

1 way it's worded now, which is, "transient vacation rentals  
2 up to five units."

3 Those are some of the quick and dirty -- oh, sorry.  
4 Then on page 4, line 6, it would change, "shall review and  
5 approve at the director's discretion" rather than this.  
6 Because we have had female planning directors.

7 CORPORATION COUNSEL: Joe, the other comment from  
8 our office in comparing this to B&B, where there's a lot of  
9 emphasis on density and scale as using your measuring stick  
10 as being rooms. When we looked at this, we were looking at  
11 vacation rentals. And I think the comment came up that  
12 you're looking at a house. And you're looking at a  
13 two-bedroom house, and that's one vacation rental. Next  
14 door, you're looking at a ten-bedroom house, and that's one  
15 vacation rental.

16 Does the Department see any problem in  
17 distinguishing between only using this term "rental" when  
18 you're not looking at density and scale in the sense of  
19 rooms?

20 MR. ALUETA: If the person, again, built a  
21 ten-bedroom house, I guess, and he was renting the unit out  
22 as one unit, then we would still consider it one unit. I  
23 think that it all depends on how the person is using that  
24 ten-bedroom. If he's using it as a single-family unit,  
25 obviously, that's an allowed use if you have a big family.

1 But if you are renting out each individual room, correct,  
2 then that becomes a little more -- that would fall into a  
3 different category. And you'd actually probably qualify as  
4 a country inn. And you would do a special use permit to get  
5 a country inn.

6 But no, in the sense that as long as they're  
7 renting it as a single unit, that's one unit. Regardless of  
8 whether it's got two-bedrooms, one-bath, or I guess a  
9 ten-bedroom house. We have not come up with any -- at this  
10 point in time, discerned the size of that unit.

11 CORPORATION COUNSEL: Because it just seems --  
12 between G, which is an outright permitted use, and A, which  
13 is you got to go get a special use permit, that seems to be  
14 a very critical issue. It looks like you are trying to  
15 regulate scale and density. But by looking at it as only in  
16 terms of your dwelling, it seems to be that something is  
17 slipping through where somebody could have one unit and it  
18 looks more like a mini hotel, as compared to somebody who  
19 has to go through a special use because he has five,  
20 400-foot dwellings on his property.

21 I'm just throwing this out because I just don't  
22 think discussion is on the table regarding that. But I  
23 think it's for the Department to look at that and for the  
24 policy makers to look at that as far as what you're trying  
25 here, you have one product which is an outright use. And

1 then you have another product which is special use. And are  
2 you making a correct distinct distinguishment between your  
3 processes and your product?

4 MR. ALUETA: I think that we are. I think I  
5 explained what our differences are. And the primary one has  
6 to do with how the unit is being rented. Again, if the  
7 person is renting the unit as one, and one person -- you  
8 have to rent all of it at one time, that's one unit  
9 regardless of the size. I think that's how we're doing it.  
10 I think the practicality of it will control that factor.

11 But if the Commission feels that is a concern, then  
12 we're open to suggestions. But at this point in time, the  
13 Department's proposal comes down to, the guy has a  
14 four-bedroom, four-bath house and he's renting it as one,  
15 then that's a TVR as one transient vacation rental. If he  
16 was living in the unit, in one uniting, and renting the  
17 three bedrooms, that would be a bed and breakfast. If he  
18 split it up and was renting the thing as two separate units,  
19 then he would need a special use permit to split those units  
20 up.

21 CHAIRPERSON STARR: Okay. Just to clarify, public  
22 testimony on this has been closed. And we're open now for  
23 more discussion or some possible amendments. But right now,  
24 it's for discussion.

25 Commissioner Hiranaga.

1           COMMISSIONER HIRANAGA: I just wanted to emphasize  
2 in looking at the parking requirement, 300 feet. We have it  
3 now posed as 2,000 square feet of commercial area would be  
4 seven stalls. And if you went to, say, 400 square feet  
5 would be five stalls. So just take a look at that.

6           MR. ALUETA: Okay. If you want to make that  
7 recommendation, we can have a vote on it. And if that's --  
8 I don't think the Department is set on the size. I think  
9 that given the fact that we're trying to make this more of a  
10 neighborhood scale, the square footage could probably be  
11 increased per stall.

12           So you mean maybe like 400 square feet for each  
13 stall? I'll try to get my boss's comment to see if he has  
14 any concerns or comments on that.

15           CHAIRPERSON STARR: Director.

16           THE PLANNING DIRECTOR: Not at this time. I'd want  
17 to analyze it more and see if we want to make it smaller or  
18 larger or whatever.

19           CHAIRPERSON STARR: Commissioner Guard.

20           COMMISSIONER GUARD: Well, you're trying to use --  
21 those stalls are being used by different people, right?  
22 That's the idea. During the day, it's someone in the  
23 office. And someone had to drive away and go to work, then  
24 they would be able to park there at night. Is that a  
25 typical scenario?

1 MR. ALUETA: It all depends on how they were doing  
2 it. Say if it was a two-story house, right, and downstairs,  
3 they're using 2,000 square feet downstairs as a small photo  
4 studio or art gallery, the art gallery part, 2,000 square  
5 feet would be assessed the parking stalls. The upstairs  
6 single family unit would be assessed two per the  
7 single-family home.

8 CHAIRPERSON STARR: I know I would like to see a  
9 definition of TVR in here. My only feeling is there should  
10 be a limit to the number of bedrooms before. And beyond  
11 that, it would require a special use permit. Possibly three  
12 bedrooms, for discussion's sake. What would be the  
13 mechanism for doing that? A definition of TVRs, Joe?

14 MR. ALUETA: Ideally, you could put it right there  
15 where it says, "one transient vacation rental per lot with a  
16 maximum of three bedrooms subject to further restrictions  
17 provided by the region's community plan." Because we  
18 already have a definition of transient vacation rental in  
19 our code, okay. And it doesn't speak to limit the unit  
20 itself or rooms, per se.

21 At this point in time, we're not really thinking  
22 that should be done. I'll have to talk it over more with  
23 Corporation Counsel as well as staff how they feel about it.  
24 But if you feel like in this particular case with regards to  
25 the SBR district, that you want to make sure that if you're

1 going to allow a transient vacation rental on -- in the SBR,  
2 that one rental has to be no more than three bedrooms or  
3 three rooms.

4 CHAIRPERSON STARR: Commissioner Guard.

5 COMMISSIONER GUARD: That would also be covered  
6 with the 2,000 feet as well. Right? So I don't know if  
7 four bedrooms might fit. Just to leave it at 2,000 feet, it  
8 might be easier to police. I thought we were discussing  
9 that was about the max size for the SBR use.

10 MR. ALUETA: I believe that the way the SBR  
11 establishment deals with more the commercial nature in the  
12 commercial restrictions, not so much with the transient  
13 vacation rental. Again, you could do that if you felt that  
14 given this district and you wanted to limit that unit to a  
15 square footage or by rooms, I think in the past at the last  
16 hearing overall transient vacation rentals within the  
17 business core, you established a room limit.

18 So you could do the same thing with this, use a  
19 room or a square foot, whatever the Commission feels is  
20 going to be most effective to clarify, and to address your  
21 concerns with regards to how we're currently just calling it  
22 one rental, and we don't -- our limitation is how the unit  
23 is being rented. If it's rented as being one, it's one. If  
24 it's being split, then it's being split as two or multiple.

25 CHAIRPERSON STARR: Commissioner Mardfin.

1           COMMISSIONER MARDFIN: Do we have a motion on the  
2 floor?

3           CHAIRPERSON STARR: No. In fact, the Chair would  
4 welcome an overall motion on this. And then once that's --  
5 assuming that gets on the floor, then we can work to craft  
6 an amendment to deal with these additional suggestions.

7           COMMISSIONER MARDFIN: I would like to move that we  
8 support the Department's proposed ordinance with the  
9 potential amendments, and that we support the ordinance.

10          CHAIRPERSON STARR: Okay. Is there a second?

11          COMMISSIONER GUARD: Second.

12          CHAIRPERSON STARR: Okay. Moved by Commissioner  
13 Mardfin, and seconded by Commissioner Guard.

14                 And I'm going to first ask Mr. Alueta to restate  
15 the motion in terms of the way -- in terms of the proper  
16 process in that right now, we're recommending as per the  
17 staff report. But how do we state that?

18           MR. ALUETA: Just, you recommended to the County  
19 Council approval of the establishment of the SBR ordinance  
20 and its an amendments to 19.06, 19.11, and 19.36, with  
21 amendments stated by the Department with regards to  
22 typographical changes, such as on Page 3, Line 1, we struck  
23 "unit." We added an apostrophe s, as well as the Page 3,  
24 Line 21, we changed it to "up to five transient vacation  
25 rentals on a lot." And on Page 4, Line 6, we put in

1 "directors." And that's pretty much it.

2 CHAIRPERSON STARR: Okay. So you have that motion  
3 written down?

4 MR. ALUETA: Yes.

5 CHAIRPERSON STARR: Okay, very good. So there's a  
6 motion on the floor with a second. So we can now discuss it  
7 or craft an amendment to the same. Commissioner Mardfin.

8 COMMISSIONER MARDFIN: I'd like to move to  
9 amendment on Page 3, Item G, "one transient vacation rental  
10 per lot with a maximum of three bedrooms." Add the words  
11 "with a maximum of three bedrooms" after "lot."

12 CHAIRPERSON STARR: Is there a second?

13 COMMISSIONER U'U: Second.

14 CHAIRPERSON STARR: Okay. Moved by Commissioner  
15 Mardfin, seconded by Commissioner U'u with the wording as  
16 stated be a maximum of three bedrooms.

17 MR. ALUETA: Chair.

18 CHAIRPERSON STARR: Yes.

19 MR. ALUETA: I think it would be more of a friendly  
20 amendment since you never voted on the first -- you had a  
21 first and second, but there was no vote.

22 CHAIRPERSON STARR: That's a motion. This is an  
23 amendment?

24 MR. ALUETA: Okay.

25 CHAIRPERSON STARR: We're here for process.



1 MR. ALUETA: I'll let you go.

2 CHAIRPERSON STARR: The Director has something. Go  
3 ahead.

4 THE PLANNING DIRECTOR: Just to remind you, this is  
5 an ordinance that would establish the district. In the  
6 individual community plans, there may be some concerns that  
7 perhaps there should be some limits on the size of the  
8 bedrooms. But this ordinance would be countywide for any  
9 SBR that is adopted in the future. I would suggest you  
10 leave that maximum up to the individual community plans as  
11 they come back through. If you want to absolutely cap it  
12 right now, we can respect that.

13 CHAIRPERSON STARR: I would just want to see that  
14 if there were a desire for someone to have a larger TVR,  
15 that they be able to do that under a special use permit so  
16 that the community can have a say in it. As far as I'm  
17 concerned, if that were the case, then I think we're on the  
18 right track.

19 But technically, if we do change the wording per  
20 the amendment and someone wants to exceed the three  
21 bedrooms, then does a special use permit come into effect?  
22 I'd rather it not have to go to a conditional use permit,  
23 but leave it at a special use permit.

24 Commissioner Mardfin.

25 COMMISSIONER MARDFIN: I'm going to support the

1 amendment I made. And after we deal with that, I'll  
2 introduce another amendment to alter Line 21, so that they  
3 could apply for a special use permit if they want to exceed  
4 the three bedrooms. I don't want to confuse things.

5 CHAIRPERSON STARR: Well, let's see if we need to  
6 get there. Or is that automatically the case, Counsel?

7 CORPORATION COUNSEL: It depends on what the motion  
8 is.

9 CHAIRPERSON STARR: The motion is that we would be  
10 limiting it to a maximum of three bedrooms. So if they want  
11 to exceed that, what is the process?

12 CORPORATION COUNSEL: We should probably  
13 amendment --

14 COMMISSIONER MARDFIN: At the same time.

15 CHAIRPERSON STARR: Okay. Maybe what I'll  
16 recommend is that you make that a second to your amendment.  
17 If that's your intent, that the second to your amendment  
18 would be that if a desire -- if any TVR exceeding three  
19 bedrooms would have to be done under a special use permit,  
20 something like that. If you want to offer that as --

21 COMMISSIONER MARDFIN: I can do that. I want to  
22 keep it clean. I suggest we vote on the first. And then  
23 I'll immediately offer a second amendment that will offer  
24 that.

25 CHAIRPERSON STARR: Okay.

1 Commissioner Hiranaga.

2 COMMISSIONER HIRANAGA: I'm curious as to the basis  
3 for the Planning Department to propose five units as a  
4 limit, and also Commissioner Mardfin's basis for determining  
5 that three units is more appropriate. Where did those  
6 numbers come from?

7 CHAIRPERSON STARR: Commissioner Mardfin.

8 COMMISSIONER MARDFIN: My basis for the three  
9 bedrooms is it strikes me as a reasonable size. We're  
10 talking about basically being -- in the kind of areas we're  
11 talking about, we're introducing a higher level of  
12 development than the single-family dwelling. But it was an  
13 arbitrary number, but it was picked to keep the kind of  
14 scale that I think we were envisioning.

15 CHAIRPERSON STARR: My understanding of the five  
16 units is that would be a case where someone wanted to build  
17 five TVRs. Not five bedroom TVRs, but up to five separate  
18 buildings, each of those as a TVR. Am I correct in that?

19 MR. ALUETA: That is correct.

20 CHAIRPERSON STARR: So they're apples and oranges.

21 Members, are we ready to vote on the amendment?  
22 Okay. All in favor of the amendment that would limit it to  
23 three bedrooms in the TVR in this SBR category, please raise  
24 your hand. All opposed, please raise your hand. Okay, the  
25 amendment fails.

1 Commissioner Guard.

2 COMMISSIONER GUARD: I feel it's probably easier to  
3 leave it up to the community plan. I just feel it would be  
4 a lot of humbug to have to come back for a special use  
5 permit for a fourth bedroom even though the community plan  
6 allows that.

7 CHAIRPERSON STARR: Commissioner U'u.

8 COMMISSIONER U'U: And right now, I'll agree that  
9 we're getting three to three votes. I'm in support of what  
10 Jamie just said about the reason being, we'll never have a  
11 vote from the Department here.

12 CHAIRPERSON STARR: Commissioner Mardfin.

13 COMMISSIONER MARDFIN: So the motion failed, or the  
14 amendment failed. But if the issue is that the community  
15 plans, when they do their community plans better, I hope  
16 will be cognizant of this and put some sort of a limit in.  
17 If not, they can put in 100 bedrooms in theory. In  
18 practice, they probably couldn't. But I hope the community  
19 plan people are keeping knowledge of this.

20 CHAIRPERSON STARR: Commissioner U'u.

21 COMMISSIONER U'U: Does the community plan come  
22 before the Planning Commission?

23 THE PLANNING DIRECTOR: Yes.

24 CHAIRPERSON STARR: Okay, members. Commissioner  
25 Mardfin.

1           COMMISSIONER MARDFIN: I don't know if we're  
2 finished with discussion. But if we are, I'd like to speak  
3 in my motion, my original motion.

4           CHAIRPERSON STARR: Go ahead.

5           COMMISSIONER MARDFIN: I was prepared to come here  
6 today to vote for a deferral so that the Hana Advisory  
7 Committee would weigh in on this issue. But the  
8 understanding from Mr. Alueta is they will have a complete  
9 bite on it, so I have no problem with supporting this. I  
10 think this kind of a category fills a niche that exists  
11 between residential and business. And I think it's a nice  
12 designation.

13           I'm glad that the Hana community had the foresight  
14 some 14 years ago to conceive of this kind of a zoning. And  
15 while I'm not convinced that the particular lots in Hana  
16 sort of meet what we're trying to do, I think the concept of  
17 having another category is a very good one. So I'm going to  
18 support this amendment.

19           CHAIRPERSON STARR: Commissioner Hiranaga.

20           COMMISSIONER HIRANAGA: I'm not sure how to  
21 transmit these concerns. I just wanted to state that I  
22 wanted the Department to look at that 2,000 square foot  
23 maximum, not saying it's too small or too big, but have some  
24 type of basis with coming up with 2,000 square feet. And  
25 also, the 300 square feet parking, I'm not saying it's too

1 small or too big, but to take a look at that. Because it  
2 does make a difference if you're going to divide it into the  
3 maximum floor areas. I don't know how you can provide those  
4 comments.

5 CHAIRPERSON STARR: Well, Commissioner Hiranaga,  
6 I'll offer you two choices. One is to just leave it as a  
7 comment, which I know that the Director and Mr. Alueta have  
8 heard. Or if you want to memorialize it as an amendment,  
9 you're welcome to do so. But I'm sure they've heard this.  
10 Whatever your pleasure.

11 COMMISSIONER HIRANAGA: No amendments to be  
12 proposed or offered.

13 CHAIRPERSON STARR: Okay. Mr. Alueta, do you a  
14 comment?

15 MR. ALUETA: We'll put it down as a comment from  
16 the Commission, but not as a motion, if that's okay with the  
17 Commissioners. We'll just say it was a comment that came  
18 out of the Commission for us to analyze it. And hopefully,  
19 if and when we transmit it up to Council, we can probably  
20 hash something out either before the transmittal or during  
21 the Council meeting.

22 CHAIRPERSON STARR: Could you put down there was a  
23 comment from some of the Commissioners concerning the number  
24 of bedrooms allowed in a TVR?

25 MR. ALUETA: Okay. We will put that comment down.

1 CHAIRPERSON STARR: Members, any other comments  
2 that you want to have added in here or possible amendments?

3 I just want to be sure that Corp. Counsel's  
4 requirement for an additional definition be in there. I  
5 know you heard that earlier.

6 MR. ALUETA: Okay, yes.

7 CORPORATION COUNSEL: A suggestion. It would  
8 eliminate some vagueness.

9 CHAIRPERSON STARR: Yeah. So that's why you get  
10 the high salary, James. Yeah, not just the free lunch.  
11 Members.

12 Commissioner U'u.

13 COMMISSIONER U'U: I would like to make a motion to  
14 approve with comments.

15 CHAIRPERSON STARR: I think we're already there.

16 COMMISSIONER U'U: Okay.

17 CHAIRPERSON STARR: All we got to do is vote on it.

18 Okay. All in favor, please raise thy hand. Any  
19 opposed.

20 Passed as unanimously. And I want to thank the  
21 Department and especially Mr. Alueta for a good, clear and  
22 concise and easily understandable presentation.

23 MR. ALUETA: Thank you.

24 CHAIRPERSON STARR: If I can find my agenda.

25 Okay. Our next item relates to another legislative

1 item. And one that also has been long in the works and long  
2 overdo. Before we get to it, I do want to disclose that  
3 properties that I own may be affected by this in the future.  
4 But I'm not going to recuse myself under advice from counsel  
5 because it's a legislative item, and I would not directly  
6 get financial gain from it. But I did want to disclose that  
7 I have properties that might be affected by it.

8           Anyway, Director.

9           THE PLANNING DIRECTOR: You're next item involves a  
10 Planning Department transmitting a bill for an ordinance  
11 amending Chapter 19.04, Maui County Code, pertaining to  
12 general provisions and definitions and amending Chapter  
13 19.36, Maui County Code, pertaining to off-street parking  
14 and loading. And Joe Alueta is the planner assigned to  
15 this.

16           MR. ALUETA: Good morning, Commissioners. This  
17 ordinance should be relatively familiar to you. It's the  
18 same one we proposed to you late last year when Council had  
19 originally come up with a resolution to establish what you  
20 call a mixed use districts.

21           At that time, the Council's resolution only  
22 impacted certain zoning categories that were found within  
23 the Maui Lani District, as well as possibly on Lanai, that  
24 if they came in for that zoning category. We felt that  
25 mixed use parking ordinances that reduced the parking



1 fostered new urbanism and smart growth principles. And we  
2 would encourage those types of developments to occur. We  
3 didn't feel it should be limited just to those specific  
4 districts.

5           So we felt that if you come in with a project where  
6 you're doing either apartments or residential units in  
7 conjunction with a commercial establishment, that you should  
8 get a bonus, or apply for a parking reduction because either  
9 you have businesses that have overlap on the hours of  
10 operation or do not have overlap on the hours of operation,  
11 or you have enough of a residential core either within your  
12 proposed development or in adjacent surrounding areas that  
13 would potentially reduce your parking needs for your  
14 particular department.

15           The other changes that the Department did was we  
16 consolidated all of the parking waivers that are scattered  
17 throughout 19.36. These included your industrial storage  
18 parking waivers; your industrial -- other industrial  
19 waivers; your waivers if you're adjacent to a County parking  
20 lot; your waivers if you're a church and you have on-street  
21 parking; and some other parking waivers that are -- like I  
22 said, we're stuck in, in a piecemeal fashion throughout the  
23 years that this code has been around. So we've kind of done  
24 a lot of clean-up that was much needed for this ordinance.

25           In addition to those types of consolidation, the

1 Department's format for all of our ordinances is trying to  
2 make it a lot simpler and easier to read. And that is the  
3 incorporation of tables and graphics. I can't say this  
4 enough when our code was written, it was written like a word  
5 math problem.

6           Train A leaving Chicago, heading east in a head  
7 wind of 45 miles an hour. Train B leaving Philadelphia  
8 headed west, and where do they meet. And I always found  
9 that very confusing. I can solve that problem. But for  
10 most people, they want to see what's my use, how many square  
11 feet do I have, how many parking stalls do I need to provide  
12 on the project. So that's what I've done is just put it  
13 into a table for a simple and clear concise as best I could.

14           As far as graphics, we get so many questions on  
15 landscaping. Landscaping in the parking areas is another  
16 question. So the easiest and best way is to draw a picture  
17 of what does the code say. And that's what I've done on  
18 Page 10 and 11. You have your graphic that depicts what we  
19 want, how big we want that parking -- how big we want that  
20 landscaping strip, and how often we want the trees, how big  
21 that tree well should be, and all that. So hopefully, that  
22 will create some clarity.

23           Other things that we incorporated besides,  
24 obviously, the parking waivers was dealing with excess  
25 parking stalls. An example was Home Depot built twice the

1 stalls they needed. That's a lot of asphalt. And we feel  
2 that we need to have less an impervious surfaces out there  
3 rather than seeing a sea of asphalt and concrete. We kind  
4 of maxed out for surface parking. You can provide no more  
5 than 120 percent, or a maximum of 40 stalls in excess of  
6 what is required by the parking ordinance. And if you do  
7 want to provide excess stalls, it either has to be in a  
8 structure or has to be grasscrete.

9           Other issue that comes up often with this  
10 Commission is temporary parking. Temporary parking for  
11 special events, where you have Taste of Lahaina, the music  
12 festival or the film festival, or something like that, where  
13 they're only going to use it for the week. Do you make them  
14 pave it, put in their landscaping trees? No. We feel there  
15 needs to be a process where you can get a temporary parking  
16 permit from the County, and make it pretty straightforward.

17           Also, you've had -- this Commission has established  
18 conditions with regards to major construction projects, such  
19 as North Beach or other large construction, where you need  
20 to provide off-site parking somewhere for your construction  
21 employees and bus them to that location to minimize the  
22 impact on surrounding parking and where that site is being  
23 built. So again, page 17, line 17, that paragraph  
24 19.36.180, deals with that.

25           Comments or amendments that have -- to what you

1 have before you that you should be aware of that happened at  
2 the last meeting. This did go before Lanai. And they  
3 pointed out some stuff that needs to be amended. I'll go  
4 with on page 9, line 15, it should be areas immediately  
5 abuts, period, for projects, that should be a plural.  
6 Lanai, also on their recommendation on page 9, line 34, with  
7 regard to landscaping plants, they put -- they wanted to  
8 stress that with consideration to draw tolerant and native  
9 plants. And that was their comments.

10 I should say it should be just dropped tolerant.  
11 Native plants didn't make it. They ended up dropping that.  
12 But they wanted to emphasize drop tolerant. But as a rule  
13 of practice, the Department does encourage the use of native  
14 plants for landscaping, planting plans.

15 Again, typographical addition on page 11, line 20,  
16 permitted in parking spaces, just pluralizing that one.

17 Again Lanai's comments on page -- their  
18 recommendation to Council from page 16, line 29, although  
19 the Department is not supportive of it, their  
20 recommendation, they wanted to make sure -- they wanted to  
21 have the parking waiver done by their Commission for Lanai.  
22 And then they made reflective changes in Paragraph B.

23 And then on page 17, line 27, swap meets or flea  
24 markets as in -- not flee. Again, typographical error  
25 correct.

1 COMMISSIONER MARDFIN: F-l-e-a.

2 MR. ALUETA: Yeah. Not like flee, as in run away.  
3 Although I've been to a few of those markets.

4 But those are just the changes that were once again  
5 the typographical errors the Department is aware of and made  
6 those corrections. The other ones were recommendations. We  
7 were supportive of only one of them with regards to the drop  
8 tolerant plants.

9 CHAIRPERSON STARR: Okay Commissioner Guard.

10 COMMISSIONER GUARD: Regarding the last one on  
11 Lanai -- on Exhibit 1 in your chart, the reference on  
12 Lanai's is wrong. I was looking for 13-A, and it's 16-A  
13 that you just referenced, right? Parking reduction or  
14 whatever. I was reading through that exact line that you  
15 were talking about in the box. I don't know if you brought  
16 it up or not.

17 MR. ALUETA: On what page again, you say? Page 16,  
18 line --

19 COMMISSIONER GUARD: The reference is 16. But on  
20 your chart on page 2 under the Lanai recommendation, section  
21 19.36.130 A should be 160 A.

22 MR. ALUETA: The one you referenced on your chart,  
23 that's the old transmittal. And so when we do the new  
24 transmittal, we'll incorporate their new comments and  
25 references.

1           COMMISSIONER GUARD: I was trying to find that  
2 sentence, and I couldn't find it.

3           MR. ALUETA: When we reformatted and added stuff,  
4 the lines and numbers changed.

5           CHAIRPERSON STARR: Commissioner Mardfin.

6           COMMISSIONER MARDFIN: You said something earlier  
7 that just intrigued me. You said Home Depot built way over  
8 in parking. Anybody know why they did that?

9           MR. ALUETA: In dealing with mainland firms, both  
10 with a sign ordinance and in general, they have this -- what  
11 I call the mainland I-5 mentality. One, their store and  
12 sign must be visible from I-5. If you're familiar with  
13 Interstate 5 in California and Oregon and Washington. They  
14 all want to be visible from the I-5. Also, they want to  
15 show you look at me, I have lots of parking for you to drive  
16 your big SUV in and come in. And that seems to be their  
17 general mentality, is that I have a big sign so you can see  
18 me, and I have lots of open parking spaces so you can come  
19 so you don't have to drive around in circles.

20           That seems to be their -- Walmart has way in excess  
21 of parking also. It's not just one. It tends to be a  
22 majority. And we don't mind so much excess stalls in  
23 certain areas, it's just when you have these certain big box  
24 retailers where you're required to have 300 stalls, and you  
25 put an extra 300 stalls, it just makes a big drainage area.

1           CHAIRPERSON STARR: Director.

2           THE PLANNING DIRECTOR: Just to add my take on it.  
3 It's a perception. They want people to see there's plenty  
4 of parking. I won't have any trouble driving my car in and  
5 finding a spot. If people park way out to the edge, even  
6 thought there may be vacant spots in between, the perception  
7 is I don't know, I may not find a parking space, I'm not  
8 going to go there today. We think a lot of it is  
9 perception.

10           A lot of jurisdictions are coming in with maximum  
11 parking so that we don't go over. In the past, it's always  
12 been minimum parking, we never worried about the maximum.  
13 So we're starting to take both ends of it.

14           CHAIRPERSON STARR: Commissioner Mardfin.

15           COMMISSIONER MARDFIN: Second one. I'm just  
16 looking at page 2. And the one that caught my eye is the  
17 auditorium and theater stadium is one parking space for  
18 every six seats. I'm just kind of curious. I mean, I was  
19 thinking about Maui Mall. And they've got a theater in  
20 there. And for something like Maui Mall, are the parking  
21 spots for everything they have totaled up, and so that's how  
22 many they have to get?

23           MR. ALUETA: Yes. And I just want to reiterate,  
24 this is an existing ordinance. All I did was put in a table  
25 format. But that number normally comes from national

1 standards in reviewing -- when I did some of my amendments,  
2 this is the first time around I did go online to check how  
3 different ordinances around the country, they are pretty  
4 much stock parking standards for a lot of these areas.

5           The biggest one, if you recall from the last time  
6 around with this ordinance, the biggest argument was over  
7 self-storage and how do you calculate the parking. So we  
8 came up again with a compromise on that number.

9           COMMISSIONER MARDFIN: I just didn't know how you  
10 did -- if it was a stand-alone theater, it's easy to  
11 calculate how many spots there are. If it's combined with a  
12 Longs and a formerly Star and Goody-Goody, and how do you  
13 put it all together? And the nice thing about parking  
14 stalls is they're fungible. A parking stall is a parking  
15 stall. Sometimes it might be used for the theater, and  
16 sometimes it's might be used for Longs.

17           MR. ALUETA: And that's basically how they do it.  
18 They go in and calculate all of the square footages, per se,  
19 for each use that's going on. So if it's a restaurant, it  
20 gets taxed at a higher use per square foot. If you look in  
21 there, there's a definition that says shopping centers,  
22 okay.

23           COMMISSIONER MARDFIN: Bottom of page 3.

24           MR. ALUETA: Does somebody have a phone on?

25           CHAIRPERSON STARR: Yeah. If you have a cell



1 phone, either turn it off or move it away.

2 MR. ALUETA: You can't put it on vibrate.

3 CHAIRPERSON STARR: Move it away from the  
4 microphones.

5 MR. ALUETA: So normally what happens is if there's  
6 a shopping center, they just try assess it at like -- rather  
7 than trying to calculate each individual use. Because the  
8 potential is the use could change. So then they just say if  
9 you have a shopping center, they define it as being like  
10 five or more entities, you're a shopping center. And you've  
11 got to do one per 200 square feet, okay. So you get taxed  
12 at a higher -- assessed at a higher parking requirement.

13 The Department is currently -- there's a  
14 recommendation from some members in our office at least to  
15 strike the five, minimum if you have five or more, and just  
16 assess shopping centers based on maximum square footage -- I  
17 mean, based on the square footage and land area. So if you  
18 build anything that's 25,000 square feet and/or on three  
19 acres, then you're a shopping center regardless of how many  
20 businesses you have in there.

21 We're still discussing that. But that is something  
22 that just trying to simplify the process. So you could have  
23 places like Walmart and Home Depot or Sports -- I mean,  
24 areas that have large square footages, instead of -- or  
25 Costco. It's a stand-alone Costco, but it's more than

1 25,000. Therefore, a shopping center and their parking  
2 requirement would be higher.

3 We haven't fully fatted that out as far as whether  
4 or not that's appropriate or not. But that is something  
5 that's on the discussion table. So I wanted to bring it up  
6 for you for your comments if you have any. But that's one  
7 idea that's being floated around.

8 CHAIRPERSON STARR: Okay. It looks like we're in a  
9 lull of the discussion. So I'm going to open it up for  
10 public testimony. And then we can add comments that can go  
11 along with it. So if there are any members of the public  
12 that would like to testify on this item, please make  
13 yourself known.

14 Not seeing any public testimony on this item, it is  
15 now closed.

16 Chair has a comment on this. And that is as our  
17 awareness increases about the costs of run-off from both  
18 automotive use and parking lots getting into the shoreline  
19 increases, and also the diminution of the recharge to the  
20 aquifers that is brought about by large areas of parking  
21 lots and paved areas. The trend nationally is something  
22 that is talked about among environmental communities and  
23 planners to find ways to recharge the water that hits the  
24 parking lot areas back into the ground so it doesn't run  
25 off. Either sheet flow, it doesn't enter into the drainage

1 which goes on to the reef, and it goes back into the  
2 aquifer, which is what happened before the parking lot was  
3 built.

4           And this is done in several ways. One is to use a  
5 pervious surface where pervious concrete and materials is  
6 available. I'd like to see that encouraged. But what is  
7 being done even more is to channel -- use landscaped areas  
8 around the parking to channel it into places where it can  
9 either percolate through -- into landscaped areas or gravel  
10 beds with filter fabric. You know, that's, of course, LEED  
11 type stuff. And LEED projects would have this.

12           But I'd like to see wording that encourages the  
13 run-off to be recharged. How can we make that statement,  
14 mr. Alueta?

15           MR. ALUETA: I think that if you look on Page 12,  
16 line 17, one of -- that's one of the issues that we have,  
17 where we're allowing more grasscrete or similar uses where  
18 you have porous asphalt now, they have a new product where  
19 the asphalt doesn't have sheet flow, it drains right through  
20 the asphalt. It's a little more expensive to maintain, but  
21 it is doable. And in some areas that are seeking LEED  
22 certification as well as planning, they are incorporating  
23 that into the their projects.

24           I'm not sure if this is the most appropriate area.  
25 I think during -- you have the drainage codes within the

1 Public Works. That would probably be more appropriate with  
2 regards to establishing green belts or a natural buffer for  
3 parking lot runoffs. But in the more sensitive areas,  
4 obviously our shoreline areas, special management areas,  
5 this commission has already established conditions either by  
6 requiring exactly what you said during that SMA permit, or  
7 requiring oil water infiltrators on-site within that parking  
8 lot.

9           And I think that this commission has been pretty  
10 good about that to being specific as to where you --  
11 establishing specific conditions on a project-by-project  
12 basis to address that immediate concern. This ordinance,  
13 again, if you look at it, there's also a caveat on there  
14 that basically says the Commission can establish additional  
15 requirements above and beyond this code requirement on a  
16 specific project.

17           CHAIRPERSON STARR: I would like to go a step  
18 beyond what's here and put language specifically encouraging  
19 that rain flow on parking areas be turned into -- be  
20 filtered and turned into recharge where possible. In other  
21 words, I want to encourage mechanisms for doing that. I  
22 don't think we're right at the place yet where we can  
23 mandate it. But I do want to have wording to encourage it?

24           MR. ALUETA: You could probably just add it on page  
25 9, and probably just add it on line 38, and probably put an

1 F, and have a general encouragement statement rather than a  
2 condition of the landscaping. That would be under your  
3 fencing and landscaping requirements, in which you would  
4 encourage the integration of landscaping strips for the  
5 retention and percolation of storm run-off.

6 CHAIRPERSON STARR: Can we leave it at that, or  
7 would we need to do an amendment? I'd be happy if the  
8 Department would support that to just leave it at that.

9 THE PLANNING DIRECTOR: We can support that. A lot  
10 of it depends on how strong of a statement you want to come  
11 from the Commission. We're willing to forward comments that  
12 don't have a majority vote behind them.

13 Frankly, if you do get a motion that has a majority  
14 vote, I think that sends a stronger message to the Council.  
15 It's up to you folks.

16 CHAIRPERSON STARR: We can wait until the time and  
17 make an amendment. I think the word "encourage," it's a  
18 middle ground, but at least it's a start.

19 Commissioner Mardfin.

20 COMMISSIONER MARDFIN: Mr. Chairman, on page 11,  
21 19.36.80 deals with paving. Is that the place to put about  
22 grasscrete, or whatever you were calling it, a permeable  
23 surface.

24 MR. ALUETA: What page again?

25 COMMISSIONER MARDFIN: Page 11, you have 19.36.080

1 paving. And that says, "should be paved with asphalt or  
2 concrete surface." Is that the place where you would add  
3 some other words to allow a permeable surface?

4 MR. ALUETA: If you look on page 12, 1936.110, we  
5 have grass parking. And we have on line 17 of page 12,  
6 which states, "upon approval of the director" -- it should  
7 be "planning," that "the requirement for asphalt or concrete  
8 surface of parking spaces may be modified whereby five  
9 stalls or up to 25 percent of the provide spaces, whichever  
10 is greater, may be located on grass or concrete masonry grid  
11 paver area."

12 And then on paving, the director may allow or  
13 require other surface material consistent with the approval  
14 of the community plan -- or community design guidelines.

15 COMMISSIONER MARDFIN: Where are you reading that  
16 last one from?

17 MR. ALUETA: Page 11, line 6, where it says,  
18 "Director may allow or require other surface material  
19 consistent with an approved regional or community design  
20 guidelines." And that one is specific to B&B homes and  
21 single-family dwelling, farming dwellings, guest  
22 house-service quarters. It has nothing to do with  
23 commercial areas. Because commercial areas have a little  
24 higher traffic flow.

25 And again, I think if you're trying to get them to

1 percolate and use the existing landscaping that they're  
2 going to be required, where -- because landscaping is only  
3 required for commercial projects and apartments. There's no  
4 landscape parking requirement for a single-family house,  
5 okay. So it would be better to incorporate it on page 9.  
6 And just create a new Section F that is encouraged that the  
7 landscaped area be incorporated with the storm water  
8 management of the site to encourage percolation and recharge  
9 of the run-off.

10 CHAIRPERSON STARR: I know I would be happy with  
11 that. I have one other area that I'd like to examine adding  
12 some wording, which is that I'd like to see some  
13 encouragement for adding design elements that would make it  
14 less industrial, more colorful and beautiful and textured.  
15 I know this is certainly a trend in better projects. And I  
16 think we can get away from really ugly-born parking lots and  
17 move toward better design standards.

18 Could you perhaps suggest some wording to that  
19 effect, Joe, that we could look at adding? And I'm not  
20 ready to quite mandate it because there are other design  
21 standards. But I do think since we're working on a parking  
22 ordinance, we should encourage, along with just having  
23 trees, designs which are pleasing.

24 MR. ALUETA: That's a -- I think it's a little  
25 tough to stretch for me as far as trying to encourage

1 something like that. If, in the paving section --

2 COMMISSIONER MARDFIN: Would this be under the  
3 fences and landscaping? You're talking about the  
4 commercial, right?

5 CHAIRPERSON STARR: Yeah. Are we encouraging  
6 design elements that add color and break up expansions of  
7 pavement.

8 COMMISSIONER MARDFIN: Would this be Item G, for  
9 instance, on page 9?

10 MR. ALUETA: I'm not sure if he's --

11 CHAIRPERSON STARR: Director, can you help us with  
12 something like that.

13 THE PLANNING DIRECTOR: I think it's a good idea to  
14 address aesthetics in our zoning code. Don't get me wrong.  
15 The idea of requiring colored concrete or textured concrete  
16 or surfaces in the parking ordinance at this point seems a  
17 little premature. I think maybe we should explore it and  
18 talk to Public Works, talk to the developers, and see some  
19 ramifications, and then come back.

20 I know for parking structures, I have no problem  
21 with that saying the outside of the parking structure should  
22 be aesthetically pleasing. And I'm not opposed to this  
23 idea. I'm just saying I think we need more analysis.

24 MR. ALUETA: If I may, Mr. Chair. If you are  
25 inclined to put something in, again, you put it under --



1 CHAIRPERSON STARR: Page 9?

2 MR. ALUETA: Page 11, line 9, I guess, under  
3 paving. Because that covers the paving, in which you would  
4 again just put on encouraging statement if you wanted to,  
5 just saying that the County encourages the use of textured  
6 and --

7 CHAIRPERSON STARR: Texture and color?

8 MR. ALUETA: Colored paving to increase aesthetics.  
9 I mean, rather than if you don't want to mandate it. If  
10 you're concerned with the surface treatment of the parking  
11 lot, it would be under that section, paving.

12 THE PLANNING DIRECTOR: And if we're not mandating  
13 and we're only encouraging, I have no problem putting that  
14 in the wording.

15 CHAIRPERSON STARR: That's all I'm looking at  
16 doing, on people's awareness, that they can make these  
17 things a little better and little friendlier.

18 It looks like it might be a good time for a motion,  
19 if anyone has one. Commissioner U'u.

20 COMMISSIONER U'U: Motion to be approved as amended  
21 or as -- yeah, as amended.

22 CHAIRPERSON STARR: Well, I think at this point, as  
23 recommended.

24 COMMISSIONER U'U: As recommended with some  
25 additions, I guess, comments.

1 CHAIRPERSON STARR: We're going to recommend  
2 approval.

3 Joe, why don't you state how it should -- hold on.

4 COMMISSIONER U'U: Recommend the proposed bill to  
5 the Maui County Council.

6 CHAIRPERSON STARR: Okay. Do we have a second?

7 COMMISSIONER GUARD: Second.

8 CHAIRPERSON STARR: Okay. We have a motion by  
9 Commissioner U'u, seconded by Commissioner Guard to  
10 recommend approval.

11 Joe, could you give us the proper language for  
12 this.

13 MR. ALUETA: I guess the Commission is recommending  
14 approval to the Maui County Council for the adoption of the  
15 proposed amendments in 19.36, including some of the  
16 typographical changes proposed by the Department, as well as  
17 an amendment -- or inclusion on page 9, line 38, "it is  
18 encouraged that landscaped area be incorporated into storm  
19 water management plan to increase recharge and percolation  
20 of storm water."

21 I did not get any consensus with regards to Lanai's  
22 comments with regards to drought-tolerant and native plants,  
23 so I will not include that as part of your comments. And  
24 I'll leave it to Lanai's comments only. And then with  
25 regards to -- if you wanted to, on page 11, line 9, "the

1 County would encourage the use of colored and textured  
2 concrete," or -- "textured and colored concrete or asphalt  
3 to improve the aesthetics of parking areas."

4 CHAIRPERSON STARR: Okay. Before we go any  
5 further, does anyone have any problem with including that?

6 COMMISSIONER U'U: And/or raised crosswalks maybe.

7 CHAIRPERSON STARR: Yeah, and raised areas.

8 MR. ALUETA: Oh, okay. But basically, to improve  
9 the aesthetics of the --

10 CHAIRPERSON STARR: Yeah, improved aesthetics and  
11 safety.

12 MR. ALUETA: Yeah. And then -- again, that's it.  
13 That was the two primary issues that was discussed by the  
14 Commission.

15 CHAIRPERSON STARR: Okay. Commissioner Mardfin.

16 COMMISSIONER MARDFIN: I would have offered an  
17 amendment about the drought-tolerant plants, but it's  
18 already there. Basically, on page 9, line 33, it says, "the  
19 landscape planning plan shall specify plant species." Or I  
20 suppose it isn't that we specify plant species.

21 Okay. I would like to make an amendment to include  
22 drought-tolerant plans.

23 CHAIRPERSON STARR: Do we have a second for  
24 drought-tolerant plants that were already suggested by  
25 Lanai?

1 COMMISSIONER GUARD: Second.

2 CHAIRPERSON STARR: Okay. So we have an amendment  
3 drafted by Commissioner Mardfin, seconded by Commissioner  
4 Guard to basically mirror Lanai's comment regarding  
5 drought-tolerant plants.

6 MR. ALUETA: Just to be clear, Lanai was not  
7 mandating. It was just saying with consideration, to  
8 include drought-tolerant plants.

9 CHAIRPERSON STARR: Is that okay to mirror?

10 MR. ALUETA: Yes.

11 CHAIRPERSON STARR: Okay. Any comments?

12 Okay. All in favor of the amendment regarding  
13 drought-tolerant plants, please raise your hand. Any  
14 opposed? Amendment passes unanimously.

15 And now to the main motion. Not seeing any more  
16 comments, we're ready to take a vote on that. All in favor  
17 of the main motion, please raise your hand. Okay. All  
18 opposed? The main motion passes unanimously.

19 Joe, you're two for two. And thank you for another  
20 great presentation. Good work.

21 Just one comment. Both of these, I believe, didn't  
22 get through Council last time. If any of us want to go up  
23 there and try to encourage them, it might be helpful because  
24 of their good work.

25 Okay. We're ready for another short break. We're

1 going to be back in no more than ten minutes, hopefully  
2 less. As soon as we're back in the room, we'll start.

3 (At which time, a recess was taken.)

4 CHAIRPERSON STARR: Okay. Maui Planning Commission  
5 meeting of June 24th is back in session.

6 Take it away, Mr. Director.

7 THE PLANNING DIRECTOR: Your next item involves  
8 Chris Hart & Partners on behalf of Doris Todd Memorial  
9 Christian Day School requesting comments on the draft  
10 environmental assessment prepared in support of the  
11 community plan amendment to public/quasi-public for the  
12 implement of the schools long-range plan for facility  
13 development at 519 Baldwin Avenue, TMK 2-5-005; Lot 20, 44  
14 and 52 in Paia.

15 There's several file numbers, EA 2007/1, CPA  
16 2006/8, DBA 2005/4, CIZ 2005/7. Robin Loudermilk is the  
17 planner assigned to this project.

18 MS. LOUDERMILK: Good morning, Commissioners. I'd  
19 like to turn the presentation over to Raymond Cabebe on  
20 behalf of Chris Hart & Partners. They have a quick Power  
21 Point presentation to provide you with some background  
22 information on the property and the requests.

23 CHAIRPERSON STARR: Ms. Loudermilk, can you give us  
24 an idea of how long the Power Point is going to take? I  
25 know we're dealing with a --

1 MS. LOUDERMILK: Between 15 to 20 minutes.

2 CHAIRPERSON STARR: Can we ask the applicant to  
3 speed it up as much as he can while presenting everything to  
4 us, but try to talk fast.

5 MR. CABEBE: Good morning, Commissioners. I'll try  
6 to keep it fast. Okay, my name is Raymond Cabebe. I'm with  
7 Chris Hart & Partners. We have Matt Slepín from our office  
8 here also.

9 Representing the school, we have Ms. Mable Todd,  
10 who is the president of the board, and Ms. Leta Carpenter,  
11 who is the vice-principal. We also have Mr. Hideo Kawahara  
12 here representing A&B, who is the owner of the property.  
13 We're here for review of the draft EA in support of the  
14 district plan amendment, community plan amendment, and  
15 change in zoning. And I'll go into more detail about these  
16 applications.

17 The school was established in 1956 by Mrs. Doris  
18 Crozier Todd and also Edward Todd at their home as an  
19 outreach of the East Maui Baptist Church. And they moved to  
20 the current site in 1961. After Mrs. Todd's passing in  
21 1965, the school was renamed in her memory, and Reverend  
22 Todd continued with the school. The school is licensed by  
23 the Hawaii Council of Private Schools, accredited by the  
24 Association of Christian Schools International. It's a  
25 member of the Hawaii Association of Independent Schools.

1           They have a student body of approximately 145.  
2 They go grades preschool through 8th. They have 23 people  
3 on staff. Their hours are 7:15 in the morning to 2:15 in  
4 the afternoon, Monday through Friday.

5           This is a location map. It's on the north shore of  
6 Maui, upper Paia, an area known as upper Paia above the  
7 mill. The mill is up here. We have Hana Highway here.  
8 Baldwin Avenue coming up this way past the mill. The school  
9 is in this area. Baldwin Avenue continues up toward  
10 Makawao. This is an aerial map showing the same  
11 configuration here. Hana Highway here. Baldwin Avenue  
12 coming up past the mill. And Paia Elementary School and the  
13 Holy Rosary Church further up Baldwin Avenue. And this is a  
14 blowup of the area. Across the road from Baldwin Avenue is  
15 Skill Village subdivision.

16           The school leases approximately three and a half  
17 acres from B&B, who is owner of the properties. And it  
18 encompasses three parcels; parcel 44, parcel, 52 and a  
19 portion of parcel 20. A&B Hawaii has applied for a  
20 subdivision in order to create a parcel so the parcel can be  
21 transferred to the school. And final subdivision approval  
22 is conditioned on the consistency of the land use  
23 designations. And I'll go through that in the next couple  
24 slides.

25           This is a tax map. Parcel 20 is approximately

1 1,000 acres and generally follows along Baldwin Avenue. It  
2 goes down Holomua Road that goes down to the old Maui High  
3 School and continues down here. And parcels 45 and -- 44  
4 and 52 are in this area here. This is a blowup of it. 44  
5 and 52. And the school site is right there. This is the  
6 proposed subdivision. This is considered Lot B. It's going  
7 to be consolidated with parcels 44 and 52 and resubdivided  
8 into Lots B1 and B2. Larger B2 is a remnant of parcel 20.  
9 And this is Lot B1, which would be the school site.

10 And today -- well, not today. They're requesting a  
11 district boundary amendment from agricultural to urban,  
12 which is the full three and a half acres, community plan  
13 amendment from single family to public/quasi-public, which  
14 is about two and a half acres, and a change zoning from  
15 interim to P1 public/quasi-public for the entire site.

16 This is the existing state land use map. The  
17 yellow areas are urban. The white areas are agriculture.  
18 You can see parcels 44 and 52 here, and the school site is  
19 right here. This is a community plan map showing heavy  
20 industrial where the formal Paia Mill was located. Single  
21 family down towards lower Paia. Single family in the Skill  
22 Village subdivision area. And the parcels 44 and 52 here  
23 are already designated public/quasi-public. And the area  
24 surrounding it is single family. And what we are requesting  
25 today is to have that portion that's in single family to



1 become public/quasi-public.

2           In the county zoning, this map shows it as ag.  
3 It's actually designated interim because of the  
4 inconsistency in the community plan and the state land use  
5 boundary. And that's the school site right there. And  
6 parcels 44, 52 and a portion of 20, from agricultural to  
7 urban. A portion of parcel 20 from single family to  
8 public/quasi-public. Parcels 44 and 52 again, they're  
9 already public/quasi-public. So there's no change in that.  
10 And for the three parcels that's zoned interim, we're going  
11 to be requesting P1, public/quasi-public.

12           Some photos of the site approaching from Baldwin  
13 Avenue coming from lower Paia. Coming up further up the  
14 road, you can start to see the main building of the school.  
15 Parking lot entrance. This is the main building looking  
16 from the parking lot. It's about 7,000 square feet. And it  
17 was originally built in 1957. This is the front side of the  
18 building. It houses the administration office building  
19 areas, main assembly area, teacher's lounge, a library,  
20 music room and computer room.

21           And this is the view from the lawn area to the  
22 north. This building here on the property is used as the  
23 preschool. And that was built in 1968. With an addition in  
24 1976, it's about 4,000 square feet. This is a view from the  
25 south lawn area. This is a newer building that's built in

1 2001. It's about a 1,000 square feet. It houses two  
2 classrooms, grades kindergarten and first grade. This is  
3 another view from the south.

4 This is Building B, which is a four-classroom  
5 building. It was built in 2006. It's about 3500 square  
6 feet. It houses grades 2 to 5. This is a southern view  
7 heading along the western face of the building.

8 This is Building C. It's a three-classroom  
9 building. That's called a junior high wing, grades 6 to 8.  
10 It also was built in 2006. And those are additional views  
11 of the building.

12 There's a teacher's cottage back in the upper north  
13 corner of the building. It's about 480 square feet.  
14 There's a basketball court made of asphalt. If you look  
15 beyond the basketball court, there's a gulch that runs  
16 along -- I guess that's the northeast side of the property.  
17 And beyond the gulch is the cane field.

18 This is a memorial of Reverend Todd that sits  
19 between the parking lot and the play field. That's on the  
20 western -- eastern side of the property. And again, beyond  
21 that you can see the cane field that's beyond a gulch.

22 This is a ditch that runs along the north property  
23 line. And it runs all the way up to the end here. It then  
24 crosses the gulch with a flume, through a flume. And this  
25 is the photo of the gulch looking from the top edge of the

1 property here.

2           From a historical perspective, this is a 1957  
3 aerial that was provided courtesy of the A&B Sugar Museum in  
4 Puunene. And the school site is right here. This is  
5 Baldwin Avenue. Traveling south, it continues up this way.  
6 And across the street here is the Skill Village, which is  
7 much larger than it is now. To the south here where you  
8 can't see is Paia Mill. On the left side here is Hawaiian  
9 Village. And off the map here is Spanish Village.

10           This area where Doris Todd sits was known as Store  
11 Village. There's a Paia camp store that's located right up  
12 here. This is the gulch that we were looking at in the  
13 photos. It runs down here along the north side of the  
14 property. Up here is School Village, Holy Rosary Church up  
15 there. This is Nashiwa Village. The original Nashiwa  
16 Bakery is located up here. Here's Orpheum Village. It's  
17 named for the theater that sits here. There's a large  
18 Filipino population that lived there here. Filipino  
19 clubhouse there.

20           The only landmark that still exists here besides  
21 Doris Todd, of course, is the Paia Gym that sits there.  
22 This is another map that's provided by the sugar museum  
23 again, showing the school site down here as School Village.  
24 This entire area here is known as School Village. If you  
25 look closely in the map -- it's in one of the figures in the

1 materials -- the building here's noted as EMCA, which stands  
2 for East Maui Community Association, which operated as a  
3 like a community center. And a building to the north of  
4 it -- or south of it, I'm sorry. There's a label on it that  
5 says teenage hall. We're assuming it was like a youth  
6 center.

7           So the area has been used for residential or public  
8 use for 99 years since the mill was constructed back in  
9 1905, I believe. There has been no archeological or  
10 cultural assessment done for the property. However, we did  
11 do an evaluation of the cultural aspects of the property,  
12 looking at the historical maps. And we also did a few  
13 interviews of people. If you look in the cultural section  
14 of the book, there's some interviews with some old-timers in  
15 Paia. There was also an SHPD letter in relation to the  
16 subdivision. And they completed that there's no historic  
17 properties. The site has been in public use since 1949,  
18 initially as a community center and a youth center.

19           We had to evaluate the property in terms of the  
20 agricultural designation. The Land Study Bureau  
21 designates -- doesn't give a rating to the property. It was  
22 shown as urban. So it doesn't have a designation. ALISH,  
23 Agricultural Land of Importance to the State of Hawaii,  
24 which is done by the State Department of Ag, also likewise  
25 doesn't rate the property as any kind of agricultural

1 productivity.

2           According to A&B, the site was never used for  
3 commercial sugar cane cultivation. It was not evaluating by  
4 the Land Study Bureau. And also, ALISH doesn't designate it  
5 as an important agricultural property. So the site does not  
6 meet the standards and criteria to be designated important  
7 agricultural lands. And also, the lands surrounding it are  
8 community plans for single family.

9           In terms of infrastructure, there is some  
10 engineering reports that were done that's included in the  
11 material. Water system improvements are already installed.  
12 They installed adequate water meters to serve the property.  
13 They also installed fire hydrants to serve as fire  
14 protection.

15           In terms of drainage, they're designating retention  
16 basins on the property that will retain storm water that is  
17 generated by the full build-out of their long-range plan and  
18 plus 65 percent of existing storm flow.

19           The school doesn't plan any student increase in  
20 student enrollment. They're just keeping the same grades.  
21 They don't plan to expand into high school level or  
22 anything. But we did do a traffic assessment. And the  
23 traffic assessment concluded that levels of service a,  
24 entering; and b, exiting during peak hours.

25           The school does not operate a cafeteria. It

1 doesn't have shower facilities for the students or laundry  
2 facilities. So their requirements for hot water is very  
3 minimal. So they don't include any kind of solar heating.  
4 But their new buildings all do comply with the energy  
5 conservation ordinance.

6           The public was notified, as required, for the  
7 community plan amendment and for the change in zoning  
8 notification to property owners within 500 feet. We also  
9 sent notices to the property owners within 500 feet, giving  
10 them more detailed description of what we are doing there.  
11 Also, the draft EA was already published in the notice.

12           They have a long-range plan that was developed in  
13 1992 initially, and they updated it in 2004 for the purpose  
14 of orderly development of new facilities. And the  
15 facilities, as I said before, are not planning to increase  
16 enrollment, but just planning to provide adequate size of  
17 quality of classrooms. The final phase of the plan includes  
18 a library media center and replacing of the teachers'  
19 cottage.

20           This is the site plan for the long-range plan. All  
21 these classrooms are already completed. This is the main  
22 building here, Baldwin Avenue. This runs here. These are  
23 the new buildings that they're proposing a library media  
24 building here and an open air pavilion here, and little  
25 courtyard in between. This is a view from the courtyard,

1 Building C, A and B. And looking towards the pavilion, the  
2 new library media center. And this is a view from the north  
3 side.

4 So in summary, Doris Todd School has been in the  
5 Paia area for over 50 years. It has been at that site for  
6 about 47 years. To repeat, they're doing a district  
7 boundary amendment from agricultural to urban, community  
8 plan amendment from single family to public/quasi-public,  
9 and a change in zoning from interim P1 to

10 public/quasi-public. Land use designation consistencies  
11 required for the subdivision, the subdivision will allow  
12 Doris Todd Memorial Christian School to acquire the site.  
13 So in conclusion, the community plan amendment is a trigger  
14 for the draft EA. And we're anticipating a finding of no  
15 significant impact. And today, we're just seeking comments  
16 from the Commission on the draft EA.

17 CHAIRPERSON STARR: Thank you, Mr. Cabebe.

18 Ms. Loudermilk, anything to add?

19 MS. LOUDERMILK: The only thing the Department  
20 would like to add is that the Department has reviewed the  
21 draft EA document and finds that pursuant to the Department  
22 of Health, of course, of environmental quality control, the  
23 document meets the requirements for a draft EA. That's the  
24 additional information. And we are open for comments at  
25 this time.

1 CHAIRPERSON STARR: Members?

2 (No response.)

3 CHAIRPERSON STARR: Okay. I have two comments, and  
4 then I'll open it to the public. You know, I'm going to  
5 open it to the public testimony. And then go for comments.  
6 So I'd like to invite members of the public to testify on  
7 this item if they wish. And I'm asking testimony to be kept  
8 as short as possible. Three minutes max.

9 Anyone would like to come forward? No. So seeing  
10 none, public testimony is closed.

11 Any comments from members? Commissioner Mardfin.

12 COMMISSIONER MARDFIN: I have a question. I think  
13 I understand what you're asking for in terms the zoning  
14 changes and classification changes. That's only applying to  
15 the acreage that's used for the school, it's not applying  
16 to -- they want a boundary change. It's not applying to any  
17 of the other land. Is that correct? It's only for the land  
18 that the school is on?

19 MS. LOUDERMILK: The existing -- yes.

20 COMMISSIONER MARDFIN: It sounds like they want to  
21 acquire the land from A&B, and it sounds like A&B is willing  
22 to sell it to him if they can get the subdivision out?

23 MS. LOUDERMILK: Yes.

24 COMMISSIONER MARDFIN: But in doing the  
25 subdivision, we are not changing the rest of the A&B



1 property is that --

2 MS. LOUDERMILK: Correct.

3 CHAIRPERSON STARR: Okay. I have two comments.

4 One is along with the traffic study, I'd like to see an  
5 analysis regarding public transportation, especially since  
6 it's a school. And not only students, but teachers and  
7 staff may need to be able to find ways to get there without  
8 driving an automobile. So we need an analysis regarding  
9 public transit existing or not.

10 And the second is that I'm a little bit surprised  
11 that there's no cultural assessment, I find that unusual. I  
12 don't think it needs to be in depth or lengthy. But I'm a  
13 little bit discouraged by seeing the cultural assessment of  
14 a different project plagiarized in this -- in lieu of one  
15 being done for this project. I believe that cultural  
16 assessment for the Paia Post Office done under Government  
17 expense, sections of that were taken out and used here.  
18 Where I think the right process should have been to perhaps  
19 gone to Kahu Maxwell, or someone else who does that, and get  
20 them to do that for this. And I'd like to -- I don't know  
21 what the Department --

22 MS. LOUDERMILK: The Department would concur with  
23 that, that the cultural assessment in the report does not  
24 meet the content requirement for a cultural assessment.

25 CHAIRPERSON STARR: Okay. So that's my second

1 comment.

2 MR. SLEPIN: My name is Matt Slepín. I'm a senior  
3 associate at Chris Hart & partners. I just wanted to  
4 clarify a little something on the cultural assessment. I  
5 think the way it was phrased in the Power Point wasn't quite  
6 accurate. If you look at the EA, there actually were  
7 interviews conducted for this project specifically. The  
8 interviews that are listed on pages 15 through 16, which is  
9 about three interviews with residents were conducted for the  
10 project. They're not listed -- or if that's the best  
11 word -- from the Paia Post Office project.

12 As you know, I'm sure the format of a cultural  
13 impact assessment is a fairly mootable thing. There's no  
14 real definition given to what's required.

15 MS. LOUDERMILK: That's not true.

16 CHAIRPERSON STARR: Let him continue.

17 MR. SLEPIN: All I want to say with that is and the  
18 only point I was trying to make is to say there wasn't a  
19 cultural impact assessment isn't exactly correct. That's to  
20 say there were interviews done with long-term residents to  
21 analyze the cultural practices on the site for the project,  
22 done for this project specifically.

23 When the Power Point said there wasn't one, what  
24 was meant by that was there wasn't a separate subconsultant  
25 brought on to do a separate report called a cultural impact