

**URBAN DESIGN REVIEW BOARD
REGULAR MEETING
NOVEMBER 3, 2008**

Approved 11-18-08

A. CALL TO ORDER

The regular meeting of the Urban Design Review Board (Board) was called to order by Chair Demetrios Callinicos, at approximately 8:58 a.m., Monday, November 3, 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 21, 2008 MEETING MINUTES

Mr. Demetrios Callinicos: Okay, we'll go ahead and call this meeting to order. The first item this morning that we'll deal with is the minutes of the last meeting. Has everybody had a chance to review them? Any comments or revisions? Seeing none, they're approved administratively.

The October 21, 2008 meeting minutes were approved administratively.

C. COMMUNICATIONS

1. **MAUI LANI 100 LLC requesting review and comments on the proposed revised design guidelines prepared in support of its application for a Phase 2 Project District Approval for the Maui Lani Village Mixed Use (VMX) District Project at Kuikahi Road and the Maui Lani Parkway, TMK: 3-8-007: por. of 151, 152, and portion of 155, Kahului, Island of Maui. (PH2 2007/0002) (Ann Cua) (The original guidelines were approved at the February 5, 2008 meeting.)**

The Board may take action on the proposed revised design guidelines.

Mr. Callinicos: We'll move on then to the next item under communications. Item 1 is Maui Lani 100 LLC requesting a review and comments on the proposed revised design guidelines prepared in support of its application for a Phase 2 Project District Approval for the Maui Lani Village Mixed Use District Project at Kuikahi Road and the Maui Lani Parkway, TMK: 3-8-007: por. of 151 and 152 and por. of 155, Kahului, Island of Maui. Ann Cua, you are going to give us the Planning Department's comments.

Ms. Ann Cua: Yeah, I understand there's a little bit of confusion because the design guidelines already came before the Board, so I'll give you a little bit of background. The applicant is applying for project district phase two approval, and that application in of itself does not require coming before this Board. But as you know, the Planning Department can request that any matter come before this Board. And any time that there's design

guidelines involved in a project, we bring the design guidelines before you, and that was the case with this project. So it's a village mixed use concept consisting of single-family residential, multi-family, commercial, park, open space. And along with providing lots, they're going to be providing pads for people to come in and construct buildings. They will be constructing some buildings, and they'll be having others construct buildings as well. And to have a cohesive plan they put together a design guideline which came before you. When it did come before you, you had a number of comments that you wanted addressed and included in the design guidelines. They did that, and before the Planning Department issued them a letter saying that, you know, this is the final design guidelines as approved by the committee, we made sure that all of your comments were addressed.

So we went to the Planning Commission for public hearing and there were some issues that came up regarding archeological and cultural resources. And as a result the project is going to go before the Cultural Resources Commissions this Thursday – this Thursday – and we're scheduled to go back to Planning Commission on December 9th. In meeting with the applicant, and as they're getting farther along in the project, they had reason to revise their site plan and it wasn't significant, but I felt that because we still had enough time before going to Planning Commission – we're not going to delay the project at all – I wanted you to take a look at the revised site plan. I'm actually pleased with it because if you recall one of the things that the Department was concerned about was seeing the large seas of parking, and that was one of the comments that you had. And you talked about either addressing it with landscaping or buildings. Well, at the time, they had proposed to address it through landscaping, and that's okay. But, addressing it with buildings so that you can see buildings that have been designed in accordance – design guidelines along the street scape we feel is a much better plan. So that's my opinion and I just wanted to bounce it off of you as our design professionals to see if you agree. So with that, I'd like to turn it over to the applicant, and they're going to take you through some of the plans showing you what you approved initially and the changes that have been made. Now, I think, the reason there is confusion is because it says "amendments to the design guidelines," and maybe that is a little bit misleading. The reason why I think Clayton listed it that way is because the site plan is actually in the design guidelines that you approved. And so technically, by changing the site plan, we are changing, or amending, the design guidelines. But that's pretty much it's limited too.

The other changes to design had been already based on the comments you had given. They had addressed that before we even gave our final approval. So I can answer any questions you may have after the applicant does its presentation. But I would like them to present to you now. I don't think is going to take very long today, and I hope you'll be pleased with the changes as we were. With that, I introduce Mich.

Mr. Callinicos: Thank you Ann.

Ms. Stacy Takaba: Good morning. My name is Stacy Takaba, and I'm representing Maui Lani. And thanks Ann for that great introduction. And I wanted to just give you a brief background on how this all revolved. When we started we had a conceptual plan that I think we went back over with you in July. And since then we've been working a lot of n-users and in order to help their needs and their requirements, the plans evolved somewhat. Not significantly like Ann said, but it has evolved a little bit, so I wanted to just go through our new plan with you and how that all came about.

And since it's been a few months since we originally brought this plan to you, I'll just refresh your memory really quickly. I won't take too much of your time. But if you remember, this is Waiale Road along that left side. So what we always envisioned was retail users up at the front that want that heavy traffic, high visibility exposure to these two corner areas. Up here, next to the water was a live-work type units that we planned. This lot here because of the topography we envisioned that being some kind of self-storage unit. Along the front, at Kuikahi Drive, that was always going to be our commercial area because we envisioned a lot of regional traffic coming from Wailuku going to Kahului and vice versa. So those tenants depend on that traffic and they want that exposure to the front.

Coming along down the side, because we have the residential right next door, we envision professional service type users being there – doctors, dentists, lawyers – users that are more conducive to residential – you know the eight o'clock to five o'clock business hours – that type of thing that don't really depend on the heavily traffic areas. You know most people don't drive by and say there's an eye doctor, I think I'll stop in there. You're going to go to that user because of their location. Along the back was the light industrial type of user warehouse. If you remember adjacent here is the closed Waikapu landfill, so we figured that was use to be next to that landfill. Along the Kihei Garden side of the project were similar light-industrial smaller warehouse type users that didn't necessarily need to be in the front but it was good business area for them. And then the middle was always the mixed use area that we envisioned where you'd have a mixed of residential, retail, commercial throughout with our open space concept here.

As we went along with our design process and we started working with various n-users, some of that evolved and it was primarily a function of the users and what their requirements were. So we didn't change anything with the residential. That is still in tact. The only thing we added were a little more access points to the park and that was a request of the Planning Commission, so you'll see that there. That's why I'm not talking about the residential today because we haven't really made any changes to that area. But back in the village-mixed use commercial, this is our new land plan, and comparing to the old, we still have the retail users up in the front, the live work area up here, and the storage building planned in this area. This is still along Kuikahi Drive – heavily traffic/commercial – but based on a lot of input from the retail users, they wanted to be right along the street and wanted that visibility along the front. So we turned the buildings around basically and

put them along the front and put the parking tucked in the back but it's still envisioned for high traffic commercial uses. Along the side, the perimeter, between the residential and the commercial, are still professional service type users. The light industrial in the back hasn't changed. We made the lots a little bigger – has less users, but the type of use is still the same back here and along the Kihei Gardens border, and the middle is still our mixed use area.

Again, as Ann mentioned, we chopped up the parking so you don't see as many larger lots. And we tried to tuck them back so that they're surrounded by buildings. And they still have street access but you don't see a sea of parking. So that's how this middle evolved. And the one thing that – we have this other presentation because we thought you may have a question. If you see that there's a big user in the middle and we're working with the local whole sale distribution company. Not retail, but they provide goods and services to a lot of businesses on Maui, and we've been talking with them, and we really tried to put them in the back or on the side because of the space they needed. But when you have a user like that, they need a really flat space, and they don't really necessarily want to be in the front, and they don't care. So we tried to fit them again, like I said, but because those back lots weren't large enough because we have the 30-foot easement with the County – if you remember – and various reasons, we couldn't give them a space large enough.

So what we did was we took one of these blocks and we blew it up. We expanded it out, and we put them in the middle because what we didn't want was to have people driving down the street and seeing this big user and big large walls and frankly it looks ugly and we didn't want that for our project. So what we did was we put them in the middle and we surrounded them with smaller users. Their height is 30-feet. We have 48-foot height limitation so you really don't see them from three sides of the road. And we gave you an example of what to envision here so coming in you can see the user there surrounded by smaller users with their parking tucked in the middle in and the back. And their office facing the front where they have sales meetings, and customers, you know, periodically do come in for various business meetings. So from the front, which is this elevation here, you see their office, and then surrounded again by smaller users. And from the side elevation, this way, looking in, you still have your mixed use and they're just tucked in the back and you don't know they're there. And they are the type of user that they don't need that exposure to the road and customer traffic, and they're fine being that way. And so we still want to hold true to that mixed use concept, and we think we are by having various uses within one block. So that one large user doesn't dominate the street, we tucked them inside and then surrounded them by smaller users to still achieve that nice visibility from the road and that mixed use concept.

And other than that, that's really all we've modified since the last time we were here. Like Ann said, the design guidelines are still the same. The parking requirements and everything else is not going to be changed. Now that we're getting a little closer to the

project and tying down things with various n-users, we have a lot more concrete information and we wanted to just bring that back to you and show you what we were doing.

Mr. Callinicos: Thank you. Do you have any more consultants who want to speak to this project?

Ms. Takaba: Not unless you have questions that I can't answer.

Mr. Callinicos: Before we get started on questions from the Board, I would you like you to please do one thing for me.

Ms. Takaba: Sure.

Mr. Callinicos: And perhaps for everybody else on the Board. You have key numbers here and your presentation was excellent, but it's difficult to retain all of the information that you've just given us. If you wouldn't mind just giving me the following – #1 – what is #1?

Ms. Takaba: On the original plan?

Mr. Callinicos: On the new plan.

Ms. Takaba: #1 is up here. I don't think we've really numbered.

Mr. Callinicos: This plan we just got now, 03-18-08.

Ms. Cua: Let me comment. I realized as I was doing my presentation that one thing that we didn't give you that should have been given to you –

Mr. Callinicos: – Was the old plan.

Ms. Cua: – Was the old plan, so you could compare it.

Mr. Callinicos: You really confused me.

Ms. Cua: I'm sorry. So basically the one area that should be pointed out where the majority of the change was made is can you point out the top area here? So if you compare with the old plan – let me come up to the mic. This is the old plan here, and that's the new plan. So one of the largest changes that I think was positive was you could see these large areas of parking here.

Mr. Callinicos: They've pushed them inside now.

Ms. Cua: Right. And so now you have buildings along the street here.

Mr. Callinicos: I have no problems with that, and I think it's a great improvement on what was done originally. What I do have a problem with is trying to retain the information about what each portion of that plan is about. Where in that multi-use area that you revised you've got residential I believe, you've got some offices, you've got some warehouses, and what are those things along side that – on the left hand side. On the left hand side – those small units. For example, I'd just like more information as to what they are.

Ms. Takaba: They're smaller warehouse users.

Mr. Callinicos: Okay. And then you've got the bigger ones in the back.

Ms. Takaba: The big ones are in the back. Correct.

Mr. Callinicos: Now in the center where you've got the VMX-CR those I take are offices?

Ms. Takaba: Offices – commercial on the bottom – offices. Possibly residential on the top.

Mr. Callinicos: On the top. Okay. What are those on the top right hand side?

Ms. Takaba: Up here?

Mr. Callinicos: No, up, up, up, there.

Ms. Takaba: We have a mixed-use project planned up there with commercial at the bottom, and residential up above.

Mr. Callinicos: Thank you. And on the left hand side, top, I take those are commercial retail.

Ms. Takaba: Commercial. Right.

Mr. Callinicos: Okay. That's fine. Thank you. All right, we'll ask now if there are any questions from the Board. We'll start with you Hunton.

Mr. Hunton Conrad: I don't have any questions at this time.

Mr. Callinicos: Russ?

Mr. Russ Riley: No questions.

Mr. Callinicos: Gary?

Mr. Gary Brauner: No questions.

Mr. Anthony Riecke-Gonzales: If I understood you correctly, this large box surrounded by the other buildings, is that some kind of distribution use? So are there large tracker trailer trucks?

Ms. Takaba: No. Just trucks. Like that one right behind you.

Mr. Riecke-Gonzales: Right. So the panel type vans?

Ms. Takaba: You see that medical truck – something like that.

Mr. Riecke-Gonzales: Medical truck. So are those – do those come and go all day long, or is it more that they have deliveries in the morning?

Ms. Takaba: Deliveries in the morning. The users leave, they go to various parts of the island and then they come back in the afternoon. So the truck access would come in through here.

Mr. Riecke-Gonzales: Okay.

Ms. Takaba: And go through the building and pick up their deliveries and leave. So all of the noise is contained inside.

Mr. Riecke-Gonzales: Okay, so that main road coming off Regional Road – Kuikahi Drive, that would be the main access for that truck route?

Ms. Takaba: Coming down here, correct.

Mr. Riecke-Gonzales: And so the trucks wouldn't actually be going where you have the diagonal parking in the other road and the nicely paved intersection round-a-bout?

Ms. Takaba: Oh, no.

Mr. Riecke-Gonzales: So that would be restricted areas?

Ms. Takaba: Right.

Mr. Riecke-Gonzales: And then on your plan there's a yellowish-green that's around the buildings, I'm assuming that's walkways and not actually grass and landscaping. This is

fronting all the roads and all the buildings into that big warehouse.

Ms. Takaba: I believe it's a 15-foot front yard setback so that setback area would have landscaping and open space aside from the street.

Mr. Riecke-Gonzales: It would be landscaping or would it be pedestrian oriented walkway?

Ms. Takaba: It's a combination of both.

Mr. Riecke-Gonzales: I seem to remember from the previous presentation of the design guidelines that the whole idea, especially where you have this diagonal parking, you have a lot of this street life and walkways.

Ms. Takaba: It's pedestrian walkway, bike access if necessary because you're going to have retail along here so you're going to need people to be able to walk in and get to the stores.

Mr. Riecke-Gonzales: That hasn't been designed yet. But on the opposite side of the street, there is no walkway. That's all landscaping over on your warehouse side?

Ms. Takaba: Correct. We'll have sidewalks.

Mr. Riecke-Gonzales: You will?

Ms. Takaba: Yes.

Mr. Riecke-Gonzales: And then if I remember on the previous presentation they were trying to accommodate a lot of the parking on roof top parking. Is that still in the scheme or is that no longer in the mix?

Ms. Takaba: We're still following the parking ordinance, so every user will be required to be within that parking ordinance – whatever the requirements are.

Mr. Riecke-Gonzales: But is that accommodated on the plan that we see already or are you still doing some roof top parking some where?

Ms. Takaba: This user possibly, and yes, we still probably have some. But we've tried to cut it up and have smaller parking areas instead of massive ones.

Mr. Riecke-Gonzales: I guess that kind of gets to my question. I mean I can see the logical place to put a big parking area that's very efficient and less economical is right on top of this VMX-CR block.

Ms. Takaba: Right. That's probably where it's going to go.

Mr. Riecke-Gonzales: Would you still put trees and stuff on there? I think that was one of the requests.

Ms. Takaba: Absolutely. Those requirements that we had in the previous design guidelines, those still hold true.

Mr. Riecke-Gonzales: All right, those are the only questions I have.

Mr. Callinicos: Thank you Anthony. Linda?

Ms. Linda Okamoto: I think you've already answered this, but you have the same amount of parking from the old plan to the new?

Ms. Takaba: Yes.

Ms. Okamoto: Thank you.

Mr. Callinicos: Thank you. Darryl?

Mr. Darryl Canady: Only one question. On the new plan, I am not seeing any bus stops indicated. Are they gone?

Ms. Takaba: No the bus stops haven't changed. We just haven't put them on the new plan. But I believe that they are still here, here and one more on Maui Lani Parkway. So none of that has changed.

Mr. Canady: They're just not on the plan?

Ms. Takaba: Correct.

Mr. Canady: Thank you. That's all I have Mr. Chair.

Mr. Callinicos: Yes, I see one thing on this plan that you didn't have in the previous plan that I'm curious about. You seem to have a round-a-bout is that right?

Ms. Takaba: It's just a conceptually designed open space. We're not sure if it's going to be a round-a-bout yet, but it's still a green space area. And what we did was in the previous plan it was in the back. We've moved it towards the front because we felt it was a better visual statement coming into the project where you can see it right away versus being further down. It's still in its conceptual phases. We're working with the Public Works

Department to design the roads, so we're not exactly sure what's going to be there. We'll probably have some kind of taller iconic piece to identify the project when you first come in.

Mr. Callinicos: I was not at – unfortunately I don't recall being at the – I don't think I was.

Ms. Takaba: I don't think you were at our first meeting.

Mr. Callinicos: I was off island at that time. I have been to many places in the world where they have round-a-bouts. And I know there's been a lot of discussion here in the newspapers and mostly from people who have never seen one before – because they haven't seen it, they don't want it.

Ms. Takaba: Right.

Mr. Callinicos: But I have to say, what I've seen works, and it works extremely well if its well designed.

Ms. Takaba: Correct.

Mr. Callinicos: So I would, at this stage, it's not under comments, but my question was whether it's a round-a-bout, I'd like to say that you should pursue it and really try to get it to work properly because you'll find it does help. In the case where you've got it right now, it's going to do a great job. Where you're going to have a movement of traffic in two directions – you've actually got four directions meeting there – it works very well.

Ms. Takaba: I live in an area where it has two round-a-bouts. And in the beginning, I agree with you, people just had the toughest time and they would stop in the middle, and it caused more accidents. But now it does work fine. It's just something new for Maui County so we don't want to commit to it yet because we need to work with the Public Works Department and other agencies that are involved in the decision making process.

Mr. Callinicos: I'd like to say that somebody has to be the guinea pig. All right, we'll move on now. Any other questions? Seeing none, I'm going to ask –. You have a question?

Ms. Cua: I just want her to cover one more thing if that's okay. The park area.

Ms. Takaba: Sure.

Ms. Cua: There is a change from the site plans on a park area that I want her to cover and that's one of the reasons why I wanted it to come back this Board.

Ms. Takaba: In the residential?

Ms. Cua: Right here. Where you put in the day care.

Ms. Takaba: Okay. She's right. We did make one change. We went back and forth with this and it evolved over time. So in one of the plans that you may have seen, this was open space, and it wasn't always intended to be open space. I think when we did the design we just had nothing there because we didn't know what we were going to do with it. Because if you recall, we have a 300-foot residential buffer along the area surrounding the Waikapu landfill. And so because we couldn't put residential in there we debated on what it was going to be and so at a certain point we just left it blank. And since then, we've been talking with various users and one of the options that we're looking at is putting some kind of pre-school/day care facility. There is a church possibly looking at coming in here and, you know, we're still in the early discussion stages yet so we don't know. But we want to make that land space and so we did put a conceptual plan in there to allow for either some kind of community facility or day care or other public service type of use. So we didn't want to just leave it blank and have it be misleading or thinking it was going to be open space because it was always intended to service some kind of usage. We can't put residential back there, but we take advantage of that space back in the corner.

Mr. Callinicos: Thank you. Well, that's a new element so I'm going to open it up for questions for the Board on that particular issue. We'll start with you Darryl. Do you have any questions about that?

Mr. Canady: No I do not. Thank you.

Mr. Callinicos: Linda?

Ms. Okamoto: No questions.

Mr. Callinicos: Anthony?

Mr. Riecke-Gonzales: I'm confused. You said there's a 300-foot buffer from the landfill which would preclude residential on that area. But isn't a pre-school a very similar use?

Mr. Callinicos: Could you – excuse me – could you just show us the extent of the landfill. How far does it extend?

Ms. Takaba: The landfill is back here and so the residential buffer – you see this curved area?

Mr. Riecke-Gonzales: Yes.

Ms. Takaba: That's basically the border of the residential buffer.

Mr. Callinicos: So this would be within that 300?

Ms. Takaba: Correct.

Mr. Riecke-Gonzales: I could see –

Ms. Takaba: You know, I had that same question previously when we were in front of the LUC. I think, they were the ones who imposed that condition, and you know when we talked to them. And because, I guess, the landfill has been closed for so long – it was capped in 1987 – and they don't think it is a concern. But as far as access, if you had residential dwellings right back along there, it would be tough to get access to the site just in case for some reason there every needed to be. But any other use where the users are mobile – you can take them out and they don't live there. And it's a fluid stream of activity. They felt that was okay. And so we looked at various uses, but we thought a pre-school or some other kind of facility. Because the whole point of this community is to be able to live, and work and walk to school and not to have to get in your car. And so we thought, we have a 51% affordable component in this mixed use area, which means a lot of young families and starter homes with young children. So we thought that might be good use for that community. We can't put a commercial use back there, but we still wanted to do something that people could take advantage of. And so we thought that would be a good type of use back there. And the LUC didn't have any concern with any other type of use like a school or some kind of –.

Mr. Riecke-Gonzales: Who is it that mandates the buffers? Is it the LUC?

Ms. Takaba: The LUC.

Mr. Riecke-Gonzales: Do they have anything written that actually says why they're mandating it then?

Ms. Takaba: It was because of the closed landfill. I guess there is some kind of condition there, and they really required a 150-foot, but we, in our negotiation, gave them 300-feet just to be on the safe side.

Mr. Riecke-Gonzales: I mean, logically, it would make sense that landfill has gases and other toxins that leech out of it over time and a long period of that they you know you were going to buffer. But it that's the case, if that's actually their thinking then a pre-school will be the last thing that you want there.

Ms. Takaba: And that is what we thought too.

Ms. Cua: What I think we should do with regards to that is yes there is, yes, there is a condition from the LUC Commission. The County is actually the one that is charged with enforcing conditions of the Land Use Commission – not the Land Use Commission. And so what I think they should do in addition to making sure that the bus stops are on the new site plan, they should call out the 300-foot buffer with a red line so everyone knows clearly where it is. And these design guidelines are proposed. If it's found that they're not going to be able to develop within that area, they're not going to be able to develop and it would go back to green space, open space area.

Ms. Takaba: I think the difference is that we are required to put gas monitoring wells and monitor that. So not only is the County going to be responsible, but we are going to be also. And I think that, though, was when you put a residential home ownership back there and say there is something and you need to close it down, you can't take those homes away from those people. They live there. But something else where it can be closed down if you do find that it is not safe when it's not a residential use, you have the ability to close it down and do something else.

Mr. Callinicos: I think that's an accident waiting to happen. I must tell you that when I was practicing in North Carolina, we actually had to shut down a K through 12 school that was adjacent to a landfill project that had been closed for 20 or 30 years. It was a methane gas – all of sudden started coming out and we had to close the school down.

Ms. Takaba: When we went through the LUC, the County didn't seem to be concerned about it. The Department of Health wasn't concerned about the landfill. It has been closed for a long time, and they've been constantly monitoring it. And it's capped very tightly and it was just a condition that the LUC put on, not requested by the County or anything like that.

Mr. Callinicos: So the response would be if there was a problem later on, you would have to go and sue the County. Is that right?

Ms. Takaba: No.

Ms. Cua: No.

Mr. Callinicos: Well, something like that is going to happen.

Ms. Cua: The thing is if – it may not be able to happen – that's just the bottom line. We would enforce the condition. If the condition says it should be a landscaped buffer – that's why that line should be on there – my gut reaction is that they would have to stay outside of that 300-feet. I'm not sure if it wipe out this entire area. I'm not sure. But that's why they should have a red line where the 300-foot buffer is and leave it on the plan. Again with

the County interpreting it, I don't think the County would allow it.

Ms. Takaba: The condition just says "no residential is allowed within the 300-foot buffer." And so that's why if you look back in the light-industrial area, we don't allow residential here, but we allow it throughout the rest of the project. Because as long as it's not in this red area, then –

Mr. Callinicos: I understand that. I mean, that's fine, but I'm concerned. And Anthony obviously is concerned about this as well.

Ms. Takaba: And maybe everybody is getting too hung up on a pre-school. That's just an example of what we want to do. It maybe a community center. We may put parking. It may be restroom facilities. We just want to have the option of putting some kind of dwelling there and we don't want to mislead anybody to think that it's going to be just completely green space because it will be some kind of use that is beneficial and a good transition between the commercial and the residential. So don't get to hung up on that it's going to be a pre-school.

Mr. Riecke-Gonzales: I think though it raises an important point which is there's a contradiction here between wanting to use that space and having it already identified as a space that's not normal. And from a developer's point of view, I would think you guys want to actually put something in your design guidelines that recognizes that and actually discourages uses such as residences which you've already done – pre-schools – I wouldn't put a church there. I wouldn't put a large assembly area there. I mean, you see it right now. Turn on the news occasionally and there's some areas in east Oahu that's near the industrial area, they get an occasional gas leak. They get an occasional – you know some fumes coming over. And the first thing you see on the new is such and such area, you know, had another leak. They had to evacuate the school. As a developer, that's the last thing when you're starting to do your project is you know, they have some methane coming out. They had to evacuate the pre-school that they put in. Isn't this a smart developer. You're going to have people leaping all over that as a bad PR. So you should already put in your thinking, maybe we put some buildings there, but they have to be warehouse type building. They have to be park occasion use type buildings, where if there is a complaint, if there is a leak, everybody gets evacuated. It's no big deal. That's not the case for the pre-school. It's not the case for the church. You know, when you have those types of uses where you have a lot of people with concerns over health, man, that's something that's going to splash all over the news right away and give your project a bad name. Don't do it. Right here, sitting on the Urban Review Board, the last thing I would want is that to happen, and then they start going back, well, you know the Urban Design Review Board approved it. Well Land Use and Codes said it was fine. Well DSA never caught it and said it shouldn't be there. Stop it now! You know, you've got a 300-foot buffer. Respect it. It's there because there's an unknown. And the unknown is you could have methane as

Demetreos said leeching out of there 20-years from now if the pre-school has been there 15 years. It's going to impact your project. You know, don't go there.

Ms. Takaba: I think if we thought it was a concern and we weren't monitoring it, and if the County or Department of Health is concerned – and of course we're going to take that in into consideration and if there are areas of concern, then we will. But we're not asking for a pre-school in specific. I just want to keep that in mind, and that's just an example of something that would be good and beneficial to the community. But maybe it's a rec center or some other community facility, but we want to be able to, as we're going through the planning, keep in mind that there may be some kind of physical structure there, and not just open green space. Because in one of the other versions you saw, we hadn't really design this area yet. And so there was nothing, and we didn't want to give the impression that it was just going to be a park or some open area.

Mr. Riecke-Gonzales: I think you hammer home the point to me is that you should not put any buildings there. I mean someone who advises developers, that's a bad idea. Can you imagine five years from now, the project is going along, it's great, and you've got a little community center there with a park, and half the people get sick because – or they think they get sick – because they feel that methane came through their party. The PR that you're going to get in paper from that – the amount of money you might generate from this versus not being able to lease stuff at the high end versus that's the area that has the methane gas that comes out. Do you want to locate there, or do you want to locate at another project?

Ms. Takaba: And that is a risk we have to take, and we have to evaluate all of that. And that's no different with the light-industrial users that are going to be back in that area.

Mr. Riecke-Gonzales: But they are a lot less likely to complain than somebody who's having their luau party for their kids first year birthday.

Ms. Takaba: But if it's open space, people are going to use that area also.

Mr. Riecke-Gonzales: Yeah, but I see this as a really bad idea.

Ms. Takaba: So would you want us to just corded it off with yellow tape and not have access to it?

Mr. Riecke-Gonzales: Make it a green way. Make it an open landscaped area.

Ms. Takaba: But people are still going to be using it. It's the same concept you know.

Mr. Riecke-Gonzales: No it isn't. It's different than a gathering place for people. The idea

of having it as a gathering place for people is in my opinion not a good idea.

Mr. Conrad: Can't this just be recommendation?

Mr. Callinicos: We'll come to that in a second. Is that it?

Mr. Riecke-Gonzales: Yes.

Mr. Callinicos: Gary?

Mr. Brauner: No further questions.

Mr. Callinicos: Russ? Hunton?

Mr. Conrad: I don't have any questions.

Mr. Callinicos: Thank you. Ann, do you have any further questions? All right. At this time, we'll open it up for public testimony. If there's anybody here from the public who wishes to give testimony? Seeing none, public testimony is closed. We'll now go into comments. I'll ask for comments from the Board. We'll start with you Hunton.

Mr. Conrad: I have a comment about the large warehouse building. When I looked at your elevation – I don't know the name of the street – but the elevation that you're showing with the new warehouse building that's been inserted into the old street scape. In my opinion it would be good if you tried to integrate the architecture of the smaller sloped building in that building. I have no problem with parapets, but like where that first parapet comes along and goes up on the two sides. If you would insert a facade of one of those other buildings on it and some relief, I feel that there would be a much integration. Right now, it looks like a giant building smashed up against a bunch of little buildings. In my opinion, it ruins the street scape. And I think it could look more interesting that even your original version by just adding two or three facades that match closer to what appears to be metal roof buildings flanking the large warehouse.

Mr. Callinicos: Any further comments? Hunton, is that it?

Mr. Conrad: That's my comment.

Mr. Callinicos: Thank you. Russ?

Mr. Riley: I share Hunton's comment just visually. But other than that, no.

Mr. Callinicos: Gary?

Mr. Brauner: No comment.

Mr. Callinicos: Anthony?

Mr. Riecke-Gonzales: I think this layout with the plan with the parking and the smaller spaces works much better than what we saw before. I think that's an improvement on the project. I didn't notice actually until Hunton had pointed it out though that I seemed to remember the previous elevations that were presented had a lot more variety in it, where there's a lot of uniformity on both this larger building and the two side streets. Maybe if they could go back having a little bit more variety rather than – there's a lot of in and out – the colors were all the same and everything. I seemed to remember from the previous one, it looked more like you'd see as a small town there would be more – it looked like individual buildings rather than one big building that's trying to be broken up with a smaller one. And then I think – I probably have beaten it to death – I don't think it's a good idea to have an assembly typed areas in this buffer zone.

Mr. Callinicos: Thank you. Linda?

Ms. Okamoto: Well, I would kind of agree in that area. Your whole green, your park, is at one end of the residential, just to have an open area. Yes, you'd have children in there sometime, but a couple public restrooms I would think as far as buildings would be good. And it would add a balance to the green space there. That would be my comment.

Mr. Callinicos: Thank you. Darryl?

Mr. Canady: Only one or two comments. Number one, on the proposed park, I'm definitely against it. I come from an area in Seattle where over a landfill they put huge, big manufacturing facilities. The methane gas started coming up through it. They turned it into, believe it or not, tennis courts – in door tennis courts. In Seattle, that had to go eventually because you couldn't play in the buildings. So, I also am very concerned about that area. I'm also concerned about the industrial buildings or the buildings along that same area because of my experience in the Seattle area. Thank you.

Mr. Callinicos: Thank you. Ann, do you have any comments?

Ms. Cua: No, I just need to know which – because we're going to put a letter together – so which comments, consolidated comments, from the Board. The one I have that I believe you share, and I need confirmation from you, is that within the 300-foot landfill buffer area, definitely no assembly typed usage should be included in there. I hear one concern that not even the industrial buildings. I don't know if you share that, and we would like some direction on that. And then I would like a little bit more clarification and maybe help with wording on the large building in the VMX-CR area. From what I hear you wanted to add

more design variety to that.

Mr. Conrad: What I was bring up was I'd like to see a little more integration between the original. And I made the mistake when I was making my earlier comments that I thought the lower elevation was what use to be there, and the upper one was the change. I realized that's the side and that's the front. I feel there should be more integration. I think it's too confluent on the lower elevation and I think it's too staccato on the upper elevation in the sense that there is an integration between the warehouse building and the smaller retail outlets. And I'd like to see more variety in the architecture. So if you put the parapet style architecture and integrated in the street scape as well as in the warehouse building facade and added some of the smaller retail space look to the facade of the warehouse, you'd get a more realistic mix of the way buildings would have been built at the time that these kinds of buildings were built. I don't know if that helps you Ann.

Ms. Cua: A little.

Mr. Callinicos: Carry on Ann.

Ms. Cua: Those are the two comments I got. In addition to that, I would think that you support our comment about putting obviously the bus stops back in the site. I think that was just probably an oversight, and demarcating the 300-foot landfill buffer area on the plans so everybody knows exactly how far that extends.

Mr. Callinicos: The only comment that I would have that I'd like to add is I think this a good improvement on what you had previously which I was not here as I previously said. Studying the two, I think this is a good improvement on it. I think it falls down in certain respects but they're not particularly serious. But the one issue that Anthony raised, I think is a serious issue and I'd like to make sure that it's recorded unless I hear any objections from the Board Members that this Board as a whole is very concerned about any form of development on this particular piece of land here that involves people gathering for anything, whether it be for church or whether it be for preschool or community center, I think all of those things are taboo in this particular thing. I'm not sure Ann, and maybe you can guide me on this one, whether this Board – because I think we should – correct me if I'm wrong – this Board really needs to look also a health issues when we look at projects, although it very rarely it comes up.

Ms. Cua: Your primary focus is design.

Mr. Callinicos: I know.

Ms. Cua: And –

Mr. Callinicos: But design involves a lot of things.

Ms. Cua: Right. And the comments that you're making is very well taken. We're going to note in a letter. It's going to go the Planning Commission. From now until the time we go to the Planning Commission, obviously, we're going to be talking with the applicant. And they're going to have to make some choices as to, you know, do they want to have this same discussion with the Planning Commission. So definitely, your comments are noted.

Mr. Callinicos: It seems to me as a planner and an architect with quite a lot of experience, this would be an ideal place to put a parking lot. I know it's not revenue producing, but, you know, you may be able to get rid of some of the parking you have out here that you've squeezed in amongst all these industrial buildings, and perhaps push some of them over there and have a bit more space there in front of these industrial buildings. Anyway, the issue is, we feel that they need to look at this whole question of this site here – the dump site or whatever you want to call it – and its relation to these buildings that somebody raised – I think it was you Darryl who raised these industrial buildings along the bottom here because industrial people would be there.

Mr. Canady: Definitely. Yes.

Mr. Callinicos: People will be there.

Mr. Canady: And the use in that area like in the Seattle project they tried everything, and then eventually nothing worked there, literally. They had to clear it out completely, so that is a concern of mine, having gone through it in another area.

Mr. Callinicos: For those of us that have had experience of situations like this are maybe a little bit more cautious than others that haven't, but I for one am not happy about it for the reasons I've given previously in this testimony.

Mr. Canady: Mr. Chairman?

Mr. Callinicos: Yes?

Mr. Canady: . . . May I make another comment. I don't know how it would work but if they were switch the parking and the building, turn them around – the building facing north and the parking in that . . . (*inaudible. Changed cassette tapes*) . . . what would that do if possible? Thank you.

Ms. Cua: Would you like to applicant to address that?

Mr. Callinicos: Yes.

Ms. Takaba: I think your comment about putting the buildings on the perimeter and flipping the parking around, and that's something we would be more than willing to do because like I mentioned originally the LUC wanted to have 150-foot buffer which is the standard makeup and they felt that was more than adequate. So if we were able to put any kind of dwellings between the 150 and 300 and then the parking in the back, I think that would be a really good compromise and aesthetically from the people driving in, that's probably nice also to see those buildings up in front.

And to address your comment on the parking lot. When we originally had this as nothing – when we didn't have any dwellings or anything there – and in one of the versions that Ann saw that it was just open. That was one of the intentions is to use that as a parking area because a lot of the development in here is multi-family and sometimes multi-family users have more than two cars and plus we need some space for guest parking. And we have it planned throughout the community to have guest parking and visitor parking and over flow parking, but we thought this would be an additional area to provide some additional parking for those homeowners that have multi cars or maybe have a large gathering and that needs that guest parking. So it was never intended to be nothing, we just hadn't planned through it yet. But your point is well taken on the parking, and I think that's a good use. And I think your comment on doing some kind of dwelling where you have a nicer frontage and doing it beyond the 150-foot buffer is a good use of that space.

Mr. Canady: Thank you.

Ms. Okamoto: I have one question while you're still up there. So you're saying it would be possible for the industrial that's there on the lower – you've got about six buildings – to sort of flip those so that they are further away from the landfill – the parking?

Ms. Takaba: I was talking more about this area in these – these users here. On our comments that we've gotten back from them, they would prefer to have their parking in the front. They're going to have some truck access. Some of these buildings will service a retention and a buffer. And we do have, remember, in addition, we have 30-foot easement that's required for access back here for the County.

Ms. Okamoto: So right now, those buildings would be how far from the landfill?

Ms. Takaba: At least 30-feet.

Ms. Okamoto: But only 30-feet.

Ms. Takaba: Sometimes more just depending on the nature of the building. Some of them may, you know, have the truck access back around and out. You come in one side, turn around and come out the other way. They have almost 30-feet, but they probably have

some kind of wall and fencing.

Ms. Okamoto: Because I think –

Ms. Takaba: And then you've got your footings and things like that.

Ms. Okamoto: I think that was Darryl's concern that those be a little further from the landfill. If they could just be put those –

Ms. Takaba: There is a setback and there is a 30-foot access easement that the County is going to be able to drive vehicles through. So, in addition to the landfill boundary, there's still an area where there are no dwellings.

Ms. Cua: If I could comment. If your comment which I've heard is for them to take a look at possibly switching, then they need to take a look at it.

Mr. Callinicos: We have to make sure.

Ms. Cua: Right. I had that down as a comment.

Mr. Canady: Mr. Chair, that was my intent on the new plan to switch the parking.

Mr. Callinicos: When we make the motion . . . (*Inaudible. Mechanical problems with the recording equipment.*) . . .to approve subject to the comments that we've made.

Mr. Riecke-Gonzales: Well I would make a motion that we recommend that the developer look at flipping the warehouse buildings to get them out of the 150-foot setback, and then still not have any assembly uses within the 300-foot setback put by the LUC.

Ms. Okamoto: I would second that.

Mr. Callinicos: Okay, we have a motion and a second. Any further comments about the motion?

Mr. Conrad: Is it just specifically to the warehouse?

Mr. Riecke-Gonzales: Yeah, let's deal with that one first.

Mr. Canady: Mr. Chairman, clarification – are we going to do these in increments then?

Mr. Callinicos: How many of them do we have?

Ms. Cua: Why don't we do it this way. I can read you the comments that I have so far, that I've heard. If you disagree with any of them, we can address those rather than going one by one when I'm pretty sure you agree on most of them.

Mr. Callinicos: Anthony, would you withdraw your motion?

Mr. Riecke-Gonzales: Okay, I'm fine with that. I withdraw my motion.

Mr. Callinicos: Thank you.

Ms. Cua: So I have five comments. The first being your concern with the large warehouse use in the VMX-CR district, and you would like to have more integration between the large warehouse building and the smaller retail spaces, possibly integrating a parapet architecture to the front of the warehouse building, something to that effect. And I can work with Hunton on the language on that.

Mr. Callinicos: I think it was a suggestion that they look at the elevation of the large warehouse building. Not the actual building. Just the street elevation. To try to integrate it more into the architecture of the adjacent corners that wraps around the rest of the site plan.

Mr. Conrad: Ann, would you like me to come and explain it?

Ms. Cua: Sure.

Mr. Callinicos: You need to take the mic there.

Mr. Conrad: What I was saying like this facade right here – if this facade right here looked more like in coloration of this facade, and they were to take a piece of one these buildings and put it here and here, and then have a parapet in between, then the integration would occur between this building and this building. That's all I was really pointing out. The second thing which is a much less of a heavy comment is that this starts being such a long strip. It would be nice if some of this were dropped into here so that all of a sudden the whole block became integrated with parapet style and what I'm going to call gable end style architecture so that there's a little bit more integration going on between the two very distinct styles.

Ms. Cua: So that was the first comment. The second – actually the second and my fifth comment kind of go together. But the second comment initially was that any assembly type area should be removed from the 300-foot landfill buffer area. The third comment that the bus stop shall be depicted on the plan. The fourth comment that the 300-foot landfill buffer zone shall be clearly depicted on the site plan. The fifth comment was that they look at

possibly switching the parking and the industrial – flipping the parking and the industrial buildings to get them out of the 150-foot so-called setback, and then no assembly within the 300-foot setback. But the only comment I have on that is and I would need to check the Land Use Commission condition because we're using numbers here. We're using – they wanted 150, but then the applicant agreed to 300. It doesn't really matter what someone may have wanted or not wanted. What matters is what the condition says. So we would need to kind of look at that condition because if it says 300 feet, the 150 feet is meaningless.

Mr. Riecke-Gonzales: Can't the Planning Commission, though Ann, put addition conditions on and say that we would, even though the Land Use allows warehouse within that 300-foot buffer, the Planning Commission could say but within the 150-foot buffer we would allow parking lot and that kind of use, but not warehouse.

Ms. Cua: They could.

Mr. Riecke-Gonzales: Because I think that's what my recommendation would be. I think it's just prudent to do that.

Mr. Canady: Mr. Chairman, I wish to include that in the motion that I make at this point.

Mr. Riecke-Gonzales: So I would move that we support the recommendations that Ann just read off to us as our recommendations to the Planning Commission.

Mr. Canady: I will second that motion.

Mr. Callinicos: We have a motion and a second. Any further comments?

Mr. Conrad: I have one comment only which is on the buffer issue. My feeling is that an expert other than our opinion be applied to this so that it's actually the decision is being made by people who actually understand the conditions.

Mr. Riecke-Gonzales: I think we're the experts or at least in the chain of things.

Mr. Conrad: Yeah, I just meant more like a health issue – a scientific observation of what has occurred. Because I do know that one of things you said Darryl that building was directly on top of a landfill not adjacent to.

Mr. Canady: I'm not sure whether it was or it wasn't, but it was a lot of methane gas.

Mr. Conrad: I'm not trying to allow methane gas to get any where near me or anybody else I know, but I just feel that the final decision that the Planning Commission make that if this

is an issue that we're looking at that someone who's actually an expert in this area take a look at it.

Mr. Callinicos: Any other comments? Let me ask you Ann, has the Health Department had a look at this?

Ms. Cua: The Health Department has reviewed the project plans. I don't have their letter with me, but –

Mr. Callinicos: Did they have any comments?

Ms. Cua: I can't recall. I don't think they had –. They definitely didn't have any comments about this I can tell you that. But I don't know – I can't recall what exactly their comment letter said.

Mr. Callinicos: I for one am absolutely amazed. I am amazed.

Mr. Riecke-Gonzales: I'm not.

Mr. Callinicos: Well you've been here a lot longer than me Anthony. I'm amazed. An issue as serious as this that has just – I'm not going to comment.

Ms. Cua: It could be that they were – it's shown on the plan as a –

Mr. Canady: Mr. Chairman, we have a motion the floor.

Ms. Cua: – 300 foot landscape – your setback, but it may have been missed. I don't know. I can double check with them.

Mr. Callinicos: That comment by Hunton about wanting an expert to review it – do you want that part of the motion?

Mr. Conrad: I don't know that I have the authority to do that. But all I'm saying is that I agree, emotionally I'm as upset as you guys are. And at the same time, I feel like somebody – that somebody take a look at it who actually has the nickel skills to make an evaluation.

Mr. Callinicos: Well apparently somebody has. The Health Department has looked at it.

Mr. Conrad: But I agree with – like Anthony – I'm not surprised either. I'm just guessing that asking that someone who has the expertise look at it again.

Mr. Riecke-Gonzales: Hunton the thing to do would be to make a motion to amend the motion that's on the floor with that concern if you'd like to do that.

Mr. Callinicos: If you want to do that, do it.

Mr. Conrad: Well, let me ask you guys what you think. Because it was just a thought that came to me that – I guess if we're asking for it to be part of the motion, it's going to get looked at.

Mr. Riecke-Gonzales: I would agree with that. And I'd actually leave the burden on the developer. They would have every possibility to bring some experts when they go before the Planning Commission. And that would be the appropriate place that if they wanted to bring some people and present some scientific data. I would make as a part of our motion.

Mr. Conrad: And it was just a comment, and I don't expect it to be included in the motion.

Ms. Okamoto: Well a question on that. In your – of what she read as far as our recommendation, it does say for them to re-look at it, correct?

Mr. Callinicos: Correct.

Ms. Cua: And with that, we can again check. The Department can check again with the Department of Health. And the applicant has definitely has heard what you had indicated, and I'm sure at the Planning Commission hearing we'll be able to bring someone to discuss the site plan and that 300-foot buffer area. And we possibly could even try to get and get someone from the Department of Health to be at the meeting as well.

Mr. Callinicos: Thank you.

Mr. Canady: Mr. Chairman, I call for the motion.

Mr. Callinicos: All right. All those in favor, raise your right hand. The motion is approved unanimously. Thank you.

Ms. Cua: Thank you very much.

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

VOTED: To recommend approval to the Planning Commission subject to the five recommendations as noted in the

discussion.

D. DIRECTOR'S REPORT

Mr. Callinicos: All right, Ann, are you standing in for Clayton today?

Ms. Cua: Yes.

Mr. Callinicos: So if you'll give us the Director's report please.

Ms. Cua: Okay, the Department has no other thing to add to the agenda, no up dates, expect for that your next meeting is going to be on November 18th.

Mr. Callinicos: At this time, do you have any indication of whether there is going to be items on the agenda?

Ms. Cua: I believe there's at least one item for that agenda. But we'll obviously let you know if there aren't any and if we need to cancel the meeting.

E. NEXT MEETING DATE: November 18, 2008

F. ADJOURNMENT

Mr. Callinicos: Thank you. Does anyone have questions for the Director? Thank you, seeing none. Unless we have any other business to discuss which apparently we don't have, this meeting is adjourned.

There being no further business brought forward to the Board, the UDRB meeting was adjourned at approximately 10:01 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
Linda Kay Okamoto
Darryl Canady

EXCUSED:

Eric Nakagawa
Susan Liscombe

OTHERS:

Ann Cua, Staff Planner
Erin Wade, Staff Planner
Paul Critchlow, Staff Planner
Michael Hopper, Deputy, Corporation Counsel