

1           COMMISSIONER GUARD: And then is it just whatever  
2 the buildings produce, that's what you're catching? Or are  
3 you guys going like ten percent over? Anything? I know lot  
4 of the projects he's worked on recently have kind of helped to  
5 reduce actual drainage into the gulches.

6           MR. MATSUDA: There wasn't a requirement for a  
7 specific percentage increase, although for this current  
8 project I believe there is some extra capacity. I wouldn't be  
9 able to tell you how much offhand. We have -- The storage for  
10 this project is an underground subsurface drain as well as a  
11 retention basin at the bottom of the site so that total  
12 retention is a little more than the increase. Right now  
13 offhand I don't have that number.

14           COMMISSIONER GUARD: And that may even be for LEED  
15 points as well, I believe. Right?

16           MR. KEAN: Correct. Yes.

17           I have one tidbit of information regarding the  
18 drainage. Because A&B Wailea has recently done the  
19 subdivision improvements, virtually done for the house lots  
20 below us, they were grading in December when we had that very  
21 heavy rains, which some people purport were hundred year  
22 flood, but, anyway, it was significant. And I happened to be  
23 talking to Clyde of A&B Wailea and he was asking about our  
24 drainage. He goes, "Have you, you know, been over and taken a  
25 look?"

1           And I said, you know, "Good idea."

2           They had already rough graded some drainage basins.  
3 They have a series on their property. And we -- Our lower  
4 part is actually -- just below Building A was roughed in for a  
5 drainage basin. And I looked at all of them, actually, to see  
6 how they were going, how the percolation was going, and,  
7 fortunately, ours was very good. I'd say three out of four of  
8 theirs was really good and then there were a handful that  
9 probably had water for a week, but the percolation was  
10 excellent. It was gone almost instantly. So I'm confident  
11 the drainage is going to work very well.

12           COMMISSIONER GUARD: But it's also retaining a lot  
13 of it on site?

14           MR. KEAN: Well, that -- The way our system really  
15 works -- I mean, I'm not the engineer, but we have -- Under  
16 the parking lot we have retainage, but below, the one that  
17 was -- the surface one that I'm talking about is a lot of our  
18 water is just below Building A in that landscape area catching  
19 a large portion of the drainage. And it -- The percolation  
20 was excellent. It went right out.

21           COMMISSIONER GUARD: Or even to reuse it for your  
22 landscaping is also in the -- I think the green building  
23 magazines is the new way to go for points.

24           MR. KEAN: Really?

25           COMMISSIONER GUARD: Well, we've got see water as an

1 asset, not a liability; right?

2 MR. KEAN: An asset. Good.

3 VICE CHAIR HEDANI: Additional questions for the  
4 applicant?

5 COMMISSIONER GUARD: Sorry.

6 VICE CHAIR HEDANI: Commissioner Guard.

7 COMMISSIONER GUARD: Hopefully the last one. Back  
8 to the view -- I mean, sorry, but maybe I'm naive, but I know  
9 that's one of the things we're supposed to be protecting. I  
10 know it wouldn't have been an issue if Wailea had created the  
11 shopping center before they put the bypass in and did that  
12 last connection on the road. So that was one of my reasons  
13 for going with it the first time, was that they really created  
14 that highway to give it a view anyway. But maybe they should  
15 have put the -- a shopping center in first.

16 One option we had discussed or looked at and now  
17 looking at the map with the cul-de-sac is if there's a way to  
18 do either a key hole view to reduce the massing on that  
19 building -- Did you look at an option like that for the  
20 building that runs parallel? It looks like there's a  
21 subdivision and on a downward slope if there was a key hole  
22 cut, it would reduce the massing of the second floor as well  
23 as open up a peekaboo view through that down the cul-de-sac to  
24 the ocean. Any comment or review of that potential? I know  
25 it takes out some leasable space, but I'm just wondering if

1 that's why some of these photos aren't on hand right now.

2 MR. MARLETTE: Oh, no, not at all. Generally as  
3 part of the -- We really beat that to death, I believe, on the  
4 original submittals. Right? We showed you various photos  
5 from different orientations and different view plains and  
6 things like that within the overall project. And so we did  
7 look at the various view plains and, again, considered  
8 everything that we had previously. And rather than to open up  
9 a single area, we thought our most bang for our buck is just  
10 push the entire thing down as much as possible.

11 Because we looked at the potential of chewing off --  
12 maybe the second floor in a portion of it, but as you start  
13 projecting what the sight lines are from various points on the  
14 road, that changes considerably. So in order to -- Say you  
15 took the last two bays off of the right-hand side of that  
16 building, it's only effective from one very small view plain  
17 as you're up on the highway. We thought it's probably more  
18 bang for your buck if you pushed the entire thing down, which  
19 theoretically gives a little bit better view over the top of  
20 the entire building versus just a single point on the roadway.

21 VICE CHAIR HEDANI: Additional questions from the  
22 commission?

23 Seeing none, thank you very much. Oops,  
24 Commissioner Domingo.

25 COMMISSIONER DOMINGO: Yes. Thank you.

1           Coming from Kihei, I in the past have been watching  
2 this on Akaku and I had some concerns. And I know a lot of  
3 people that drive into Wailea as well as Makena, and they've  
4 heard that there was going to be this huge building coming  
5 into Wailea. So I'm concerned about the views myself. I  
6 think -- I wasn't privileged of seeing all the other things in  
7 the past. And I apologize, you know, for that. But I think  
8 that's a major concern for myself. Because I'm not going to  
9 be -- I know a lot of people that work in Wailea and I need to  
10 answer that as a point of the view of this building.

11           MR. HART: Okay. Commissioner Domingo, my name is  
12 Chris Hart. I would just like to point out the fact that when  
13 we presented the project -- This is Piilani Highway, if you  
14 look at the drawing here, and it's basically about 240 feet  
15 from here to the building. And, essentially, we agreed to use  
16 specimen trees in the parking lot and on the bank. And so,  
17 essentially, you're not -- Basically, you're sitting in a car  
18 and you're, essentially, 4 feet -- your eyes are about 4 feet  
19 above the pavement and it's about 240 feet back from the  
20 building. So it's not a building that's going to be in your  
21 face.

22           The other important point is that this is  
23 approximately about a 16-foot drop, you know, from Piilani  
24 Highway down. So, essentially, your eyes are going to be  
25 right about in here. It's about 240 feet back. We

1 intentionally, you know, tried to site the building -- It  
2 could have been sited here right on the highway, but it  
3 wasn't. It was -- We set it back.

4           And we basically worked with the Urban Design Review  
5 Board to come up with, basically, a pallet of plant material  
6 that would be mature. In other words, they're not going to be  
7 small trees. And I think that, also, if you look at the  
8 elevation of this building, essentially, and you look at it in  
9 the context of, you know, the view from Wailea Ike Drive,  
10 you'll see that, essentially, it's built into the bank and  
11 that's essentially the relationship that you're going to have  
12 only about 240 feet away from the actual bank of Piilani  
13 Highway.

14           So, you know, we really tried to -- The site is  
15 actually B-2 Business. It could allow six stories, but, of  
16 course, in the context of the SMA permit we're limited to two  
17 stories and, you know, we -- You know, we're really trying to  
18 be respectful of the issue of views from the very beginning.  
19 And before we came to the Planning Commission we did have to  
20 go through the Urban Design Review Board and we did have to,  
21 basically, get their approval or recommendation of approval,  
22 which they did give us.

23           And then when we came to the commission, there was  
24 further concern. And so as a result, we have reduced the  
25 height of the building from approximately -- to reduce it

1 about 4 feet more. So that's the best that we can do at this  
2 time. And I hope, you know, in the context of what I've  
3 explained to you that it's not going to be a significant  
4 impact when you drive by.

5 And could I just see the site plan in relationship  
6 to --

7 UNIDENTIFIED SPEAKER: This here?

8 MR. HART: No. The one that shows the subdivision.  
9 This one. Yeah.

10 You see that basically the project site is a small  
11 portion of this whole area that's actually being developed.  
12 So when you driven by, you're essentially, you know, seeing  
13 the building in this location and it's a very -- you know,  
14 it's a passing -- It's very, I mean, rapid. I mean, you're  
15 driving by and you're going to be making the turn and the view  
16 is going to be subdued. It's not going to be something that's  
17 going to be in your face. And it's a two-story building and  
18 it will actually be about 16 feet below the highway.

19 VICE CHAIR HEDANI: Commissioner Guard.

20 COMMISSIONER GUARD: I appreciate all those changes.  
21 I guess this one did lay -- like keep -- stay in my mind  
22 because of what happened with other commissioners just being  
23 fed up with the system.

24 And Urban Design Review Board -- The building may be  
25 beautiful, and that's kind of the extent that they go with.

1 Right? Oh, it's a nice-looking building. Is that true? I  
2 mean, you as a former chair director, you would know that.

3 MR. HART: Well, on the Urban Review Board are  
4 architects, there's landscape architects and civil engineers  
5 and individuals who are interested in urban design and that  
6 kind of thing, but -- So they in this particular case were  
7 very interested in the view.

8 COMMISSIONER GUARD: They were as well?

9 MR. HART: They were. And they really --

10 COMMISSIONER GUARD: I just wasn't sure if they  
11 were, like, charged with that mission because it seemed like  
12 to Commissioner Domingo that it had already been approved by  
13 them for view. So I wanted to clarify that part.

14 MR. HART: No, they were concerned. And they were  
15 also concerned like what was mentioned just recently about the  
16 issue of planting in front of the guardrails. Of course, we  
17 couldn't do that, but we do have -- The whole right-of-way is  
18 actually going to be planted and there's going to be mature  
19 plants, trees on the bank and mature coconut trees in the  
20 parking lot. So, you know, basically what you're going to  
21 have is, you know, a significant buffer of plant material.

22 And I -- you know, in the context of how driving --  
23 a person driving at about 30 miles an hour, say, and going to  
24 be making a turn, you're really not going to -- it's going to  
25 be quite far back from your field of view, that building. And



1 it's going to be buffered by a lot of plant materials.

2           So, you know, they were concerned and they did,  
3 basically, make recommendations that have softened the impact  
4 of the view. Meaning the Urban Design Review Board.

5           COMMISSIONER GUARD: Thank you.

6           So maybe this is for staff, but this is -- I guess  
7 the only other shopping center that I know that's in a  
8 location makai of the highway would be Piilani Village  
9 Shopping Center. Did they come forward as a two-story  
10 building initially? Do you -- Would anyone -- I wasn't here,  
11 so I was just -- Just for some clarity if people come before  
12 as two stories and --

13           MS. SUYAMA: They come before --

14           COMMISSIONER GUARD: -- reduce down. Because that  
15 one you can see over the whole thing.

16           MS. SUYAMA: Right. It depends on the drop of the  
17 topography of the property. But because there are verbiage in  
18 the community plan that talks about, you know, for commercial  
19 development it should be two stories, we've been holding  
20 developers that come in to that criteria.

21           COMMISSIONER GUARD: What about -- Okay. So Piilani  
22 Village wanted to be a single story?

23           MS. SUYAMA: No. They basically came in with one-  
24 and two-story elements as part of their proposed Piilani  
25 subdivision. But because the zoning is B-2 Community

1 Business, you know, the zoning allows you to go higher than  
2 two stories. But because the community plan recommends that  
3 for commercial development it should remain two stories, when  
4 people come in and we say to be consistent with the SMA  
5 provisions that you need to be within that criteria even if  
6 zoning would allow you to go higher.

7           It's the same with apartment districts. We, you  
8 know, maintain that you stay within the two and four stories.  
9 Even if you're in, like, a hotel designation that allows  
10 higher densities and you're building an apartment, we tell the  
11 developers to be consistent with the community plans we  
12 recommend that multi-family should be four stories, that your  
13 project should remain four stories.

14           COMMISSIONER GUARD: So my concern is -- back to  
15 this, is that you guys as the applicant, you're living this,  
16 you're seeing the photos every day. We're having to rely back  
17 to photos that we saw in October '06. So, hopefully, you'd  
18 understand that some of our concerns are justified. That you  
19 probably had these meetings hours ago, you're looking at the  
20 photos, you know exactly what it is. You come in front of us  
21 and we weren't in those meetings; right? So now we're going  
22 back to October 2006 to jog my memory -- And sorry to say,  
23 we've seen a couple other projects in that time.

24           So I feel that my fears are somewhat valid that I  
25 have to -- we all have to answer friends, general public on,

1 Oh, how come you let the view go away right there? So -- And  
2 then that's -- The only other mall that I know is that  
3 single-story Piilani Shopping Village where you see right over  
4 all those buildings to lower elevation sea level. So I  
5 apologize to the applicant, but that is my concern.

6 MR. HART: I appreciate that. And, you know, again,  
7 I think that Piilani Highway in that location in relationship  
8 to the site is more than the 16 feet that we have in this  
9 particular case, so, you know, you do get a view. But in any  
10 event, the view has been a concern. And we have in the  
11 context of the construction documents reduced the building by  
12 approximately 4 feet. And we do have -- we do intend in terms  
13 of the conditions of the SMA permit to, essentially, plant the  
14 mature plant material that were recommended by the Urban  
15 Design Review Board and that is going to be done to soften the  
16 impact of the view.

17 And, again, the building itself, the Building A is  
18 approximately 240 feet and 16 feet down from the -- you know,  
19 your basic eye at the elevation on Piilani Highway. So it's  
20 not going to be in your face. It's going to be quite -- set  
21 back quite substantially and it's going to be 16 feet below  
22 you.

23 VICE CHAIR HEDANI: Other questions? Commissioner  
24 Mardfin.

25 COMMISSIONER MARDFIN: Do you happen to have Exhibit

1 1 in our document on the -- to go on the screen? It's an  
2 aerial photo, aerial map showing the ocean?

3 UNIDENTIFIED SPEAKER: Yeah, I think I do. This?

4 COMMISSIONER MARDFIN: That's not the one in here,  
5 but it's close enough. So there's -- If I look to the left of  
6 your project site down near the ocean, there's a big  
7 structure. Yeah. What's that?

8 MR. HART: That's called The Shops at Wailea.

9 COMMISSIONER MARDFIN: And how high is that?

10 MR. HART: That's two stories.

11 COMMISSIONER MARDFIN: Okay. Do they -- Would  
12 they -- If you were Piilani Highway before you built your  
13 thing, they would block the view of the ocean?

14 MR. HART: No, they wouldn't. No. I mean, the  
15 distance from here, you know, to here -- I think this  
16 elevation is probably -- I'm not sure what the elevation is,  
17 but, I mean, there's a substantial drop in grade if you drive  
18 down Wailea Ike Drive.

19 COMMISSIONER MARDFIN: So you wouldn't see the ocean  
20 from the highway?

21 MR. HART: From here?

22 COMMISSIONER MARDFIN: Yeah.

23 MR. HART: I'm not sure you could see the ocean. I  
24 think Jack Kean indicated to you that, you know, at the time  
25 because of the Kiawe trees you couldn't actually see the ocean

1 from that spot.

2 Well, I'm not going to discuss -- I mean, I don't  
3 know.

4 VICE CHAIR HEDANI: Commissioner U'u.

5 COMMISSIONER U'U: Just a comment. Maybe the Urban  
6 Design Review Board does care about the ocean view, but it's  
7 our responsibility. It's not theirs.

8 MR. HART: Oh, I understand that, but I'm just --  
9 The question was whether or not they took it into  
10 consideration, and they did as well.

11 VICE CHAIR HEDANI: Additional questions from the  
12 commission? Commissioner Guard.

13 COMMISSIONER GUARD: This isn't a question. This is  
14 a comment. It was after this project that we brought up the  
15 potential of using story pulls so the general public could see  
16 these things for themselves so it's not the burden on us to --  
17 I mean, it is difficult, Chris, I apologize, but I cannot  
18 remember if I could see Molokini over the property or if I can  
19 see the top of Mooula on Kahoolawe. Like there's a difference  
20 between seeing sandy beach, seeing the horizon or seeing some,  
21 like, major landmarks out there that -- I mean, that's the  
22 major issue, we knew going in that it would be, and we don't  
23 have a single view shot to go with to put an educated vote  
24 together.

25 And I guess this is back to the director is I think

1 it's critical that we start using story pulls for projects  
2 like this. And we talked about it last at this meeting, I  
3 believe I brought it up, to put signage up so people can say,  
4 There's going to be a shopping center here. Or to have story  
5 poles where people can see what is going to happen without  
6 having to come and sit in this room or watch Akaku on any  
7 given day. But if they're going to Wailea or going to Makena  
8 or going through Kihei, they can see where a project is coming  
9 up. The Big Island is doing it. They've been doing it for a  
10 while. And I'm sure other places are as well.

11 MR. KEAN: We have found a couple of drawings here.  
12 They were some of the original ones. The way the site  
13 condition was at the time and the way the building was at the  
14 time. So if you can imagine, you know, lopping off the top a  
15 little bit, this may assist. It kind of illustrates, too,  
16 that there's some Kiawe in the foreground.

17 One thing, when looking at this picture, bear in  
18 mind --

19 Jordan, can you back up to that last photo? Yes,  
20 that one.

21 I wanted to point out that --

22 VICE CHAIR HEDANI: You need to use the microphone,  
23 Jack.

24 MR. KEAN: Sure. Can you hear me? Is this working  
25 okay?

1           When you drive down the highway, a couple things --  
2 This one is a good illustration because this is where you've  
3 got to start slowing down. We actually -- Our building is --  
4 The A building, the one we're talking about mostly, is right  
5 in here. It's actually very close to the corner. And it's  
6 significant that it is because this area right now just got  
7 cleared out. It's gorgeous. I mean, you drive down the  
8 highway, you see it, you have a view. If you can see, these  
9 trees were here. There was -- And you'll see some of them  
10 there. But we didn't have that on our property and we still  
11 don't. But there were trees in the foreground.

12           There used to be a parking lot -- Well, it was used  
13 as a parking lot when they were remodeling the Four Seasons.  
14 There were cars way over here. So when you look at this  
15 picture, bear in mind that the sidewalk that you see is  
16 starting right about the corner of our property. Because  
17 you'll see this and you see the foreground and you look over  
18 here, it kind of gives you a different idea. By the time you  
19 actually get over to where our property is, you'd better be  
20 looking at the corner. You're really coming into it. The B  
21 building is actually below grade. You really shouldn't be  
22 looking too much.

23           But I understand that you might be getting comments  
24 from friends, they're going to go, "Oh, look at all that  
25 thing. They're going to build all over it." It really isn't

1 us that they're looking at. It's -- You'll see some walls  
2 they -- A&B has built some nice walls around it. There's a  
3 street, but the building isn't until right over in here. So  
4 it is very close to the corner. It's one reason we negotiated  
5 this with A&B. It used to be the Shinwa site. I remember we  
6 discussed this the last time. Shinwa had their parking lot  
7 over here and the building spreading out more. But at this  
8 point it's -- we're really tucked over close to the corner.

9           Anyway, I'll give you a couple sketches here.

10           VICE CHAIR HEDANI: Okay. We're going to have to  
11 take a break for about ten minutes at this point to give our  
12 stenographer a rest. And we'll reconvene again at 4:20.

13           (Pause in Proceedings)

14           VICE CHAIR HEDANI: (Gavel.) The Planning  
15 Commission is back in session.

16           Any final questions for the applicant at this point?

17           Okay. Seeing none, staff recommendation.

18           MR. FASI: The proposed project meets the  
19 requirements with Step III Plan Development Approval as the  
20 above listed intent of the SMA permit conditions have been  
21 met. And I just want to note here that the applicant's  
22 representative came through promptly and efficiently with  
23 meeting Conditions No. 12 and 26 that relate to the -- adding  
24 in the LEED's elements to the plan. Therefore, pursuant to  
25 the foregoing, the Maui Planning Department recommends



1 approval of the Step III Plan Development Application.

2 VICE CHAIR HEDANI: Okay. Any questions for staff?

3 If not, what's your pleasure? Commissioner Starr.

4 COMMISSIONER STARR: Yeah. First of all, do we need  
5 to ask if there's public testimony, Mr. Chair? I don't know  
6 if we do.

7 VICE CHAIR HEDANI: I don't believe a public hearing  
8 is required on this particular item.

9 Are there any members of the public that would like  
10 to offer comments at this point?

11 Seeing none, public testimony is closed.

12 Commissioner Starr.

13 COMMISSIONER STARR: Okay. You know, I really cried  
14 when this thing went through. I thought it was, you know,  
15 going to block a really important view plain. And I lost that  
16 and was in the minority. You know, and I'm hoping that the  
17 process will improve with time using technology so we can  
18 understand the issue better. But I do feel that, you know, at  
19 this stage the applicant has tried to do what they can to  
20 remediate. And I don't think that Step III is really the time  
21 to try to change the project. I'd like to move that we -- for  
22 approval as per the recommendation.

23 VICE CHAIR HEDANI: Motion for approval as  
24 recommended by staff. Is there a second?

25 COMMISSIONER IACONETTI: I'll second that.

1           VICE CHAIR HEDANI:  Seconded by Commissioner  
2 Iaconetti.

3           Discussion?  Commissioner U'u.

4           COMMISSIONER U'U:  You know, I agree that they took  
5 the appropriate steps to comply with LEED's and -- But the  
6 only concern I have is the same concern that J.B. had, which  
7 is the sight plain or the sight view.  Granted they took it  
8 down 3 feet or 4 feet, depends who you ask.  I would love to  
9 have seen a visual.  I would have loved that.  And I think  
10 that would have been the icing on the cake for me, for myself.  
11 And I don't know where the heck J.B. went, but that is for me.  
12 And I'm -- So I'm on the fence to approve by not having a  
13 visual.  And it's simple for me to have the visual.  And I  
14 probably wouldn't have a problem if I had the visual, but I  
15 cannot say that for sure because there's nothing.  And you can  
16 say it's not in your face and we can play tug of war back and  
17 forth, but I still don't have a visual.

18           VICE CHAIR HEDANI:  Additional discussion?  
19 Commissioner Domingo.

20           COMMISSIONER DOMINGO:  Thank you.  I apologize,  
21 probably I should have read more about this and the past  
22 meetings and all the details, which I wasn't privileged to.  
23 And I believe it's my fault.  And I believe that you folks  
24 have tried your best.  And, yes, I can agree with Jonathan  
25 Starr saying at the Step III that we shouldn't -- you know,

1 you guys complied to a lot of things and Step III, we can't  
2 pull it back.

3 (Commissioner Guard entered the room.)

4 VICE CHAIR HEDANI: Additional discussion?

5 COMMISSIONER DOMINGO: I'm not done yet. I was  
6 thinking.

7 VICE CHAIR HEDANI: Oh, I'm sorry. Go ahead.

8 COMMISSIONER DOMINGO: So I'm going to think about  
9 this a little bit more seeing, hopefully, the other members  
10 can come up and put up their opinions. But if this does go  
11 through, believe me, I will be there every day. I live right  
12 around the corner. And I just want to make one comment.  
13 Coming around that corner, you can't do it at 30 miles. You  
14 have to go slower. So 30 miles is not an option. And, also,  
15 the view can be enjoyed coming out, out of Wailea. So there  
16 is some -- there is a view there and I'm -- and that's the  
17 reason why I have to take some time, a little bit. So I'm not  
18 sure.

19 VICE CHAIR HEDANI: Any other discussion?

20 Commissioner Guard.

21 COMMISSIONER GUARD: The motion is to approve --

22 VICE CHAIR HEDANI: Yes.

23 COMMISSIONER GUARD: -- right now?

24 Okay. I don't mind the project. I don't like being  
25 asked to vote blind on it. And I think that is the -- a major

1 obstacle. It's been in my mind every time I think about it  
2 from that October meeting. I would be hesitant to vote yes  
3 right now knowing I still have questions in my mind and I have  
4 to sleep at night and I've got to drive by there whenever I  
5 get to go down there. And I don't think it's fair to be asked  
6 to vote on such -- when we're supposed to protect the view and  
7 now we're being asked to vote on something where I'm not  
8 seeing the exact changes that we were promised. It was -- And  
9 that's where I was uncomfortable with this process from Step I  
10 and Step II. "Let us keep moving and we'll come back. We  
11 have to come back to you." And now it's coming back and I  
12 feel like the homework hasn't been done. And I don't want to  
13 be the one to grade something without seeing it.

14 VICE CHAIR HEDANI: Additional discussion?

15 (Silence.)

16 VICE CHAIR HEDANI: Ready for the question?

17 (Silence.)

18 VICE CHAIR HEDANI: All those in favor signify by  
19 saying aye.

20 (Silence.)

21 VICE CHAIR HEDANI: All those opposed, same sign.

22 (Hands.)

23 VICE CHAIR HEDANI: Motion is lost.

24 What's your pleasure? Commissioner U'u.

25 COMMISSIONER U'U: Motion to defer until further

1 date -- whenever it can be. The sooner the better would be,  
2 but motion to defer.

3 MS. SUYAMA: It would be a motion to defer with the  
4 department looking at the schedule of the commission as to  
5 when the close -- you know, the earliest we could bring it  
6 back to the commission.

7 VICE CHAIR HEDANI: Is there a second?

8 COMMISSIONER GUARD: I'll second that.

9 VICE CHAIR HEDANI: Seconded by Commissioner Guard.  
10 Discussion? Commissioner Starr.

11 COMMISSIONER STARR: Yeah. When it comes back to  
12 us, there should be some modeling so that our members can see  
13 what the actual effect will be.

14 VICE CHAIR HEDANI: Commissioner Guard.

15 COMMISSIONER GUARD: The first time around I thought  
16 it was one of the few times I had actually see someone trying  
17 to do story pulls and that is -- So I commend them for the  
18 initial effort. And I don't think this is going to be a major  
19 delay for them as long as what we see is what we are expecting  
20 is to see. But just for the future, it puts us in a very  
21 awkward position. We're a commissioner for five years where  
22 people nitpick at me day in and day out and then to have -- So  
23 I hope you guys can understand that, that you want your  
24 project, but, I mean, I'm doing this as a service for me  
25 wanting to live on Maui for the rest of my life. And I don't

1 want to have answer questions that I didn't do my job the  
2 right way.

3 MR. KEAN: For the modeling and so forth --

4 VICE CHAIR HEDANI: Jack.

5 MR. KEAN: I'm sorry.

6 VICE CHAIR HEDANI: Any other discussion from the  
7 commission? Commissioner Starr.

8 COMMISSIONER STARR: Yeah. I want to ask, Deputy  
9 Director, are we going out on any site inspection or anything  
10 in South Maui? Is there anything on the books?

11 MS. SUYAMA: Not right now, there's nothing.

12 VICE CHAIR HEDANI: Any other discussion?

13 I would like to offer just a few comments on this,  
14 on this item. If you'll look at the exhibit that's dated  
15 October 12th, 2006, from the Department of Planning to the  
16 applicant, under paragraph No. 4 the requirement is that the  
17 final construction shall be in accordance with preliminary  
18 architectural plans received on April 3rd, 2006. So the  
19 direction from the County to the applicant was that the plans  
20 that are submitted for Step III have to be in compliance with  
21 the plans that were received on April 30th, 2006.

22 The second point that I would like to make is that  
23 when you analyze views from the highway or from the highway to  
24 the shore, generally what you're looking for, I think, is  
25 views that are worth preserving. So it's in specific areas

1 where there's a value to that view, where you're at a  
2 threshold or when you're going down a certain area where the  
3 view opens up suddenly and you have a magnificent view to the  
4 ocean. Those are the high priority views that you want to  
5 protect.

6           In this particular case, if you're coming to a curve  
7 where you have to execute a right turn, to concentrate on the  
8 view to the ocean at that point is somewhat of a hazard. It's  
9 kind of like -- well, we went through the argument on  
10 Kaanapali, approaching the Kaanapali Parkway intersection and  
11 the Hyatt question where they're traveling at 40 miles per  
12 hour and then you're approaching a stoplight. And if you're  
13 really concentrate on the view, you can really mess yourself  
14 up at that location. So those are just comments that I'm  
15 offering from my perspective.

16           Commissioner Guard.

17           COMMISSIONER GUARD: I actually meant to bring  
18 something up on that note as well. I think there's a major  
19 difference when you're driving to work with no one else in the  
20 car, but if you ever do have the benefit of not having to be  
21 the driver, you get to take in the beauty of Maui and any  
22 other place. That to only limit this to a single car --  
23 single-person vehicles is unfair and it was a dis- --

24           And that's where maybe I need to ask corp counsel.  
25 We had an orientation about how we're supposed to protect

1 these views. And we're running out of views to protect  
2 because we seem to keep voting everything through to block  
3 them anyway. The Shops at Wailea, I know they have a keyhole  
4 view and then, granted, they got blocked out by Wailea Beach  
5 Villas after that. But they -- in the front half, they open  
6 it up, the first and second story. There isn't that roof  
7 line. I think from an Urban Design Review Board policy, it  
8 helps to reduce massing that might be a term as an architect,  
9 which I'm not.

10 That was one of the things. They said, "Let us keep  
11 going through Step I and II," and we hear -- It's not only  
12 this one. It's all these projects we give the benefit of the  
13 doubt and it comes back. And I would have at least like to  
14 have seen, "These are the differences. This is what we  
15 actually did to change it." And I just didn't get that sense  
16 today.

17 VICE CHAIR HEDANI: Additional discussion?

18 (Silence.)

19 VICE CHAIR HEDANI: Ready for the question?

20 (Silence.)

21 VICE CHAIR HEDANI: All those in favor of deferring  
22 signify by saying aye.

23 (Chorus of ayes.)

24 VICE CHAIR HEDANI: Opposed, nay.

25 (Silence.)



1 VICE CHAIR HEDANI: Carried. Thank you.

2 MS. SUYAMA: Second communication item, there's a  
3 letter from the applicant's consultant requesting deferral of  
4 this matter, and we would concur with the deferral.

5 VICE CHAIR HEDANI: If there is no objection from  
6 the commission, we'll go ahead and defer this matter at the  
7 applicant's request and move on to the next item.

8 (Silence.)

9 MS. SUYAMA: The next item is new business. It's  
10 Wilshire DMK I LLC requesting comments on the Draft  
11 Environmental Assessment prepared in support of the Special  
12 Management Area Use Permit for the Alahele Subdivision at  
13 Kihei, Maui. And James Bouka from our office will do the  
14 presentation.

15 MR. BOUKA: Good afternoon, Commissioners. I'm Jim  
16 Bouka, staff planner with the Planning Department. We're  
17 going to switch and we have a short slide presentation on the  
18 Draft Environmental Assessment review today.

19 MS. SUYAMA: Jim, do they need time to set up?

20 MR. BOUKA: Yeah. I think we need a five-minute  
21 break to set up. Yeah. I had assumed it was on this  
22 computer.

23 VICE CHAIR HEDANI: We'll take a five-minute recess.

24 (Pause in Proceedings.)

25 VICE CHAIR HEDANI: (Gavel.) Planning Commission is

1 back in session.

2 Jim.

3 MR. BOUKA: Thank you, Vice Chairman Hedani.

4 I'll provide an overview, just a project status, and  
5 then I'll turn it over to Chris Hart to present an orientation  
6 on the project overview and the Draft Environmental Assessment  
7 summary.

8 So today's purpose is Wilshire DMK I LLC is  
9 requesting comments on the Draft Environmental Assessment.  
10 The trigger is the County use -- is the use of County lands to  
11 develop a portion of the North-South Collector Road as part of  
12 a 48-lot residential subdivision in Kihei. The Maui Planning  
13 Commission is being asked to be the accepting authority and a  
14 finding of no significant impact is anticipated.

15 Next slide.

16 So in the future after this comment, the commission  
17 will be asked to accept the Final Environmental Assessment.  
18 We will conduct the SMA permit public hearing and deliberate  
19 on the SMA Use Permit application.

20 As far as the project status, it has been underway  
21 for some time since last summer. The Planning Department,  
22 additional agencies and the public have been reviewing the  
23 project. It's an in-fill project that is in conformance with  
24 State and County land use plans and policies. It is  
25 consistent with the Kihei-Makena Community Plan for

1 Single-Family Residential.

2 As far as the timeline, on September 11th the Draft  
3 Environmental Assessment was published in the Office of  
4 Environment Quality Control, environmental notice publication  
5 for one month. The draft EA was distributed, again, in  
6 September to the commissioners, and just recently to Ms. Donna  
7 Domingo.

8 The DEA was also transmitted to 16 agencies for  
9 comment. And on October 23rd, 2007, the DEA review was  
10 scheduled on the Maui Planning Commission meeting, but was  
11 deferred because there was no time to present it at the time.  
12 It was one of the longer meetings we had with much public  
13 review. Agency reviews were solicited. Just about all of  
14 them are back, so -- And then we have completed a State  
15 Historic Preservation review and they've accepted the  
16 archaeological monitoring plan.

17 So right now I'll turn it over to Chris Hart for a  
18 short presentation, orient you on the project in Kihei, and  
19 then we'll just ask you for your comments on the Draft  
20 Environmental Assessment.

21 MR. HART: Thanks a lot, Jim.

22 My name is Chris Hart of Chris Hart & Partners. And  
23 before I start, I'd like to introduce representatives of --  
24 one representative of Wilshire DMK I LLC, Jon Dishell. Sorry.  
25 And Mike Wright, who is the project manager. And Brett Davis

1 of our office, who is the project planner. Also, our civil  
2 engineer is Otomo Engineering. Traffic engineer is Phillip  
3 Rowell. And myself, Chris Hart.

4 As Jim has indicated, the proposed subdivision is  
5 located in Kihei. It's adjacent to Piilani Highway and with  
6 access from Alahele Place and Auhana Road, from the -- and  
7 also from the future North-South Collector. The project will  
8 result in a 48 lots only. This is a lots only project  
9 subdivision with necessary supporting infrastructure and the  
10 option of building an ohana unit on each lot.

11 This is the location, Kihei. This is Kalama Park.  
12 This is Kanani Road and Auhana Road. This is a better plan.  
13 South Kihei Road is at the bottom. We have Auhana Road, which  
14 is the road that is actually closest to ours. And Kanani is  
15 the main road. And basically what they do is they form --  
16 they intersect each other and then Kanani continues to the  
17 intersection of Piilani Highway. Just recently on Kanani Road  
18 there was a signal, basically, constructed by the Department  
19 of Transportation.

20 This is Piilani Highway. This is a portion of the  
21 right-of-way of Piilani Highway that was shaded -- that is  
22 shaded. And this is the Kanakanui Road right-of-way, which is  
23 actually a parallel road to Piilani and was a road that was in  
24 existence before Piilani.

25 Our project site. And you can see that it's

1 surrounded by an existing subdivision. And this is the actual  
2 alignment of the North-South Collector. It intersects Auhana  
3 Road in this location.

4 For your information, the project site itself is  
5 located in Flood Zone C, which is basically buildable. And  
6 the existing land use designations are it's within the State  
7 Urban District. The community plan or the project site is  
8 single family. And the County zoning is R-2 Residential.  
9 It's located in the Special Management Area. The Special  
10 Management Boundary actually is Piilani Highway. And, again,  
11 it's in Flood Zone C, which is no or minimal flooding.

12 This is our project site. This is looking from  
13 Piilani Highway toward the ocean. And this is approximately  
14 70 feet above sea level, and the site actually drops off.  
15 There is a lower portion of it that is approximately 20 feet  
16 above sea level. I'm sorry. Piilani Highway is located here.

17 Some more site photos. This photo was taken from  
18 the project site facing southeast with Piilani Highway in the  
19 background.

20 Photo taken from the project site facing east with  
21 Piilani Highway in the background.

22 Photo taken from the high point of the project site  
23 facing northwest with existing single-family residences in the  
24 background. Shows, basically, the character of the  
25 neighborhood.

1 Photo taken from the low point of the project site  
2 facing south to show site topography.

3 This is our subdivision and grading plan. Again, in  
4 terms of orientation, this is Piilani Highway right-of-way.  
5 And then this is Kananui Road. And, essentially, Auhana  
6 Road is in this location. And, again, this is the North-South  
7 Collector, which actually connects to Auhana Road.

8 I'd like to just talk about a couple of things in  
9 the context of the project. We are actually connecting up to  
10 some existing streets. This is Alahele Street and this is  
11 Auhana Road. I'm sorry. The North-South Collector, excuse  
12 me.

13 And in the context of it being an in-fill project,  
14 you know, it could be possible to have access to the site from  
15 the existing subdivision that's makai of the project site, but  
16 we haven't discussing it with the Department of Public Works  
17 and in this particular case we're improving this segment of  
18 the North-South Collector and, actually, to the intersection  
19 of Auhana Road as our access to the subdivision, so that we  
20 will not be impacting the subdivisions that are existing and  
21 below the project.

22 Also, in the context of this project, there are in  
23 certain times of the year some flooding that exists in this  
24 area. We have been discussing this issue with the Department  
25 of Public Works, and Department of Public Works has been

1 working with us. And we are proposing to actually do a  
2 retention area in this portion of former Kananui Road  
3 right-of-way. So there will be a retention basin that will be  
4 off site that will be developed by the project for the purpose  
5 of, essentially, intercepting runoff from the mauka side of  
6 Piilani Highway. And in addition to that, we will be  
7 providing sufficient retention on site to, basically,  
8 accommodate the storm runoff water for the project.

9           This is an existing drainage culvert and it's under  
10 Alaloa Road. Alaloa Road is actually approximately in this  
11 area. And it's -- This is on the makai side. And we're  
12 proposing to, essentially, improve this drainage channel  
13 offsite. And, also, this would be the mauka side, which we  
14 would also be improving.

15           Drainage. The present 50-year storm runoff from the  
16 project site is 9.70 CFS. The anticipated impacts. The  
17 proposed project will increase the runoff to 18.55 CFS to be  
18 retained on site.

19           Mitigation measures. There will be an on-site  
20 detention basin with the capacity to retain the present  
21 50-year storm runoff and the additional 18.55 CFS on-site  
22 runoff. So we will be, basically, retaining 100 percent of  
23 the existing runoff together with the increase 18.55 CFS  
24 runoff. We will mitigate the entire 50-year storm, not just  
25 the increase on site. The additional on-site and off-site

1 Kanakanui Road detention basin will reduce the peak 100-year  
2 flow by approximately 1 percent.

3           We've been in contact quite a bit with the  
4 Department of Public Works. And the Department of Public  
5 Works did actually send us a letter thanking us for -- let's  
6 see, I'm sorry -- thanking us for "working with our  
7 Engineering Division" -- Did I read that -- "to review your  
8 drainage concept for the subject subdivision. We support your  
9 proposal of using a portion of Kanakanui Road right-of-way as  
10 a detention basin to mitigate some of the regional runoff in  
11 the area. Your on-site drainage improvements already meet our  
12 drainage standards and requirements of the subdivision."

13 Signed by Milton Arakawa.

14           This is our landscape plan for the project site. I  
15 might add that we did have a meeting. We had meetings with  
16 the Kihei Community Association. Also, a Kihei Community  
17 Association general meeting where we notified owners of  
18 property within 500 feet, so it was actually a focus group  
19 that the Kihei Community Association sponsored that focused on  
20 the individuals living in this neighborhood. We discussed the  
21 fact that we're going to be doing street trees within the  
22 project. We'll be having underground utilities. We'll have  
23 sidewalks on one side of all subdivision streets. We'll have  
24 a passive park. Actually, have -- Okay. And, also, the  
25 North-South Collector will be improved with street tree



1 planting and a pedestrian/bike way. And that will be from the  
2 project site all the way out to Auhana Road for connectivity.

3 Traffic improvements. The future North-South  
4 Collector, approximately 260 feet of the North-South Collector  
5 in the project site will be improved. The width will be a  
6 two-lane roadway with 12-foot travel lanes, 24 feet total,  
7 with grass shoulders, stabilized pathway to Auhana Road. And  
8 connects the subdivision to Auhana Road and connects with the  
9 extension of Alahele Place. Provides access for existing  
10 subdivisions to Piilani Highway.

11 Again, this is our project location map. Just to  
12 give you a sense that, again, this is Piilani Highway. This  
13 is the Kananui Road right-of-way that will actually be  
14 improved as a detention basin. This shows the North-South  
15 Collector through our project, and then actually the  
16 connection to Auhana Road and also the opportunity for  
17 connectivity to Alahele and also to Alaloa Road.

18 So there will be the opportunity to provide  
19 connectivity through our project to Auhana Road for the  
20 existing subdivisions. And this actually becomes our access,  
21 automobile access in and out of the subdivision. And the  
22 intention is to basically mitigate the impact of traffic on  
23 the existing older subdivisions in the area.

24 This gives you -- This is the extension of Alahele  
25 Place as it basically intersects our project site.

1           This is the connection -- the existing connection of  
2 the North-South Collector to Auhana Road. And we will be  
3 adding a bike/pedestrian pathway to that.

4           Regarding work force housing, the ownership plans to  
5 enter into a work force housing agreement with a nonprofit  
6 housing provider prior to final subdivision approval. There  
7 have been meetings, basically, of the principals with Hale  
8 Mahaolu. I believe that was the housing provider that they're  
9 talking with.

10           Project benefits. The proposed project, again, is a  
11 lots only subdivision. It basically provides improved  
12 regional off-site and on-site drainage. Provides construction  
13 of a segment of the North-South Collector. It increases  
14 automobile and pedestrian connectivity, subdivision sidewalks  
15 and the North-South Collector Road. Stabilized gravel pathway  
16 to Auhana Road. It provides passive neighborhood pocket  
17 parks. The estimated parks assessment for the project in  
18 terms of the subdivision is estimated to be \$787,950.  
19 Subdivision design guidelines and CC&R's will be incorporated  
20 as part of the project. And we will actually be complying  
21 with the Workforce Housing Ordinance.

22           Project impacts and mitigation. We are seeking to  
23 mitigate impacts of drainage, providing traffic and  
24 connectivity. We're providing residential work force housing,  
25 complying with the Workforce Housing Ordinance. The proposed

1 project is in compliance with Chapter 343 significance  
2 criteria. And that -- Those are -- basically, our compliance  
3 request the significance criterias is identified in the draft  
4 EA.

5 Thank you.

6 VICE CHAIR HEDANI: Questions for the applicant?  
7 Commissioner Starr.

8 COMMISSIONER STARR: Yeah. First of all, I want to  
9 thank you for retaining all the runoff on site. That's  
10 definitely a good thing to see.

11 MR. HART: Welcome.

12 COMMISSIONER STARR: As far as mitigating impact of  
13 greenhouse gas emissions which are related to sea-level rise  
14 and, you know, as such I feel it does have a connection with  
15 the SMA process, has any thought been given to trying to  
16 utilize some of the green building principles with this  
17 project?

18 MR. HART: Well, at this -- In the context of the  
19 project itself, it's being proposed as a lots only project.  
20 But, you know, we are going to be doing CC&R's and -- you  
21 know, as part of the subdivision. And we could actually make,  
22 you know, some recommendations regarding, you know, basic  
23 green building initiatives, and that could be done. But, you  
24 know, the idea -- As far as the project is concerned, we're  
25 not proposing to build units. We're proposing to build lots

1 and, basically, be able to sell them to, basically, local  
2 people.

3 COMMISSIONER STARR: Yeah. But I -- as you said,  
4 putting it in the CC&R's --

5 MR. HART: Sure. We could do that.

6 COMMISSIONER STARR: And trying to move -- it's  
7 trying to move a baby step toward LEED ND.

8 MR. HART: I agree and we could certainly do that.  
9 We could basically respond to that in our letter to the  
10 Planning Commission.

11 VICE CHAIR HEDANI: Commissioner Guard.

12 COMMISSIONER GUARD: This comes back to us for an  
13 SMA, anyway; correct? We're just using the EA to use the  
14 North-South Collector Road.

15 MR. HART: Yes. We have to do an EA.

16 VICE CHAIR HEDANI: Today we're just being asked to  
17 accept -- be the accepting authority on the EA and provide  
18 comments on the Draft EA.

19 COMMISSIONER GUARD: Just provide comments.

20 VICE CHAIR HEDANI: Commissioner Mardfin.

21 COMMISSIONER MARDFIN: I'm a little puzzled. You  
22 showed a photo of a culvert that you said on the makai side  
23 you -- it was from the makai side and you were going to  
24 improve both. What do you need the culvert for if you're  
25 retaining all the stuff on site?

1 MR. HART: Well, there's water that actually --  
2 Show that. This one.

3 COMMISSIONER MARDFIN: That's the one.

4 MR. HART: All right. Basically this neighborhood  
5 is a really old neighborhood and the subdivision was done  
6 probably back in the '50s. And the drainage -- some of the  
7 drainage improvements are, you know, not, you know, developed.  
8 Like, for instance, this particular culvert is not -- it's  
9 about a 48-inch culvert and it's a twin 48-inch, according to  
10 our engineer. And it, basically, is filled up with sediment  
11 and so on. So the idea is to improve that so that the flow  
12 would be improved.

13 COMMISSIONER MARDFIN: Is this going -- Is either  
14 the mauka or makai side off site for you?

15 MR. HART: It is off site. Yes. There is water --  
16 Could you get back to --

17 COMMISSIONER MARDFIN: I guess what I'm not  
18 understanding is if you're going to retain all the water on  
19 site, why do you need a culvert to direct it off site.

20 MR. HART: Well, there's water that flows through  
21 the site from up above.

22 COMMISSIONER GUARD: It rains above as well, like on  
23 the other side of the highway.

24 MR. HART: Yes.

25 COMMISSIONER MARDFIN: And you're not going to

1 absorb that?

2 MR. HART: No. Well, we are going to assist in the  
3 absorption. It's a situation water does come from up above  
4 and it does cross Piilani Highway and we are going to  
5 intercept, basically, one percent of the flow on the hundred  
6 year storm. And then it essentially continues -- it continues  
7 down and it goes along --

8 COMMISSIONER MARDFIN: And that culvert is right  
9 about where your pointer is now?

10 MR. HART: Yeah, right. Exactly, yes.

11 COMMISSIONER MARDFIN: And normally that's dry?

12 MR. HART: Yes.

13 COMMISSIONER MARDFIN: I mean, like 364 days a year  
14 that's dry?

15 MR. HART: Well, in Kihei, yes, I mean, it is. But,  
16 I mean, there are significant storms in Kihei, too, you know.  
17 But, I mean, you know, you're correct, yes.

18 COMMISSIONER MARDFIN: And then the five days out of  
19 the year, whenever it happens to be, where there is water  
20 flowing, you want it to be able to flow?

21 MR. HART: Sure. Yes. We would like to be able to  
22 assist in terms of improving where we can the flows. And, you  
23 know, we have been talking with Joe Krueger, specifically, of  
24 the Engineering Division. And they have been, you know,  
25 trying to -- They were trying to, basically, get the State of

1 Hawaii to, essentially, allow them to develop a larger  
2 retention basin in this location, and that's why we shaded it.  
3 But the State Department of Transportation feels that they  
4 might need that for highway widening, so they don't want them  
5 to do that. The Department of Public Works has been told that  
6 they can't do that. So, you know, we suggested the  
7 possibility as part of an improvement for -- you know, in the  
8 context of our project to be able to at least use Kanakanui  
9 Road right-of-way, which is not being used, and to make that  
10 into a retention/detention area. And that ties with our  
11 detention that, basically, you can --

12           Maybe show the project plan. Kind of get an idea  
13 showing how that fits. Yeah.

14           See, this is kind of how it goes. And then,  
15 basically, that will all be retained, but there is a flow that  
16 passes through the project that will have to be -- that we're,  
17 basically, intercepting one percent of that hundred-year flow,  
18 but we have to allow that to continue, you know. There will  
19 be more water than we could retain on site.

20           COMMISSIONER MARDFIN: I understand for a  
21 hundred-year flow, but for a 50-year flow --

22           MR. HART: We are.

23           COMMISSIONER MARDFIN: -- going to absorb it all?

24           MR. HART: All the water, basically, that's existing  
25 that's generated by this property together with the water that

1 would be existing or be generated as a developed project.  
2 We're going to retain that, all of that on site. And we're  
3 going to retain one percent of the hundred-year flow off site.  
4 And we're, basically, going to try to enhance where we can the  
5 flow through the property.

6 COMMISSIONER MARDFIN: Bottom line is if I'm makai  
7 of this property, I'm going to have less water going through  
8 that culvert than there currently is, is that --

9 MR. HART: Yes, exactly. Definitely.

10 COMMISSIONER MARDFIN: Thank you.

11 VICE CHAIR HEDANI: Commissioner U'u.

12 COMMISSIONER U'U: Yeah. Question. At what point  
13 does the in lieu of school fees apply, or does it apply to  
14 this project?

15 MR. HART: In lieu of school fees. Basically, I  
16 think it -- I'm not sure exactly what the current -- There was  
17 a statute, a bill passed, and I think it's 50.

18 Is that right.

19 MR. BOUKA: I can answer that.

20 MR. HART: Oh, you can? Fine.

21 MR. BOUKA: Yes. We've gotten comment letters back  
22 from the Department of Education. And it's Act 245 and the  
23 project will be required to pay an impact fee under Act 245.

24 VICE CHAIR HEDANI: Jim, you need to identify  
25 yourself for the record.



1 MR. BOUKA: Oh. Jim Bouka, Planning Department.

2 Was there another question? I'm sorry.

3 COMMISSIONER U'U: That is the school fees you're  
4 pertaining to?

5 MR. BOUKA: Yes. So there will be a set school fee  
6 per lot.

7 COMMISSIONER U'U: Okay. I originally thought it  
8 was for 50 and above.

9 MS. SUYAMA: Originally, because it wasn't  
10 formalized, the DOE had put down that for projects 50 units or  
11 more that you would pay an impact fee for school facilities.  
12 But in this past state legislation there was legislation that  
13 was proposed to formalize that for the Department of  
14 Education. And if Jim has the actual act, probably -- you  
15 know, I haven't been keeping track. It's probably passed and  
16 it's probably based upon the way they do the calculations,  
17 it's no longer 50 units or more.

18 MR. BOUKA: Yes. I concur. The letter from  
19 Department of Education said that the 2007 legislation passed  
20 a bill establishing school impact fees. So there will be  
21 commensurate impact fees.

22 COMMISSIONER U'U: One more question.

23 VICE CHAIR HEDANI: Commissioner U'u.

24 COMMISSIONER U'U: The question that I have is I  
25 know it's lots only and the applicant said it was for local

1 housing, and at times I'm hesitant to add conditions or add  
2 CC&R's that would make it unaffordable, you know. We can make  
3 the best product, but when you make the best product, it gets  
4 out of reach for the local people. And it hinders me at times  
5 to put certain restrictions on to the point where it's  
6 unaffordable. Having said that, what were our price ranges  
7 you're looking for to sell those lots?

8 MR. HART: I don't know if we're come to that point.  
9 But one thing that we do want to have happen, you know, in the  
10 context of the line of reasoning that you have, that you're  
11 moving along, we do want to be able to preserve the right to  
12 be able to do accessory dwellings or ohana units. In other  
13 words, you know, because of the fact that, you know, the issue  
14 of housing is critical, you know, when -- And especially in a  
15 case where you're in the urban district. If you put a  
16 restriction on a subdivision that says that a person that buys  
17 a lot can't build an ohana unit -- And we have an accessory  
18 dwelling unit ordinance. In the R-2 Residential District  
19 basically you can do 500-square-foot ohana units, so it's not  
20 a big deal, but the idea of having it is important.

21 Do you have any idea, Jon, about the prices? Can  
22 you come up? This is Jon Dishell, who is a principal.

23 MR. DISHELL: Good afternoon. In terms of pricing,  
24 we are going to review at the time that we get much closer to  
25 the time for marketing where the market is at that point in

1 time. Based on where things are if this were available today  
2 for purchase, the lots would be in the several hundred  
3 thousand dollar range, somewhere between, you know, 350 to 500  
4 depending on, really, what views, size, you know, what things  
5 have sold for nearby. Some of the lots will have views, which  
6 will, obviously, have a different price structure than those  
7 that don't. Some are larger, some are smaller. So it really  
8 just depends. But I don't want to, you know, mislead. This  
9 is not an entry-level project.

10 VICE CHAIR HEDANI: Commissioner Guard.

11 COMMISSIONER GUARD: I don't know if this is for the  
12 owner or the -- or for Chris. Is there a component of  
13 owner-occupant status? Are you going to keep those available  
14 to allow people that are actually going to live there full  
15 time to have first dibs to purchase those units?

16 MR. DISHELL: There, too, it's going to be, you  
17 know, what the market will be. We are an equal opportunity  
18 seller and will be happy to have -- I think that by nature of  
19 the location and the price point, the idea was that it would  
20 be more appealing to -- It's less of a Wailea, you know,  
21 seasonal, mini-mansion type project than it is sort of a local  
22 professional, you know, management type.

23 COMMISSIONER GUARD: Just to ensure that they had a  
24 fair shot at it if they have a good job on Maui versus someone  
25 who can't afford the Wailea, but can afford a second home on

1 Maui. And that's a big difference in pricing. And I know  
2 other projects -- And I don't know if it's a requirement on  
3 the number of units, if that would play into this, but I know  
4 a lot of the projects have to keep so many for owner occupants  
5 for the first 90 days or whatnot. That's more of a state law,  
6 though, I believe. Or for condos, et cetera.

7 VICE CHAIR HEDANI: Colleen.

8 MS. SUYAMA: I'm not really sure, but, regardless,  
9 this project will have to follow Chapter 2.96, which is the  
10 work force housing policy for the County, and they will have  
11 to work out some kind of agreement with the Housing and Human  
12 Concerns, Department of Housing and Human Concerns. And  
13 what's important is that, you know, one of the things that was  
14 mentioned is that they're trying to negotiate some kind of  
15 agreement with some nonprofit organization, but it's also  
16 important that the Department of Housing and Human Concerns  
17 need to be involved in the negotiations. Because they  
18 ultimately will determine what type of housing will be  
19 acceptable to the County of Maui, whether it's in lieu fees or  
20 whether it's actual -- providing, you know, the actual units  
21 or the actual lots. So that's something that the developer  
22 will have to work out with Department of Housing and Human  
23 Concerns.

24 MR. HART: I just comment that the project has been  
25 something that's been in the process for a while. And there

1 was a meeting with Alice Lee and there has been a subsequent  
2 meeting with Vanessa and there has been meetings with Roy  
3 Kasuda of Hale Mahaolu. So there is a movement in that  
4 direction to actually, basically, understand the requirements  
5 of Housing and Human Concerns and to provide a project or  
6 contribution to a project.

7 MS. SUYAMA: Right. But at the time when this  
8 project comes back before the commission at the SMA level,  
9 there is going to have to be a commitment at that point that  
10 the County has agreed upon.

11 MR. HART: Oh, really? We have to have an  
12 agreement?

13 MS. SUYAMA: Well, not an agreement, but at least  
14 that the Housing Division is supporting whatever method by  
15 which you are going to be providing affordable housing.

16 MR. HART: Okay. All right.

17 VICE CHAIR HEDANI: Commissioner Mardfin.

18 COMMISSIONER MARDFIN: I don't know who I'm asking  
19 this of at this point, but back to J.B.'s comment about the  
20 educational impact fee and the fact that this was -- process  
21 was started and you're looking at legislation that was just  
22 passed. Are we going to be faced with the argument down the  
23 road, Well, we don't have to pay the fee because that didn't  
24 come into effect until after we started process?

25 MR. HART: No.

1 MS. SUYAMA: I think what we do is we look at the  
2 legislation, when it was enacted and when is the  
3 implementation of the legislation. Because a lot of times  
4 when the State pass any bill, there is an enactment date that  
5 it becomes effective. And from that effective date, depending  
6 what projects are coming through, if you have not gotten your  
7 approvals by then, then you are subject to whatever, you know,  
8 legislation.

9 COMMISSIONER MARDFIN: So it's the approvals -- date  
10 that matters, not when they started the project date?

11 MS. SUYAMA: It's the effective date of the  
12 implementation of the ordinance.

13 COMMISSIONER MARDFIN: The ordinance compared with  
14 when they start the process or when we approve the --

15 MS. SUYAMA: At the time we approve anything, what  
16 is in effect at that time.

17 COMMISSIONER MARDFIN: Okay.

18 VICE CHAIR HEDANI: Commissioner Guard.

19 COMMISSIONER GUARD: My comment regarding the -- It  
20 wasn't necessarily affordable housing. I think it followed up  
21 with Commissioner U'u's request on he doesn't want to  
22 overburden a lot with all these exorbitant fees if it's going  
23 to be for the local person. So there may be a component in  
24 that to help ensure that the local person by signing an owner  
25 occupant affidavit would be able to get the \$350,000 lot if

1 that was available.

2 I mean, if that's everyone's intent, that's happened  
3 with other homes. People saw, Hey, this is a great value.  
4 I'm going to buy it for my retirement in ten years. And the  
5 intention double time was, Oh, we're trying to keep these fees  
6 low so the local person can afford it. So maybe just by the  
7 time you come back, we can look at opportunities there to help  
8 those kind of gap group work force. It seems like that that  
9 would be a perfect spot for them that they could have an ohana  
10 unit as well.

11 MR. HART: Okay.

12 VICE CHAIR HEDANI: Okay. At this point, you know,  
13 I would like to remind the commission that our task is to  
14 provide them with comments on the Environmental Assessment as  
15 to whether or not it's adequate or if you have questions,  
16 additional questions that you would like to have answered on  
17 that.

18 Additional questions for the applicant?  
19 Commissioner Guard.

20 COMMISSIONER GUARD: I'm not the traffic expert, so  
21 that would be the only other issue that I would assume other  
22 people would have issue possibly with is the main access. So  
23 you're not positive if you're going to access through Alahele  
24 right now? Because Alahele comes from South Kihei Road.  
25 Right?

1 MR. HART: Right. I want to look at this one.

2 Actually, yes, it does. It goes all the way down to  
3 South Kihei Road. And, you know, in the context of, you know,  
4 looking at the feasibility of this project, you know, we,  
5 basically, as planners talked with the -- with our client and  
6 told them that, you know, this would be a difficult proposal  
7 to be able to just provide access on Alahele. It's basically  
8 a substandard street as it is.

9 So we talked to them about the fact that Piilani  
10 Highway and Kanani Road, which is right here, basically, there  
11 was a signal light that was just installed. Actually, it's  
12 about two years old now. And, also, that the North-South  
13 Collector, you know, essentially the right-of-way comes  
14 through the project. So that, you know, providing this  
15 improvement and, basically, providing connectivity out to  
16 Auhana Road is our primary project access.

17 And we did -- We talked about that with the  
18 Department of Public Works at the same time that we were  
19 talking about the issue of drainage, that this is an existing  
20 subdivision and there are concerns that people have in this  
21 subdivision. And so when we got together, you know, with our  
22 basic kind of neighborhood KCA meeting, you know, with the  
23 neighbors we did discuss the traffic and we also did discuss  
24 the issue of drainage quite thoroughly.

25 Also, there are some proposed -- There is a project



1 that's being proposed by Betzell Brothers -- I think it was at  
2 the time Betzell Brothers -- as part of the retirement home  
3 that exists here. And that is supposed to result in some  
4 improvements to Auhana Road. I'm not sure exactly of what  
5 those improvements are and what the status is, but it's  
6 something that, you know, we will address as part of our  
7 project.

8           So, I mean, it will be addressed in terms of --  
9 identified in the final EA together with in the context of our  
10 SMA permit. And we do have our traffic engineer here, Phillip  
11 Rowell, if there's any questions.

12           VICE CHAIR HEDANI: Commissioners? Commissioner  
13 Starr.

14           COMMISSIONER STARR: Yeah. I understand -- I  
15 believe I heard that you were going to be putting a  
16 bike/pedestrian path along the North-South Collector. Is that  
17 going to tie in with this gravel -- I guess that's also a  
18 pedestrian/bike way that comes up from Alahele. Is that -- Do  
19 I have that right?

20           MR. HART: It would actually tie in with the access  
21 on Alahele as well, yes.

22           COMMISSIONER STARR: So that's intended for  
23 pedestrians and bicycles, not cars on the gravel?

24           MR. HART: Yes. Yes, right.

25           VICE CHAIR HEDANI: Commissioner U'u.

1 COMMISSIONER U'U: Just a comment. I will be  
2 leaving at 5:20.

3 VICE CHAIR HEDANI: Okay.

4 Question for the other commissioners, do you folks  
5 want to go 'til 5:30 on this item or do you have a particular  
6 time you want to -- We normally quit at 5:00 and we're now at  
7 5:15.

8 MR. HART: I appreciate it. Thank you very much.

9 VICE CHAIR HEDANI: Okay. Commissioner U'u is going  
10 to have to leave at 5:20.

11 COMMISSIONER U'U: I have a meeting at 5:30 so I  
12 will need ten minutes to get there.

13 VICE CHAIR HEDANI: Commissioner Guard.

14 COMMISSIONER GUARD: Yeah. I'm in charge of a fund  
15 raiser I have to go set up for.

16 VICE CHAIR HEDANI: Okay. Additional comments on  
17 the EA at this point? Commissioner Mardfin.

18 COMMISSIONER MARDFIN: Hi. I'm looking at Appendix  
19 I, which is the one on Cultural Impact Assessment -- And we  
20 were cautioned to pay particular attention to customary and  
21 traditional uses. And in the summary on page 14 they said  
22 they tried to get information input. See where I am?

23 MR. HART: 14?

24 COMMISSIONER MARDFIN: Page 14 of the Cultural  
25 Impact Assessment. And it basically said that they tried to

1 get input, nobody responded, so that's okay and they don't  
2 think anything was done. I know I'll ask more questions about  
3 this when you come in for the SMA, so just kind of --

4 MR. HART: All right.

5 COMMISSIONER MARDFIN: Making a bigger effort to get  
6 input from people that should know if this had been used for  
7 customary and traditional uses would be a really good thing to  
8 do in advance.

9 MR. HART: Okay.

10 VICE CHAIR HEDANI: Additional questions or  
11 additional comments on the EA?

12 One question, Chris.

13 MR. HART: Yes.

14 VICE CHAIR HEDANI: The drainage for the -- the  
15 drainage that passes through this particular subdivision, at  
16 what point does it enter the ocean?

17 MR. HART: We have to go back.

18 VICE CHAIR HEDANI: The reason I'm asking is I  
19 noticed that in the area close to where the fishpond is, that  
20 the drainage systems along South Kihei Road were totally  
21 washed out next to the Maui Lu project. And I'm wondering,  
22 you know, whether the downstream systems are adequate for  
23 drainage in this area.

24 MR. HART: Well, that's one of the issues.  
25 Obviously, there's -- This is an old subdivision and this is

1 approximately where the drainage -- Basically, it's an  
2 existing drainage way that's just, you know, basically, in  
3 some cases there it's concrete.

4 COMMISSIONER MARDFIN: Open.

5 MR. HART: Yeah, it's open, definitely open. In  
6 some cases it's just basically dirt, you know, along the edges  
7 and so on. And it basically enters a culvert on the mauka  
8 side of South Kihei Road and goes in -- goes through -- This  
9 is Kalama Park area. So it goes through Kalama Park, you  
10 know, basically into the ocean.

11 VICE CHAIR HEDANI: Okay.

12 MR. HART: We can find -- give you more  
13 documentation on that, but, you know, the Public Works  
14 Department essentially, you know, would like to be able to  
15 mitigate the impact of storm runoff in this area based on the  
16 fact that it's an old subdivision. Sometimes there's some  
17 flooding. And the way they would like to do it is to  
18 basically build a larger retention area. But the State, you  
19 know, has basically not been cooperative. So, you know, we're  
20 basically trying to do our part to, essentially, mitigate the  
21 drainage with regard to this particular project.

22 VICE CHAIR HEDANI: Okay. Any last comments from  
23 the commission? Commissioner Starr.

24 COMMISSIONER STARR: Just that, you know, I tend to  
25 be really critical on a lot of these documents and, you know,

1 a number that have come through Mr. Hart's organization in the  
2 past, but I have to say they really seem to have dealt with  
3 all of the stuff that we've been asking for and this is a  
4 pretty good one.

5 MR. HART: Thank you very much.

6 VICE CHAIR HEDANI: Can we get concurrence from the  
7 commission that the commission will be the accepting authority  
8 on the EA at this point? No objection?

9 COMMISSIONER STARR: Yeah. I would like to just  
10 make it as a motion that --

11 VICE CHAIR HEDANI: Proceed.

12 COMMISSIONER STARR: -- yeah, the commission concurs  
13 that it will be the accepting authority for this.

14 VICE CHAIR HEDANI: Is there a second?

15 COMMISSIONER U'U: Second.

16 VICE CHAIR HEDANI: Seconded by Commissioner U'u.  
17 Discussion?

18 All those in favor signify by saying aye.

19 (Chorus of ayes.)

20 VICE CHAIR HEDANI: Opposed, nay.

21 (Silence.)

22 VICE CHAIR HEDANI: Carried. Thank you.

23 With that, I think we have concluded comments on the  
24 EA.

25 Deputy Director.

1 MR. BOUKA: May I reiterate what I have heard for  
2 the record here to make sure. I have one, two, three, four,  
3 five. Just very quickly one minute.

4 Commissioner Starr asked to incorporate green  
5 building guidelines into development of CC&R's for project.

6 Commissioner Guard asked to add education impact  
7 fees according to Act 245 requirements.

8 COMMISSIONER GUARD: U'u.

9 MR. BOUKA: Was that Commissioner U'u? Okay.

10 Guard -- Again, Commissioner Guard, consider  
11 exploring opportunities for owner occupancy incentives in lieu  
12 of reduced SMA conditions and fees. Consider exploring  
13 opportunities for owner occupancy incentives in lieu of SMA  
14 conditions and fees. So I know you didn't say it that way,  
15 but --

16 COMMISSIONER GUARD: It's not really in lieu of  
17 reduced fees, is it?

18 MR. BOUKA: Well, it was kind of a quid pro quo,  
19 wasn't that what you were getting at? Something like that to  
20 make -- reduce fees to make the lots more affordable so that  
21 owner occupancy could afford them, locals, something like  
22 that.

23 COMMISSIONER GUARD: (Nodding head.)

24 MR. BOUKA: Okay. Commissioner Mardfin, readdress  
25 Cultural Impact Assessment, see page 14, to solicit responses

1 and to conduct interviews where none were completed.

2 Something like that.

3 And then Commissioner Hedani, define the drainage  
4 channels and the storm runoff down to the ocean, their  
5 understanding of that.

6 So that's what I had. Any others that I missed?

7 Thank you.

8 VICE CHAIR HEDANI: Thank you.

9 MR. HART: Could I say something? I'd just like to  
10 say that, you know, even though we've been a long time in  
11 getting here, we've enjoyed working with Mr. Bouka in the  
12 department. Thank you.

13 VICE CHAIR HEDANI: Okay. The last item that we  
14 have on the agenda is the director's report. Are there any  
15 questions on any of the nine items listed on the director's  
16 report? Commissioner Starr.

17 COMMISSIONER STARR: I just wanted to comment that  
18 I'm going to the national after the next meeting and we  
19 just -- the APA, American Planning. And, you know, maybe next  
20 year other members that can go or can at least be made aware  
21 of it. But we did -- we were made aware today of the Hawaii  
22 State Planning Conference in early September and we should all  
23 certainly get to that since it's going to be on Maui. And  
24 going to the things is really an eye-opening experience. You  
25 really get to learn a lot and the sessions are great.

1           VICE CHAIR HEDANI: Okay. With that, we'll file the  
2 reports on Items 1 through 9. Our next regular meeting date  
3 will be April 22nd. And we stand adjourned. Thank you.

4           (The proceedings were adjourned at 5:30 p.m.)  
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C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF MAUI )

I, Sandra J. Gran, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 24th day of April, 2008, in Maui, Hawaii.

*Sandra J. Gran*

Sandra J. Gran  
Hawaii CSR 424  
Notary Public for Hawaii  
My Commission Expires: 5/14/08

