, you're deleting two and adding one. Deleting 23 and deleting 32. So it would be 33 conditions.

Mr. Hedani: Move to approve as recommended.

Mr. U'u: Second.

Ms. Amorin: I have a motion on the floor to approve as recommended and seconded by Commissioner U'u.

Mr. Hedani: That would be recommended with the additions and corrections that they noted.

Ms. Amorin: With the conditions, changes as noted. Commissioner Guard.

Mr. Guard: I guess on – which one is the left turn storage lane?

Mr. Abbott: That would be –

Mr. Guard: Just was looking at it.

Mr. Abbott: No. 33.

Mr. Guard: This may be a question for Stacy. Is the width available to just add in that extra whatever, three to four feet as a bicycle, kind of a refuge area. I know it may not be all the way down the street but more of a philosophical thing. Kind of going along with Joan regarding automobile parking to try to encourage more bicycle activity. I mean, Kahului has now become one of the hottest places in the state and it's probably due to asphalt. So maybe we should try to start going the other way.

Mr. Otomo: Stacy Otomo here. When we do the design for the left turn lane, whatever space is available we'll try and accommodate a bike lane if at all possible.

Mr. Guard: Yeah, even just some kind of refuge versus some of these streets are pretty narrow and if we're trying to get multipurpose use out of them.

Mr. Otomo: Yeah, we'll work with the Department of Public Works on that.

Mr. Guard: Thank you.

Ms. Amorin: Any more discussion Commissioners?

It was moved by Mr. Hedani, seconded by Mr. U'u, then

**VOTED: To Accept the Recommendation of Approval of the Special
Management Area Use Permit, with the Amendments.
(Assenting - W. Hedani, B. U'u, K. Hiranaga, J. Guard,
W. Iaconetti, J. Pawsat)
(Excused - J. Starr)**

Ms. Pawsat: Motion carries.

Mr. Abbott: Mahalo. Thank you for your time.

A recess was called at 2:36 p.m., and the meeting was reconvened at 2:45 p.m.

3. **MR. RON SERLE requesting a State Land Use District Boundary Reclassification from the State Agricultural District to the State Rural District and a Change in Zoning from Interim District to RU-0.5 Rural District for the Serle Subdivision on approximately 5.258 acres of land at TMK: 2-7-002: 156 (formerly a portion of TMK: 2-7-002: 043), Haiku, Island of Maui. (DBA 2006/0002) (CIZ 2006/0005) (J. Dack)**

Mr. Jeffrey Dack presented an overview of the project.

Mr. Chris Hart: Good afternoon again Commissioners. My name is Chris Hart, Chris Hart and Partners, we're a landscape architecture and planning firm and with me today is Raymond Cabebe of our office, who has been the planner on this project. Also the applicant, Ron Serle is here with his support group and Colleen Dagin is here with Cultural Surveys Hawaii, Services Hawaii, and Doug Gomes is here as our civil engineer from Engineering Dynamics.

As Jeff Dack said this is the Serle subdivision and what we're requesting is a state land use district boundary amendment and a change in zoning and essentially, I'd like to point out from the beginning that the property is, that we're proposing the state land use district boundary amendment and the change in zoning has been community planned since 1983. So for 24 years it has been community planned and we're proposing to implement the community plan in the context of this project.

The project location as Jeff Dack indicated to you is Kokomo area and it's essentially down Kokomo Road in the area essentially makai of Makawao

This is the tax map, this is Puuomalei Road, and this shows the whole site and a portion of that site is proposed as rural in the community plan and a portion on the mauka side or on makai side actually is proposed as agriculture.

This gives you a sense, a better sense, this again is Puuomalei Road and a portion of the site, it's actually state land use classification is rural and the county zoning is rural and the portion of the site that's proposed in the community plan as rural is in yellow. The portion of the site that's classified agriculture and identified in the community plan as agriculture is in the light green and that's the actual subdivision Mr. Dack talked about essentially consists of three lots. Two agricultural lots on the makai side and the mauka lot fronting Puuomalei Road which actually has received final subdivision approval.

The tax map key is 2-2-7-002: 156, and again, this was formerly lot 3 of parcel 43. Puuomalei Road, Haiku, Maui is the location. Area is 5.912 acres. The existing use is vacant and it's basically open grazing pasture area, pasture land.

The applicant, the purpose of this project, the applicant is requesting a state land use commission district boundary amendment from agriculture to rural and a county change in zoning from interim to rural for 5.258 acres in Haiku, Maui. .654 acres of the property, that's that triangle portion, is already zoned rural, state rural and county. 5.912 acres is community planned for rural and it's actually been community planned, as I said, for 24 years. The intent of the owner is to establish consistency between the county's Paia-Haiku Community Plan and the state and county land use designations.

The land use designation, the state land use classification is rural for the .654 and agricultural for 5.258 acres. The Paia Community Plan identifies it as rural and again, from April 1983, it was identified initially and then again in the update of the community plan on May of 1995. And that's been the proposed zoning for the past 24 years. Maui County zoning that's being requested is Rural .5 and the interim is also the zoning of the 5.258 acres. The site is located in Flood Zone C. It's an area of minimal flooding.

This slide gives you a really good sense of what the state land use classifications in the area are. The area that's darker in gray is all agriculture and the state land use classification, existing classifications are rural. This is our project site. And then there's a gap of agriculture and then again, some additional rural.

And then this is the, what the Paia-Haiku Community Plan proposed, has proposed for the past 24 years. It shows Puuomalei Road, and the proposal really is an infill of this area to be basically a rural residential neighborhood and this is the project site.

It's also important that when the county adopted the rural district zoning ordinance they essentially made all of the sites that were actually identified or classified state rural, county rural and then in the context of the community plan all the areas that weren't actually identified in terms of the state land use classification as rural they identified them as county interim zoning. So there was an acknowledgment that over time this area will infill and become essentially rural. So that's the intention of this application today.

The state land use classification again, in terms of what is current and what is proposed is as follows, the state land use district boundary is agriculture and we're proposing to amend it to rural. We're asking for a county change in zoning from County Interim to Rural .5.

This is essentially our subdivision. And again, it's actually 10, ½ acre lots. This shows the two agricultural lots above. This is our landscape plan showing the 10 lots in the rural district. And then actually we have a parcel, one of the agricultural parcels, it's actually a well lot with a storage tank and actually a retention area, retention basin and the additional agricultural lot that's available.

This shows the context of the project in terms of Puuomalei Road. The actual 10, ½ acre lots, again, the agricultural lot which essentially is an infrastructure lot which has the well

and the storage tank and retention basin.

We had a community meeting on June 11, 2006. All the property owners within 500 feet were invited and it was on a Sunday afternoon. It was a very nice day and it was held at the project site. There was 20, approximately 20 people attended including the applicant, his representatives. There was a follow-up letter with additional information was sent to all attendees on August 31, 2006. Which addressed at that meeting concerns that were raised by the neighbors.

These are site photos. This would be Puuomalei Road. This actually is where the entrance to the subdivision would be. This is approximately the location of the access road, internal access road. Again, site photos. Gives you a sense of the character of the land. In terms of the surrounding, it does give you a sense of the rural residential neighborhood that's kind established itself in Kokomo which is definitely different from Makawao and also different from Haiku which are more urban areas.

This kind of gives you that sense. You can see, you know, basically the rural residential neighborhood that's kind of developing in this area and you get a sense of that from the lot configuration. So really, the character of the neighborhood that's being proposed in the context of this project is very consistent with the character that currently exists.

This is provided for you in order to give you a sense of the proposed lot sizes, character of the lot sizes in relationship to the existing development. Yellow essentially is our lots of one acre or less. The green are lots of one to two acres and the darker green are basically lots of two to five acres, and then the blue are lot areas of greater than five acres. But the important ...(inaudible)... you know, basically in the context of the configuration that Kokomo historically has been a rural residential community and it's, you know, basically has been constrained in terms of the development of rural and basically the process of subdivision because of a lack of water. And one other really important features of this project is that we are, Mr. Serle and his partners are drilling a well to basically satisfy that requirement. I think that's an important consideration. And also, it does provide an opportunity for additional housing. The people that do live in this area, I mean, it's you know, basically local people and, you know, the idea is that the lots would be essentially priced accordingly, according to the market in that particular area. Thank you very much. Are there any questions?

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: Chris, you mentioned the fact that there were community meetings, you didn't tell us what went on. What the community feelings were.

Mr. Hart: Basically we did have a community meeting. One community meeting and we basically discussed the project. We presented the project to them essentially presented

the landscape plan and presented the subdivision map. Discussed issues. One concern was the location of the entry. It was actually at the time of the meeting. It was located on this side. We relocated the entry drive basically to satisfy some of the concerns of the neighbors. There was discussion about water. You know, because obviously upcountry in that area there are not meters available. What we're going to do about water and Mr. Serle's actually drilling a well to provide water for the project. And our civil engineer, Doug Gomes is here and if you want to ask some questions about that in terms of feasibility and so on. There was also concern about this area which actually in storm, in areas of storm time does actually, it's a low spot, natural low spot and it actually does have some standing water at different times of the year. So essentially what we're proposing in the context of the project is to create a basically a feature that would pretty much have water in it most of the time and you know, we're talking about actually making it really a pond. Okay.

Mr. Iaconetti: May I?

Ms. Amarin: Yes, Commissioner Iaconetti.

Mr. Iaconetti: You still haven't told me though what the community's feelings were.

Mr. Hart: Well, there was concern specifically about the location of this driveway. There concern that Puuomalei Road is used by some people as kind of like, kind of an escape route to get outside of traffic on Makawao Avenue so they come down there. There was a concern about increased traffic in the neighborhood. That was concern. There was also a concern, you know, by some whether the houses would be affordable or not, or the lots would be affordable. It's pretty much a lots only project. There were concerns that – one person felt that we shouldn't be able to do ohana units because basically the opportunity does exist to do accessory dwellings. Those were the kinds of concerns. But mostly, the concern that we were able to address in the context of the project was to essentially identify that there will be roadway improvements along Puuomalei Road in terms of the project. That we would relocate the entrance to the project and that we would be selling the lots to, basically at prices that would essentially be supported by the market in the area. We didn't give a price but it's not Sprecklesville or it's not Wailea. I mean, it is basically, you're going to be marketing it to people that would want to live in this area.

Mr. Iaconetti: Could you be a little more specific about their concerns about the water?

Mr. Hart: The water? Well, basically County of Maui is not able to provide – there's a waiting list for water meters upcountry and I think that there are a lot of people in the neighborhood that would like to develop but because of the fact that there's not water available, that water development has been constrained and you know, so the question was how are you going to do that? And basically Mr. Serle essentially drill a well and provide water.

Mr. Iaconetti: And the community was in favor of this?

Mr. Hart: They didn't object to the idea. At least it's not what I recall that they objected to the idea. I mean, it was kind of like, that's a good idea, you know.

Ms. Amorin: Commissioner Pawsat.

Mr. Pawsat: It seems from the information we've been given from your neighbors that actually the consensus was that none of them want this development at all actually.

Mr. Hart: How many did –

Mr. Pawsat: I mean, you had to notify everyone within 500 feet and it seems that that's everyone on this map basically and they all submitted letters against the project.

Mr. Hart: How –

Ms. Pawsat: I mean, right? I mean, that's all within 500 feet and it seems that they're all against the project. The other thing is about the water. I mean, yeah, there's a wait list and everything like that but I don't see how drilling a well actually resolves water issues except in the fact that it bypasses water issues. I mean, you know, it's not like there's a little sack of water exclusively for the subdivision underground. It pulls from the whole water system. So I don't know if I, you know, commend anyone for bypassing what everyone else is waiting in line for because they have access to the monies to actually drill a well. If anything that's kind of financially discriminatory.

Mr. Hart: Well first of all according to what I understand in terms of the list of people that we mailed out to, we missed – we're certainly not all the people within 500 feet sent letters opposing the project. I think that, I'd like for you to be more specific about that.

Ms. Pawsat: Well, are these places on the map, I mean, where's the radius for 500 feet. These are two-acre lots. So I mean, you know, what's the scale of this map?

Mr. Hart: How many letters of –

Ms. Amorin: We have 20 people here.

Mr. Hart: 20 people.

Ms. Pawsat: And we have letters from every single one, property owners surrounding this piece of property saying they don't want it. And how are we as commissioners in good conscious supposed to pass this project when our job is to listen to the community and everyone around you opposes it?

Mr. Hart: We sent out 53 letters. Well, there's several reasons why you should support the project. I mean, it's been proposed in the community plan which is a guide to growth and development of upcountry Maui or Paia, Haiku for the past 23 years. So I think that that's one reason. Secondly, the County of Maui has identified the site as Interim zone. It's no longer identified as agriculture by the County. The fact that, you know, that there's not water available I mean is basically a responsibility of the County to provide water. If the opportunity does present itself for a developer to provide a well, that's a positive basic initiative on the part of the developer to do that. I don't think that's a negative. You know there is a substantial water aquifer under Makawao and Haiku.

Ms. Amarin: We have more questions. Commissioner Pawsat followed by Commissioner Hedani.

Ms. Pawsat: I don't really think it works any more to reference. I mean, there's certain valid things and code and zoning but all these things that you allude to were always made, always fabricated not knowing what issues would be happening now.

Mr. Hart: What issues happened now?

Ms. Pawsat: Yeah, I mean, these plans were conceived in the '80's. There wasn't a water shortage in the '80's, there weren't development fights like this in the '80's and it's a whole different problem.

Mr. Hart: But there were water shortages in the '80's. The Upcountry Kula Moratorium has been in effect since the late 1970's.

Ms. Pawsat: Well, I can also just state in general that it seems like most things conceived in the '80's were never a good idea, but that's a whole other topic.

Mr. Hart: Well, as a planner in this community and as a professional and as a landowner, you know, we have a land use guidance system that we spent a lot of time developing here in Maui County. And there should be some reliance on that guidance system.

Ms. Pawsat: Well, then why are you changing it?

Mr. Hart: We're not changing it.

Ms. Pawsat: You're changing zoning.

Mr. Hart: We're proposing to be consistent with the community plan. A lot of time and energy was spent developing.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Chris going back to the community plan, you know, if you can put up that slide that shows that entire area that was community planned rural. That one. What was the logic behind the rural designation in the community plan? Do you have any history on that?

Mr. Hart: Yeah, I think from my own personal view of it and I don't know what the history is, I can't really say, but the character of the neighborhood in Kokomo, you know, as been small, basic rural kind of neighborhood. If you go – Makawao Avenue turns into the Kapakalua Road and you turn down Kokomo Road, I mean, the character of the area is basically a rural residential neighborhood. And I think that it was just a matter of acknowledging that that's the character of the development and then in 1983, they essentially identified a rural district.

Mr. Hedani: So at the time the '83 community plan was done they were kind of providing for some future growth in the area in terms of rural residential development.

Mr. Hart: That's correct. Yeah.

Mr. Hedani: In the classification for rural is there an alternative to 0.5?

Mr. Hart: There is. The State Land Use Law establishes minimum lot size in a rural district of one-half acre. Maui County Zoning has Rural 0.5 and Rural 1.0 acre.

Mr. Hedani: So were both of those evaluated or just the 0.5?

Mr. Hart: In the context of this project?

Mr. Hedani: Right.

Mr. Hart: We looked at both, but you know in the context of cost, you know, and from the point of view of providing, you know, essentially lots that are going to be available to people. In other words, the best opportunity would be to provide one-half acre minimum lot size and that's the choice that was taken. Larger lots are going to cost more money.

Mr. Hedani: Right. So the proposal is not to have 0.5 over the entire 10 acres, it just over five acres of the 10 acres?

Mr. Hart: Yes, right.

Mr. Hedani: And the balance would be retained in ag or is that?

Mr. Hart: Yes, the balance would be retained in ag because this portion, you know, is proposed in the community plan as ag and it's classified state agriculture. This portion down here is rural in the community plan and the county has identified as in the interim

zone.

Mr. Hedani: Okay, so that map matches that map exactly?

Mr. Hart: Well, this is the agricultural portion.

Mr. Hedani: So that's the five of the 10 acres? I see.

Ms. Amorin: Any more questions? Commissioner Hiranaga.

Mr. Hiranaga: The community plan that you refer to 1983, has that been updated? Is there another update?

Mr. Hart: It was updated in 1995.

Mr. Hiranaga: was '83 the first attempt to have a community plan or was there a previous version also?

Mr. Hart: No, 1983 was the first community plan. The process began about 1981, '80, '81.

Mr. Hiranaga: And so in the 1990 update, this designation was unchanged?

Mr. Hart: That's correct. And then subsequent to that the Rural District Zoning Ordinance was adopted. It's important that – will go to that slide Raymond which shows the interim? When the Rural District Zoning Ordinance was adopted what happened is that, you know, all these areas that were shown as rural in the community plan, you know, were actually zoned rural. See, before that time we didn't have a County Rural District Zoning. We just had a state land use classification.

Mr. Hiranaga: Right.

Mr. Hart: And then what the County did was in that act they identified all these other areas as interim. So they're no longer agriculture, they're interim, county interim.

Mr. Hiranaga: I guess, you know, I can sympathize with the neighbors concerns about creating these half acre lots. There must of been a reason in 1983 for the community to propose and adopt a community plan to designate that portion of the lot to be rural and in 1990 there was no attempt to revise that. So apparently there was no real opposition in those seven years between '83 and '90 to change the designation besides rural. So it is the plan and it's a plan.

Mr. Hart: You know, I understand and, you know, the concerns of some of the commissioners but you know, there is a land use guidance system here in Maui and we

spent a lot of time especially on the community plans and you know, people buy land and they have to rely on something. In this particular case I believe the biggest constraint is the fact that there's not – that there is not public water meters available. And Mr. Serle decided that he was going to do a subdivision. There is certainly a need for lots in upcountry and to actually provide water.

Ms. Amarin: Commissioner Iaconetti, followed by Commissioner Hedani, followed by Commissioner Guard.

Mr. Iaconetti: Chris, I got a problem with this simply because in our literature that we prepare ourselves for to be on this commission, there's a large amount of discussion about maintaining ag land to not dispose of ag land for further development. Now this according to its scale is very good ag land. It's very good pasture land which it is now being used for and it goes against my feeling of converting this into a housing development when we're trying to protect the ag land that we have.

Mr. Hart: Well, can I respond. My view of it as a planner and this is something that I've been involved with for a long time in this community is that if something isn't consistent with the community plan, it's really difficult for me to get behind it as a consultant. Okay, in this particular case it is consistent with the community plan. I mean, why do we go through the process of doing a community plan. And its not only been, you know, confirmed once, it's been confirmed twice and, you know, I believe that ultimately, it is going to be developed as basically a rural residential neighborhood and I fully subscribe to your concerns and so did Mr. Serle in the context of creating the two-lot agricultural subdivision and those are going to continue to be in agriculture.

Ms. Amarin: At this time, Commissioner Guard.

Mr. Guard: Thank you. Yeah, Chris, last night when we were reading this, it seemed like a fairly straight forward project, that it was a community plan amendment. So it is surprising that this morning there's actually quite a few people that aren't all for it whether being in the community. And I don't know if there is any move to maybe offer it to them to help them with their community plan amendment at the same time instead of having every person having to do this at one time. I don't know if there is any try to help out the community. Give them a positive. It is a difficult point when one person right behind you they don't have the money to do a well and you get to go put your straw in the drink first. I deal with it with my family upcountry that we have to let people keep on getting their water meters or private wells while we've waiting for 20 some odd years for it. At some point there is a dilemma to be like, oh because they have the money they get to get it first when the county for whatever reason can't keep up with the supply. But to give some kind of benefit to the community around to help them out might have been a –

Mr. Hart: Yeah, just a second. Mr. Serle wants to say something. But I'd just like to say

that we're not asking for a community plan amendment. We are being consistent with the community plan. I think that's important. We are asking for a land use district boundary amendment which changes it from basically state agriculture to county rural and then from county interim to rural. But you know, at the time, you know, there was discussion about the water, but there was no, you know, lets say interest on the part of the neighbors it didn't seem, you know, to basically initiate some sort of a neighborhood kind of an application. That's not impossible. We've done that before, yes, with basically neighbors. That's possible. But Mr. Serle would like to talk a little bit about the water because you know he is definitely interested in being a positive part of the neighborhood. And honestly I have to say that even though there are letters that have come in. At the time when we did have the community meeting, the people that came there, you know, basically came, talked story and were friendly. I mean there were concerns that were raised and Mr. Serle listened and I listened and Raymond listened and we incorporated their concerns into the plan the best that we could. Now, in addition though Mr. Serle would probably like to say something and I think that I'd like him to address some of the concerns maybe about water.

Mr. Ron Serle: Yes, Chairperson and Commissioners, what I'd like to say that –

Ms. Amorin: For the record, please state your name.

Mr. Serle: Ron Serle. Is that it's been our intention to try to work out some kind of an agreement with the county to actually give them all the excess water. This project's only going to require 6,000 to 10,000 gallons a day which is not a lot for the pumping system that we're putting in. There's going to be a lot of excess water. If we could figure out a way to donate the land to have an easement coming out of the property, there's an eight-inch water line that sits right there which we're happy to tap into for the county.

Second thing is I guess you buy something with intentions, okay. Obviously the first intention is to make money, okay. That's kind of down the drain right now. This project went on longer. I was very naive in the process in how long it would take to do it and what it would do. I'm not alone in this. I have other partners. I'm not Mr. G or a Mr. D standing here before you. But when I looked at this I have a son that worked in the Maui County Police Department for years. We have friends here that are firemen, we have friends here that are schools teachers that earn more than affordable housing with combined income. Where are these people going to go? When we take projects like this and we decide that they should be smaller and more exclusive that's what we're making them. Lots in Haiku are going to be a million dollars. Where are our children going to live? My partners each have a child. I have to two children and there's plenty of other people that need housing. These are going to be affordable – not affordable lots, they're going to be middle class lots. We're eliminating the middle class person from living on this island.

Ms. Amorin: Any questions for Mr. Serle? Commissioner Hiranaga.

Mr. Hiranaga: I guess one comment about the desire to dedicate or donate the excess capacity of the water that potentially could come from this well, the probably of the county accepting this well is probably nil to none because you'd have to build it to their standards because you'd want to dedicate the facility to them and make it a municipal facility.

Mr. Serle: Right, Kent. I mean, we could always have discussions in that area and if the Water Department is open it's available. It's available.

Mr. Hiranaga: Right, but from a reality standpoint, there's been other agreements in the past. But saying that, I do not oppose private individuals drilling their own wells because to wait for the county to provide water, you know, the Board of Water Supply approved Pookela well seven years ago and where is that well right now? I don't think it's on line. It's being developed yet. Why haven't we drilled other wells in the Haiku area simultaneously with a Pookela. That's a good question. I mean, my recollection there's 80 million gallons of sustainable yield in Haiku compared to 20 at Lao Valley. So why aren't we drilling wells up there? I think some people use water as a development tool and that's our planning tool and that shouldn't be the case. You know, as far as a person drilling a well, I really don't have any objections to it because a lot of people have been waiting for decades for the county to provide water to the Haiku area. That's my comment.

Ms. Amorin: Commissioner U'u.

Mr. U'u: One question. Are these houses going to be sold or are they going to be rentals?

Mr. Serle: No, at this point what we're talking about is selling the land. But certainly you can understand Mr. U'u that a lot that's a half acre in that area sells for probably 50 or 60% less than a two-acre lot in Haiku. There are no rural half acres available to be bought in Haiku now. There's no place for someone entry level, middle class, hard-working people, maybe that work for county in some kind of capacity whose husbands and wives work there is going to be no place for those people to go including my own children.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: What is the price range of the lots that you're considering at this point?

Mr. Serle: A lot depends on market conditions of course, but we're looking in the area of under \$400,000 a lot.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Are you aiming toward owner/occupants? Are you guys willing to do something to gear it towards that?

Mr. Serle: What we would like, ideally what we would like to do is to be able to save some lots for our children, yes.

Mr. Guard: Well, you discussed that you're trying to aim at a middle, at the gap group.

Mr. Serle: Yes.

Mr. Guard: But reality is –

Mr. Serle: But are we trying to save – I'm sorry.

Mr. Guard: Okay, you discussed on one hand gap group housing that you want to fill a nitch.

Mr. Serle: Yes.

Mr. Guard: But on the other one it's, the bottom line it's about money. That was the initial sentence we started with.

Mr. Serle: Mr. Guard, I probably could work at Costco being a greeter, seeing all of my friends come in and out and make more money in the next five years than I'm going to make on this project.

Mr. Guard: I guess on the half acre lots –

Mr. Serle: And that's the truth of the matter.

Mr. Guard: Okay.

Ms. Amorin: Commissioner Hedani, followed by Commissioner Pawsat.

Mr. Hiranaga: No, Hiranaga.

Ms. Amorin: I'm sorry. Stand corrected Hiranaga.

Mr. Hiranaga: Is the applicant privy to the staff's recommendation?

Mr. Dack: Yes.

Mr. Hiranaga: So I guess one of the special conditions that the staff is proposing is the reduction of number of lots. Are you agreeable to that?

Mr. Serle: Yes, Mr. Hiranaga. I'm not in agreement with that and I think that's an

engineering call that I'd like my engineer to go over with you guys.

Mr. Hiranaga: Okay, so you'd like to discuss that?

Mr. Serle: Yes, I'd like my engineer to bring up why, okay? But obviously also, the least lots that we do, the county brought that up I believe from an engineering standpoint and not from any other kind of standpoint.

The second thing is the more we delude the project, the less – the higher price has to be and the less people we can get into middle range housing in this area.

Mr. Hiranaga: When would we address that? After staff presentation?

Ms. Amorin: This is directed to the director?

Mr. Hiranaga: Director. When's the appropriate time to discuss the recommendation from staff for the reduction in lot numbers?

Mr. Hunt: The way the process works is you have the applicant give a presentation and then you ask them questions and technically that's what we're supposed to be doing right now is asking questions. This body has kind of tended to deliberate right now so be it, but what you should be doing is asking questions and then going into public hearing and getting some input from the citizens before you start deliberating because you want to hear all the information and all the data out there.

Mr. Dack: Staff needs to present an analysis too after the applicant's done and we'll raise some of the issues that lead to the recommendations.

Mr. Hiranaga: I'll defer my question.

Ms. Amorin: Commissioner Pawsat you had a question.

Ms. Pawsat: This is really more towards Chris Hart. About wondering, he said he was involved with the planning, initial planning of this area in the community plan is that true?

Mr. Serle: Could I go?

Ms. Amorin: Thank you Mr. Serle.

Mr. Serle: Thank you very much. And if you need any engineering questions, Doug Gomes is here.

Ms. Pawsat: Hi, you were involved in the original community plans for these areas?

Mr. Hart: I worked with the Planning Department at the time, yes.

Ms. Pawsat: I mean, do you recall back in the '80's and I'll ask this of the people who come up to testify as well, about how much the community actually was involved in the community plan and how well they are informed about that and I'll just ask them individually as well if they were ever contacted for comments on the community plan.

Mr. Hart: Back in the early '80's there was Paia-Haiku, there are basically six community plan regions on Maui and each one of them had a Citizens Advisory Committee. It was a pretty large committee, Paia-Haiku Committee. There were meetings of the Citizens Advisory Committee and then after the recommendations were made to the planning commission, planning commission held hearings and then of course, it went to the Maui County Council and that happened in 1983, and again in – it started in 1992 through 1995 which the Council finally adopted the plan in 1995. That that would be the update. But whether or not there was not the same kind of effort to involve the neighbors in this area in the process. In other words there wasn't a situation where neighbors within 500 feet or neighbors were sent a certified letter. It just essentially, you know, advertisement in the paper of citizen advisory committee meeting of, you know, news articles about what the Paia-Haiku Citizens Advisory Committee said, that kind of thing. But you know, the process goes on for quite a long while and people generally know what's happening in their neighborhood.

Ms. Amorin: Commissioner U'u do you have a question for the applicant? Commissioner Iaconetti.

Mr. Iaconetti: Just for my own information, is Mr. Serle a part of group that owns this?

Mr. Hart: Yes, they are.

Mr. Iaconetti: May I ask then how many of the people that involved in this are actually residents of Maui?

Mr. Hart: Sure.

Mr. Serle: Three

Mr. Hart: Three people.

Mr. Iaconetti: That live here.

Mr. Hart: That live here, yes sir.

Mr. Iaconetti: And there are how many in the group?

Mr. Serle: Four.

Mr. Hart: Four people in the group, three live here.

Ms. Amorin: Commissioner U'u.

Mr. U'u: Just a comment. I know Mr. Serle said he would be making more money at Costco, but you wouldn't be able to afford one of your own lots if that was the case at \$400,000.

Ms. Amorin: Thank you. At this time, Planner Dack before public testimony, your comments.

Mr. Dack presented the analysis of the Maui Planning Department's Report.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Does the department have any recommendation relative to the configuration between 0.5 or one acre in this area for the entire community plan region?

Mr. Dack: I don't think – I'm not aware of the department having any position for the entire community plan region. The department is recommending that you accept the applicant's request for 0.5 acre site for the site but as far as other sites in this vicinity I don't think the department has any position on that.

Mr. Hedani: Okay, I think to some degree part of the concern of the neighborhood is that they feel that what they're doing is something that's not in keeping with the community plan or it's something that's not appropriate for the area and it sounds to me like they don't realize that their own land may be classified as rural in the community plan and available for subdivision if they so chose into 0.5 or one acre as opposed to two acre lots. And I think so there's a lot of miscommunication out there as to what exists until you show it up on a map like this where everybody can try to identify where their property is relative to the community plan maps. So I just wanted to clarify for the people in the audience that they may be sitting on land that's already community planned rural and not realize it.

Mr. Dack: Yes, a significant portion of the area certainly is community planned rural even if much of it may still have interim zoning and the actual zoning between 0.5 and 1.0 is still to be determined.

Ms. Amorin: Thank you. Commissioner Iaconetti.

Mr. Iaconetti: Is this the letter that you put on our –

Mr. Dack: That's correct. That's the one the applicant emailed about 11:00 this morning.

Mr. Iaconetti: It's neither dated nor signed. So we don't know who sent it, ...(inaudible)... or why.

Mr. Dack: You only have the actual typed letter because the letter that was emailed to me is very difficult to read, legibility is difficult for the four parties that signed it. However, it was signed by Jordan Santos, Michael Santos, William Perreira and Mark Perreira, all on July 8th and I can pass this around the ...(inaudible).. But again, it's difficult to make out the legibility.

Mr. Iaconetti: May I? One more.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: The individuals that signed it are they on this map?

Mr. Dack: I personally don't have that map, but I doubt it very much. They wouldn't have signed letters in both opposition and in favor of the project.

Mr. Iaconetti: No, I'm not asking that. I'm asking if they are actually represented as landowners in this area.

Mr. Dack: No, I do not know that. The applicant very well may be able to answer that question, but I do not. I just got this letter at 11:30 this morning.

Mr. Iaconetti: I'm wondering about the importance of the letter if they're not even landowners in the area. That's what I'd like to know.

Mr. Dack: Yeah, I can't evaluate it. Again, we just received that this morning.

Mr. Iaconetti: Is there anyone that can?

Mr. Dack: It's possible the applicant knows where those individuals may happen to reside.

Mr. Hart: The applicant indicated to me that they live within the Kokomo area but necessarily within the 500-foot radius.

Mr. Iaconetti: So if I were to send in a letter in opposition living over in the Napili area it would carry about as much importance as this one?

Mr. Hart: I suppose that you could look at it that way, but if they are neighbors in Kokomo, you know, it wouldn't be like if you lived on another street outside of the area.

Ms. Amarin: Commissioner U'u followed by Commissioner Hedani. Commissioner Hedani.

Mr. Hedani: Just had a question actually for Chris, are there any CC&Rs for the property that would kind of like control speculation or control the architecture of the buildings?

Mr. Hart: There are none at this time. It's been discussed, but there haven't been any promulgated at this time.

Mr. Hedani: Just a note for staff, contrary to the Beach Boys pronunciation, it's not Kokomo, it's Kokomo.

Mr. Dack: Thank you. I've never heard it pronounced. I was taking my best shot from my history. Pardon me. Thank you. Relative to the question about architectural style. There is a – one of the recommended conditions does refer to suggesting that proposed residence utilize designs reminiscent of plantation style and harmony with Haiku area. That would be condition no. 3.

Ms. Amarin: Jeffrey, Corporation Counsel.

Mr. Giroux: Jeff, I've got to clarify some stuff. As far as 19.510 there's a section in it regarding protests and one of the things that we need to clarify at this stage is that basically what the 500 feet radius is, what those properties are and who are the people who have written in to basically write against the project. What the statute says is that or what the ordinance says is that, "if 40% of the lessees or owners of the land within 500 feet of this project file a written protest then the County Council will have to, if they're going to vote in favor of it, they will going to have to vote a super majority, seven out of nine. So I really want to make it clear that the Planning Department in its transmittal should analyze this and give a clear representation to Council if this is transmitted that you know, that there was notice to the 500 feet radius and if the people who've filed protest against that if adding them up, finding that they're owners or lessees and adding them up whether they amount to 40% of the people within the 500 feet radius.

Mr. Dack: Yeah, thank you for your clarification. I will certainly make that analysis.

Mr. Giroux: Because I'm looking at the map and just don't – I don't know what the 500 feet is, because Mr. Ferreira did submit a petition and he did submit a map, but I'm not – I see some in orange and those I seen the written request or protest but then there's also properties that are circled in green and I don't know if those are the ones that need to be counted as being within the 500 because we're looking – we need to determine if there's 40% or not.

Mr. Dack: We'll certainly look at that closely.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Yeah, this map is kind of the newest information that's putting us all or making me a little hesitant because it seemed like a real simple thing. That it was what the community wanted and it was "no-brainer" to recommend approval and then to have every neighbor around you either be misinformed or not want it. I don't know if all the homework was done to let them know that they are also entitled to be possibly rural one acre or rural half acre. I mean, that's a sticking point. I guess if we could hear from the public, maybe they've changed their minds ...(inaudible)... rural one acre. But you would think that they could have taken care of that before today.

a. Public Hearing

Ms. Amorin: Thank you. At this time the Chair will open the floor up for public testimony. I have on my list from this morning this particular agenda item John Duey.

Mr. Duey: (inaudible - speaking from the audience)

Ms. Amorin: Okay, Do we have any individual in the audience that wishes to speak on this agenda item?

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

Mr. Edwin Ferreira: Aloha and good morning, Madame Chair, ladies and gentlemen of the Planning Commission. My name is Edwin Ferreira. I am one of the seven property owners that abuts the property of Ronald Serle who is going to be developing a – well, who is attempting to develop a proposed subdivision on Puuomalei.

I've been a neighbor to that property for over 30 years. And it's always been used for agricultural purposes as it is today. If you drive by, you'll see some cattle and some horses grazing there. The gentleman, Chucky DeCoite, was here. That's his. Most of us moved to this neighborhood to enjoy a very pastoral lifestyle whether it be that of a spacious two-acre agricultural lot, or in my case, to raise my family on an active cattle ranch. I know Mr. Serle can appreciate our point of view since he lives up on Olinda on a two-acre agricultural lot. Would he really want 20 to 24 homes built on ten acres next to his house? I seriously doubt it.

You only have to look at the map which Mr. Serle has provided to see what a radical departure his plan is from the immediate neighbors like myself and the neighbors beyond. Rather than following the Haiku-Paia Community Plan, which recommends that one conform to the existing character of the surrounding area, our community's wishes have been ignored in order to pack as many houses as possible onto that property. It'll create a density and congestion that were some of the things we were getting away from when

we moved into that area. We're not against Mr. Serle creating a subdivision, if he's willing to listen to the wishes of his neighbor, all of his neighbors, and be sensitive to the nature of the character of this area. It would mean two-acre, agricultural lots.

I'm sure both sides for and against the zoning change could go on and on; however, the bottom line is this: on one hand we have a neighborhood that is unanimously opposed to this subdivision. On the other side, you have a developer trying to make as much money as possible. We see no compelling reason why profit should prevail over the wishes of the community. Therefore, I ask you, ladies and gentlemen, to totally reject Mr. Serle's request for his wanting to change from agricultural land to rural to downsize the lots.

I do have – and I'm really sorry. I was told there were only seven Commission members. I would just like to pass this out to you. These here have the signatures of all of the property owners that surrounds that proposed subdivision. There's seven of us that abut to that property. We all have agricultural lots.

Ms. Amorin: Mr. Ferreira?

Mr. Ferreira: Yes?

Ms. Amorin: You have 30 seconds to conclude.

Mr. Ferreira: Okay. Well, it's self-explanatory. The maps are there. In the orange is all of the property owners that abut the property. In the green surrounding the neighborhood are the other neighbors who are opposed to it. They have all signed the petition, and it's all there in the packet that you have before you. Okay? Thank you very much.

Ms. Amorin: Thank you very much. Commissioners, any questions? Thank you, Mr. Ferreira.

Mr. Charles DeCoite: Good morning. My name is Charles DeCoite. I live on 2970 Kailili Road in Haiku. And right now, I have some cattle on Ron Serle's property. And he's asking for a zoning of half-acre, which already I believe is in the community plan. And you guys shouldn't go against what you already did—wasting your time. And I believe the half, the part of the portion in the front is already zoned half-acre. And around the Kokomo area, including mine, is already half-acre zoning. I mean, it's good to keep agricultural land, but you still need to keep people. You cannot raise enough cows or horses to supply Maui's demand for housing. You have the land and you paid good money for it, you should be able to do what you believe is right. And that's my testimony. Thank you very much.

Ms. Amorin: Thank you very much. Any questions? Seeing none, thank you.

This concludes the testimony received at the beginning of the meeting.

Ms. Amorin: Okay, we're going to do a recall with new information. Edwin Ferreira.

Mr. Edwin Ferreira: Again, good afternoon, Madam Chair and Commission Members. I wish I had a half hour because I would love to tear into three-fourths of the stuff that was just said.

To begin with let me give out the rest of these for those of you who did not get this. These packets are divided into two sections. The first section contains the seven names of the people who live or abut the proposed subdivision. That's in the yellow.

The next section here is, the next stapled section are those people who signed letters opposing the change in zoning from the green section. Now I wanted to clarify and I didn't have a chance to do that this morning, one of the people that signed in agreement lives directly across the proposed subdivision on Puuomalei and it's marked No. 32. I got a late fax last evening, yesterday evening asking for his name to be removed from the list and I know the reason why because of the last name. I don't want to bring out now because I got to live with these guys. But anyway, whoever needs one, take one.

Okay, now let me cover a couple things that they said. According to Chris there's minimal flooding that area and I'll be a son of a gun, I couldn't find the pictures that I took the last good rain that we had. Where the designated area is for their well and the storage tank there was approximately, and I measured it, after four months, the pond finally went down and the mosquitos finally died. But that pond filled up to seven feet, two inches and I measured it on the tree because I was there and I took pictures of the whole thing. The water actually filled up enough to go over the fence line of David Hamm's property which is on the makai side of this proposed property, to the point where it was right up to the side of his house. The ducks were able to swim completely over the fence into that whole area. My grandsons wanted to make a little boat and go down there because this pond lasted for four, four and a half months. And we put up with a heck of a lot of mosquitos and it was during that Dengue fever time.

Now, this according to Chris this whole plan has been in the making from back – 1983. A proposal of change. I've lived on that property from the early '70's. I bought it in '73, and I built in '75, I never got any kind of a notice about any type of changing from agricultural to rural. I've got eight acres right on the opposite side of this property and from the top of the hill all the way down to the bottom of the hill. I've never gotten anything in writing about any kind of a change in that area.

As far as I'm concerned, I don't care if it's been rural, changed to a rural. I raise cattle on that property. My grandsons will take over that when I'm gone and that's why all of the people that live and abut the proposed subdivision in the yellow, when I talked to them, they said, "thank God somebody is going to go up there and tell it like it is because we don't want them. There's too many. If he wants to make a two-acre subdivision, agriculturally

zoned which is what all the rest of us have, they said fine. We'll go along with it." But for him to chop it down or pull out this 1983 plan and say, okay we've already got it made in the shade and they're going to be selling all of these lots with the possibility of 24 homes.

Ms. Amorin: Edwin, need to wrap up.

Mr. Ferreira: 24 homes, 50 cars. Thank you. I'm though.

Ms. Amorin: Edwin, you have a question. Commissioner Iaconetti.

Mr. Iaconetti: Yes, Edwin can you tell us the 500-yard radius here?

Mr. U'u: Feet.

Mr. Hedani: 500 feet.

Mr. Ferreira: A couple of them in the green would be within the 500 yard – feet, is it feet or yard? Feet, right?

Mr. Dack: It's feet.

Mr. Iaconetti: Feet, I'm sorry.

Mr. Ferreira: 500 feet there would be a few, a couple of them in the green that would fall under that category.

Mr. Iaconetti: And those two that are in the green that are in that category, are they opposed to it? Are they represented in your information?

Mr. Ferreira: I gave you all of my copies. I would need to look at it. The main one was directly across the street from that property which was No. 32 there, and it does have DeCoites last name. He was very concerned about the entrance to the property, to the proposed subdivision mainly because when they're coming out their headlights would be shining right into his living room window. It would be directly across the street and he was totally against it and for some reason, he changed his mind. And I have it here, the fax that he sent me asking me to delete his name from this process. But other than that No. 34 which is Santos Bras, he is within that 500 feet and so is, I couldn't get him, but he's another, lot No. 33, I put down on vacation. I haven't been able to find Mr. DeCoite and this is Kenneth DeCoite. They're all related, they're all family.

Mr. Iaconetti: Does the individual that asked that his name be removed have any interest in that property? Is he utilizing that property for something or?

Mr. Ferreira: I believe his cousin has cattle on there now. But no, to answer you I don't believe he has anything to do with the property.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: One other question. Now knowing that your property could be subdivided, does that change your feeling about doing anything to it?

Mr. Ferreira: Not one inch. I don't plan on subdividing or doing anything with my eight acres. That will go to my two grandsons for them to continue on raising cattle or whatever they want on there, not to be subdivided.

Mr. Iaconetti: Thank you.

Mr. Ferreira: You're welcome.

Ms. Amorin: Commissioner U'u you had a question?

Mr. U'u: No.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Mr. Ferreira.

Mr. Ferreira: Yes.

Mr. Hiranaga: What are your thoughts if the zoning was granted for rural one acre versus rural half acre which would result in four, one-acre lots instead of – or possibly five one-acre lots versus the proposed 10-half-acre lots?

Mr. Ferreira: My honest opinion would be it's better than what they're going for now. I would personally like to see it continue as agricultural two-acre lots like all the rest of us in that area. The ones that have, and I must say this, Tom Morrow, God bless him, before he passed away, he was able to, he had one acre below me, about my property when the subdivision, the 22 acres below us became a reality, Tom was able to get a one-acre parcel so that he could get back into – to conform with that area two-acre parcels. So Tom Morrow ended up with a two-acre parcel. Mr. Shimabuku who bought that property back in the '40's bought it from I think, my father-in-law who I bought the property from and he ended up with just one acre there prior to the laws coming out that you had to have two acres. So there is a one-acre parcel in that area there. But all the rest of the parcels around us, including the subdivision that was developed by my neighbors down below the 22 acres they all conformed to two-acre parcels.

Mr. Hiranaga: I guess the difficulty I have is, you know, the County initiated this community plan process 25 years ago, they have revised it once in the '90's and they're in the process of revising it again for the third time. You know, I'm guilty of not paying attention to these plan updates because it is a very long process but it is a process that has public hearings, it starts with the community action committee then it goes to the planning commission, it goes to the Council. It's reported in the Maui News. I usually just maybe read the first paragraph of the article, but it is the plan and that is the plan for that area and these people for whatever reason purchased this property with that plan in place. And so, I know what you people want and I know what they want, we may have to find a compromise in between. So it is difficult because why have a plan if you don't follow it. You know, you were here on this island when the plan was created in '83, and it was updated in the early '90's, if you had opposed the designation to rural and I don't know if you did or not, but you should have gone and testified against the proposal. It's a process, and you know, they're going through that process right now. The CAC portion was appointed by the Council and a portion was appointed by the Mayor. You see them on Akaku, they're going through that process now. Maybe if you're opposed to the surrounding areas to be ruralized you should be going there to testify now to have the plan changed from rural back to ag. For me, it's difficult because they're relying on the plan that was approved by the County Council you know, 10 years ago.

Mr. Ferreira: Or longer. But if I did not subscribe to the Maui News or I had no knowledge of it which I do have the Maui News but I just – at that particular time, 20 years or so again, 1983, I never noticed it. You know, if I had, believe me I would have spoke up. But being totally blind.

Now this other thing about the well, a subdivision in Kahakuloa went in for the exact same thing that this gentleman is going in for. They drill the well, they put two tanks and what happened, the pumps broke, the tanks ran dry, the entire subdivision was without water, they called the Board of Health. The Board of Health stepped in and forced the County to haul water all the way out to Kahakuloa and because of the bridge, they couldn't take the big tanker, they had to take the 2,500 gallon tanker out there, pay them overtime and haul just days of water. As they were dumping the water, they'd come back, the tank would be dry again. So what happens if they dig a well and the water is tainted. It's got pesticides in it? Do the County decides well, lets give them water meters, we already approved the well? Good thing to think about.

Ms. Amarin: Thank you very much.

Mr. Ferreira: You're very welcome.

Ms. Amarin: Any other individual in the audience that wishes to testify on this agenda item? Seeing none, public testimony is closed. Planner Dack.

b) Action

Mr. Dack presented the Recommendation.

Mr. Dack: The applicant has indicated during prior conversations that they would like to have the opportunity to speak to the planning commission after this recommendation and then would also like to have the opportunity to be invited to comment to the commission after the commission has arrived at any suggested new or changed conditions.

Ms. Amorin: Thank you. Chair calls up the applicant.

Mr. Hart: Madam Chair, could I just point out one reason why I think Mr. Ferreira was not identified in any of the changes that were being proposed. Just referring to this map, Mr. Ferreira's lot is here, and you can see that all the area around him is basically proposed for agriculture. The area that we're talking about is an area, a band, along Puuomalei Road and, you know, so therefore, you know it wasn't – he's not in an area, in that neighborhood that was proposed for rural and so he wouldn't have, you know, I think been aware of it you know, at the time when it was going on.

The applicant has asked the civil engineer to comment on the proposal to basically reduce the number of lots from 10 lots down to eight lots and so I'd like to ask Douglas Gomes to come up and to discuss the issue of the roadway and basically the slope and so on with you if he could.

Ms. Amorin: Okay, thank you. Chris, thank you for clearing that up for the testifier. Thank you.

Mr. Douglas Gomes: My name is Douglas Gomes with Engineering Dynamics. I'm the project civil engineer. During the initial process of the subdivision we looked at various different configurations with respect to the layout of the subject property. We acknowledge that there is a very nice hill on the property that has a 20, 23% slope, but the initial layouts that we provided for the property to accommodate that slope would result in a roadway configuration that would have been more of a curve, linear type arrangement which resulted in some problems with sight distance. The configuration that we provided basically does maximize the lot coverage, it does maximize the number of lots that is provided but it doesn't present a problem with some of the issues of the grading of the roadway as we had originally laid it out to follow the contour of the land and some issues with sight distance. The configuration that we have is an efficient one. It does maximize the use of the property, but it also addresses most of the typical issues with respect to the general layout of the roadway.

I'd like to point out a couple other things with respect to the drainage since there was concern about the flooding within the property if I may? We were well aware that the later

back part of the property which is agricultural zoned did frequently have a lot of, a large amount of water accumulating on the property and would take considerable amounts of time to dissipate. The proposed subdivision is taking advantage of that problem but creating a larger retention basin that would reduce the area that would be inundated by that flooding. We're recontouring and increasing the area that would be – that would result in larger retention area. We're essentially doubling the amount of area that would, not area but volume that would be retained on the property. And by doing so ...(inaudible - audio problem)... enhancement that has been proposed by creating a permanent retention pond on the property.

One other issue was the well. That well is being designed to standard engineering practice designs. There is some concerns about the contamination, possible contaminations, but from a technical standpoint, you know, that well will be tested for water quality and if any contaminants were found, which I doubt, there are methods of treating that water to the quality that meets the current Department of Health and County standards. So those issues can be addressed from a technical standpoint.

Ms. Amorin: Thank you. Commissioner Hiranaga.

Mr. Hiranaga: Doug, I forgot what the maximum number of households that could be serviced by a well before it's considered a public facility. So is this proposed development, will that well be a public facility or a private facility?

Mr. Gomes: It would be a public facility. The numbers are 12 lots and 25 persons. So we're recognizing that the system would have to meet the Department of Health public standards.

Mr. Hiranaga: Okay, thank you.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: That last comment that you made prior to Commissioner Hiranaga's question, about correcting the problem. There are methods by which a contaminated well could be corrected so that it can continue in use, at whose expense would that be?

Mr. Gomes: My understanding is that is going to be ...(inaudible)... set up so that the owners of the property would share in the cost of the operation maintenance of the system.

Mr. Iaconetti: Share with whom?

Mr. Gomes: Collectively among themselves.

Mr. Iaconetti: The County would not be expected to pay for it?

Mr. Gomes: The County would not be in any way involved in the public private water system as it is being proposed.

Mr. Iaconetti: Thank you.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Doug, how deep is the well and what's the pumping costs run on that?

Mr. Gomes: Let me check my notes.

Mr. Hedani: And what is the estimated cost of the well?

Mr. Gomes: The depth of the well is 1,500 feet and the cost is \$500,000.

Mr. Hedani: To install it?

Mr. Gomes: To drill and install.

Mr. Hedani: And to operate it.

Mr. Gomes: The operation is going to be based on the amount of pumping that occurs.

Mr. Hedani: Say for a 10-lot subdivision.

Mr. Gomes: Again, it's a function of the amount of water that's being spent, but lets assume that if you set a base cost just for having the system there, someone checking the system, maintaining the system on a regular basis, it would probably be a cost of \$300, \$400 a month plus the cost of electricity for pumping and in that range, so that would be divided among the number of lots that are created or being served by that system.

Mr. Hedani: Because I'm used to wells that go 1,500 deep and run \$5,000 a month in terms of pumping costs or whatever it is. So is that similar in this case?

Mr. Gomes: It's a function of the amount of water being pumped. If we look at from the standpoint –

Mr. Hedani: So if they have 10 lots and each lot uses 40,000 gallons a month. You're saying it's not that expensive.

Mr. Gomes: It's not going to be \$5,000, even a thousand. It may be a few hundred dollars, \$200 to \$300 per lot if they're using that quantity of water. It's going to be related – I believe the motor on this pump is going to be in the vicinity of 30, 40 horsepower.

Mr. Hedani: It just makes me wonder you know like if it only cost that much to pump a well, why doesn't the County pump a whole bunch of wells and just pump the water out for the people that have been waiting 26 years for it.

Mr. Gomes: That's a good question. I think the Water Department should be asked that.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: Do we have any information about this well that you're planning on drilling? Do you know its capacity? Do you know its potable water table? Do you have any information on it?

Mr. Gomes: It's just based on I think Ron has obtained a proposal from a well driller that is experienced in drilling a lot of the wells here in Maui and that's how he got his \$500,000 cost for drilling of the well. And based on information from that well driller, he believes the quantity and quality of the water of the water should be very good. As far as the capacity goes, you know, this well is being designed primarily to meet the needs of this particular subdivision. It does have the capability of producing more water than needed. It's a matter of increasing the pump size and increasing the time to provide more water. It's a design decision that you make in terms of what you anticipate the demands are.

Mr. Iaconetti: Educate me. How do you determine its capacity if you have not drilled a hole yet?

Mr. Gomes: Well, basically – from a lot of the reports that are already available we do know that there is a lot of water available in that particular area. The Water Department has recently completed a well that is I believe from what I read was capable of delivering a million gallons of water a day.

Mr. Iaconetti: And still in that same area?

Mr. Gomes: Yes. It's a little closer to Makawao than this particular area. I believe Everett Dowling a few years ago drilled a well a little further east and that well produced 1.5 million gallons and we're looking at a well basically rated for 20 gpm which is a million gallons is ...(inaudible)... 700 gpm. So it's a fraction of percent of what some of the known wells are able to produce.

Mr. Iaconetti: And that conclusion is arrived at what wells in the surrounding area have been able to produce?

Mr. Gomes: Yes, in part. That's how the decision is based. I think if we were to drill a larger – if the intent was to obtain more water you would drill a larger bore hole, a larger casing and put a larger pump in in which case, the cost obviously would be considerably

more but that well would be capable of delivering a lot more water ...(inaudible)...

Mr. Iaconetti: Thank you.

Ms. Amarin: I have a question for Public Works. Mike, how do you ascertain the volume of water underground? Is there an answer to that?

Mr. Miyamoto: I'll give you the easy answer. That's a question that Department of Water Supply should really be answering. You know, as mentioned by their engineer, I mean, historical data on other wells drilled in the area is a good indicator of what's available, subsurface.

Ms. Amarin: Okay, Commissioner Hiranaga.

Mr. Hiranaga: I know we're going off onto a tangent here about water, but I believe the U.S. Geological Survey does studies which estimates the sustainable yield of various aquifers on this island. You know, I think I may have mentioned that the Haiku aquifer is estimated to have about 80 million gallons per day of sustainable yield. So there is water, there is a ton of water out there, now whether when they drill that spot they're going to hit water because the water's not distributed evenly, they're in pockets. There's no guarantee that they'll hit that pocket of water, but they're hoping to. Because every – even when the Department of Water drilled their well in Pookela it was an educated guess that they would reach a certain sustainable yield. But until you drill the hole in the ground, you never know.

Ms. Amarin: Okay, thank you for that.

Mr. Hiranaga: But getting back to –

Ms. Amarin: More questions, Commissioner Hiranaga.

Mr. Hiranaga: I guess not for the applicant but for staff.

Ms. Amarin: Okay. Thank you any more comments from the applicant? Chris, any more comments or presentation or? Thank you. Planner Dack.

Mr. Dack: Staff has made the recommendation, if you have any further questions we certainly are open to.

Mr. Hiranaga: I have a question for staff.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Your special condition number of project specific condition no. 5, you're

saying reduce number of lots. So, do you have a proposed subdivision layout or you're just saying they need to reduce the number of lots?

Mr. Dack: It's kind of between the two. The condition references taking the five lots, No. 3E, F, G, H and I which are on the eastern portion and reducing those five to three, combining those in some configuration leaving – that would leave the applicant some flexibility to do that and then work with staff on that to be assured that by so doing that the project would then be in compliance with the community plan policies that otherwise we were suggesting that the project does not comply. So again, it's focusing on taking five lots to three and the performance standards are to meet the community plan policies and the condition would be met to the satisfaction of the Department of Planning. So that would be the mechanism allowing for some give and take and certainly we're not designing, redesigning the subdivision but we've recommended a condition that would provide parameters that should fulfill the community plan policies.

Mr. Hiranaga: I guess I have difficulty understanding your basis for requiring the lot reduction because when you have the zoning, rural half-acre that specifies a certain level of density within the project and I guess I'm just – I have difficulty understanding the interpretation to reduce the density. If you want to reduce the density then you should change the zoning to say rural one-acre instead of rural half-acre, but beyond that, I just don't understand why the department is fine tuning their subdivision layout.

Mr. Dack: Well, actually one of the two requests before you is to establish a zoning. It's currently zoned interim. It could be zoned to either rural 0.5 or rural 1.0, so we're not – the department's not recommending anything that would be in any contradistinction to the zoning. But we are recommending, there were statements made on the staff report and that were highlighted in the presentation about the reasons for a suggestion of the reduction of land area and it was a combination of community character, feeling that the – as indicated the subdivision is more reminiscent of a typical suburban subdivision at this level of density and particularly considering its surroundings and the suggestion was that that it could be – it could meet the surrounding character if the lot density were reduced and then the other aspect of that was that the layout appeared to not respect the existing land form of the – on the east side of the project, and so a suggestion was made that the – that that be the area where there be a lot reduction occur. So to meet those two community plan policies is why we suggested that lot reduction to occur in that particular area. The commission could recommend some of the zoning, you could recommend rural one acre zoning that would take it to five, whatever. But it was our recommendation that it could meet community plan policies it were to go down to eight.

Mr. Hiranaga: May I ask another question?

Ms. Amorin: Yes.

Mr. Hiranaga: I just want to understand how the department comes up with a recommendation. When you say it's "we" or "ours" is that you and Director Hunt and Deputy Director Suyama that meet or who determines – how, or is it just you?

Mr. Dack: It varies with each project. In this particular case, I had met with Deputy Director Suyama, actually before she became Deputy Director on this and had provided some input. Frankly, which is where the original density reduction idea came from. Then the subdivision – excuse me, the recommendation was fitting with that guidance when it was reviewed by the Planning Program Administrator, Clayton Yoshida, and then if I recall, I think Deputy Director Suyama reviewed the final staff report because the director was not available at that time and signed the staff report and agreed with that recommendation.

Mr. Hiranaga: So did all four individuals do a site visit to familiarize themselves with the project area?

Mr. Dack: No. I doubt very often that any reviewers on a project of this scale do a site visit. However, I certainly did do that. Certainly it's not – it doesn't meet the visit quality when you have pictures, but there are pictures in the application, there are photographs in the exhibits that were available for review of the staff report. So they can get some feel from that in combination looking at the site plan and experienced planners who have been doing this work for many, many years can usually get a pretty good feel for a site with a combination of the types of information that's available and the exhibits as we would expect the commissioners who may not always be able to visit sites can usually get a pretty good feel for that and you have to make decisions based upon what the information you have before you which is probably similar to what reviewers of staff reports have.

Mr. Hiranaga: Okay, thank you.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I had a question for Mr. Ferreira. The map that you provided us Mr. Ferreira that shows the orange lots and the green lots. What does the orange and the green represent again?

Mr. Edwin Ferreira: The orange lots, the ones that's colored orange represents those land owners that abut the proposed subdivision.

Mr. Hedani: Okay so this is not a map representing who's opposed and who's in favor of the subdivision?

Mr. Ferreira: Everyone that is shown there in color you'll find their signatures in the back opposing the zoning change.

Mr. Hedani: So both the orange and the green?

Mr. Ferreira: And the green. Except for the lot 32. I already pulled his letter out of what you have there.

Mr. Hedani: Okay. You mentioned that you have eight acres. It shows six acres on this.

Mr. Ferreira: There's two tax map keys there and I own both of them. The one in green, that two-acre parcel there, that's –

Mr. Hedani: 32?

Mr. Ferreira: That's my daughter's lot there.

Mr. Hedani: I see thank you.

Mr. Ferreira: Yes, you're welcome.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: You know if Corp. Counsel is indicating that if there is people submitting opposition in writing, if I were to measure, you know, one side of this parcel it looks like it's three acres by three acres so 600 feet across per side, it looks like the majority or like 74% of the lots surrounding the property within 500 feet would be opposed to the project. And if the 40% criteria is correct then we need a unanimous vote for this particular project.

Mr. Giroux: As far as – what we need to establish are the facts at this level. Basically once those facts are established, it's for the Council, it triggers a voting requirement of a super majority for the Council not for the commission.

Mr. Hedani: So it's only a recommendation we're making at this point.

Mr. Giroux: Right. Yeah, you're just making a recommendation and your recommendation will go to Council and also the record and also the findings of whether or not there were – first, whether there's protest and then if it meets the 40%.

Mr. Hedani: Okay, so the heat's on somebody else then?

Mr. Giroux: And again, you need an affirmative vote of just the majority to take action as far as to send a recommendation to Council.

Ms. Amorin: Director Hunt.

Mr. Hunt: Just for clarification the notice requirements are 500 feet within the subject property. It isn't adjacent or it's not if a roads separates you. It's 500 feet all the way around. So not to get to picky, but just to be clear, some of the lots that are colored green on this map would be considered within the 500 feet.

Ms. Amorin: Commissioner Hedani, something's unclear?

Mr. Hedani: No. I just tried to measure 500 feet on the edge of every border of the property.

Ms. Amorin: Okay. Commissioner Hiranaga.

Mr. Hiranaga: May I have clarification from staff? The community plan designation rural does that specify rural half acre or rural one acre or just rural?

Mr. Hunt: It's just rural. So you would have the ability to zone it either one acre or half acre.

Mr. Hiranaga: The one section that is zoned rural, is that rural half acre or? It is zoned rural half acre, a small portion of it.

Mr. Hunt: Of the existing property?

Mr. Hiranaga: Yes.

Mr. Hunt: Jeffrey can you answer that?

Mr. Dack: I think it's rural one-half acre. I just gave my book to the director because it had a map on it. But if I recall correctly it's rural one-half acre. I'm pretty – such that's ...(inaudible)... case.

Ms. Amorin: It's confirmed, one-half acre?

Mr. Hiranaga: Madam Chair?

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Based upon the testimony presented today, I would suggest to the applicant that they ask for this matter to be deferred so they can meet with their neighbors because it appears that there is substantial opposition to this project and maybe through education and communication they can resolve their issues and come to a compromise position. Because if they're able to organize and obtain the necessary protest that will require a super majority of the Council, it's a pretty tough task.

Ms. Amorin: Thank you. Chair calls upon the applicant, Chris Hart.

Mr. Hart: Madam Chair, Members of the Commission, first of all, I'd just like to say that in the context of the ordinance for change in zoning it's not the individuals, it's based on the land area. In other words it has to be a calculation of land area that's within 500 feet and that would include parcels that are touching, you know, that essentially so it's not individuals, it's 40% of land area.

The second thing is that, you know, I basically concur with the thoughts that we need to, you know, communicate with the neighbors. We certainly tried to communicate with them. Everybody was informed of the meeting that we had. It seems to me that in the context of letters submitted, there were basically what I saw before the meeting two letters that we received and then a sense of what we got was a form letter and basically it says, "I oppose the zoning change for the Serle subdivision. The subdivision should conform to its immediate neighbors and be zoned agriculture with two-acre lots." And it was, you know, basically instigated by one individual who lives on an agricultural lot that is going to be two acres. It's going to continue. It's not proposed for rural in the community plan and I think that, we could go back and try to communicate with the neighbors and tell them the ones that are in the community plan and proposed for rural who they are.

But you know really, we did honestly try to reach out and you know, it's really difficult to defend against somebody that essentially does get concerned and goes around with basically what amounts to like a petition and gets – with some misinformation because, you know, basically the land that we're talking about has been subdivided. The two lots have been subdivided into the two agricultural lots. The remaining portion that's in the rural district we're proposing to change the land use classification to rural and to try to proceed consistent with the community. You know, that's a difficult, if there is this perception that all of Kokomo now should be changed, then, you know, that's a big challenge. It's a matter of going through and amending the community plan.

So, personally I would like to move forward with the project. I know that we still have – that the commission is going to make a recommendation and we still have to go to the Council, but I would like to move forward with it because I believe that we are consistent with the community plan.

Ms. Amorin: Corporation Counsel do you have anything to say on the status of this project right now?

Mr. Giroux: No. As far as I'm concerned, I just want the Planning Department to, I mean if this does move forward to be able to give the Council clear direction as far as its findings of what lands are within the 500-yard radius and who were the people who owned those lands and did they or did they not submit written protest. I think it's critical. So, you know, with what we have now I just expect the staff to follow up with that.

Ms. Amorin: Can we just defer this to Council then and have them act on our concern?

Mr. Giroux: I think the Council would want some kind of direction from this commission as far as what its thinking is.

Mr. Hiranaga: Madam Chair, I think you should open the floor to a motion.

Ms. Amorin: Okay, the Chair will entertain a motion first for the state district boundary amendment. Do we have a motion? I would rather take it individually because of the concerns. We have two.

Mr. Iaconetti: Please.

Ms. Amorin: We have a motion to accept or defer?

Mr. Iaconetti: No, I said please take it individually.

Ms. Amorin: Okay. We have a motion to defer by Commissioner Hiranaga was that it?

Mr. Hiranaga: I'll make a motion to approve the change in agricultural district to rural district for discussion purposes.

Ms. Amorin: Do we have a second?

Mr. Guard: I'll second that.

Ms. Amorin: Okay, we have a motion on the floor by Commissioner Hiranaga, seconded by Commissioner Guard and this is for the state district boundary amendment.

Mr. Hiranaga: Discussion?

Ms. Amorin: Discussion. Commissioner Hiranaga.

Mr. Hiranaga: The reason why I made this motion is because the community plan does designate this area as a rural and I strongly believe that we should adhere to this plan. This plan was created in 1983, it was updated in the 1990s. Why have a plan if you're not going to follow it? You know, I think – that's one of the largest challenges for people who want to develop land, create housing is how do they know what their vested rights are if we don't follow the plan or the zoning. So as far as the boundary change or state district boundary designation that's why I would vote in favor of the change from agricultural to rural.

Ms. Amorin: Any other discussion? Commissioner Iaconetti.

Mr. Iaconetti: Since the group is meeting currently on a community plan for the entire island, I think that agreeing with your amendment or your motion would send the wrong message to this group. I think that we ought to utilize our opportunity to tell them that we don't, if we don't feel that the boundary amendment is in order. That we ought to let them know how we, as a commission, feels. And so I will vote against your motion.

Ms. Amorin: Any other discussion? Commissioner Pawsat.

Ms. Pawsat: Yeah, I just think unfortunately the way the process has been set up in the past that people have never, even if there's notices in the newspaper or anything like that, there hasn't been a real effort to involve the community in the past and not till it's gotten to this dire circumstance are people beginning to give their community input. And people don't know – even now people don't know what's going on until the development is right on top of them. And I think you know, now that it's interesting 20 years later that we're seeing, finally seeing a community member know what's going on around them and is now giving community input upon that. And just because there's no statute of limitations, I don't think there should be on community participation in your area. And so if this man wants to come forward now and has comment on it, I think it should be just as valid as it were in the 1980's.

Ms. Amorin: Thank you Commissioner. Any other discussion? Director Hunt.

Mr. Hunt: I think there's two issues before you and one is the zoning and making that consistent with the community plan and then there's the concern of the neighbors about the density. I think it's important that people realize that there's a corner of the existing property that apparently is zoned already R-0.5 So in order to make the rest of it consistent with that and the community plan, it's logical to make it all RU-0.5 rather than RU-1.0 or leave it in Interim or something like that. Having said that, you're not forced to approve what I consider a cookie-cutter subdivision that's done on paper and not made in consideration of the land with the topography and that's where I think Mr. Dack has a good analysis, a good compromise to address the density of the neighbor's concerns, but still allow the zoning is to reduce the number of lots and respect that ...(inaudible)... over on the, I guess it's the northeast side. And so, again, I think that's a reasonable compromise. The zoning would be consistent with the community plan. We are going through the General Plan process but there's no indication that I know of of removing this existing RU-0.5 in this area. When we look at RU zoning, we generally consider – rural residential zoning, we consider two types, either to make it large enough so that it can be subdivided again in the future and so it acts as a kind of a buffer or an urban reserve, and you would zone those kind of larger lots along side an urban area. This is isolated. This is out on its own. On those instances where it's out on its own, the common sense planning approach is to make as small lots as he can so you can accommodate more housing and therefore, not take up as much land to accommodate that housing. So again, that lends itself to an RU-0.5. So given that, again, I would reiterate the department's recommendation, you

recommended an RU-0.5 with the staff's recommendations that the lots be reduced and that is a compromise with the adjacent property owners.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I think it's a difficult subdivision. I think it's a difficult situation. The question that I have in this particular case is because all of the surrounding parcels, and it looks like all the surrounding parcels were intentionally carved up into two-acre lots with a couple of exception. You have a .75 acre in one case, you have a one-acre in one case, but the majority of the surrounding lots in that area are all 2.0 acre lots or larger. It appears, and I'm not certain what happened in 1983, as to whether or not the 1983 guidelines for rural might have been two-acre rural versus 0.5 acre or if the 0.5 acre came in 2006 or whenever that was improved for rural configuration. So I think it's a difficult subdivision to deal with.

As far as, you know, providing affordable homes for the heirs of the people that own this, they can cut it up into four pieces and donate it, you know dedicate it to their children if they wanted to bequeath an estate to them for their inheritance. As it is, I think what it ends up being is parcels that are sold to them where they could essentially get a free lot at somebody's expense where the other six people pay for the four homes that the kids get or whatever. So, it's a tough choice. You got neighbors that are opposed to it and I know that in petitions it's easy to say one thing, although it may not be totally correct and have everybody sign off on something where they don't really know what they're signing off on and they do have the law on their side from the standpoint of community plans. So it's a really difficult project. If I had my druthers, I would probably shoot for something that cuts the baby in half and ends up at one-acre lots out of the 10 acres rather than 0.5.

Ms. Amorin: Thank you. Any more discussion? Commissioner Guard.

Mr. Guard: Is there any discussion that we could find on the original community plan like how typically someone comes in for a proposal saying we want to change this rural half acre and we have neighbors that have been there longer than the community plan in '83, saying they didn't know anything about it? If it was someone's intention to develop that whole area to rural half acre, maybe the applicant could do some research and see who was originally behind it. I mean, I've – you know, I haven't been on this commission for that long, but whether it's – people misinformed or not, I've never seen one group of people surround an application in opposition and so that's a tough issue for me as a – to go and tell all those neighbors, well we're going to do it anyway. I seconded Commissioner Hiranaga's motion that is just going with the community plan to rural. It doesn't say between rural half acre and rural one acre and the part that's interim could be rural one acre and I think the applicant is opposed to that. So, I think in maybe all of our best interests they would hope, I would hope to see them defer so we can get a little more research and maybe do a little more educating within the neighborhood so we're not stuck in a position of trying to force something down someone's throat.

Ms. Amarin: You know, I concur with my fellow commissioners. This is a hard one to make a decision based on what was presented especially by the residents and he went out and he got all of his signatures and that's binding by law. They oppose this and so it makes it very difficult but then the understanding, the communication to me has not been very clear to that community and I think it has to be brought I think – the residents and the applicant you need to come together. You need to address your project so the understanding is very clear, the communication has to be very clear. And actually the testifier when you came forward and you brought this mapping that showed all these people and for them to sign I'm sure they have a concern. But then also, I understand after hearing the applicant and hearing Chris Hart explaining that your property will all remain in ag, but the project property will be changed, but again, the communication is not clear. So, I can understand myself and the commissioners, it's a difficult decision to make right now, and the best thing I can say right now is to defer the project until this communication can be accepted by the community, your project, Mr. Serle. Thank you.

Mr. Iaconetti: May we call the question then?

Ms. Amarin: Yes, Commissioner Iaconetti.

Mr. Iaconetti: He's made a motion and it's been seconded and so I'm asking for a vote.

Ms. Amarin: Okay, all those in favor of the motion on the floor by Commissioner Hiranaga.

Mr. Hunt: Can you repeat the motion please?

Mr. Hiranaga: Motion is to approve the applicant's request to change the state agricultural district designation from agriculture or the state designation of agriculture to rural.

Ms. Amarin: All those in favor?

It was moved by Mr. Hiranaga, seconded by Mr. Guard, and

**The Motion to Accept the Recommendation to Recommend Approval
of the State Land Use District Boundary Reclassification Failed.
(Assenting - K. Hiranaga, J. Guard, W. Hedani)
(Dissenting - B. U'u, W. Iaconetti, J. Pawsat)
(Excused - J. Starr)**

Ms. Amarin: Motion dies.

Mr. Hunt: Wait, wait.

Ms. Amorin: Okay, lets take a count.

Mr. Hunt: It's important that the commission realize the way your rules are written that if you do not vote that is considered as an affirmative vote.

It was moved by Mr. Hiranaga, seconded by Mr. Guard, and

**The Motion to Accept the Recommendation to Recommend Approval
of the State Land Use District Boundary Reclassification Failed.
(Assenting - K. Hiranaga, J. Guard, W. Hedani)
(Dissenting - B. U'u, W. Iaconetti, J. Pawsat)
(Excused - J. Starr)**

Ms. Amorin: Okay, those hands in favor of the motion. We have three. And those that oppose. We have three. Motion dies.

Mr. Iaconetti: I move to defer.

Ms. Amorin: I have a motion on the floor to defer by Commissioner Iaconetti. Do I have a second?

Mr. Hedani: Second.

Ms. Amorin: We have a motion and seconded by Commissioner Hedani.

Mr. Dack: Should we have a deferral to a particular date?

Mr. Hiranaga: Discussion. I guess if the applicant wishes to address this application now, why are we deferring. If they're not going to do anything, – they said they're going to try and do something. I mean, are you opposed to the deferral or are you for the deferral?

Mr. Hart: Well, – my name is Chris Hart, I'm representing the applicant, Mr. Serle. Well we're not necessarily overjoyed with the deferral, all right, okay. But the point is that if you perceive and I perceive that there's a communication problem, as the Chair has pointed out, I think that we'd certainly be willing to go back and to talk to the neighborhood again. You know, it would be different if we were proposing something that wasn't – that was contrary to the community plan. And you know, I think that since it is in compliance with the community plan, we're willing to go and to talk to the neighbors. I believe that a lot of the people that had signed that petition basically are in the agricultural district and they're always going to be in the agricultural district or at least as long as the community plan is still in effect. So certainly I'd like to go and make that point to them and to see if we couldn't get some positive support.

Ms. Amarin: Thank you very much. With that said, any more discussion?

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

VOTED: To Defer the Matter.
(Assenting - W. Iaconetti, W. Hedani, K. Hiranaga, J. Guard,
B. U'u, J. Pawsat)
(Excused - J. Starr)

Ms. Amarin: Motion carries for deferral. Mr. Dack, you want to make a date on the next meeting for this project?

Mr. Dack: I don't have a sense of what your agendas look like. Director, do you have a suggestion of when this might be able to come back?

Mr. Hunt: I think we've had the discussion in the past that we should try and set a date in the future so that the people can know. So one month from now or two meetings from now is that ...(inaudible)...

Ms. Amarin: To the applicant will that suffice.

Mr. Serle: Yes.

Mr. Hunt: And that of course, is dependent on the agenda if it's already packed we'll have to take that into consideration. So lets go for one month at this point.

Mr. Hart: Thank you very much.

Ms. Amarin: Thank you very much. Commissioner Hedani.

Mr. Hedani: Madam Chair, I'd like as part of that deferral because it's going to come up before us again within that time frame, I'd like to know if staff could research within the 500 feet radius of this particular project if the surrounding neighborhood is actually in agricultural uses. If all of the neighbors within that area are actually actively engaged in agricultural uses.

Mr. Hunt: Based on aerial photos, tax information?

Mr. Hedani: Site inspection.

Mr. Hunt: We'll try and do that.

Ms. Amorin: Thank you.

Mr. Hart: Madam Chair, could I ask Corp. Counsel, it's my understanding at this point that the public hearing is closed and that the item would come up either under Unfinished Business or as Old Business on the agenda?

Mr. Giroux: At this point, you know, it kind of raising a cloud because the people who received the 500 feet notice aren't going to get notice of the next meeting and that's kind of a problem. But as far as it would be agendaed under Unfinished Business.

Mr. Hart: I mean, that happens in the context of the SMA permits and so on.

Mr. Giroux: I'm just saying that that's something it's possible to be raised and as far as agenda goes, it would be under Unfinished Business.

Mr. Hart: Okay, thank you.

Mr. Dack: That date would be August 14th for people who happen, you know, are here, they would be aware that it's August 14th would be targeting one month from this meeting.

Ms. Amorin: So noted. Commissioner Iaconetti.

Mr. Iaconetti: Will we again have public testimony?

Ms. Amorin: Corporation Counsel.

Mr. Giroux: If it's on the agenda, our rules say that anything that's on the agenda we are allowed to take testimony and receive written testimony.

Ms. Amorin: Thank you. At this time we're going to take a 10-minute break and then we'll resume.

Ms. Pawsat excused herself at 4:58 p.m. from the remainder of the meeting.

A recess was called at 4:58 p.m., and the meeting was reconvened at 5:10 p.m.

C. NEW BUSINESS

- 1. MR. ALLEN DUARTE and MR. JOSEPH G. DUARTE requesting an Environmental Assessment determination on the Final Environmental Assessment (FEA) prepared in support of the Community Plan Amendment from Rural to Single Family Residential for the Duarte**

Family Subdivision at 411 and 425 Iao Valley Road, TMK: 3-5-003: 005 and 006, Wailuku, Island of Maui. (EA 2006/0010) (CPA 2006/0003) (DBA 2006/0001) (CIZ 2006/0004) (R. Loudermilk) (Final EA circulated at the June 26, 2007 meeting. Commissioners: Please bring your final EA with you.)

The applicant may be subdividing TMK: 3-5-003: 005 into two lots at a later time.

The EA trigger is the Community Plan Amendment.

The Commission may act to make a Findings of No Significant Impact (FONSI) determination on the FEA.

The applicants have also been submitted requests for a State Land Use District Boundary Amendment from the State Rural District to the State Urban District and Change in Zoning from the County Agricultural District to the R-3 Residential District. The public hearing on the Community Plan Amendment, the State Land Use District Boundary Amendment, and Change in Zoning requests will be scheduled for a later date after the Chapter 343 process has been completed.

Ms. Robyn Loudermilk presented the Memorandum regarding the Final Environmental Assessment.

Mr. Loudermilk: Should there be any questions, I'm available. I also have Mr. Chris Hart from Chris Hart and Partners and Mr. Duarte also in the audience.

Ms. Amorin: Commissioners any questions?

Mr. Iaconetti: Would it be inappropriate to approve the FONSI at this point?

Mr. U'u: I'll second that.

Ms. Amorin: If there's no questions. Commissioner Hiranaga.

Mr. Hiranaga: So there were no letters in opposition or in favor from neighbors?

Ms. Loudermilk: There were no letters in opposition and all of the neighbors had been notified and were in support though they did not necessarily write letters in support. What was asked at the beginning was instead of having one property coming in for the reclassification that additional properties come in. And that – so the application was amended to include

the additional property. They're all Duarte family members who have been in the valley for about hundred plus years. So we do not have any letters in opposition.

Ms. Amarin: Thank you. At this time, the Chair would want to open up the floor for public testimony. We have a gentleman here that has been waiting, waited quite a long time, John Duey. Thank you for your patience.

Mr. John Duey: Thank you Chair. I was here at 9:00 a.m. along with the rest of you but I left and you're still here. I appreciate your being here. I came back to support my neighbor. My name is John Duey. I live in Lao Valley, tax payer. I haven't been there a hundred years, I'm not that old yet. Tommy is almost a hundred years old, but I'm not. I'm not that old yet. I've been in the valley since 1969. We own 19 acres in the valley. We live just up the road from Tommy and his – well down the road from Tommy and up the road from Alan. They inherited this piece of property from Tommy's mother if I understand right and they're trying to subdivide this property within the family to get another residence. I believe the parcel is approximately half acre. Is that right? About a half acre piece of property. They're trying to subdivide it so another family member can possibly put a house on it at a later time.

I just hope that nobody requires them to put in any sidewalk or curb and gutter. Lao Valley is a rural area. The last curb and gutter is down at One Main Plaza. We don't need no curb and gutter up in Lao Valley. So we have a piece of property up there that we're going to have to subdivide one day and we talked with an engineer and he said the county is going to require curb and gutter and I said, not in Lao Valley, over my dead body. May be over my dead body, but anyway not in Lao Valley.

So anyway, I'm just here in support of this EA. I hope there's no EIS required for it. I hope you can move this one out and they can get on their way. I think Tommy said it's been a couple years already. These things shouldn't take this long. I'm involved in the water issue, I know how long these things take but anyway, I'll shut up. I thank you all for your patience and being here all day and sitting through what you sat through already. But I'm just here in support of this small little project and he's not going to drill a well. Thank you.

Ms. Amarin: Thank you very much. Do we have any other individual in the audience that wishes to speak on this agenda item? Seeing none, public testimony is closed. Commissioner Iaconetti, you had a motion?

Mr. Iaconetti: Yes, and I so move.

Mr. U'u: I second.

Ms. Amarin: We have a motion to approve by Commissioner Iaconetti and seconded by Commissioner U'u. Any more discussion?

It was moved by Mr. Iaconetti, seconded by Mr. U'u, then

**VOTED: To Accept the Final Environmental Assessment and Issue a Finding of No Significant Impact (FONSI) Determination.
(Assenting - W. Iaconetti, B. U'u, K. Hiranaga, J. Guard,
W. Hedani)
(Excused - J. Starr, J. Pawsat)**

Ms. Amarin: Motion is carried. Congratulations.

D. COMMUNICATIONS

- 2. MR. JEFF HUNT, Planning Director, presenting the following Special Management Area Emergency Permit for review pursuant to the provisions of Section 12-202-16(f) of the Maui Planning Commission's Special Management Area Rules:**

HOLOLANI AOA being issued a Special Management Area Emergency Permit and Shoreline Setback Approval by letter dated June 22, 2007 for temporary shoreline hardening at the Hololani Condominium, 4401 Lower Honoapiilani Road, TMK: 4-3-010: 009, Kahana, Island of Maui. (SM3 2007/0001) (SSA2007/0018) (T. Abbott)

Mr. Hunt: If it's all right with the commission, we'll go out of order. The next item is Hololani the issue being that they were issued a special management area emergency permit and shoreline setback approval and as required by law we have to notify you of this emergency permit. It has been issued. There's a certain time line in which it expires in which they have to comply with it or come in for a regular permit. Is this the applicant?

Mr. Refugio Gonzalez: My name is Refugio Gonzalez, I'm the President of Hololani AOA, I'm representing the property's interest in this SMA permit for us to fortify our shoreline to stop the impeding erosion which has come in to about 15 feet of the property which is an eight-story structure, two, eight-story building with subterranean parking. So are scarpment and beach is now within 15 feet of the building and we're in a very precarious situation. So with your approval of this we will proceed in our temporary fortification and then go forward with a long term solution working with DLNR and the county and everybody involved.

Ms. Amarin: Commissioner Guard followed by Director Hunt.

Mr. Guard: Is this up for approval or is this just communications that we can kind of get

through?

Mr. Hunt: That's just what I was going to explain. Technically we're just informing you. The law requires us to inform you this has been done.

Mr. Gonzalez: Thank you.

Ms. Amorin: Thank you. No, motion needed. Thank you for your patience.

Mr. Hunt: You certainly can discuss it.

Mr. Iaconetti: I have a question. I've driven this area two or three times since I got this material and I cannot find the address on a sign or anything there. I agree you certainly need this but is your property the property that I can't think of his name, originally built, it's right at the bottom of S turns going north?

Mr. Gonzalez: Not at the bottom. We're next to the Royal Kahana, just north of the Royal Kahana.

Mr. Ray Seavers: We are the last eight-story highrise. I'm Ray Seavers. I'm Secretary of the Board. We are the last highrise, it's an eight-story building on the very north end, end of Kahana. I always associate for friends that come there is when you come down 30, look for the Golden Arches and then you just make a left-hand turn and when you hit the lower road, make a right for about 300 feet. There is an address on the one-story building and it's not too well done, but there's a sign that says Hololani on the one wall. But we would be, there's like about five of us Kahana Beach, Sands of Kahana, Valley Isle, Kahana Royal and then us as far as the highrises and that's the area that we're at.

Mr. Iaconetti: The one I've been concerned about ever since they built it is the one that's just north of S Turns. It looks like it's in the sand.

Mr. Gonzalez: The very first one.

Mr. Seavers: Kahana Beach.

Mr. Iaconetti: Is that Kahana Beach? And they're not having any trouble?

Mr. Gonzalez: We will be addressing this as a community of property owners for a long term solution because that entire beach line is looking at a long term solution.

Mr. Iaconetti: Thank you.

Ms. Amorin: Thank you very much.

Mr. Hunt: Thorne Abbott is the project planner if there's any more in-depth questions that need to be asked.

Ms Amorin: Commissioners any more questions on this agenda item. Seeing none, thank you.

1. MR. JEFF HUNT, Planning Director, presenting a schedule for the Maui Planning Commission's Review of the Countywide Policy Plan.

The Commission may act to have to have specified meetings scheduled during the evening and/or on a non-regular meeting day.

Mr. Hunt: The next agenda item regards the schedule of the Planning Commission's review of the Countywide Policy Plan. And in front of you there's a schematic that shows you the process that the General Plan goes through. There's the General Plan Advisory Committees and then the Planning Commissions. So essentially the Policy Plan was drafted by the department, it has been reviewed by the three GPACs. Now we're compiling comments and we're going to redraft the Policy Plan and take it to the three Planning Commissions, all three of them and then we'll compile comments again and then present it to the Council. So your role is to review the redraft after it has gone through the advisory committees.

The intention is to schedule this on the same days that your commission meetings are already occurring. You can see the problem that we're up against. Our last two meetings have gone till 5:00 p.m. plus. The Policy Plan is probably going to be 12 or more pages long and we can take it slowly, we can take a bite at a time. The staff doesn't have the availability to schedule another meeting like every Tuesday for you guys to meet. I'm not sure you guys want to either and we can go later into the evening that's an option.

Staff thinks one of the ideas we should or what our recommendation is is that we basically split the Planning Commission meetings and have a morning work session or a permit review like your standard meeting like today and then in the afternoon or after 1:00 p.m. or whatever, you go into the review of the Policy Plan. And if you don't get everything done on the agenda of the permit reviews, we have to take it to the next meeting. There's an orientation and then once we get done with the orientation and we actually hand you the plan there's a clock that ticks and you've only got so many days in which to review it.

So, a couple ideas, we're working with staff to be more concise in our presentations. We're going to work with the applicant so that there's ways we can be more efficient. There's redundancies, people repeat each other, we can cut them down just say you only got five minutes or something, concise like that. Part of it will be a burden on this commission to be more concise in your review of the permits and in your review of the Policy Plan itself.

It is a draft that has gone through the advisory committee. We don't expect a thorough rewriting of it. So in some ways it's more of a – does this policy, are you okay with it. You shouldn't have to think of it as being an in-depth review.

At the same time, we're going to introduce some proposed amendments to regulations and rules that would delegate down some of the stuff you guys are required to review. Some examples is off site parking. We have to bring that to you right now. A month ago, we brought you a determination of which is a front lot line, a front or the back. I don't know if you remember, but there's something that just don't seem necessary for you guys to review and it would free up your agenda and allow you to have more time for these other things. And with that I'll take your comments.

Ms. Amorin: Commissioner Guard.

Mr. Guard: So the GPAC is done with all their meetings.

Mr. Hunt: Yes.

Mr. Guard: So we're into your 30 days, how far into the 30 days are we?

Mr. Hunt: I think the 30 days is we have to send it – I don't know off the top of my head so I don't want to say erroneously.

Mr. Guard: Then some of this, I mean we're missing all these other commissioners, are we going to get our final, the last commissioner that we've been waiting for? Is that in the works? I won't be here every Tuesday I know that. So you lose a couple people.

Mr. U'u: Again?

Mr. Guard: Well, here and there. You're asking about a 180 days, yeah there's going to be a couple Tuesdays I might not be here.

Mr. Iaconetti: Really?

Mr. Hunt: The last communication I had with the Mayor, she's aware of the need for another commission member. She's working on it. There's issues of representation, profession, geographic, gender, those kinds of things.

Mr. Guard: People are watching how long these meetings have been taking.

Mr. Hiranaga: The material we're going to be reviewing is just for concept not the land use.

Mr. Hunt: There's two different levels to the general plan and the first is a policy document

which is broad, general aspirational language. The county should provide for good education. The county should have a variety of housing for all people. The next document is the Island Plan which will have the urban growth boundaries and will be more specific to land use and that's just starting to get to the advisory committees. It won't get to them for another month. But that will be coming to you folks next, probably early 2008.

Mr. Hedani: So the Policy Plan is 12 pages long you said?

Mr. Hunt: Approximately, right now. Well, no, it's longer than that. I think maybe 15.

Mr. Hedani: So they took a 120 days for 12 pages. So that's 10 days per page.

Mr. Giroux: I little more than that I think. I think we asked for –

Mr. Hunt: So is – you know, we're in – what do they say, between a rock and a hard place, I mean, our options are limited. Staff doesn't feel we can have extra meetings and I don't see a lot of –

Mr. Guard: I'll be able to do longer Tuesdays coming up. I'm just for next couple.

Mr. Hedani: So set 1:00 p.m. in the afternoon for the –

Mr. Hunt: So set 1:00 and see how that goes and maybe we have to work a little late, try that.

Mr. Guard: Try not to have issues come up during the commission that are going to be problems, like too many of them.

Ms. Amarin: I mean this is a priority. You know we're faced sometimes with an agenda that public testimony that goes way beyond the time limit and it's so hard to control that. What is the priority? We need to schedule priority and then like we're trying to eliminate some our load which is great, but we're overwhelmed. I mean we're just trying the best we can. And I appreciate all these commissioners. I mean, I just love to hear all your comments. It's just great to me.

Mr. Iaconetti: Is there any way we can light a fire under the Mayor to get another person on this commission?

Mr. Hunt: I asked her what the status was which was my way of prodding my boss and again, she answered that she's working on it. So I think she's aware.

Mr. Iaconetti: Would a letter from the commission create a little more energy on her part?

Mr. Hunt: I think she's aware of it. If you folks want to write a letter or if you want to individually write emails, I'm not going to tell you not to or that it's a bad idea, but she's aware of the issue.

Mr. Hedani: Or we can make a motion to request the Director to talk to her about another commissioner.

Mr. Hunt: If you'd like me to talk to her, I'll try and talk to her next time I get a chance. I'm not going to schedule a meeting just for that.

Mr. Iaconetti: Reiterate our strong feeling about this.

Mr. Hunt: Yes, I can do that.

Mr. Hedani: Say it's at our request.

Mr. Hunt: Okay, at the commission's request.

Mr. Hiranaga: So did we make a decision? Half a day, regular, half a day on policy plan.

Mr. Hedani: Permits are going to slow up.

Mr. Hunt: In all likelihood the permits will get backlogged a little.

Mr. Hiranaga: Can we defer the minutes?

**E. MINUTES OF THE APRIL 10, 2007, MAY 8, 2007 and MAY 22, 2007 MEETINGS
(Deferred from the June 26, 2007 meeting. Commissioners: Please bring
minutes with you.)**

It was moved by Mr. U'u, seconded by Mr. Hedani, then

**VOTED: To Accept the Minutes of April 10, 2007, May 8, 2007 and May 22,
2007, as Circulated.**

MINUTES OF THE APRIL 16, 2006 SPECIAL MEETING

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

VOTED: To Accept the Minutes of April 16, 2007, as Circulated.

F. DIRECTOR'S REPORT

- 1. Notification of the transfer of the following Special Management Area Use Permit pursuant to Section 12-202-17(d) of the Maui Planning Commission's Special Management Area Rules:**

Transfer by letter dated June 21, 2007 from AGOURA REALTY. INC. to A&B PROPERTIES, INC. dba A&B KANE LLC of the Special Management Area Use Permit for the Kane Street Commercial Mixed Use Development and Related Improvements at TMK: 3-7-005: 003, 011, and 023, Kahului, Island of Maui. (SM1 2005/0004) (J. Buika)

The Commission may acknowledge receipt of the notification of permit transfer.

It was moved by Mr. Hedani, seconded by Mr. U'u, then

**VOTED: To Accept the Notification.
(Assenting - W. Hedani, B. U'u, K. Hiranaga, W. Iaconetti,
J. Amorin)
(Excused - J. Starr, J. Pawsat, J. Guard)**

- 2. Planning Commission Projects/Issues**

No reports

- 3. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the June 12 and 26, 2007 meetings.**

No reports or issues

- 4. EA/EIS Report**
- 5. SMA Minor Permit Report circulated with the June 26, 2007 agenda**
- 6. SMA Minor Permit Report**
- 7. SMA Exemptions Report circulated with the June 26, 2007 agenda**
- 8. SMA Exemptions Report**

Mr. Iaconetti: How big is this roof that is being repaired in Lahaina. We've got, one, two, three, four, five, six, seven entries about repairing a roof. Is it all the same roof? Why do we need so many entries on it? You have any idea?

Mr. Giroux: You lost your quorum.

Mr. Iaconetti: We can still adjourn without a quorum.

Mr. Hunt: Yeah as long as you don't decide anything.

Mr. Iaconetti: Page 19.

Mr. Hunt: I don't know but I'll ask. I'll find out. Any other issues or questions?

Mr. U'u: When is this HCPO due to hand in?

Ms. Takayama-Corden: Early registration is the middle of August, probably by the end of this month we'd want to get confirmation so we can do the registration, early registration.

Mr. U'u: Can our spouses come?

Ms. Takayama-Corden: There's a spot that you can check and then you got to pay extra for dinner and the reception.

9. July 24, 2007 - Special Meeting at 6:30 p.m., Kihei Community Center on the South Maui Regional Park Phase 2 Project District and the Special Management Area Use Permit applications

G. NEXT REGULAR MEETING DATE: July 24, 2007

H. ADJOURNMENT

The meeting was adjourned at 5:35 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Johanna Amarin, Chairperson
Wayne Hedani, Vice Chairperson
Kent Hiranaga
John Guard (excused at 5:30 p.m.)
Bruce U'u
William Iaconetti
Joan Pawsat (excused at 4:58 p.m.)

Excused

Jonathan Starr

Others

Jeff Hunt, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works