

**URBAN DESIGN REVIEW BOARD
REGULAR MEETING
OCTOBER 21, 2008**

Approved 11-03-08

A. CALL TO ORDER

The regular meeting of the Urban Design Review Board (Board) was called to order by Chair Demetrios Callinicos, at approximately 9:00 a.m., Tuesday, October 21, 2008, in the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

B. ADMINISTRATIVE APPROVAL OF THE OCTOBER 7, 2008 MEETING MINUTES

Mr. Demetrios Callinicos: . . . meeting to order. The first item on the agenda is the administrative approval of the October 7th meeting minutes. Did everyone have a chance to review the minutes? Are there any corrections or amendments they want to make? Seeing none, the minutes will be approved administratively. Thank you.

The minutes of the October 7, 2008 meeting was approved administratively.

Before I go onto communications, I just want to inform the Board that item #2 under unfinished business, the Kula Lodge project is being withdrawn. Mr. Hart was here early this morning asking to make you aware of it. They want to come back. They were ready for the meeting, but they suddenly decided to make some further changes and they felt it was better to withdraw. So we will not be reviewing that project today.

C. COMMUNICATIONS

- 1. PACIFIC WAREHOUSE, INC. requesting a Special Management Area Use Permit in order to expand and renovate the exterior of the existing Kihei Foodland Super Market building and related improvements at 1881 South Kihei Road, TMK: 3-9-003: 012, Kihei, Island of Maui. (SM1 2008/0014) (P. Fasi)**

The Board may take action on the project design and matters within their purview.

Mr. Callinicos: All right, let's move on to item #1 under communications which is Pacific Warehouse, Inc. requesting a Special Management Area Use Permit in order to expand and renovate the exterior of the existing Kihei Foodland Super Market building and related improvements at 1881 South Kihei Road, TMK: 3-9-003:012, Kihei, Island of Maui, and Planning Department, Paul Fasi.

Mr. Paul Fasi: Thank you and good morning. The subject property is located in Kihei on

the eastern side of South Kihei Road between Halelani Place to the north and Keala Place to the south. It comprises approximately 4.3 acres. Situated to the east of the Kihei Town Center parking area are single-family residences. Kalama Park is located to the west across South Kihei Road. The Kihei Kalama Village is located to the south. And the Kihei Pacific Plaza is located to the north. Current access to the property is provided from South Kihei Road, Halelani Place and Keala Place.

The applicant proposes the expansion and exterior renovation of the Foodland Super Market building. The building expansion will result in an additional – approximately 6,855 additional square feet of space. The property is designated business-commercial by the Kihei-Makena Community Plan. The County zoning for the property is B2-Community Business District and it is within the County's Special Management Area.

I would like to point out that the application for this SMA Use Permit for the proposed project was approved by the Maui Planning Commission on December 14, 1999. I would assume that previous to this that it did have a review by this Board. And apparently according to the applicant, the design is basically the same as it was in 1999. The reason this is before you again is because a portion of the project was completed – the parking lot, driveway and other site improvements. They didn't have enough time to do the building renovation improvements, and the SMA Permit expired. So the process begins anew. I'm not going to get into the project details. I'll let the applicant present the project concept and design to you. That concludes my introduction to this project. Thank you.

Mr. Callinicos: Does anybody have any questions for Paul before we get started? Thank you Paul.

Mr. Kyle Ginoza: Good morning Chair and Board Members. My name is Kyle Ginoza and I'm with the planning firm Munekiyo & Hiraga. We are assisting Pacific Warehouse with processing the SMA Permit. I'd like to introduce the project team with us here today. There's Gwen Hiraga also from Munekiyo & Hiraga. And then from the Retail Design Group – they're the project architects – we have Gerald Gambill and Neil Izumi. We also have Todd Hondo from Pacific Warehouse representing the owner. So at this time I'd to turn it over to Gerald who will go over the design details for you this morning. Thank you.

Mr. Callinicos: Thank you.

Mr. Gerald Gambill: Good morning. Thank you all for allowing us to present the Kihei Town Center Project to you again. As previously stated our original SMA did expire.

Mr. Callinicos: State your name please.

Mr. Gambill: My name is Gerald Gambill.

Mr. Callinicos: Thank you.

Mr. Gambill: I'm from Retail Design Group, the in house architects for Foodland, as well as for Pacific Warehouse. We worked on this project for a number of years and unfortunately due to economic times as well as time constraints and some contractor problems, we were not able to complete the original SMA. Which left us with one portion left to do and that's the Foodland building and the rear parking lot behind there.

What I'd like to show you is this was actually the interim plan that was approved at a subsequent meeting here. The original plan that was approved in 1999 actually was a mezzanine which was cost prohibitive. That had to get scrapped. And it also did not include the back that we had, not incorporated this one flag lot. That was not purchased at that time. That has since been and so we were asked to incorporate that portion of the property in with the total design of the project and re-look at doing the Foodland building from a mezzanine style to a single-story. That's where we ended up with this design. And this came through – was looked at back in March of 2002. So this was the (phonetics) we were working with from that point on. Since then we had contractor problems and they could not get to that portion of the work. So we had to re-evaluate this project. And what it had left us with – the original contractor was only able to complete the rear parking lot, the existing retail building and all of the front parking lot – we had to subsequently hire another contractor to come in and finalize this front end connection as well as the infrastructure of water meter, fire alarm, fire sprinkler system, so all of that is currently just being completed.

That brings us to where we are now, and that is looking at this project one more time to try and finalize Kihei Town Center. They've put some money aside for us to do this work this time. And what we have come back in to do is look at this project with fresh eyes again and try to solve some of the problems we had with the original layout. One problem that came up during the meeting was a concern with the possibility of flow-through traffic that you would have in old design. We went ahead and eliminated that by bifurcating a loading dock. We'll have a fence line here keeping all of our equipment, all of our loading zone isolated, that then, with the hope of course to be good neighbors.

The parking lot has been just an extension of what we have done before – angled parking. Landscaping will integrate with the rest as well as the landscaping – irrigation system for the landscaping. Now with this design, again, I did not want to go too far out of the way with what you had already seen before, so here we go. The initial concept was this, and here's the new. As you can see, not too much of a change other than the color. It got a little lighter, and that's due to printing problems. We have also eliminated an expansion across the entire back of the property. We now only have a couple of pop-outs that consists of here and here which will be coolers. You know, we need coolers. This one happens to be a beer cooler, and this one is a dairy cooler. That gives us more floor space inside. We'll get to that later. We will also incorporate the loading dock and simplify that

for ease of production. Squaring out the building, we then end up with this new look here. Keeping with the same theme that we've already got built on the retail building. Material wise, again, this is the materials that will be used and that has been used. Here's a photo of the existing retail building and the materials that we'll be using match so that's no change to that.

Now we understand that you're concerned also with knowing what kind of landscape would go on. And like I previously stated, we'll take the existing landscape that has been developed and just incorporate that through. So the trees that you see here are jack-in-a-box trees which is what's growing in the back here. We do have some hedging. But the majority of it is the St. Augustine grass. Over the years, we've put in an extensive landscaping when we first went in, and we were inundated with pests. And most of them have died – most of the shrubs have died away. It's been very hard to maintain them. But the grass is doing well. It looks good and we'd like to continue that.

Here's the irrigation system for this particular landscape design and it does incorporate the new green belt that would be required by the County with a six-foot sidewalk up against the property and a green belt up against the roadway. There will be some street trees. I believe he's got called out here some palms. Yes, some palms existing. This one happens to be an existing that's being relocated and the rest will match. Details for all of that landscape work would be such. He's using standard planting details. Standard irrigation system details. Nothing out of the ordinary. We again, we're trying to just incorporate what we already got going there and finalize this project.

Now in the back where we have this econopack. This is our econopack. What that is – we did present this before. It was on the plans, but subsequently, I guess, the requirement was a little more information. So we pulled this out to show you that the econopack which is – it's sitting right here up against the building. We've tucked it in as close as we can and we've pulled it as far away from the street as possible. This is our infrastructure basically in a can. It's a refurbished shipping container that carries all of our mechanical, and electrical and refrigeration and air-conditioning needs. This one unit houses everything. It allows us to cut cost and be very energy efficient. It minimizes runs for both the refrigeration needs as well as electrical. What we will do as you've seen – these are just representative photos from other locations that we have already installed them. And what we tried to do is blend it into the building. It will be painted to match the back of the building. So as you're standing in the loading dock what you may see is the actual condensers above but those are silver and they would be the flatter model, not the whole vertical, so to keep the profile low. That in essence is what runs the store. Without that, everything is up on the roof. And our intent is to actually by doing this, free up our roof and have that available for photo voltaic cells. We're currently looking at doing full photo voltaic cell array up there on the roof, and this allows us to do that one step.

Electrical, we currently have a transformer out here on the roadway. That will get pulled on to property, and MECo will work with us to locate such that it is very close to our econopack and have the direct link.

That's pretty much what happens outside. Now, if we go inside our store, this is the look that we intend to do. The store itself if you've been to Kihei, departments are pretty much where they are. We can't change them too much. It costs way too much to move stuff around. But what we've done is enhance every department that's there, as well as added a couple more. This area right here would be the expansion on the left side. It will include a new art field – your fine wines, gourmet foods – an enlarged bakery so we'll have more baked goods available. We've enlarged our deli area also. And then we'll have a future tenant, sub-tenant, space which is really our coffee, bean and tea – another one of our subsidiaries. They will be coming into that location.

By expanding the warehouse, one of our basic problems with this store, if you're familiar, there's always containers out back. And that's because we've never had warehouse space. By doing this extension onto the warehouse, we're going to eliminate the need to keep containers out here. That's one of my big things to clean up outside. In essence with all of that we will also bring in our new decor package. If you happen to have been to Ala Moana or Market City, this is the new decor package that we're rolling out – a simplified version of basically just large signs. Any questions? That's pretty much is what we intend to do and we ask you to grant us an SMA so we that we can finalize work on Kihei Town Center.

Mr. Callinicos: All right. Do you have any other consultants who are going to make a presentation?

Mr. Gambill: No.

Mr. Callinicos: Okay. Well then we'll go ahead and get questions from the members of the board. We'll start with you Hunton.

Mr. Hunton Conrad: I guess my only question is in that new parking area that you've added in the back that you've – I didn't hear you speak to how the new paving is going to be drained and where that is going.

Mr. Gambill: We will go ahead and there is a current catch basin here. There will be a new one back here. Those lines will get tied together. And then because of the existing sheet flow that comes down from the neighboring properties, we have taken into account putting weep holes on these CMU perimeter wall to allow his water to drain under our wall. And we'll capture that within a giant retention pond basically underneath the pavement, and then divert that into the existing storm drain system which actually comes down throughout the

parking lot and ends up tying into the front end which goes across and out. So all of that will be taken into account.

Mr. Conrad: Thank you.

Mr. Callinicos: Russ?

Mr. Russ Riley: No questions.

Mr. Callinicos: Gary?

Mr. Gary Brauner: No questions.

Mr. Callinicos: Anthony?

Mr. Anthony Riecke-Gonzales: I have a couple of questions. On your econopack, you said it was going to be painted the same color as the building, but then you also mentioned that some of the equipment will be left silver?

Mr. Gambill: Yes. The condensers that are actually up on the top here, they are an aluminum and they can not paint well. We can give them – electro static – sometimes it will hold. We have not tried that recently. It would be something we could if felt the need.

Mr. Riecke-Gonzales: And you said you weren't going to use the vertical ones that are in the picture. You're going to use horizontal that are of lower profile?

Mr. Gambill: Yes. So it will actually be no taller. It will look like this one. No taller than the regular one.

Mr. Riecke-Gonzales: I see. And what is that height? Is that 12-feet?

Mr. Gambill: The box itself is nine-foot, and this is 42-inches. It's a total of 12-6.

Mr. Riecke-Gonzales: I'm a little confused to my own mind. It sounded like you said the back parking lot has already been constructed except for the diagonal parking portion.

Mr. Gambill: Except this, yes.

Mr. Riecke-Gonzales: Okay. So all the trees are already in on that back portion that's shown on that plan?

Mr. Gambill: Correct.

Mr. Riecke-Gonzales: And that's the same on the front portion? All that parking lot is done and the trees are in?

Mr. Gambill: Correct.

Mr. Riecke-Gonzales: So, up at this loading dock, and I'm understanding then the loading dock is not in right now?

Mr. Gambill: Correct. Right now it pretty much looks like this with this being an inset area.

Mr. Riecke-Gonzales: Okay. And so when I'm going along the Keala Place road, I see the trees on the parking lot and then the building, and there's a hedge in front of the building right now. That exists?

Mr. Gambill: Right now, there is just a wall.

Mr. Riecke-Gonzales: There's a wall.

Mr. Gambill: There's a wall – six-foot. Right now, there's a six foot screen wall that is screening the LPG tank, the electrical switch gear and the fire sprinkler riser.

Mr. Riecke-Gonzales: Okay, so that's what you talk about when you say you're replacing that with a green way?

Mr. Gambill: Apparently yes. From landscape, we were informed that there's a new requirement for a green belt being up against the street, and a six-foot sidewalk up against property line. So that would leave us essentially a foot and a half of space between our existing building and the property line.

Mr. Riecke-Gonzales: And what is being proposed for that? Is there a landscape plan that shows what's being proposed for that?

Mr. Gambill: We intend to just let the concrete run to the building line. It doesn't –. It's not a significant enough area for us to actually plant.

Mr. Riecke-Gonzales: So between the sidewalk and the curb though, then there is some planting?

Mr. Gambill: Yes there is.

Mr. Riecke-Gonzales: What is that planting?

Mr. Gambill: It's a series of palms and grass.

Mr. Riecke-Gonzales: Okay, when you say a series of palms on your drawing, I see just two palms.

Mr. Gambill: There's three. Three new and one relocated.

Mr. Riecke-Gonzales: I see. The arrows are actually moving the palms.

Mr. Gambill: Yeah. There's one here moving up and this one is also moving up, and then a new one is being planted.

Mr. Riecke-Gonzales: So a total of three on that entire frontage. How many feet is the frontage of that building?

Mr. Gambill: It is about 120 feet from here to here.

Mr. Riecke-Gonzales: And what kind of palms are they?

Mr. Gambill: He's got them called out as Loulu.

Mr. Riecke-Gonzales: Do you know what that is Russ? Are they big palms? It's not like a fan palm.

Mr. Riley: They're good for that location.

Mr. Riecke-Gonzales: Okay. But three and 120-feet, you're mostly going to see building, not landscaping.

Mr. Riley: There's not much space for spreading trees.

Mr. Riecke-Gonzales: No, I know for a spreading tree, but maybe they can double it up and have six palms instead of three in a 120-feet, which would be a palm every 20-feet.

Mr. Gambill: My initial was to put landscaping up against the building when we had a sidewalk on this side.

Mr. Riecke-Gonzales: Well, you know, your elevation there actually shows more than that. It shows about almost a dozen palms.

Mr. Gambill: That was the intent. Up until this last round, Maui County has requested this change.

Mr. Riecke-Gonzales: They requested only three palms or they requested that it move away from the building?

Mr. Gambill: Correct.

Mr. Riecke-Gonzales: Okay, but you could still put in a dozen palms instead of three.

Mr. Gambill: This becomes street trees and I'm not sure what the requirement would be at that point, but we would do whatever is required.

Mr. Riecke-Gonzales: I like the exterior elevation better than the plan.

Mr. Gambill: That's why I'd hope the sidewalk would stay.

Mr. Riecke-Gonzales: I have further questions.

Mr. Gambill: Okay.

Mr. Riecke-Gonzales: On the loading dock that's now being proposed. Are those residential lots that are on the, I guess, east side, where it says lot 34 and then I guess there's another lot. One's a flag lot and one a –.

Mr. Gambill: That was the existing two here.

Mr. Riecke-Gonzales: No, no, up at the top there. There's a flag lot and some other lot that borders your property.

Mr. Callinicos: I think you called them out earlier on that they are residential.

Mr. Gambill: Yes. I'm looking for it. There it is.

Mr. Riecke-Gonzales: How close are the houses then? Is that actually the house right there, that little box right on the parking lot?

Mr. Gambill: Yes it is. His carport is here. This is his – Lieutenant Comeau – his –. We've spoken with him actually about this development, and we are working with him to actually re-do his driveway as part of our work. But we've spoken to him about this project. He's been involved pretty much since the inception. And I know from personal visits here that this section of the house is the laundry room, storage – it's his carport.

Mr. Riecke-Gonzales: I see.

Mr. Gambill: And the actual house starts back here and it goes this –. I don't have the actual size, but it's back up in here.

Mr. Riecke-Gonzales: And there's like a five-foot fence between your property and his property and some kind of hedge material there?

Mr. Gambill: Yes. We'll be putting a six-foot perimeter wall similar to what we have around the rest of the property.

Mr. Riecke-Gonzales: I see. Is that a masonry wall?

Mr. Gambill: Yes it is.

Mr. Riecke-Gonzales: With a plaster finish?

Mr. Gambill: No, it's just block.

Mr. Riecke-Gonzales: It's just block with paint?

Mr. Gambill: No. It's a –

Mr. Riecke-Gonzales: Split face block?

Mr. Gambill: - styled.

Mr. Riecke-Gonzales: And then what about the other resident where all that text is that's on the other side of the flagged portion of that – of the lot?

Mr. Gambill: The house that sits here actually is almost centered in its lot. We haven't really spoken to them since the inception and they weren't worried about anything at that time.

Mr. Riecke-Gonzales: Is there an existing hedge right now where your loading dock is next to that flagged lot?

Mr. Gambill: Actually, right now, if you go out there, it's very broken asphalt that turns to dirt, and then it turns into a grass area. And we've grassed right now from here to here.

Mr. Riecke-Gonzales: So when you put in your loading dock, I see some line of green there. Is that a hedge? What is that hedge material? No, no, up – yes, right there.

Mr. Gambill: Yes. It will be some kind of hedge. Some kind of something.

Mr. Riecke-Gonzales: Can you elaborate on that a little bit? I've seen lots of some kind of some things that are not very nice.

Mr. Gambill: He's got Japanese Privet.

Mr. Riecke-Gonzales: Japanese Privet. Do you know what it is Russ? It grows pretty tall?

Mr. Riley: It would be enough. Yes.

Mr. Gambill: And he's got a series of them running basically from here.

Mr. Callinicos: Is that the one they call (phonetics)? Is that also called (phonetics) - the Japanese Privet. It's green.

Mr. Riley: It's like boxworth.

Mr. Riecke-Gonzales: Boxworth. So it doesn't grow very tall.

Mr. Riley: It's tall enough for that.

Mr. Riecke-Gonzales: So it can get five or six feet.

Mr. Gambill: And that would be on our side of the wall.

Mr. Riecke-Gonzales: Okay. And I only have another comment which is if you are thinking of putting solar panels on your roof within, say, the next five years or the life of this SMA, you should include it now because otherwise you'd have to come back again.

Mr. Gambill: We're currently working with two or three different companies. We're trying to get cost analysis done.

Mr. Riecke-Gonzales: Well, just like you did before, you can always not do something that you get permission to do with an SMA Permit. Whereas if you don't include it with this current SMA and then you decide to do it in a year and it's over \$125,000, you have to go through the whole –

Mr. Gambill: Which it will be.

Mr. Riecke-Gonzales: Yeah, it will be.

Mr. Gambill: Well, if that's the case, then yes, we should probably add that on because we do want to do both the Foodland building once its done and complete, as well as the

second phase to go in and do the retail building. Because there's a lot of flat roof out there and good sun.

Mr. Riecke-Gonzales: Is there a parapet on the roof so that the solar panels basically would not be visible above the –?

Mr. Gambill: Yes. All of the roof lines that you see here are mansard with a parapet of at least four feet. Some are taller.

Mr. Riecke-Gonzales: Those are the only questions I have.

Mr. Callinicos: Linda?

Ms. Linda Kay Okamoto: No questions.

Mr. Callinicos: Darryl?

Mr. Darryl Canady: No questions.

Mr. Callinicos: Susan?

Ms. Susan Liscombe: No questions.

Mr. Callinicos: Raymond?

Mr. Raymond Phillips: Who is responsible for the parking lot?

Mr. Gambill: It would be actually our – it's the landlord's responsibility.

Mr. Phillip: The entire parking lot. So any sort of redesign?

Mr. Gambill: Correct. That would go through Pacific Warehouse.

Mr. Phillip: Have you done a Traffic Impact Report (TIR)?

Mr. Gambill: It was done with the initial SMA. I don't know if it was redone.

Mr. Ginoza: It was done as part of the original SMA application and the improvements recommended in the SMA application were already installed as part of the earlier phases that they were able to complete. And they weren't able to complete the last phase which is why we're before you today. But yeah, TIR was done for this.

Mr. Phillips: And was there an additional impact that's anticipated with improvements?

Mr. Ginoza: The TIR had said that with or without project would be similar because it's just an expansion. It's not like a new attractor. And so they had recommended some local road improvements which they have already implemented.

Mr. Phillips: Yeah because the concept thought that comes to mind is why is that Foodland wants to do this if it's not to increase the traffic and to make the store more appetizing for additional consumers to participate. I live in the area. I'm quite familiar with the parking lot and probably visit Foodland once or twice a week – or Foodland Center. And I can tell you the parking lot is a nightmare. It's a nightmare going into it. It's a nightmare coming out of it. There's cross traffic continually attempting to, as you enter from Kihei Road, there's cross coming from – here to here – it's terrible. And when you're making a right turn and going right to the market – excuse me, either a right turn or a left turn, there's awful traffic. And then it's just a mess. I mean whoever redesigned the parking lot needs a course in designing parking lots. And thank god that they did do something in the back to improve and expand the parking. I'm very concerned that there's not going to be enough parking to facilitate everything that's going on in this particular area. I make that as a general comment to you. And if there's anything you can do to discuss this with the owners of the property, the parking lot does need to have a lot of reconsideration about it.

Mr. Gambill: Actually this design was implemented versus the other which was long rows. If you're familiar with it, studies have found that was counter intuitive for safety reasons, and that you should have your isles going to the main store. So that's where that all came into play.

Mr. Phillips: One of the problems when you're coming into the parking lot, you can't get in. Or you wind up with a car hanging half way in and half way out of the parking because people are –

Mr. Gambill: Trying to make these turn too quickly.

Mr. Phillips: Exactly and then trying to cross over from Sansei over towards the parking lot. It's terrible. So if anything, they should bring it back, close that up.

Mr. Gambill: Yeah, we wanted to originally close this up and have traffic come all the way in.

Mr. Phillips: Exactly and then bring the cars back and do something closer to the market.

Mr. Gambill: That was actually looked into and it was discouraged in one of the meetings here.

Mr. Phillips: That's unfortunate.

Mr. Gambill: It came down to how did these people get back out because you're trapped in.

Mr. Phillips: We'll they'll have to recycle around the front of the store and then come out towards the – the street on the far right hand side.

Mr. Gambill: It was studied extensively. I understand your concern.

Mr. Phillips: Yeah, it's a big concern. Secondly, lighting, and lighting along the front of the market. Can you expand on that a little more?

Mr. Gambill: You're familiar with the lighting that you see on the retail building?

Mr. Phillips: I am.

Mr. Gambill: It will be the same lighting here. So it's a down light in the soffits, same style as what we have here. It will get a little brighter, but it will be all down lighting, and all under soffit. As far as parking lot lights go, we'll continue the lighting scheme that we already have established in the front and the back in this section. And then there will be in the loading dock a couple, I think, of just flood lights for security reasons. One on the corner for security.

Mr. Phillips: And the hours of light?

Mr. Gambill: It would be dark. So from sunset to sunrise.

Mr. Phillips: Sunset to sunrise. So all night long? You've consulted with the neighbors about that?

Mr. Gambill: There will be no lighting back up in here other than minor lighting. So no spill over on any of the properties. And those that do, we will do the same things that we've done to these two – they'll be shielded.

Mr. Phillips: When do you anticipate starting construction?

Mr. Gambill: We are currently in the building department with our construction drawings. So as soon as we can get all approvals, we'll go out to bid and hopefully get this things underway. We'd like to the 1st of the year. That's optimistically.

Mr. Phillips: Good luck.

Mr. Gambill: They want it done by 2010. And this project looks like it's going to be a good nine month project, and so that's what we're looking at. If we can get started at the very beginning of 2009, we'll hopefully be done for – Thanksgiving is always our goal as a grocery store.

Mr. Phillips: The only thought I still have is if you can somehow discuss the parking lot with the owner.

Mr. Gambill: We'll put that out there.

Mr. Callinicos: Questions?

Mr. Phillips: Thank you.

Mr. Callinicos: I have – I'm going to ask the question that I always ask and we rarely seldom get any response to. No more questions from the board? Is there anybody from the public who wishes to give testimony on this project? Seeing none, public testimony is closed. We'll move on now to discussions and comments, and we'll start this time with Raymond. Remember no questions, just comments.

Mr. Phillips: No further comment.

Mr. Callinicos: Susan?

Ms. Liscombe: No comment.

Mr. Canady: No comment.

Mr. Callinicos: Darryl? Linda?

Ms. Okamoto: No further comments.

Mr. Callinicos: I have a comment I'd like to make and it refers to the parking as well. I also live in that area and I'm probably at your store at least two or three times a week.

Mr. Gambill: Thank you.

Mr. Callinicos: I suggest –. I come from –. I use to work in supermarkets before I went to the university so I know about supermarkets. I know where you're going. I'm with you on this one because I've done so many. And I say, I use to actually work behind the counter. I would suggest that you go and have a look or have your planner go and have a look at the curbs in that parking lot and see how many curbs have got half a tire on them. It's got

some of my tires on it too. And those curbs are impossible. I mean, you're coming off the street, South Kihei Road, trying to make a right turn – if you don't hit one of those curbs you're really going too slow for the guy behind you. So you need to look at that. You'll see a lot of black on all of those curbs and that should give you some indication of where you might want to ease them out a bit or something. That's my only comment. Anthony?

Mr. Riecke-Gonzales: My only comment is I would like to make as a recommendation on our approval that they do have additional palms trees along that Keala Place frontage at the building. I don't think it looks that nice just to have 120-feet of wall face and then only three palms. I think as a minimum six and then actually what they showed on their elevations which was almost a dozen palm trees would be much nicer.

Mr. Callinicos: Can we make that a recommendation because they have to take that up with Maui County?

Mr. Riecke-Gonzales: Yeah, we can make that a recommendation, but I don't think Maui County would object to it.

Mr. Callinicos: If you make it a recommendation –

Mr. Riecke-Gonzales: Well, I mean, we're just making recommendations to the Planning Commission any way. So yeah, I would recommend that, that they have additional palms. Actually I don't – if it's even additional palms, it's the palms they showed on their exterior elevations.

Mr. Callinicos: Gary?

Mr. Brauner: No comment.

Mr. Callinicos: Russ?

Mr. Riley: No comments.

Mr. Callinicos: Hunton.

Mr. Conrad: I agree with Mr. Riecke-Gonzales, but what I also realize is that is now a County strip. It no longer belongs to the property owner, so the County needs to approve any additional palms that you put in. But I agree a dozen Loulu's would look very nice there.

Mr. Callinicos: Well that's why I would like to see it as a recommendation because it's up to the County. No good for us saying we want it, if the County is going to say we're not

going to get it. We'll make it a recommendation.

Mr. Gambill: We will oblige by whatever the County requires.

Mr. Callinicos: Paul, you've got any comments you want to make?

Mr. Fasi: No comments.

Mr. Callinicos: Any other comments from the Board? Okay, well, then I'll ask for a motion to approve subject to the comments. And would you read them back – the recommendations that we've –

Mr. Fasi: The recommendation was for additional palms trees – a minimum of six to 12 on Keala Place.

Mr. Riecke-Gonzales: Yes.

Mr. Callinicos: That's the only one?

Mr. Fasi: That's the only one. Yes Sir.

Mr. Callinicos: Okay. Can I have a motion to approve subject to that one recommendation?

Mr. Canady: Mr. Chairman, I approve – I move with change.

Mr. Callinicos: With the recommendation.

Mr. Canady: With the recommendation, yes.

Mr. Riecke-Gonzales: I second.

Mr. Callinicos: We've got a second. Thank you. All those in favor, raise your right hand. It's unanimous. Thank you. Thanks very much! We'll give you a few minutes to gather your things, and we can move on.

Mr. Ginoza: Thank you very much for your time!

It was moved by Mr. Darryl Canady, seconded by Mr. Anthony Riecke-Gonzales, then unanimously

VOTED: To recommend approval of the project with one additional

recommendation.

D. UNFINISHED BUSINESS

- 1. MR. KEN KAWAHARA of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting a Special Management Area Use Permit and Shoreline Structure Determination for the proposed Maalaea Small Boat Harbor Improvements at TMK: 3-6-001: 002, 049 (por.), and 050; 3-8-014: 027, 028, and 030, Maalaea, Island of Maui. (SM1 2008/0004) (T. Abbott) (*Deferred at the September 16, 2008 meeting.*)**

The Board may take action on the project design and matters within their purview.

Mr. Callinicos: I think we can move on to D, unfinished business, item #1. Mr. Ken Kawahara fo the State Department of Land and Natural Resources requesting a Special Management Area Use Permit and Shoreline Structure Determination for the proposed Maalaea Small Boat Harbor Improvements at TMK: 3-6-001:002, 049 (por.) and 050; 3-8-014:027, 028 and 030, Maalaea, Island of Maui.

Mr. Clayton Yoshida: Thank you Mr. Chairman. The staff planner that would be handling this matter is Thorne Abbott. I guess he's on his way. The Board previously considered the plans at its September 16th meeting and deferred action. So the applicant is here to try and address the concerns raised by the Board. And with that, I guess, I'll turn it over to the planning consultant, Mich Hirano.

Mr. Callinicos: Thank you.

Mr. Hirano: Thank you Clayton. Good morning board members. My name is Mich Hirano with Munekiyo & Hiraga, and our firm is representing the State Department of Land and Natural Resources with the Maalaea Harbor Project. We were before you on September 16th, and we presented our plans. Some comments were raised. We received the letter from the Urban Design Review Board comments review on September 17th and there were five items that the Board had asked for more information on or clarification. These items included color and material boards and colored elevations; provide cut sheets for light fixtures; consideration or redesigning ferry building to include more indoor/outdoor space and allowing the doors to be open throughout the day and closed during high winds; show how the overflow parking lot can be secured for over night parking and noise mitigation to the adjacent condominium; and evaluate an alterative for additional public sewer pump out stations on the north side of the harbor. So just to refresh the board's member – and we do have the project engineer and primary consultant, Fukunaga & Associates, Royce

Fukunaga, and Pacific Architects here this morning as well – John Adversalo. And we will be providing further information on those items that the board had requested.

But just to refresh the board's memory, this is an overview photo of Maalaea Harbor. This is the south mole, Honoapiilani Highway is along this access. The ferry terminal building is on the south mole at the very end of the south mole. The other element that the board was looking at was the comfort station. And there's a current overflow parking area and this will be re-paved, and a comfort station will be built at this location. And part of this overall program would be to do a cesspool conversion or a number of large cesspools at the harbor. And the conversion would be to convert the sewage waste water treatment from cesspool to an individual waste water treatment facility. And that facility will be located at the harbor entrance off of Honoapiilani Highway. And so at this point, I'll turn the presentation over to Royce Fukunaga – is it Royce or John – John Adversalo. I'm sorry. John Adversalo, Pacific Architects, to go over the design elements of the project.

Mr. John Adversalo: Actually it's Architects Pacific. My name is John Adversalo, and we are actually the sub-architects under Royce Fukunaga. One of the concerns I guess was brought up last time was the ferry building being on the bottom. The recommendation was to try to see if it's open. But the thing is there is certain functions our user wanted. And I guess from their experience there's certain reasons why it was designed like how it is, with not that many doors. One of the things is like high winds. There's actually, if you can see – well you'll see it on the next slide – but there's a screen on the north side. Also there's salt spray from the ocean, being at the south mole at the very tip. And there's heavy surf and it actually comes over the sea walls. And actually a lot of our materials that we selected are corrosion resistant type. It actually hits the building from the surf. And in the space, it's not only a ferry operation. There is telephones, fax machines, computers and other devices that needs to be in a controlled environment. And there are vendors that would be conducting business in the space required, meaning security for entry and exit.

This is the elevation. Right here is the material board. The three windows on the left, it's actually the boater are –. It's right at the edge of the boaters. There's a canopy over the front, and you can see there's a screen. It's actually a glass screen so people can stand out there. There's actually a walkway or so that people can actually stage for the ferry. The colors that we've selected are here. This is the roof. This is the one I talked about last time. It's a polymeric shake and it's color is cedar brown. This is a cementitious material. This is the actual siding. It's a horizontal siding. And this is a PVC trim around the window, and it's white. So these are the actual colors. The EFS is at the bottom. The whole bottom is actually a masonry, but it's covered. It looks like a wood structure, but it's actually covered. And just the paint – this is the actual trim just to match.

There was another question that came up or concern about the comfort station, I guess, being too high or possibly blocking the view. This slide on the left, the bigger one, is where

that bush is, I guess, the top right, that's where the comfort station, but it's going to be a lower elevation. It's actually this view is sort of like at the location where that unit. The building is half way. If you look – I don't if you can see it.

Mr. Canady: I can't see it that well Sir.

Mr. Adversalo: This is actually unit lanai at the bottom – pretty close to it. We're standing there. This is the view from what you see.

Mr. Canady: Could they turn that one light off? Those two up there behind so those of us over here can see it.

Mr. Adversalo: The comfort station will be around here, but it's at a lower elevation. It's right around here. Half the building is – there's lanai's here and the rest is just a walkway. So right here is the last unit, I guess, at the lower elevation. So what we did was we generated a rendering, a slide, of what it would look like. Actually we're clearing the brush and everything. This is actually the railing from that view.

Ms. Liscombe: Which level?

Mr. Adversalo: What is that?

Ms. Liscombe: Which level railing is that?

Mr. Adversalo: It's from the bottom. That was from the second level from the lanai. The basic colors and everything else for the comfort station is the same as the ferry building. I don't have anything else. Okay Royce.

Mr. Royce Fukunaga: One of the concerns raised last time was the security of this parking lot.

Mr. Callinicos: Would you state your name for the record please?

Mr. Fukunaga: My name is Royce Fukunaga. I'm with Fukunaga and Associates and we're the prime consultant for this project, contracted to the State Department of Land and Natural Resources.

Mr. Callinicos: Thank you.

Mr. Fukunaga: Questions regarding the overflow parking area security – we did go back to DLNR to discuss with them the security control for this building. They have a Division of Conservation and Resource Enforcement referred as DOCARE that regularly patrols the

harbor facilities. The Maui Police Department also patrols the harbor facilities and will increase the patrols if they receive trouble calls. The parking lot lighting will be on from dusk till dawn, all the dark hours. And the lot will be cleared up – the existing brush – thus reducing areas of concealment. Right now, it is operating as an unimproved overflow parking area.

We will be paving and landscaping the lot and then fully lighting the lots. The three lights, also the perimeter bordering the condominium, is shown in green here are going to be shielded from the condominium. They'll all be equipped with what we call house side shields so that light will be basically directed downward and not into the condominiums. The lights will be approximately 20-feet above the pavement level. So this is just a profile plan view of the lighting standard. This way I think we're anticipating control lighting the parking lot where it's currently not lighted right now. Improving it with landscaping, paving, curbing and installing full lighting, but making sure that the lighting along the perimeter to the condominiums is direct in a way it won't be shining into the condos.

The other concern raised last time was the location of public pump out on the north side. We did look at other areas to relocate this, and these are pictures of the west mole. This is the side fronting the Buzz's Restaurant. The north mole which is the side along the north face. The corner, the upper corner of the north mole, currently houses – is located where the boat ramp. So that area is not also available for docking for public pump out. Maybe we can go back to the first overall layout.

This is – the two public pump outs are located here on the north mole and here on the south mole. And these slips are basically where the larger commercial vessels are berth. And this south mole area will be fully serviced with sewer pump outs. So the boats housed in this area are going to have access to their own sewer pump out. The need for the two public pump outs at the north mole and the south mole are for the other boats along the west and north mole that are not going to be equipped with sewer pump outs at the slip. The pump out at the south mole will be – this will be the docking area, primary – the docking area for the Maui Ferry. So there will be times when access to this pump out will not be available when the ferry is docked here. And thus the reason for locating a second pump out here on the north side that will make available access for the rest of the boats along the west and north side.

I think the concern that was raised that lead to that question was the fact that there's going to be noise and odors right here at the pump out that might impact condominiums close by. We've talked to the harbor management and Nick Giaconi who's the harbor manager is here today also. And the way that the two pump outs will be managed is that the primary pump out will always be the south mole pump out. And this north mole pump out is going to be back up to be used when access to the south mole is not available. Also the pump out here is going to be a vacuum pump. It's a five horse power motor so it's not a big

pump. It's going to be hooked up. Ships will access pump out by hooking up a nozzle so it's going to be fully enclosed so odors will not leak out. There's going to be a cabinet around the pump that will attenuate the sound somewhat. It's going to be fully attenuated. But there's going to be the sound – it's a vacuum pump, so it's like a big vacuum cleaner. And it's not going to be used on a regular basis. It's used primarily during the times when the south mole pump out is not accessible. So we've incorporated these items into the project hoping to mitigate the concern of that pump out in proximity to the condominium.

Mr. Callinicos: I'm not sure if I'm remembering this correctly from the last meeting when this was deferred. But the question of the north mole pump outs, I understood that addition to the noise to those condominiums, there was concerns expressed by some of the board members that they felt just two pump outs was insufficient for the amount of boat traffic along that north. Am I correct?

Ms. Liscombe: Yes.

Ms. Okamoto: Yes you are.

Mr. Callinicos: You haven't addressed that issue. There are still only going to be two pump outs.

Mr. Fukunaga: No. There's two public pump out and there's 30 pump outs along the south mole which services basically the commercial traffic out of Maalaea. The pump out – there is a pump out that services every two slips. There's a sewer lateral to each slip along the south mole.

Mr. Callinicos: I understand that. What I'm saying is that's mainly for commercial traffic.

Mr. Fukunaga: Right.

Mr. Callinicos: The south mole. But what about the north mole? The north mole is for private vessels and as I understand it – I mean I don't go down there that often, but let's assume that most of the vessels on the north mole are private. You've got two pump outs for all that traffic.

Mr. Fukunaga: Right. That's –

Mr. Callinicos: You feel that's sufficient? We felt that wasn't and that was raised at the last meeting.

Mr. Fukunaga: Initially when we looked at the project, the desire was to sewer the whole harbor. But because the way the project funding came about was the ferry improvements

were 80% Federally funded, but the sewer improvements were 100% State Funded. So we had some severe budget limitation on the State side. And there was a reason why in the end the project was conceived with basically pump outs along the south mole which will be servicing the bulk of the sewer flow because that's where all the major commercial vessels are. And we're providing the two pump outs on the north, to service the other vessels, which are smaller vessels, private vessels that don't require as frequent pumping as a commercial vessels who will probably require on a daily basis.

Mr. Callinicos: Well I hope you're right, but you know what the problem is in that area.

Mr. Canady: Mr. Chairman?

Mr. Callinicos: Yes?

Mr. Canady: Being a former private vessel owner for many years, about how many small vessels are in that north area, either (phonetics) or at a finger pier?

Mr. Fukunaga: How many?

Mr. Canady: How many?

Mr. Fukunaga: 45 vessels.

Mr. Hirano: And I'd like to just add Mr. Chair –

Mr. Canady: That being the case, it is not nearly as easy for a private vessel to up moorage and go to a crowded and fit in and try to get the vessel pumped out. In most areas like this that I'm familiar with they will, at the end of the finger pier, they will try to put the small pump out stations for the private vessels closer to them so that they don't have that particular problem. Thank you Mr. Chair.

Mr. Callinicos: I put that out as a comment. I'm sorry I interrupted your presentation. It will come up again in the meeting for sure.

Mr. Hirano: Yes. I'd just like to add that the consultants did do a survey of the boaters when they were designing the project. They found that most of the boaters, the smaller boaters on the north, more in on the north side, were not equipped with a large holding tanks. They were basically like the fishing vessels didn't have heads. And some of the smaller one had small self contained units.

Mr. Conrad: I'm sorry Mich. What does that mean? I don't understand that.

Mr. Hirano: It means that they really didn't need to pump out. They don't have the facilities to pump out.

Mr. Callinicos: So what do they do? Pump out at sea?

Mr. Hirano: They take it out. It's a portable system so they take it out.

Mr. Callinicos: Can we get back to the program and we'll get to those points. Sorry. Would you continue?

Mr. Fukunaga: That ends --. There were six items on the letter that we got from Planning to address that were hanging from the last presentation. So my address to the location of the pump out was the last item on the letter. So that basically concludes our presentation.

Mr. Callinicos: Thank you. You have nobody else here -- no other consultant is going to be doing a presentation? Is that it?

Mr. Fukunaga: Yeah, that's it.

Mr. Callinicos: All right. Thanks very much. We're moving to questions now. We'll start this time with Hunton. Do you have questions?

Mr. Conrad: I guess the only question I have is -- I'm not a boater so I'm not very familiar with the protocol -- one of the questions I have is that when you do remove your own sewage from your boat, where does that go? Is there a dumping facility that isn't a pumping facility at the harbor or does somebody have to put it in the back of their pick up truck and take it somewhere?

Mr. Fukunaga: Right now what the County and the State have provided is a truck that comes, I think, early in the morning that has a vacuum pump. It pumps out any ship that desires that service. Absent that service, the ships go out beyond the three mile limit and that's where they're dumping at this time.

Mr. Conrad: Thank you.

Mr. Callinicos: Russ?

Mr. Riley: No comment.

Mr. Callinicos: Gary?

Mr. Brauner: No comment.

Mr. Callinicos: No we're in questions. Anthony?

Mr. Riecke-Gonzales: I have a couple of questions on the light fixture. You said it was 20-feet. Is that the pole height is 20-feet on a four foot base? Or is the entire height 20?

Mr. Fukunaga: No, it's 17-feet above the base, and the base is two-feet.

Mr. Riecke-Gonzales: Okay. So it's about 19 feet.

Mr. Fukunaga: Yeah, 20-feet above the curb height.

Mr. Riecke-Gonzales: And then was there a reason that particular fixture was selected versus one that has more of a nautical theme?

Mr. Fukunaga: Nautical theme? I'm not aware.

Mr. Riecke-Gonzales: I mean, it looks like a very modern fixture. I'm just wondering if it has a very good light spectrum to it –?

Mr. Fukunaga: Our electrical consultant who selected the fixture does it on the basis of the coverage on the ground. They have certain standards of how much lighting is required on the pavement in order to provide for safety and security. And based on that they spaced the lighting. It's a matter of setting the height, the spacing, candle power combined with the type of fixture they select.

Mr. Riecke-Gonzales: That's the only questions I have.

Mr. Callinicos: Thank you. Linda?

Ms. Okamoto: No questions.

Mr. Callinicos: Darryl?

Mr. Canady: Yes, one question going back to the secured parking. Does the State have a contract with Maui County Police to patrol that additional parking area and if so what is required to secure that parking area by Maui County?

Mr. Nicholas Giaconi: Hi I'm Nicholas Giaconi. I'm the Maui District Manager for DLNR Boating. We don't have a contract with Maui Police. We have a contract with DOCARE who enforce the State Harbor's rules and regulations. Anytime there's a problem, we call DOCARE and they come down. Maui Police will patrol if it's deemed a hot spot. So if there are complaints about that area, they'll patrol more frequently. They do come and patrol but

they're not on contract with us.

Mr. Canady: I only note that the other properties that I'm familiar with – the one on Moloka'i, the dock there – Maui County has no jurisdiction down there, to my knowledge, if there are any problems. And I'm just curious if that's the same situation here on Maalaea.

Mr. Giaconi: Maui County Police?

Mr. Canady: Yes.

Mr. Giaconi: They can come any where they want inside the harbor or whenever there's a trouble call – yes.

Mr. Canady: I hear your comment, but in reality, that is not necessarily the case. Thank you.

Mr. Callinicos: Thank you. Susan?

Ms. Liscombe: Question on the north side boats. You said there's about 25-privately owned boats. And I'm just wondering how many of those privately owned boats are actually commercial, fishing and excursion and sailing boats? How many are actually really privately owned and not used for commercial purposes?

Mr. Giaconi: I'll answer that question again. It's about 45 recreational boats inside the harbor total, and then the rest is mostly commercial that takes out passengers. Now the commercial operators are the large catamarans and they're mostly on the south mole. And they're going to be serviced by the sewer line that's going to go right by their slips and they'll actually pump out in their slips. I have a few other large boats called VME's, vessels moved elsewhere. They're larger catamarans that come in and use the loading dock. Primarily they use the south mole loading dock. Now all of the recreational boats, some of them have heads, most of them don't. Most of them have like five gallon bucket. And legally if you're three miles out at sea, you can throw that bucket over. That's the Federal law. When they come back in and they have a bucket full, we have bathrooms down there that they can dump it into, or they can put a lid on it and take it home.

We did a study and the recreational users, many of them said, we're not going to use the pump out. We don't generate that much sewage. A lot of them said we can't use it because we don't have the facilities to hook up and that we have no head. So the sewage actually generated by the 45-recreational users is very minimal. Most of the sewage is going to be generated by the commercial users and most of those are going to be serviced right on the south mole. The north mole is going to be used primarily as a back up when

there's a problem that they can't use the south mole, or when it's very, very busy which is going to be very infrequent. I see the north side being used actually very infrequently. Does that answer your question?

Ms. Liscombe: Yes. Thank you.

Mr. Canady: I have one other question on that Sir.

Mr. Callinicos: We'll come back to you.

Mr. Canady: Thank you.

Mr. Callinicos: Raymond?

Mr. Phillips: Two questions. First question, is there a charge for the pump outs?

Mr. Fukunaga: No.

Mr. Phillips: Another question regarding the pump outs. What it is, is what it is relative to what the State funding is, so there's nothing additional that we could request or require.

Mr. Fukunaga: You mean in terms of putting in more?

Mr. Phillips: Yeah.

Mr. Fukunaga: Yeah, we worked with the budget. You know, obviously, a project budget and we went through different scenarios. We started out with sewerage the whole harbor. And as mentioned, we worked with the boater extensively over the past two or three years, and worked the boaters. Of course, the main concern was the sewage coming from the commercial boats because they're the ones that are most heavily used and required the sewer service the most. We did also talk to the recreational boaters and like Nick said a common response we got was that you can put it in, but we're not going to use it. So that combined with the budget constraint that we're faced with, we came up with the proposal to sewer just the south mole, where the commercial users are. And that should address primarily or extensively the problem with the off shore dumping of the sewage that's currently occur.

Mr. Phillips: It's been accepted by the State.

Mr. Fukunaga: Pardon me?

Mr. Phillips: It's been accepted?

Mr. Fukunaga: Yes. This project has been accepted.

Mr. Phillips Question regarding lighting.

Mr. Fukunaga: Yes?

Mr. Phillips: Can you give me the hours of lighting?

Mr. Fukunaga: Dawn to dusk.

Mr. Phillips: Dawn to dusk.

Mr. Fukunaga: Yeah, it will be automatically timed set for the dark hours.

Mr. Phillips: Thank you.

Mr. Fukunaga: I think that there was a question of whether it should be controlled and lighting be curtailed at night or maybe at 3:00 a.m. in the morning. But from a safety point of view, it's better to keep it on during all of the dark hours. Nick has a contract with DOCARE to basically patrol the harbor with a back-up to the Maui Police in case they have problems.

Mr. Phillips: Are they sodium lights or low intensity? I know Maui Police do not like sodium lights.

Mr. Fukunaga: It's the high intensity and high intensity discharged light so we don't know whether there's sodium. But they will be in conformance with County building codes.

Mr. Phillips: Thank you.

Mr. Callinicos: Does anybody have any further questions? I know Darryl has one. Okay, no further questions. Darryl you wanted to ask?

Mr. Canady: One question on voting on the north wall. Is it permitted live-abroad in that area and if so how many do you have?

Mr. Fukunaga: We have no live abroad in the harbor. We will have no live abroad in the harbor – zero.

Mr. Canady: Thank you for your answer.

Mr. Fukunaga: And also, one other thing I'd like to clarify about the noise issue from the

pump. Our policy is that we have no activity on that north side from 8:00 p.m. to 6:00 a.m., so there would be no pumping in the evenings.

Mr. Canady: Thank you very much. No further questions Mr. Chairman.

Mr. Callinicos: Thank you. If there's no other questions. Planning Department, any questions? Thorne? Clayton? Clayton, no questions?

Mr. Yoshida: I guess I'd leave it to Thorne.

Mr. Callinicos: Thorne? No questions? Thank you. At this point I'll open it up for testimony from anybody who's in the public and wishes to give testimony? Seeing none, but testimony is closed. We'll go into some comments and discussion now. And we'll start with you Raymond.

Mr. Phillips: No further discussion.

Mr. Callinicos: Thank you Raymond. Susan?

Ms. Liscombe: I do have a concern about the pump outs on that north side. If the purpose of the pop outs is to encourage boats to pump and not dump in the harbor, then I think you need to make it convenient for the owners. And while the north boats maybe which you consider private, most of them do commercial business. They're in the fishing business or whatever, but just to encourage the use of the pump outs, I think we need to make it convenient. That's my only comment.

Mr. Callinicos: Thank you. Darryl?

Mr. Canady: No further questions or comment.

Mr. Callinicos: Linda?

Ms. Okamoto: Regarding the pumping because I've followed it somewhat from knowing Trilogy and Expeditions. And I certainly think that what they've put in there is going to be a vast help. And yes there may not be enough on the other side, but if boats are not equipped to use them, I'm all for that. I think that what they have, they just have to encourage the boaters to go ahead and use, even the two they have. So I'm all for it.

Mr. Callinicos: Anthony?

Mr. Riecke-Gonzales: On the light fixture in the parking lot, I don't know where they came up with the 20-feet. Most of the SMA project's that I've seen reviewed, it usually gets

restricted to a 12-foot pole on a two-and-a-half to three foot base for a total height of less than 15 feet. Now I do know that, you know, it's a lot more efficient if you could deal with 40-foot poles, it would be even more efficient. You'd have fewer pole and spread the light out more. But I think, especially, this being next to the condominium we should recommend two things to the Planning Commission. That they restrict the height to a more normal SMA height, which is less than 15-feet. And to also go with a fixture that fits in with a harbor theme. These fixtures seem really modern to me and it doesn't seem to fit the building that they're proposing.

It's a little disappointing that they're not open to the indoor/outdoor space, but I do understand, you know, their considerations. I think I asked the last time, well, is there any reason that you have to have it closed up. At that time, they said no. I think they've come back and said we have equipment and machinery, and we wanted an air-conditioned space so that's certainly their choice. That's the only comments I have.

Mr. Callinicos: Thank you. Gary?

Mr. Brauner: No comment.

Mr. Callinicos: Russ?

Mr. Riley: No comment.

Mr. Callinicos: Hunton?

Mr. Conrad: No comment.

Mr. Callinicos: All right. The comment I made about the pump out stations, I think, and I'm agreeing here with Susan and various other comments that have been made, probably what they have in light of the budget is adequate – I'm going to say barely adequate because I don't think it answers the problems we've had at Maalaea. But if you can not afford to put more in, I don't suppose there's much we can say other than that we would have liked to see more pump out stations on the north. That would be my recommendation or suggestion. If it's all possible to find it in the budget somewhere else, I don't know if you can, I still think this is the time now to put them in and not come back three or four years time, five years time, because a whole series of letters in the newspapers about why didn't we do it. That's something you may want to look into. All right, who's making notes about it. Are you taking the notes? Would you read them back please?

Mr. Thorne Abbott: Members, it's a pleasure to be here today. I basically have two comments. One from the Vice-Chairperson that the lights should conform more to an SMA standard of 15-foot maximum with a fixture that fits in with the harbor theme and not such

a modern look. I also heard a comment regarding sodium not being preferred by the Police Department as far as the illumination. The second that you'd like to see more pump outs on the north mole. Those are the two major.

Mr. Callinicos: We'd like to see more if it is at all feasible.

Mr. Abbott: How about financially feasible.

Mr. Callinicos: Financial feasible. So those are the only comments you have or the only recommendations?

Mr. Abbott: Formal from your discussion, after the public testimony, yes. I do have quite a few other comments that you mentioned or questions I should say that were responded to. Do you want me to read them?

Mr. Callinicos: No, I don't think that's necessary. It's basically for the motion.

Mr. Abbott: I will ask for one other of guidance. Do you want the Planning Department to check, Mr. Canady, whether the Maui Police Department has jurisdiction there.

Mr. Canady: Mr. Chairman?

Mr. Callinicos: Go ahead.

Mr. Canady: Yes I would because that area even though is lighted is going to be after hours a very major area or possibilities up next to that condo complex for parties or other substances and dealings. Thank you.

Mr. Riecke-Gonzales: Darryl, are you talking about just the parking or are you actually talking about the mole that goes out into the water?

Mr. Canady: No. Mr. Chairman?

Mr. Callinicos: Yes, carry on.

Mr. Canady: I was talking about the extra parking area primarily.

Mr. Riecke-Gonzales: Why is it you think the Police Department wouldn't have jurisdiction over that?

Mr. Canady: Generally speaking I understand, and coming from Moloka'i, that the Police Department drives down there, but they, Maui County Police Department, they have no

jurisdiction since it's State land. So they don't make arrests or they don't. Now there's a difference on Moloka`i than there is at Maalaea, only that there are some live abroad on that dock over on Moloka`i as are true on most docks. But, the major thing is next to that condominium, if that is lighted and well available to local people, they're going to party up there. And I would like to see there be some jurisdiction where there would be regular surveillance and police visibility.

Mr. Riecke-Gonzales: Thank you.

Mr. Callinicos: If I may ask as question of you Darryl. For those of us who are not boating people, what is a "live abroad."

Mr. Canady: A live abroad is a person, family that live abroad.

Mr. Callinicos: Oh, live abroad.

Mr. Canady: Did I put a little pigeon in there by mistake?

Mr. Callinicos: A little bit.

Mr. Canady: I'm sorry.

Mr. Callinicos: I've got you.

Mr. Canady: I apologize.

Mr. Callinicos: Can I have a motion then to approve subject to the suggestions and recommendations we've made?

Mr. Canady: Mr. Chairman, I so approve.

Mr. Callinicos: Can I get a second?

Mr. Conrad: I'll second.

Mr. Callinicos: Any further comment? All right, all those in favor, raise their right hand. It's unanimously approved. Thank you.

Mr. Abbott: Thank you.

Mr. Callinicos: Thank you Thorne.

It was moved by Mr. Darryl Canady, seconded by Mr. Hunton Conrad, then unanimously

VOTED: To recommend approval of the project subject to the recommendations and requests as noted.

Mr. Hirano: Thank you Board Members.

Mr. Callinicos: Thank you.

- 2. MR. JEFFREY S. HUNT, Planning Director, requesting comments on the revised plans by MR. FRED ROMANCHAK, Owner of the KULA LODGE requesting a Phase II Project District Approval for the redevelopment of the existing Kula Lodge at 15200 Haleakala Highway, TMK: 2-3-022: 087, Kula, Island of Maui. (PH2 2008/0001) (P. Fasi) (Deferred at the September 16, 2008 meeting.)**

The Board may take action on the project design and matters within their purview.

Chris Hart & Partners, Inc., on behalf of the applicant requested to withdraw the application.

E. DIRECTOR'S REPORT

Mr. Callinicos: All right then we'll move on then to the Director's Report. Clayton?

Mr. Yoshida: Thank you Mr. Chairman, members of the board. The first Tuesday in November is the General Election Day, November 4th, so therefore, we will be having our meeting on Monday, November 3rd. And the one item that we have thus far is the revisions to the design guidelines for the Maui Lani Village Mixed-Use Project which the Board had reviewed earlier this year and went before the Planning Commission in August. So that's the one item that we have thus far.

F. NEXT MEETING DATE: November 3, 2008 (Monday)

G. ADJOURNMENT

Mr. Callinicos: Thank you. All right so everybody make a note that we've got to be here on Monday the 3rd and not on voting day on Tuesday. If there's no other business, this meeting is adjourned.

There being no further business brought forward to the Board, the UDRB meeting was adjourned at approximately 10:17 a.m..

Respectfully transmitted by,

LEILANI A. RAMORAN
Secretary to Boards and Commission I

RECORD OF ATTENDANCE:

Demetrios Callinicos, Chair
Anthony Riecke-Gonzales, Vice-Chair
Russ Riley
Hunton Conrad
Gary Brauner
Susan Liscombe
Linda Kay Okamoto
Darryl Canady
Raymond Phillips, Alternate Member

EXCUSED:

Eric Nakagawa

OTHERS:

Clayton Yoshida, Planning Program Administrator
Paul Fasi, Staff Planner
Thorne Abbott, Staff Planner
Michael Hopper, Deputy, Corporation Counsel