

**MAUI REDEVELOPMENT AGENCY
REGULAR MEETING
AUGUST 19, 2010**

APPROVED 09-17-2010

A. CALL TO ORDER

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Mr. Robert Horcajo, at 1:00 p.m., Thursday, August 19, 2010, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

Mr. Robert Horcajo: Good afternoon everybody. Thank you for coming. The Chair would like to call the meeting of the MRA, Maui Redevelopment Agency, the August 19th to order. It's one o'clock. Present with us today are as board members is Katharine Popenuk, our Vice-Chair; Alexa Basinger; Ray Phillips is recuperating from a medical surgery so he won't be here, but Warren Suzuki should be here and we'll announce his presence when he gets here. Okay? Also with us is Corporation Counsel James Giroux; Erin Wade, Planning Staff; and Leilani Ramoran. I said her name right. Hopefully it's right.

Okay, the Chair would like to open the floor to public testimony. You can either testify at this point in time on any agenda item, or if you want to wait till the item comes up, you can testify at that point in time after the presentation. When you testify, I should say, you'll have three minutes. Leilani will notify you when it's two minutes and thirty second and I'll ask you at three minutes to conclude your testimony. Okay, any public testimony at this point in time before we hit the agenda items? Please identify yourself, and if you represent any group, what group you represent.

Ms. Teri Edmonds: Good afternoon Council. Thank you so much committee members. This is Teri Edmonds from If the Shoe Fits, representing the Wailuku Community Association. I am the current President and I'm here first to report on the continuing success of First Friday. For those of you haven't been there, our last First Friday has now extended up Main Street, and with great cooperation from property owners there including Cecil Morton has offered the use of his building that is for sale there. It's a great corner. It's continuing up probably to Good Shepherd Church so Wailuku is really thriving and it's growing so easily. It's really nice to put this venue together. Under that budget, we also produced a video for Hawaii Tourism Authority and that's going to be going online here quite shortly. So that's it for First Friday. We're very excited about it.

I would like to also mention on the litter, on the cigarette butt that you're going to be reviewing here. Being in Wailuku and doing community work day programs with them frequently, in the past, cigarette butts are a huge problem. And even without the alcohol at Café Marc, there's still a problem. I see them all the time, so I would encourage it. When they were first putting in the rubbish cans I always thought rubbish can lids with ash trays on the top, that might be an affordable solution if you decide after the studies to go forward with it. So I'm just putting that idea out there.

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And the other thing I'd like to say, and I believe this is in part recognition to the Tri-Isle Main Street Association – if I get that name right – but Jocelyn Perreira, all these buildings that are being painted in town, it is so exciting. And whether they've been forced to do it or not, it's wonderful and they're using great colors. And if you look down Main Street, there's maybe two buildings that haven't been done. Vineyard looks fabulous and I'm just really excited that property owners are taking initiative to continue beautifying Wailuku. I meet people continually that are moving into town even if they just lived in Kihei. I just a couple today and they love Wailuku and the walkability of Wailuku, so I encourage you. And thank you for the PUMA plan, and continue with their progress.

Mr. Horcajo: Any questions for the testifier? Thank you Teri.

Ms. Edmonds: Thank you.

Mr. Horcajo: Anyone else who wants to testify at this point in time?

Mr. Giovanni Rosati: I'm Giovanni Rosati. I'd like to testify, I believe, it's agenda item (1), the Habitat for Humanity project.

Mr. Horcajo: Okay. You want to do it now, or you want to wait until we take it?

Mr. Rosati: Yeah, I have to leave, so I'd like to do it now if I could. Thank you. I guess this project – I'd like to testify on it for two reasons. One that I was a board member of Habitat when the organization decided to buy this property, so seeing it come fruition, there's a lot of personal satisfaction. To see them to be able to provide affordable housing for – it kinds of expand their mission. You know, a lot of our work at Habitat had been solely – the beneficiaries have been people of native Hawaiian ancestry on Hawaiian Homelands, so this is one of the rare opportunities where habitat has an opportunity to create affordable housing for people who aren't of native Hawaiian ancestry.

The second is, you know, to me, it's like philosophically exactly what this board is here for. And if you look at the project, in my opinion, it's a wonderful project. It's going to get tremendous improvement for that part of Happy Valley. And the Code as it's written is really not only impractical, but not safe to apply in this particular situation unless you would put requirements on adjoining property owners and make them make changes to their projects so that this project can meet requirements. So it's exactly what this board, I believe, should be doing to help this project go forward. So I'm just asking you to take that into consideration and approve the project. Thank you.

Mr. Horcajo: Any questions for the testifier, Giovanni? Thank you very much.

Mr. Rosati: Thank you.

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Mr. Horcajo: Any other public testimony, general public testimony, at this point in time?

Ms. Jocelyn Perreira: Good afternoon, agency members. My name is Jocelyn Perreira. I represent the Wailuku Main Street Association, Tri-Isle Main Street Resource Center. And a couple of things I have to report is our very successful Wednesday in Wailuku forum continue with the trends of success. Our latest one was the actions to keep small towns thriving, resulting in a very comprehensive report that was shared with the Planning Department, and outlines the things that we need to do and not the least of which is focusing on taking care of the code relief. We have a building code ordinance that is, last year, made 50 years old and it's really so in need of upgrade and being redone. So we are taking the bull by the horn, sort of speak, and we are going to be working with the best of the professionals which we have a great privilege of being able to work with local professionals that are real skilled and have a level of expertise and understanding that is rooted in their experience of Maui. So we are anxious to take that on. In fact, that's going to be a benefit to all of the towns. Wailuku, I think, will see some of the most benefits because our focus has always been in Wailuku. That is our pilot ground for if we're going to do something successful for the small town, we always do something in Wailuku first and then we transport it elsewhere if it works well here. So Wailuku will be receiving the benefit of that first and foremost.

Thank you Teri Edmonds for the acknowledgment of our extensive work in the face of Wailuku. The years, literally, of putting together important guidelines, having consultations and providing technical resource assistance to these property owners or leasees has indeed made a difference. I think it's a great partnership in the fact that we have always supported and promoted having more of these town events. Having done 17 ourselves, we think that the First Fridays in Wailuku has taken hold very well and we have just nothing but bigger and better things to look from that and we're really grateful for that kind of partnership now because that's what it takes. Everybody trying to put their best skill forward. And then we will be talking about some of your other agenda items and just wanted to let you all know, Main Street, also, in closing, has done a candidate small town talk story session that you will probably be seeing on Akaku shortly. And it featured all of the mayoral candidates and a portion of the Council candidates in a very –. The format was diverse and it gave you a lot of opportunities to really digest them with a focus on just small town issues and issues that effect, you know, Wailuku, for instance. So thank you very much.

Mr. Horcajo: Any questions for the testifier? Jocelyn, I have a question please. I know you had mentioned this before but regarding your, I guess I'm going to call it an actual task force, regarding looking at the County Code.

Ms. Perreira: Yeah.

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Mr. Horcajo: And you were saying specifically working or starting in Wailuku. Are you looking specifically at WRA Zoning Code first and then just the general building code as well at the same time, or –?

Ms. Perreira: You know, we –

Mr. Horcajo: By the way, I'm only asking because I've been having conversation with Erin about some changes that I would personally like to see in actuality, so I didn't know how much you guys were going to start with that item first.

Ms. Perreira: We haven't decided yet, but if you are requesting that we have that area as kind of a focus or a priority to look at, we can certainly consider that. But I tell you honestly all of Wailuku is sore dire need of help, but if you want us to pay particular attention that particular area, I'm sure that is something that –. I mean, we're going to be looking at it anyway. But if it's a question of do it sooner than later, I can take that request back.

Mr. Horcajo: Okay. Well, I guess when we get it on the agenda probably for next month or something, we'll have more deeper discussion.

Ms. Perreira: Thank you.

Mr. Horcajo: Okay, I know some people dropped in here late. Again, you have the option of testifying now or when the agenda item does come up, so it's your choice. August Percha? I'm sorry, I guess there's an agenda list. Kalani Wong, would you like to testify now? Thank you. Sorry.

Mr. Kalani Wong: Good afternoon Mr. Chair, members of the committee. I am Kalani Wong, Chaplain of Kamehameha Schools Maui, and also a board member of Habitat for Humanity Maui. As a Chaplain of Kamehameha Schools, it's been my joy to take students up to the Habitat programs and projects, and to work on some of these houses that will meet the needs of our low income families. And many of our people themselves, our students themselves, come from indigent situations so they understand what it means to live in substandard housing. So having the opportunity to work on these homes, gives a sense of pride of caring for another person, and also skill building. As a member of the board of Habitat, I had the opportunity to take part in several different house blessings. And when the family receive the keys to their home, it becomes something that is of great pride to them, not just that the family who's going to be living in that house, but also the various family members, the extended family. I remember one house blessing that I did, I was speaking to the father of the owner of the home, and he tells me, this is the first person in our whole family who's ever owned a home. And they've been long time residents here in Hawaii, and to have that as a sense of pride for him, although he won't be living there. Just a sense that somebody in his family has made it shows that Habitat

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is on the right track in helping these families to have a decent and affordable housing. So I come to you to speak in favor of the Habitat's project on Kahawai Street, and look forward to your support of it and your approval of it. Thank you.

Mr. Horcajo: Any questions for the testifier? Thank you Kalani. Mike Takamatsu is on the list here.

Mr. Mike Takamatsu: I'm here on behalf of Habitat of Humanity.

Mr. Horcajo: If you can just identify yourself.

Mr. Takamatsu: Mike Takamatsu, and I'm a board member of Habitat for Humanity on Maui. Okay, having being involved on this Habitat program on Maui since 2003, of first home construction, we learn a lot on the first home. And recently we completed 32 homes, and two of them were renovations. But what I would like to point out is what this program means to so many indigent families. In just about every case, it affects three generations. Before you know it, grandkids, grandparents are moving in. And only because there's such a critical shortage of decent affordable housing on Maui. I'm sure some of you have heard of the numbers. These people involved in – I think the first one was suppose to be like \$53,000 and payments of like \$300 a month. And they surely will be able to afford it. And more importantly, you see the kids change, doing construction, and doing the blessings. It's just amazing. So on behalf of our board, I would like for your support in this coming project of Kahawai Street. Thank you.

Mr. Horcajo: Thank you. Any question for the testifier? Okay, I see August Percha. August, did you want to testify now?

Mr. August Percha: I'm August Percha. I'm an architect. I just learned about your meeting today, about a ½ hour ago, so I hustled myself down here. Mainly I came to apologize to the group for maybe being a little spacey last time. Coming in the room, I was de-pasted fully by, I guess, a rumor. Bob, why don't you just tell them what you told me, walking in the room together?

Mr. Horcajo: Right now?

Mr. Percha: No, last time, last meeting.

Mr. Horcajo: Tell me again, I don't remember.

Mr. Percha: Yeah, didn't you say, "I'm sorry to hear about your dad dying."

Mr. Horcajo: Yeah because I heard that from somebody.

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Mr. Percha: See that's my point. I already forgiven you for saying that because I kind of know your temperament and so on. But who told you that?

Mr. Horcajo: Yeah, I just heard you were on the mainland or something for some family.

Mr. Percha: I mean, who did you hear that from? Do other people really believe that do you think?

Mr. Horcajo: I don't know.

Mr. Percha: You don't know. You're not going to say.

Mr. Horcajo: Well, I don't remember.

Mr. Percha: Well, what I'm saying –

Mr. Horcajo: Yeah, I'm sorry.

Mr. Percha: Yeah, I accept your apology, but I don't think you're the one who should be apologizing. You're being beat like a drum. I really feel bad for you. That's out of the way. I think I know who told him.

I get a little upset because these myths that are created, and they come left and right from Planning Department. I often have to be the one (inaudible). That was a huge myth created, and there are others especially in the MRA district. I've asked, related to projects that I'm working on for customers, I've asked this group, Planning and Corporation Counsel what their standing is in non-conforming, non-conformities. It says pretty clear in that Code section. Any non-conforming structure may be repaired, expanded or altered in any manner which does not increase it's non-conformity. That seems to apply to my customer at Happy Valley, 346 Market Street. Just a little bit more background for you, irrespective of what may or may not be myths or reality concerning that.

Here's something that's really troubling. These notice of violations come to my customer from somebody other than Planning. They have a tone to them, or maybe, I don't know if any of you ever got them, but down at the bottom it's get a building permit or else. And then they talk about failure to comply with this notice of violation, initial fine of \$500, daily fines of \$100 per day. It doubles every 30 days if the violation is not corrected in 30-days of the issue of notice of violation. Now this one from Neil Nichols came not so comparable to others that I've seen. Neil was careful to point out that there might be code violations of other parts of the code, maybe not building code violations. Those roll up doors, in and of themselves, are not code violations. They're aesthetic inconsistencies with the guideline. So what I'm saying to you is this request for service are now being used by Planning Staff,

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cross agency, because some customers real trouble. While others – excuse me – some of the public, real trouble, while others of the public get real assistance. One last thing.

Mr. Horcajo: August, can you conclude your testimony?

Mr. Percha: Yeah. Here's another myth. On the street, people are told, and they've told me that the reason this has been there so long – this is right across Saeng Thai – is that it's on the historic register. Now I wonder who created that myth and why is this allowed to exist while some people get these threatening letters even when probably they are consistent with that point in the non-conformities, 19.500.110. We are asking for code relief because once we get out of this room and we don't have your concurrence on that, that building is going to be destroyed. The canopy exists out over the sidewalk which is on the street right-of-way. In the back is a residence that is non-conforming, that will come grouped on the property when we go for a building permit. Yet what Erin wants to do is just give you guys a design review on the project. Now when you're doing design reviews, people have to know about fenestration. What is fenestration?

Mr. Horcajo: August, I know, again, whatever you say, we can't discuss at this meeting. It's not on the agenda, but –

Mr. Percha: Thank you Chair, I'm done.

Mr. Horcajo: Okay. Thank you.

Mr. Percha: Is there any questions?

Mr. Horcajo: Is there any questions for the testifier? Thank you. We have a Deborah Wright. Please identify yourself and if you represent at group, who the group is.

Ms. Deborah Wright: Sure. Good afternoon. I'm Deborah Wright, and I'm an attorney here in town, and I'm also on the board of directors for Habitat for Humanity Maui. I agree with what Kalani, and Mike and Gio have all testified to and told you about, and one of the reasons I'm here is to speak to a particular variance that is being requested by the Habitat. You have three before you. But one in particular is asking for relief in using wood windows as stipulated in the guidelines. The reason I'm speaking to you about this is you've heard about how important these houses and the ability to own a house is to all of these families that come. One of the things that we want to do and that you can see is not just the pride that the families take in owning these homes, but also that it's a step towards success and we want to set them up for a success, you know, that this is their home. They're going to make the payments on their home, and they're going to be able to continue because it does carry over from generation to generation. I have a great concern if a requirement is kept in place for the wood windows as opposed to, you know, and we're not talking about

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something, you know, that's terrible or is not of the same design quality which Sherri I'm sure will be able to show you. But I'm very concerned about the fact that if wood windows are required that's a big maintenance factor. And for low income families, it's a lot of added expense because we're down here in Wailuku, dry rot is a problem, various things are a problem, and I am concerned that we want these condominiums to maintain their look to be good and be a contribution to Wailuku. And we want the families to take pride and be able to maintain their structure. And I'm afraid that if the wood is required that this, just the expense of that kind of maintenance is something that's going to be a great burden for a lot of these families. So, I, in general, wanted to speak in support of Habitat, but also to particularly address that feature because I'm very concerned about that feature in light of the income that most of our families have. Thank you.

Mr. Horcajo: Thank you. Any questions for our testifier? Thank you very much. Is there anyone who did not sign up on the sheet who wants to testify at this point in time? Excuse me August, before we get started, I want to ask Corporation Counsel a question. Excuse me a second. Basically, we just, I just found out that the Vice-Chair Katharine Popenuk is recusing herself from discussion on this agenda item regarding the Habitat for Humanity housing project. Now Warren Suzuki is expected to come, so it probably makes sense, if it's okay with the Habitat group that we maybe jump to design review, agenda item (C), and we will hopefully maybe take a short break and call Warren to be sure he's coming as well. But I saw him about lunch, he said he was coming. So is that okay? So can we just take a short two minute break so we can give Warren a call just to check?

Ms. Alexa Betts Basinger: Chair, one question. Katharine, are you recusing yourself from discussion or just from vote?

Ms. Katharine Popenuk: From voting.

Ms. Betts Basinger: Thank you. So we'll get your input.

Mr. Horcajo: No, no, no.

Mr. James Giroux: Part of our training today is going to –

Ms. Betts Basinger: – answer that.

Mr. Giroux: Answer that. But, yeah, your rules are unique in that area. It's kind of like the Board of Variances where if there is a conflict of interest that you aren't allowed to enter into the discussion or voting.

Ms. Betts Basinger: Okay.

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Mr. Giroux: Not all boards are like that.

Mr. Horcajo: So a short two minute break please. Thank you very much.

(The Maui Redevelopment Agency recessed at approximately 1:25 p.m., and reconvened at approximately 1:30 p.m.)

Mr. Horcajo: I call the MRA meeting back to order. Thank you very much for your patience. Mr. Suzuki is coming. It may be about 15 minutes, so if Habitat you don't mind, and if Tina Lia is here, if we can have your presentation next.

C. DESIGN REVIEW

- 1. MS. TINA LIA, DEVELOPMENT COORDINATOR FOR COMMUNITY WORK DAY PROGRAM requesting design review and approval for a pilot project to place cigarette ash receptacles as a streetscape element, on Market Street, Wailuku, Island of Maui, HI 96793 TMK (2) 3-4-013:999 (por) (MRA 2010/0006). (E. Wade)**

Ms. Tina Lia: Hi. I'm Tina Lia with Community Work Day Program, and we are the Maui affiliate of a national organization Keep America Beautiful. And this organization is dedicated to protecting and beautifying the environment. And Community Work Day Program is dedicated to projects that enhance our environment and the health of Maui Nui. Those projects include litter removal and prevention, recycling efforts and natural resource restoration projects such as the wetlands at Laie and Kihei, and Kanaha Beach park.

I am here today because we are implementing a new program through a grant with Keep America Beautiful which is our cigarette litter prevention program. And what we are hoping to do is to focus on the Market Street area in Wailuku as a down town area where cigarette litter is prevalent. And we've done an initial scan of the area already in June and found 627 cigarette butts just in the area between Vineyard and Main Street alone. 627. So we do know that there's definitely an issue with cigarette litter. That was on the streets and in the gutters, and we did remove them as we were counting them just to let you know. So what we want to do is as part of the program is to install cigarette ash receptacles along Market Street, and those would be placed at the pre-existing benches and anchored to the benches so that they could not be removed. And actually, those bench areas, during the scan did seem to be areas where there was additional cigarette litter probably because it's a stopping point and because the benches are in front of very popular spots such as First Hawaiian Bank and Lao Theater. So there are six benches. The first one, again, is in front of First Hawaiian Bank. There's one in front of 33 Market Street. There's one in front of Wailuku Coffee Company. One at 54 Market Street, and two in front of the Lao Theater.

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We did a walk through of the businesses on Market Street and talked to a lot of the managers and business owners, and we had a lot of support for the program. We actually have a couple of business owners that were interested in being on our task force. And part of the program as well is that we have formed a task force which is going to help us to implement and maintain the cigarette litter prevention, as far as keeping the community notified and being a part of the public service announcements and just supporting us and installing the receptacles and maintaining them and keeping an eye on what we're planning to do here. And our task force does include a lot of really important and influential people in the community, including Mayor Charmaine Tavares, and Council member Mike Victorino, of the Wailuku district, and Jocelyn Perreira of Wailuku Main Street Association, and business owners, again, on Market Street. We have several people that are showing a lot of interest in this and again I know we had some testimony from Teri Edmonds from If the Shoe Fits, and she also supported us on this.

And part of the program has also been having Community Work Day participate in First Fridays in Wailuku. We've been doing that since March and we have a table there where we educate people about cigarette litter and we hand out pocket ashtrays specifically to people who we see smoking. And then other people will come up and just ask. You know, they're curious about the pocket ashtrays so we've handed out quite a few of those and that is an additional part of trying to prevent the cigarette litter and to educate people especially about the fact that the litter does blow into the storm drains and it ends up in the oceans and it has a lot of toxic chemicals, and it affects the health of our reefs and our ecosystems. And it's important that we let people know the bigger picture about that. I think one of the things is that people don't realize when they're littering the cigarettes that they're littering. It's just sort of habit. They just drop them. And so, you know, we don't want to make people feel, you know, bad necessarily, but we just want to alert them to the fact that this is litter and it may seem small but it accumulates and it's an issue with the health of the environment.

So, again, we're here today seeking approval to install the receptacles. We want to do a pilot program which would be a six month run, you know, to see how it goes. To see the kind of results that we're going to get because we are going to do follow up scans to see how much cigarette litter is on the ground after the receptacles are installed. That's part of the grant requirement and part of what we want to do moving forward with the program. And so we want to try for six months and just see how it goes. And the Wailuku Main Street Association assisted us with choosing receptacles that aesthetically fit the look of the area. They have sort of a vintage look to them, and they should blend in nicely. The style of them – it's in the application proposal – there is a picture of the receptacle. It's very thin at the top and then larger at the bottom, so it makes it difficult for people to put anything other than the cigarette butts in the receptacles. And again, they would be anchored so that would prevent the issue of people possibly trying to remove them or, you know, tampering with them, et cetera.

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The other part of what we plan to do is monitor the receptacles to make sure that they are being emptied as needed, and we're going to get assistance from community with that, but overall, we're going to take responsibility for overseeing that and making sure that they are managed. And as the program, hopefully as we get started with the program, we are going to be able to expand into other areas of Maui Nui. And we've had a lot of response from the community already that people are interested in having these receptacles in other areas and they're very excited about it. And as a side note, you know, we all know that cigarette litter it's not only unsightly and it effects the environment, but it can be really dangerous. So I think it's an added – I think we'll have added community support especially with what's been going on with fires and things like that, that this is definitely an issue that we want to bring to the forefront just in general for people to know that cigarettes needs to be properly disposed of. And a big part of what we want to do is public announcements, so we're asking for your support. Thank you.

Mr. Horcajo: Thank you Tina. You know what, we're going to take public testimony first if there is any, and then we'll have you back and ask you some questions and I believe we have a staff report also so thank you. Okay, anyone wants to testify please?

Ms. Perreira: Jocelyn Perreira, Wailuku Main Street Association Inc. We are an affiliate of Keep America Beautiful and Keep the Hawaiian Islands Beautiful. This project was talked about and they're doing it on the national level. And we're really pleased that the local affiliate, Community Work Day, has been given the opportunity to work on this project. We strongly support this project and for a variety of reasons. I cannot help but at least acknowledge the late Mrs. Vilma McWayne Santos because, you know, she was a smoker. And ever since I can remember, you know, Vilma, has been with our program and she's heart and soul with our program. I mean, she has worked her darnest to make sure that we have something that gets done with trash receptacles. So this is a project that is near and dear to our heart. It's nice because it doesn't add additional, real clunky furniture to the already beautiful street furniture. It's a compliment to the street furniture. It is really neat because the man – you have our structure and design team's recommendation extensively on this. But it really is going to prevent any way that these cigarette butts can fly away and God forbid cause a fire in the heart of our town. So, and then we just met with Tina again this past week because we were told that this was going to be a like a pilot project and our guys were really cool on that because they felt that in six months they wanted the opportunity to see wear of the materials and everything. They felt that it was going to be very good and could probably withstand and be perfect. But, they again want to see there's no better way of knowing and then to have it actually tested. And actually, it's going to happen in a good time because we're heading into the winter weather so we should have a real good test run on this.

As far as the looks and the feel of it, they are so pleased that this is the style that's being put forward because it really adds, you know, for being a cigarette trash receptacle that you

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think doesn't, you know, a lot of people forget or they don't even think about it. But it really adds to the ambiance while taking care of 627 butts. Yeah, we need it. Thank you.

Mr. Horcajo: Thank you. Any questions for the testifier? Anyone else wants to testify on this agenda item?

Ms. Yuki Lei Sugimura: My name is Yuki Lei Sugimura, and I just have a question that is connected to this since we're talking about possible furniture and I know how Market Street gets used. But the big planters that are there now that people use as ash trays and that's what's making me connect the two together. When is that going to get removed? I think that was on the agenda for an item. But I would hope that when this happens which I hope is soon – the ash trays – then those huge planters get removed and be moved some place else. Because we're adding more to the street that's already cluttered. And if you look in front of Lao Theater, I think Alexis and I always laugh right in front of her office – Lao Theater – there's a bench, there's that big thing, you know, you're going to add another ash tray which is good, and there's also a trash receptacle so I'm just kind of curious what the schedule is for that.

Mr. Horcajo: Thank you very much. Any other testifiers for this agenda item?

Ms. Edmonds: I already testified. This is Teri Edmonds from the If the Shoe Fits again. I just had one thing about furniture since there might be moving of furniture that one of the things that has been brought up as well was the bench that faces first Hawaiian Bank, that people feel uncomfortable going to the ATM there. And it's probably been brought up to me a significant amount of times. And I don't know if it's just that one bench. It would be funny to have it turned around, but I just wanted to throw that out there. Thank you.

Mr. Horcajo: Okay, thank you. Any questions for the testifier? Okay, any other testifier on agenda item (C)? Okay, Ms. Lia if you can come forward again please? I would like to recognize Warren Suzuki, member present. Thank you Warren. Members, any questions for Ms. Lia, Tina Lia, on her application?

Ms. Betts Basinger: Yeah I do. Thank you so much for being here and this is a great project. On your maintenance plan, I'm not quite clear. It says that in the first phase, and I'm just wondering if that means the pilot phase you'll be in charge of maintenance. But how are you visualizing the ongoing maintenance of these receptacles?

Ms. Lia: Well our intention is to be responsible for maintaining them long term.

Ms. Betts Basinger: Forever.

Ms. Lia: For as long as the project is allowed to exist, we would be held accountable, you

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know, for this particular pilot project. As we expand into other areas, we will likely give responsibility to the people that want to implement those programs in those areas. But for this specific one, we're taking full responsibility for long term maintenance because this is going to be our pilot project and because, you know, we're implementing it. You know this is Community Work Day's --

Ms. Betts Basinger: For showcase?

Ms. Lia: Yeah. This is Community Work Day's project and you know, we have support from the community. We have people that have agreed to help us to maintain the receptacles, but we understand that somebody needs to ultimately be held accountable for it, and so we're going to be organization to do that.

Ms. Betts Basinger: And the area on Market Street goes from Wells to – what is the area on Market Street that this will cover?

Ms. Lia: It's actually from Main Street to Vineyard.

Ms. Betts Basinger: It does not include Wells?

Ms. Lia: No. Not at this time. If we can expand, we will, but for this pilot project, just from Main to Vineyard on both sides of the street.

Ms. Betts Basinger: Thank you.

Mr. Horcajo: Katharine, any questions for this part? I've got a couple. Maybe one techy question. How is it going to be attached to the benches? I'm looking at this scale here. It says it's 42 inches high, and of course, that includes the actual neck. And the base, it looks like it's 12-inches wide. I guess just the way those benches are, I wasn't sure. Have you guys got a sample on how to connect that?

Ms. Lia: I think, we're going to need to work out the logistics of that. There is bolting hardware that can be ordered in addition, you know, along with the receptacles. So we'll still have to work out the logistics of it, but I'm imagining that it has to be bolted to the base of both the bench and the receptacle. That would be the widest point of the receptacle itself.

Mr. Horcajo: Yeah, I mean, I can see it being bolted to the cement, I guess, that's probably part of it. I wasn't sure how, besides that, it could be attached to the bench. But I guess you guys will figure that out.

Ms. Lia: Yeah, I don't know if there's going to have to be some kind of chain involved or

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something of that. I wouldn't think so.

Mr. Horcajo: What color chain?

Ms. Lia: I wouldn't think so. I mean, our thought was the bolting hardware is made to be attached to a structure directly.

Ms. Betts Basinger: I have one other question. Thanks. This is going to be on all the benches, so we haven't designated any non-smoking benches.

Ms. Lia: Right.

Ms. Betts Basinger: So, and because they're attached, I know smokers like to congregate. Have you thought about the benches being taken over by smokers?

Ms. Lia: We've thought about it, and I guess the logistics are that that's already happening because that's where we're finding a lot of the cigarette butts. So I don't think necessarily it would attract more smokers. Maybe it would be more of a stop, you know, if people are aware of the program that they would be more likely to stop and discard the cigarette butt and move on. But I don't think smokers are necessarily going to look, you know? They're going to look for a bench any way. I don't think they're going to say, oh, now there's a receptacle.

Ms. Betts Basinger: Well if there was some thought put into having them be free standing maybe by the banyan tree park where smokers can congregate standing. I know that they'll sit right now on the sidewalk, near the benches. But if I love this idea, I love keeping Market Street clean, but it bothers me that we might be turning some non-smokers away from walking our beautiful town, just because we're attaching that to the benches. Most places, smokers are segregated to some really out of the way place so that their second hand smoke doesn't affect everyone else. But here, we're purposely going to put them at every bench, at every place where our folks can sit and talk stories.

Ms. Lia: That seems like a legitimate concern. I guess that's part of why we want to do a pilot program, and maybe part of what we would need to do is monitor that as well and talk to the public. You know, we definitely want to make sure that it's something that the public in general approves of and appreciates, and if it's something that's causing an issue then we would want to modify it. And that's a very good question. We did talk about that. We talked about different ways that we could anchor these and different areas that we could have them, and I guess the benches just seemed like aesthetically the best solution and logistically as far as having something to anchor it to. Because some of the other things we were considering were the planter. You know the planter areas have a lot of cigarette butts inside them which we couldn't get too, so that was a potential. If it seems like it's

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becoming an issue, and we need to modify it, these are our other options, I think, for areas that we could have it. Or even it comes to the point where maybe just having one or two in an area that's isolated if that's what the public is more receptive to.

Ms. Betts Basinger: Thank you.

Mr. Horcajo: Warren?

Mr. Warren Suzuki: Thank you Chair. I had a question. I just happened to be sitting on one of the bench about an hour ago. And, you know, facing the Lao Theater where the offices were, and they said that there's no smoking within 20-feet of that area. So what is the law right now relative to where smoking is allowed in an open area as far as distance wise from, let's say, an entry into a building.

Ms. Lia: I believe the 20-feet is still the County's ordinance.

Mr. Suzuki: So if that's the case, are the benches within the 20-foot distance or are they beyond the 20-foot distance?

Ms. Lia: I would have to actually physically measure them. It seems like most of them are situated to be the 20-foot distance. You know, I can't say for sure. We would have to –

Mr. Suzuki: Because if that's the case then we're actually promoting something that is actually illegally by law.

Mr. Horcajo: Well, not necessarily. We're providing the receptacles to put away the cigarette butts. We're not necessarily saying that's the spot you can smoke. But I realize that people do that any way.

Mr. Suzuki: But it can easily be inferred that by putting a cigarette butt receptacle in the location, indirectly you're saying that it's okay for people to smoke there. I mean, I'm not an attorney, but having heard enough statements made – you know correct me if I'm wrong James – it could be inferred that you're encouraging smoking in the area by the fact that you're placing a receptacle there.

Ms. Lia: I think possibly we could include that in our public service campaign to mention that they're not there as smoke outpost, but as a place for you to discard your receptacle as you're within the 20-feet and about to get closer. You know, here's where you can follow the law, not just with litter, but with the ordinance as well.

Mr. Horcajo: Warren, yeah, that's an interesting comment because aside from maybe the one in front of 33 Market and First Hawaiian Bank, they're pretty much all within 20-feet.

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Wherever we put it – the curbs, the sides – every building except for maybe First Hawaiian is within 20-feet, so it's kind of an interesting situation.

Mr. Suzuki: I'm not trying to come up with reasons why it shouldn't be there. You know, I just want to make sure because if MRA says it's okay to place the receptacles to some degree we may be assuming some liability for if someone were to file some sort of complaint for the fact that we allowed the receptacles in the location. And again, looking to James, I mean, if we approve for the receptacles to be placed within a zone that is considered to be illegal for smoking, are we indirectly saying that it's okay for smoking to occur there?

Mr. Giroux: Again, I haven't specialized in cigarette law in a long time. Well I think as far as, the point is is that, you know, I mean if there's a trash can, you know, within 20-feet of the building, doesn't mean you can smoke by the trash can. People are going to have to understand that the law is the law. You know, I think in high school everybody use to smoke in the bathroom, but affording somebody a bathroom doesn't mean that now you have a place to smoke. So I think that, you know, and truthfully I haven't seen anybody arrested for violating the 20-foot violation either. So I don't think we would be implicated in supplying somebody a place to put a cigarette. And our position would probably be that we would assume that they would put out that cigarette first, then walk into that zone, and then dispose of it.

Mr. Suzuki: Thank you for that clarification.

Mr. Horcajo: Any other questions from the members here? Erin Wade?

Ms. Erin Wade: The only question I wanted to ask is will you be then monitoring the cigarette litter on the street during the duration of the pilot project to see, from the 627, what is the ratio, how has it changed? And then at the completion of the six months, maybe even if you don't chose to continue the pilot project, if you can come back and report to us the effectiveness, I think that would be nice.

Ms. Lia: That's definitely part of what we're required to do, but what we plan to do, you know, further than the requirements because we want to know as we trying to expand this, we want to know that it's working and what do we need to do to make sure that it is working. Whether that's just informing the public, finding different ways to inform the public. But part of what we need to do is after the receptacles are installed, no sooner than six-weeks after that, we have to do a follow up scan to see how they're working, and then we would compare that to our initial scan. And because it's been a couple of months, we may do another initial scan actually before we install them, potentially, just so that we have, you know, we're really sure about our numbers. But beyond that, we do want to keep monitoring it and see how it's working and visually scan and just come down to the area,

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bring our task force down there and get them involved and talk to people about how they feel about it so that we know that the public is responding well.

Mr. Horcajo: Okay.

Ms. Betts Basinger: I have one last question and you may not know until you get further into it, but the installation itself attached to the sidewalk and/or the bench or both, how involved is that? And on the inside of that question is if we find out that Wailuku is turned into a place where everybody comes sits on the benches and smokes, what's going to be the difficulty in removing that? Have we destroyed the bench? Have we left "pukas" in the sidewalk? So I guess my concern is before we install we need to be very sure about where they're going to go. I think they're a great idea. So do you know anything about what it looks like after they're removed?

Ms. Lia: Yeah, I would need to look in further to how they're actually anchored.

Ms. Betts Basinger: Okay.

Ms. Lia: Because the only information I was able to get from the distributor is that there is a kit to bolt them. But I can definitely find out more about that, and we would not want to do anything that was going to, you know, as a pilot program, especially, that was going to affect long term if it's something that we need to remove.

Mr. Horcajo: Members, we do have a staff recommendation, I guess, on page 3.

Ms. Wade: The recommendation does address the way that the object would be affected also, and it states that it should be affixed to the pavement in the sense that is something that we can repair and patch. We can repatch the concrete. We can't repatch the bench in all following.

Ms. Betts Basinger: Where is that?

Ms. Wade: It's condition of approval #2.

Mr. Horcajo: So I guess my plan is to have staff read the recommendation and then we can discuss, and add, delete, to the staff's recommendation and then, hopefully, get a vote soon.

Ms. Wade: Providing for the safe and convenient method of disposal of cigarette litter is something the MRA has considered. Over the purchase of permanent street fixtures will be costly and will require a commitment to regular disposal. The cigarette litter prevention program will serve as a case study for the MRA to analyze as a tool for future decision

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making regarding the purchase of permanent litter receptacles similar to the current street scape banner project.

Pursuant to the foregoing, the Maui County Planning Department recommends approval of the six cigarette litter receptacles on Market Street subject to the following conditions. One, the applicant shall install commercial zone, 7103, smoker's out post site saver cigarette receptacles as presented by the applicant. Two, those receptacles shall be affixed to the pavement. Three, this is essentially that they shall provide a liability insurance to the County. And then four, that full compliance with all applicable government requirements shall be rendered.

Mr. Horcajo: Okay members, any questions or comments on the four recommendations? Again, we can amend it, we can add, we can delete. Any comments based on what we've been talking about? Warren?

Mr. Suzuki: Comment. I think it will be very important for us to have some sort of language in the conditions whereby it would specify the maintenance requirements, and I guess, the scan. You know, whenever they do the scans, and coming back to report to us, relative to the results of the scan.

Mr. Horcajo: Do you have a specific language?

Mr. Suzuki: No I don't, but maybe Erin can come up with.

Ms. Wade: Maybe that the maintenance of the receptacles shall be – I was on a roll – shall be maintained in accordance with the maintenance plan as submitted by the applicant.

Mr. Suzuki: Uh-huh.

Ms. Wade: And then six, following the duration of approval, or following the pilot project, the applicant shall report back to the MRA about the success of the project.

Mr. Suzuki: Right. Make reference to the follow up scans. Because in their letter they're saying that they're going to be doing the follow up scan six weeks following the placement of the receptacles, and additional follow up scans will be scheduled to monitor the success of the project.

Mr. Horcajo: Maybe Tina, can I ask you a question? If we ask you for a status report, you know, three months after installation, and of course, prior to the ending of the six months, undoubtably the three month status report, you know, that could involve two scans, three scan, is that a problem if we just kind of set it that way?

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Ms. Lia: I don't see how that would be a problem. We can do the scans.

Mr. Horcajo: That's what we're talking about, right, just kind of having some report back to us. In fact, I was also, kind of along the same lines, and this is for Erin maybe, a question is, the pilot program is suppose to be for six months. So, if they want to continue, they have to come before us before then, right?

Ms. Wade: Correct.

Mr. Horcajo: Is that something we need to add in here or no? Just, we all know that six months, unless you come back here, it's gone. So I'm just wondering if that should be added as a condition or something?

Ms. Wade: I would agree with that. Probably state that following completion of the six month trial period, the receptacles shall be removed, or the that applicant shall have submitted a request for permanent litter receptacles.

Mr. Horcajo: Unless the applicant has received an extension, right?

Ms. Wade: Yeah.

Mr. Horcajo: Because I would imagine you would want to come to us before the end of the six months if the plan is to keep what's there, there. Okay, so far we've added three conditions?

Ms. Betts Basinger: Yeah.

Mr. Horcajo: I'm going to have Erin maybe take some time and then summarize, and then we all can look at it again.

Ms. Wade: What kind of regular report? How did you refer to it? A scan?

Ms. Lia: It's called a cigarette litter scan.

Ms. Wade: Okay.

Mr. Horcajo: Okay, Erin?

Ms. Wade: So I added as number five, maintenance of the receptacles shall occur as defined by the applicant in the submitted maintenance plan. Six, the applicant will submit a cigarette litter scan report at three months following installation, and following completion of the pilot program. And seven, the applicant shall remove the receptacles at the end of

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the six month period or come and request an extension or file an application of a permanent fixture.

Mr. Horcajo: Members, any comments on the three additional conditions?

Ms. Popenuk: . . . (Inaudible. Did not speak into the microphone.) . . .

Ms. Lia: Is it possible to request the extension and apply for a permanent at the same time, or one or the other?

Ms. Wade: Yeah.

Ms. Lia: I'm just, you know, anticipating.

Ms. Betts Basinger: Is it understood that during the six month pilot program they're responsible for – I mean if graffiti or if they need to repair or if they get broken or run into?

Ms. Wade: That's a good point. Number eight. Something about, number eight, that the litter receptacles will remain the property of Community Work Day Program, and therefore, the regular maintenance of the receptacles themselves will be the responsibility of Community Work Day.

Mr. Horcajo: Is that okay?

Ms. Betts Basinger: Yeah.

Ms. Wade: Okay, got it.

Mr. Horcajo: Alright members, we added five conditions – or four conditions I should say. If everybody agrees with that, the Chair will entertain a motion. And I guess the motion could be as simple as recommending the Planning Department – I guess recommend approval of the Planning Department's conditions one, two, three, four, and the additional five, six, seven, eight conditions.

Mr. Suzuki: So move.

Ms. Betts Basinger: Second.

Mr. Horcajo: Any further discussion? All in favor say "aye?"

Agency Members: "Aye."

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Mr. Horcajo: Thank you very much, and thank you for your time.

Ms. Lia: Thank you.

Ms. Betts Basinger: We'll see you in a few months.

It was moved by Mr. Warren Suzuki, seconded by Ms. Alexa Betts Basinger, then unanimously

VOTED: to approve the Planning Department's report and recommendations, and added four additional conditions as discussed.

B. PUBLIC HEARINGS

- 1. MS. SHERRI DODSON, EXECUTIVE DIRECTOR OF HABITAT FOR HUMANITY, MAUI requesting design review for a new, three-story, 16 unit residential condominium building at 2024 Kahawai Street, in Happy Valley, Wailuku. Also requesting variances to the following Maui County Provisions for TMK (2) 3-4-033:002, (MRA 2010/0002). (E. Wade)**
 - A. Maui County Code requirement to widen Lewa Place.**
 - B. Wailuku Redevelopment Area Design Guidelines requesting relief from the requirement to use wood windows.**
 - C. MCC 18.20.070 and 080 Sidewalks, Curbs and Gutters - requesting relief from requirement to install sidewalk along Kahawai.**

Mr. Horcajo: Okay, Ms. Sherri Dodson. Thank you for your patience. So you've got the floor. You guys got a video too I guess.

Ms. Sherri Dodson: A power point presentation.

Ms. Horcajo: Okay I'm sorry. Sherri before you get started, I've been advised on protocol. Erin Wade?

Ms. Wade: Okay, this agenda item is a public hearing. Ms. Sherri Dodson, Executive Director of Habitat for Humanity Maui, requesting design review of a new three-story, 16-

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unit residential condominium building at 2024 Kahawai Street in Happy Valley, Wailuku. Also requesting variances to the following Maui County Code provisions for TMK: 2-3-4-033:002. (A), Maui County Code requirement to widen Lewa Place. (B), Wailuku Redevelopment Area design guidelines requesting relief from the requirements to use wood windows. And (C), MCC 18.20.070 and 080, sidewalks, curbs and gutters, requesting relief from requirement to install sidewalk along Kahawai. And the applicant, I think, has a presentation.

Mr. Horcajo: Okay, Chair will call, excuse me, a two minute break while the applicant gets their power point presentation online.

(The Maui Redevelopment Agency recessed at approximately 2:05 p.m., and reconvened at approximately 2:09 p.m.)

Ms. Dodson: . . . maybe international we do carry their local and we have to oblige by their guidelines. We have built many single family homes here on Maui. We have renovated several which turned out to almost full builds because it was such a bad renovation. And we've also done about 42 rehabs where we've gone into people's houses and done things like ramps, and retrofitting for seniors or disabled.

The way we work is a family will come to us and they'll apply. We go through a procedure where we see if they qualify for our program because we do service only low income families, 25 to 60. We can go as high as 80% of median income. These individuals have to, just like they would apply for a mortgage, they have to provide all their income information. But we also add more requirements in that we will send them to budget counseling, credit counseling, debt management, whatever we deem appropriate for that particular family that will make them more successful as a homeowner. Once we start building for them, they have to put in sweat equity, and they put in 500 hours of sweat equity into their home, and then they buy it from us at a 0% interest. So we're the builder and we're the lender, and then we service the mortgage. The 0% interest mortgage is, we're the lender, so we can do it for 20-years, we can do it for 30-years. Whatever makes it most affordable for the family. When I say we service the mortgage, they come in, they pay us each month. They don't pay then we become the collection agency.

In many parts of the country, just like here, land is very expensive. We got a very large donation several years back, of money, and we couldn't find any land to buy because it was just too expensive. So what we decided to do instead was to buy in Wailuku, smaller lots, and go up instead of out. And affiliates across the nation are doing this. This one example down in the left is a nine-story condominium right off of Union Square in San Francisco. The other one is a multi-family project right outside of San Francisco, sort of in the suburbs of San Francisco, and they're quite successful.

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Our project is a 16-unit condominium that will be built on Kahawai Street which is right off of Market Street, across from public housing. It's an 11,000, just over 11,000 square foot lot. It's vacant right now except for some cars and some abandoned appliances which we periodically try to clean up. We are asking for three variances. One is to allow waiver to the requirement of road widening. There is a small private driveway/street next to this property. It services about four or five houses that are subdivided, and it only services them. It ends up in a dead end at the end. The County Code does require us to do a road widening of that street for this project which would essentially make our project unfeasible. The second one is to allow waiver to the requirement of sidewalks out in front. And then the third one is the waiver for design guidelines on wood windows.

As I've said, Lewa Place is really a small little road that goes down. It was once, I think, one piece of property and they subdivided and created this road. The architect which is here, David Lindquist and I went and approached all the homeowners and talked to them, the ones that would talk to us. There were three or four that weren't home, and we talked to them about this issue, and they very much don't want the road widened obviously because most people just consider it a driveway right now so they don't get bothered too much. There's no outlet on Lewa Place. You can't go out the other end. It's a dead end. Also, as I said, if we take away 10 feet from our property which we'd have to do to widen this, then we would not be able to build this project at all. It would make the project unfeasible. And then the last one is that we did get comments back from the Fire Department, and they didn't think it was a problem not widening that road.

This on the top is a picture of the road. As you can see, it very much looks like a driveway. And these are the residents that service –. Most of the residents are on the left hand side. Our lot is on the right-hand side. I think there's on house down at the end, on the right-hand side, but I'm not sure anybody lives there full-time because every time we've gone there, nobody has been home, and I think that's one of the notices that we got returned.

The second waiver that we're requesting is the sidewalk, curbs and gutters. This particular property, there's a drainage ditch, or drainage hole pipe thing on one side of the property. And putting a sidewalk in front of only our project would pretty much make it a sidewalk to nowhere because there's no sidewalks along that entire street. There is a decent sidewalk across the street on Kahawai that goes along side the stream. It also has parking across the street for people. So people, if they're going to park out there on the street, they're going to use that sidewalk. One of the comments came that the Department would like to see us put in a sidewalk, I mean a crosswalk, so we've agreed to do a crosswalk with an ADA ramp for the sidewalk which would front Kahawai Street and Market Street. So if somebody did want to, you know, cross the street and come into our property, they would have a crosswalk.

Again, this is looking down Kahawai Street. As you can see there's no sidewalks. And

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these are primarily all residences back there, so the chances of them putting in a sidewalk in the near future are probably non-existent. And this is a picture of the sidewalk across the street, right across the street.

And then the last waiver that we're requesting is a variance from the wood window requirement, and I do have a, our architect brought an actual fiber glass window that we're proposing. The characteristics of this particular area, we have public housing on one side, and their windows are jalousie. All the residences around that area, again, the residents along that Lewa Place are fairly new because this was a subdivision and, so, they all used either fiber glass or vinyl windows. So really we would be keeping in the character of that particular neighborhood. As some of the testifiers mentioned, this is a low income project, but it will be condominiumized which means that there will be a homeowner's association. The residents will be paying a maintenance fee. Our particular mortgage because there's a 0% interest, they're very low. If the condos sell for \$150,000, then the mortgage will be somewhere around \$500 a month. If we have to maintain wood windows, we're going to have to include that in the care and maintenance fee, and it will increase drastically for these homeowners. And what we don't want to happen is we don't want the maintenance fee to be more than their mortgage payment. We are really trying to keep this project affordable.

The other thing is that building it. You know right now we have a budget. It's not that easy in this time to raise money for projects. We've been fairly successful on this particular project, but we would hate to have to raise more money just to accommodate the wood windows. Our architect tells us they're very expensive. So these are the residences. As you can see, those are vinyl windows, the sliders. And then we have public housing across the street which are the jalousie.

This is pictures of fiber glass windows that very much resemble wood windows. And so they do make a product that looks very much like wood windows and we could use any of these products. And then lastly, this is a picture of an actual wood window right next to this window which is a fiber glass window. And really, you can't tell the difference. I mean, if you look closely on the wood window which is on the right hand side, there's actually some plastic in it, on the wood window. Lastly, this is a picture of our lot right now. One of the reasons why I think the residents were so excited when we went up to talk to them is that they're just happy something is going to go there. So all those cars and all those abandoned appliances will go away because once we start construction, we'll have to fence off that area, and so all these cars will go away. It's a repeating problem because we've tried. We've owned this property for several years now. We cut down the grass and every time we go in there, there's something else discarded there. So I think they're very excited to see some project go there.

So this is kind of a rendering of what the project looks like. I mean, what the lot looks like

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now and then what we anticipate the project looking like eventually. We are very, very proud of the design. Maui Architecture Group did a beautiful job of the design. I think it really fits in the character of Wailuku, but yet it's easy to maintain. It's great for the residents. It's great piece of property because people can walk to and from grocery stores, to schools. I think it's going to be a really great project for any new family wanting to get into the housing market. Or, we also tend to build for a lot of kupuna because they can't afford houses, and they're on a fixed income. And we, actually, a large percent of our current families are kupuna. Is there any questions?

Mr. Horcajo: Thank you Sherri. I think we're going to open the meeting up to public hearing first, and then we'll call you back up and then the members can ask questions if you don't mind.

Ms. Perreira: Jocelyn –

Mr. Horcajo: We have somebody up. Go ahead.

Ms. Perreira: Jocelyn Perreira, Wailuku Main Street Association Inc. Fellow commissioners, our structure and design committee met to review a preliminary design of the proposed project and offers the following comments. The committee concurred with the need for a variance from an anticipated County road widening requirement on the alleyway, Lewa Place, bordering the western property line of the proposed project since it serves only three lots and such a requirement would severely impact the potential for affordable housing on this subject property. Secondly, the committee supports the requirement for roadway improvements on Kahawai Street, but only after a master plan for the area has been approved, and 60% of those affected by such improvements are required to participate. Three, we recommend a sidewalk or paved pedestrian pathway along Kahawai Street to promote pedestrian safety. Fourth, we recommend contemporary windows that reflect traditional character such as what you just saw. Exterior trim should be wide and deep, two by four suggested, to reflect the traditional character. The committee appreciates this opportunity to review this project and suggests recommendations. In general, the overall design is excellent, and in keeping with the traditional neighborhood character and meets the design guidelines for the area. Affordable housing is needed in Wailuku, that this project will provide. And while enhancing the character of Happy Valley, it really brings them, it gives them a chance to really upgrade the area and we're just really excited about that. It is a welcomed improvement to the area. We urge you to provide their request for variances and do everything you can to expedite this project. Mahalo.

Mr. Horcajo: Any questions for the testifier? Jocelyn, I have one quick question. Can you read item three again. I think it had to do with –

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Ms. Perreira: The sidewalks?

Mr. Horcajo: – sidewalks, I think.

Ms. Perreira: Yeah. Recommend a sidewalk or paved pedestrian pathway along Kahawai Street, to promote pedestrian safety.

Mr. Horcajo: So that's the area you're saying fronting the property itself?

Ms. Perreira: Yeah, I believe so.

Mr. Horcajo: Okay. Thank you. Glenn Au, did you want to testify at this point in time? So Glenn for the record, if you can identify yourself, and you have three minutes to testify.

Mr. Glenn Au: I'm here because I'm visiting to see how you function as a group here. But I just thought I'd mention it to you that the native Hawaiian housing assistance self determination act has been put into effect now. There's going to be changes in Hawaiian Homes, and that Habitat has been involved with other developments in the Hawaiian Home plans. So I'm just curious to see how you folks do your business and function. Thank you.

Mr. Horcajo: Any questions for the testifier? Alright, anybody else who did not sign up wants to testify on this agenda item? Okay thank you. Sherri, would you mind coming back up? Okay members, who wants to start?

Mr. Suzuki: I'd be glad to start. You know, just a general question as far as notification requirements, Sherri, because you mentioned that you took the opportunity to try and visit those homes that utilize the private driveway to get to and from their residences, and you're able to get a hold of a few, but not all. Have you spoken to anybody else in that Happy Valley area relative to the project that's being proposed? Have you held a community meeting to let them know that there's something that's being anticipated being planned?

Ms. Dodson: No we haven't. When we first sent out our initial notices, actually one of the homeowners called us in response to that. And I spoke to her about the project. She was ecstatic about it. After that David and I walked the neighborhood, and it was in the early evening. We were hoping to catch people at home. And I think we spoke to four different people around that area. The one on the corner that's on the other side of the property was not there. Again, that house way in the back, on the right hand side, they weren't home. But everybody else was pretty much in favor. We did send out the certified mail notices and a majority of them got returned. No one picked them up. But those that – I think there was, out of the six, I'd say, my recollection is I think three people picked up the mail. When we go forward, as we go forward on this, we will definitely –. We already are a member of Wailuku community. We run a store right down the street in Happy Valley. We're very

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familiar with the area. We run our store since 2005 there. We will be moving to a new location soon. We're building a larger store, but we've participated in First Fridays. We're very active in the Wailuku community, so I think people are very much aware. I know a lot of Wailuku residents shop at our store.

Mr. Suzuki: The reason why I'm asking, Sherri, is because my in-laws live in Happy Valley. In fact, we drive Kahawai and Konahea to get to their house. And that neighborhood is a fairly, well, older neighborhood. And a lot of the residents there are older individuals. And I've made this statement time and time again. They have a tendency of not – it's not in their culture to come out and say too many things about, you know, what's being proposed. They try to be as low profile as possible, and I think there's some negative associated with that. I think a lot of times what happens is that things happen that really are adverse to them because they don't speak up. But, unfortunately, again, it's not in their culture. And that's the reason why – and I realized that you've spoken to some people, and I'm sure that the people that live in and around the immediate area are very happy that the project is being proposed because, as I agree, there's a lot of cars that are kept there. And, you know, even the back of the old Happy Valley Tavern area, there's a lot of cars that are kept there. People repair the cars on the street and all that. But at the same time, you know, it's a very residential area. An area that a lot of older people still reside in. And the concern that I have is that now, and again, it's not an issue as far as with Habitat for Humanity. Whoever came in with this particular project with the scope and the extent that's being proposed, I would raise the concern that you're building a three story building in an area that I know there's a few two-story buildings closer to Market Street. But in the area, it's all single-story, single-family homes, and my concern is, you know, what sort of impact might it have to Happy Valley community, especially in that particular area. So notices are fine. People don't respond to it. You fulfill your legal obligations. But as I say, time and time again, when it come to Wailuku town, when it comes to an older area, my feeling is that there is a further obligation to go out and hold community meetings, and speak to them. Go out and go actively go out to speak to the residents to let them know what's going on because other wise, you know, something is going to pop up that they're going to claim that they have no idea what was going to happen, and they're going to raise concern. But at the same time, culturally, they're just going to say, well, it happens, there's nothing we can do about it for now. So I strongly encourage you to, you know, take further action in terms of going out and meeting with the public, as far as in a community and see, really, what their thoughts are, or what their comments are, relative to the proposed project.

Ms. Dodson: Yeah, we're actually in the process of an environmental assessment which we're required to do because we use Federal money. And as part of that process, there will be public hearings. One of the first steps was to get the designs approved by you guys because there was really no point in going out to the community with a design if it didn't meet with your approval and we'd have to change it. So this was sort of our first step. Our next step will be to, as part of the environmental assessment and as part of becoming a

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new member of the community, we'll definitely be to have public hearings.

Mr. Suzuki: You know from my perspective, I have an issue with coming to us for approval and design before they've gone out and looked at the community and seek the community's input relative to what's being proposed. You know, take for example the private driveway, you have a three-story building now, and I'm not too sure what the set back is from the private driveway. Now you have units overlooking the driveway, where previously you didn't have anything. So I don't think people may fully realize, you know, what might be coming down. And again, I personally will have a hard time approving a design until such time the community has a chance to look at it and provide input.

Ms. Dodson: I will tell you that during the environmental assessment, the community has a definite opportunity. I think it's more than once to comment on the design and on the project itself. We have talked to the neighbors that are most affected. Those neighbors on Lewa Place. We've taken the pictures of the project and showed it to them, as well as, under our obligation, under this process, to mail it to them. We did feel it was necessary to go and try to talk to them in person to introduce ourselves and what we do. Some people tend to get a little afraid of Habitat for Humanity only because we do serve low income families. And so I take every opportunity I can to educate people about how our process works and that there is a great deal of surround services for our families that it benefits us for them to be successful because they have to be able to pay us back, so we, again, surround them with services so that they can be very successful and good members of the community.

Mr. Suzuki: But, you know, I go back. You know, more and more today, in fact, I think the Planning Commission in some cases require this that you do your community base outreach before you come to the Planning Commission with a proposed project. So when you come before the Planning Commission for approval, you've already met the community, you've gotten the input and you've addressed their concerns. Here, it's a reverse where we've been asked to approve a design where the community hasn't even had a chance to get to look at it, and been provided with an opportunity to share whatever concerns or issues that they might have. And then given an opportunity to possibly, you know, revise a design, you know, based upon the input that you have from the community. So, for me, I think it's a reverse approach that's being taken, different from what the tendency what people hope for today from the standpoint. Again, reaching out to community first before you go to a body for formal approval.

Mr. Horcajo: Erin, you want to comment first?

Ms. Wade: Essentially this is the process as it's defined for all of the projects that receive public funding. So I just went through this with the Lana'i Senior Center, and with the Lana'i Community Health Center. Both of those, they went through their design review and

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approval process, then they go and do the EA using whatever input they've received from the design review and approval. They may amend further, and sometimes they come back again, so, for additional changes to the design. So Sherri is already aware of that. If there are additional changes that need to be made to the design as a result of the EA, they know they need to come back. But they needed start point of beginning as each of the public agencies does. So this is their point of beginning today.

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Mr. Suzuki: But at the same time, I realize that as far as with the governmental agency, this is the point of beginning, but that doesn't preclude them from before coming to the public body to go to the community and seek their input. I mean, as a consultant, when you design projects, before you make any sort of formal application, you come up with a conceptual design, and then you go out into the community, you meet with them, and show this is what you propose to try to get their input and make sure that you garner their support and then make the formal application before you go to a formal body. And that's what I'm saying. I mean, granted that the step that they're taking right now is proper from the standpoint in coming before MRA. But before getting to that point, there should have been the community outreach where the community would have a chance to at least preliminary been given the opportunity to provide their input and then, you know, amend it or whatever before you make your formal application.

Ms. Wade: Well I can comment personally too having gone to the site several times now either to take a second look or clarify for myself what the requests were. The two properties that she didn't have the opportunity to speak with, the one immediately adjacent, I've never seen any signs of life at that property before, ever, and after multiple visits. The one immediately across the street, I actually ran into that person while I was out there taking pictures and they said they knew about it, and have already talked to their neighbor about it. I mean, they didn't formally document it, and perhaps they did have a concern or question, but I did feel certain that they knew who to contact if they needed to.

Mr. Horcajo: I want to make a comment. I guess, first a question to Erin on your – talking. Just one second please. So as far as what Warren was saying regarding somebody going to the – before going to the Planning Board, is that a requirement?

Ms. Wade: What was your question?

(1:26) Mr. Horcajo: Well Warren had mentioned, for example, I mean, I can think of a couple projects in Paia Town, Josh Stone, where they actually went out to the public first, presented their design, getting public input, maybe made changes before going to the Planning board. Is that a requirement or is that just what has been happening lately?

Ms. Wade: Right, it's considered good practice.

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Mr. Horcajo: Good practice, right.

Ms. Wade: And you know, I think in the SMA, in particular we . . . (inaudible) . . . the project just mention have additional level of scrutiny as well particularly related to public comments.

Mr. Horcajo: So aside from maybe changing the law which we probably do not want to do, we can at least suggest through the Planning staff that for the purpose of good practice it might be suggested to the applicant to, you know, consider public hearings on design before coming to us. Is that what we're saying? Again this is not an agenda item, but I just wanted to –.

Mr. Suzuki: No, what I'm saying is that I have a concern that the community outreach has not been done, you know, before the formal application has been made. And yet the body is being looked at to say, hey or nay, to the design.

Ms. Betts Basinger: Would you like to make that a condition?

Mr. Horcajo: Well, let's just go on through the rest.

Ms. Betts Basinger: As an option.

Mr. Horcajo: Is there any other comments right now, questions of Sherri Dodson?

Ms. Betts Basinger: I do. I do. I was looking again for the list that I thought you – oh, here it is. Are most of the properties or the neighbors, owners or renters, to your knowledge? And I know you've provided us with a list, but I don't know if these folks live in those.

Ms. Dodson: The three residences along the left hand side of Lewa Place, they are all owners. They bought into the subdivision. I can't speak for the people that were never home or we never actually spoke to. I do know we sent the notices to who was on the tax key map. I think one of them was trust, but the others were all individuals.

Ms. Betts Basinger: Two of them are trusts.

Ms. Dodson: Two of them are trusts. Yeah.

Ms. Betts Basinger: Okay, the second question I have – regarding Lewa Place and Kahawai – do you know what the width is of Lewa Place is?

Ms. Dodson: I think it's the minimum because it is a street. I mean, it's not a driveway, so I think it's the minimum. I want to say it's either 10 or 12 feet. You definitely have to scoot over a bit if there's a car coming the other way.

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Mr. David Lindquist: Probably 12.

Ms. Betts Basinger: Okay. And just by driving on Kahawai, I'm sure Kahawai is wider than Lewa.

Ms. Dodson: Yeah. In fact, Kahawai is enough for two cars going both ways and parking on one side.

Ms. Betts Basinger: Okay. So that brings me to my second part of this question. Is Lewa Place a no parking place? Is it?

Ms. Dodson: I don't think it's posted, but it's obvious.

Ms. Betts Basinger: I know your photo showed no cars, but I was just wondering if it's legally a no parking street.

Ms. Dodson: I don't know. I could look at the picture to see if there's a no parking sign. But, I mean, most people who drive up there don't even realize that it's a street. They think it's a driveway.

Ms. Betts Basinger: And I would ask the same question about Kahawai there – if it's no parking.

Ms. Dodson: Kahawai on our side of the street there's a posted "no parking" sign. On the other side, the "no parking" sign is from, I don't know how many feet, to Market, but pass that there is parking allowed.

Ms. Betts Basinger: So part of your project will front on a parking across the street.

Ms. Dodson: Yes. I think I understand what you're saying.

Ms. Betts Basinger: Okay. So the only thing we need to know about is Lewa Street, or Lewa Place, if it's a "no parking." If it's designated as a "no parking" street. The next question – thank you – is fiber glass versus vinyl and I guess I'll direct this also to Erin. It's just my limited understanding that fiber glass has a higher maintenance cost than aluminum or vinyl and I know we're trying to eliminate hardship on the homeowners. So has fiber glass reached the level of maintenance that is just like vinyl and aluminum? Okay, good. Thank you. And then the colors, as depicted, is that color scheme that –?

Ms. Dodson: Yes.

Mr. Lindquist: It's better than vinyl.

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Ms. Betts Basinger: Okay.

Ms. Dodson: That's the one we'd like to go with.

Ms. Betts Basinger: And my last question is about the cost of the unit. I noticed that you have more parking spaces than you have units so I'm assuming each unit comes with one parking space.

Ms. Dodson: Yeah, there's one parking place for a one-bedroom, and two-parking places for two-bedroom.

Ms. Betts Basinger: Okay, so visitors would park on the street across the street where they can.

Ms. Dodson: Yes.

Ms. Betts Basinger: But not on Lewa Street. Hopefully.

Ms. Dodson: Hopefully.

Ms. Betts Basinger: And the costs of the units as you propose at this point.

Ms. Dodson: Yeah. There's a cost to build, and then there's a cost that we will pass on. Again we want to try to hit our target of 25% to 80% of median income, so the units have to be somewhere between \$125,000 to \$225,000. How much they end up being depends on all the subsidies we get. The cost to build it will be more like \$300,000 to \$450,000 per unit, so it will depend on the subsidies we get. Again we can extend the mortgage pretty long. We try not to because we don't want our families in debt forever, but we definitely want to make sure that people can afford the units.

Ms. Betts Basinger: And I didn't get a chance to really study the plans. What is the exterior finish?

Mr. Horcajo: Sir, if you can come up and identify yourself as the architect.

Mr. Lindquist: I'm David Lindquist from Maui Architectural Group. And the exterior finish is the hardy sidings, cement sidings.

Ms. Betts Basinger: The hardy plank.

Mr. Lindquist: Yeah. And it also got a stucco, so it's a combination.

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Ms. Betts Basinger: Is it the kind that has color through it or is it the kind that needs to be painted periodically?

Mr. Lindquist: We haven't determined that yet.

Ms. Betts Basinger: Okay. I'm just thinking about cost again. No other questions.

Mr. Horcajo: Okay. Sherri, maybe I've got some questions for you and then, again, members you can continue asking questions. Regarding road improvements for Lewa and Kahawai or any improvements, did you folks get an official letter from Public Works or DSA requiring road widening on either one of those streets?

Ms. Dodson: No. Our civil engineer actually notified us that there might be requirements by the County, so we addressed it. And when we sent out the notices to Public Works, we told them we would be requesting a variance if that was required.

Mr. Horcajo: Yeah, I guess for starters, I don't understand why Lewa is even up for us because it is a private easement servicing two or three lots, and that chapter, that part of the code, does not really apply to private driveways so I'm a little confused why we even have, why we have to approve, I guess, an actual variance for improvements for something that's private. I can see Kahawai, but I don't really see Lewa Place.

Ms. Dodson: I think the County designates it as a street. That's why it's been called – it has the name Lewa Place.

Mr. Horcajo: Yeah. I mean, I appreciate what you're saying, but I know the Code also says public right-of-way. So I guess we can discuss that with Corporation Counsel. Secondly, I guess the Public Works made comment relative to your variance request about sidewalk passage I guess from Kahawai to Market Street. What has been addressed about that, if any. I mean, I know you folks are saying you'll do an actual crosswalk from the project to the existing sidewalk across the street, from the south side, but again they make a comment about just making that turn because I drive up that street as well too.

Ms. Dodson: Actually the sidewalk will be along Market Street. I mean, not the sidewalk, the crosswalk will be along Market Street so that it will allow people to come on – you know, like coming from the bus stop above public housing. If they're walking down, they will have an ADA accessible crosswalk to cross Kahawai, and then they can come over to our lot. Or if they're on the other side, if they're coming up the other way, and they want to get to the sidewalk, the actual sidewalk across the street from our project, they will have an accessible way to do that.

Mr. Horcajo: I'm sorry, could you repeat that again? There's going to be two crosswalks?

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Ms. Dodson: No, just one. But it's not going to be right in front of our property. It's actually going to be –.

Mr. Horcajo: But it's going to be on Kahawai or on Market Street?

Mr. Lindquist: David Lindquist again. I think there's a little confusion. Our intention is that we create a painted strip from our sidewalk in front of our building to access to the sidewalk across the street –

Mr. Horcajo: On Kahawai?

Mr. Lindquist: On Kahawai that's going down. We'll create a curve cut for accessibility from our site and sidewalks and driveway entrance to that sidewalk that can access Market Street.

Mr. Horcajo: Okay. Well, David, I guess this Public Works comment June 10th, it says "how will foot traffic navigate around Kahawai Street to access Market Street?" I guess I take that to mean that because I know the sidewalk is kind of tricky from Kahawai onto Market Street. So is that what this is talking about or is that something else?

Mr. Lindquist: I was a little confused. Stacy Otomo, our civil engineer, he's on vacation right now. He went down and walked in the thing in this area, and he said it seemed fine. It's wide. It's five foot wide and it's fully accessible all the way down to Market Street. I'm not sure what the determination of Market and Kahawai is if there's a curve cut, handicap accessible. I don't know that right off hand. And if it was a question, then we could do that I guess, but our intention is to get from our property to that sidewalk which accesses Market Street.

Mr. Horcajo: Right because his first comment was that it's substandard so I was curious about that.

Mr. Lindquist: Yeah, he went down there and took a look at it, he didn't see anything substandard about it.

Mr. Horcajo: Yeah. I think it's wide.

Mr. Lindquist: Yeah. It's wide, and he didn't see any problem with it. And the intention of having a sidewalk on our side was just pointless. So we're trying to just get from our property to the sidewalk across the street.

Mr. Horcajo: And I guess the way the condition was written, you folks have to work it out with Department of Public Works as to location, and curve cuts and if anything else comes

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up, we'll see it, yeah?

Mr. Lindquist: Yeah. But we'll address the comments.

Mr. Horcajo: I guess maybe back to Sherri. Sorry Sherri.

Ms. Dodson: We work well together.

Mr. Horcajo: Maybe back to David, but your – there's really no fence in the project, right, because in reading your first report, it talks about the fence is going to block the visibility to the windows. But, really, looking at the renderings, there's really no fence blockage, even in the front or the sides.

Ms. Dodson: There actually is an existing fence on the property right now, permitted fence. So the design actually ties in the existing – it's not a fence, it's a masonry wall – the design works that into that existing wall into the design. And then to hide the parking, I think he's planning to do, like lattice. Not lattice, but it could be –

Mr. Horcajo: Yeah, louvers.

Ms. Dodson: Yeah.

Mr. Horcajo: I'm going to pass. Anybody else? Warren?

Mr. Suzuki: A couple of questions. What is the right-of-way width of Kahawai Street fronting the project? The reason I'm asking that question is if there is a requirement that you might have to provide a road widening lot. I realize that you're requesting for a variance from having to put in the roadway improvements, but I'm wondering whether or not there may be a requirement for a road widening lot, you know, depending upon what the right-of-way width is fronting the project.

Ms. Dodson: So you're asking if Kahawai may at some time need to be widen?

Mr. Suzuki: No, what I'm saying is that Public Works in most development circumstances, when the existing road right-of-way fronting the property is substandard from the standpoint that it doesn't conform to the required right-of-way width depending upon the zoning or the use, then a road widening lot is normally required. So I'm asking what is the current right-of-way width of Kahawai Street fronting the project. And I guess I would also ask the question, what is the required road widening width to determine whether or not a road widening lot may be –. I realize that maybe there might be a possibility for a variance from having to put in a roadway improvements. But I think at the same time, if a road widening lot is required, you know, that's something that likely should be provided for at this point in

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time. Otherwise, you may have a situation where you're going to have improvements jogging in and out because of the lack of the right-of-way width.

Mr. Lindquist: This is David Lindquist again. Stacy Otomo went down to the engineering and I think our lot is already wide enough. It's the adjacent lots are not wide enough if they ever do road widening. If you look at the site plan, you'll see the adjacent lot to us where the cars and automobile repair is, their lot actually sticks out 10 feet towards Kahawai, so that is where the problem is with road widening. Our road already meets the road width in front of our property on Kahawai. Stacy Otomo went down and talked to engineering to figure which variances were necessary. Kahawai Street is fine.

Mr. Horcajo: Just a comment. Some where in here it talks about the pavement width being 32 feet and that does not include -. It's in the report here that the paving is 32 feet and then you've got the sidewalk as well. But I'm not sure.

Mr. Lindquist: Yeah, then we have like -

Mr. Horcajo: Yeah, but you and I know that the developers the width probably have to be 50-feet.

Ms. Betts Basinger: Is that the set back? 10 feet?

Mr. Suzuki: Yeah, I'm not too sure exactly what the road widening, the right-of-way width needs to be, but, you know, that's something that I think needs to be addressed. And the other point that I have is that - and again correct me if I'm wrong Dave, because you're the architect - when you do have a commercial or multi-family project adjoining residential properties, isn't there a normal quote where the fence itself has to be at least six feet high.

Mr. Lindquist: That's true for residential.

Mr. Suzuki: So this fence -

Mr. Lindquist: Some on the back would be six feet high.

Mr. Suzuki: So this is -?

Mr. Lindquist: Yeah, our fence would be that high. Right now it's an existing CMU with pilasters and certain design that came with the property, and we're going to infill that with wooden - finish off the fence. But there is a six foot requirement between residential. You're right. And it would apply to that.

Mr. Horcajo: Sherri, just one quick thing. The reason I asked you whether you got

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something from the County is that, you know, it's kind of inline with what Warren is saying. You know, we've sat here before. We see projects that maybe come to us first, but we who had developed properties see that there's issues potentially like road widening and other improvements besides the sidewalks that you folk are going to have to come back to us. You know, where the O'oka's market is, when that project came to us, they had already gone through a lot of the processing through the County, to have gotten specific comments on road widening, requirement for sidewalks, all that stuff, so it made it easier for us, and easier for you folks. So that's why I asked you the question because, you know, there's a chance that you're going to have to come back to us. As opposed to just relying on the comments from your consultant. We want to make the process better for the general public too.

Ms. Dodson: I think our consultant did already go and talk to people at Planning. That's why we hired him so that he would sort of try to anticipate some of the problem that may come up and address them in the design now. You know, we just finished, Habitat is just finishing our first commercial project down on Lower Main so we are acutely aware of the process when we go through permit of having to change the design quite a few times to accommodate each of the Departments. And that's why on this project we actually went ahead of time and talked to Planning and Public Works.

Ms. Betts Basinger: Chair, I have one last comment. Is it correct that you did not go up as high as would have been allowable?

Ms. Dodson: Yes.

Ms. Betts Basinger: And did you do that for an aesthetic reason or because of the neighborhood, blending in with the residential neighborhood?

Mr. Lindquist: As with most power projects, it's always a balance between parking and use. If the lot get any skinnier, we'd lose 50% of the lot, parking for turn around space, so this just happens to work exactly right for two lanes of parking, setbacks, building heights. So you figure out how many parking stalls you get, and figure how many units you can put in it. And this client is affordable housing so it's small units so there was no need to go up any higher when we got our exact ratio, square footage to parking. So we ended up with two stories on top of parking.

Mr. Horcajo: So David, while you're up, I've got some design questions then.

Mr. Lindquist: Hopefully I'll be able to answer them.

Mr. Horcajo: I'm sure you can. I guess because mainly Sherri had mentioned a lot of kupuna purchasing. Are there elevators? I don't remember.

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Mr. Lindquist: Yeah.

Mr. Horcajo: There is.

Mr. Lindquist: Yeah.

Mr. Horcajo: Okay.

Mr. Lindquist: Two stairways, an elevator. It's all fair housing requirements and all the normal governmental regulations.

Mr. Horcajo: Okay. Thank you. Members, any questions of the applicant, Erin Wade, Corporation Counsel?

Ms. Betts Basinger: I'd like to hear Erin, if were ready for the recommendation.

Ms. Wade: The applicant is requesting three variances. The first is to the Code requirement, MCC, Title 16.26.3304.1, Improvements to Streets. Staff felt that – staff felt that it was a justified variance request for the fact that there were some safety issues related to providing a sidewalk on the building side of Kahawai Street. As a pedestrian would walk towards Market Street, they would encounter the adjoining property and no adjoining sidewalk, and Public Works concurred, so they felt that there was a safety concern. Two was the request to allow for a waiver from improvements to Lewa Place. I can't really speak to whether or not Public Works would have certainly require this if the consultant had looked into this as a concern. I think to cover our basis, the applicant wanted to issue that this was addressed in the event. Also, that it maybe dedicated as a public road in the future. Staff felt that the justification for the variance approval was consistent with criteria B of the variances which is an accepted and common practice to have the smaller road widths in the Wailuku area. And then #3, to allow for wood clad fiber glass windows instead of the required wood windows. Staff felt that the applicant's justification met the criteria again because of common place in the immediate vicinity. So the immediate building surrounding also has vinyl and fiber glass windows, and the louvered windows.

The recommendation of staff pursuant to the foregoing the Maui County Planning Department recommends approval of the new 16-unit residential condominium subject to the following conditions. Do you like me to read all of these, Mr. Chair? There are 23 conditions.

Mr. Horcajo: Okay members, can we read, I guess on page 9, the recommended conditions of approval? Take a minute Members, and audience, too, as well.

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Ms. Wade: Final construction shall be in accordance –

Mr. Horcajo: You don't have to read it.

Ms. Wade: Okay, take it individually.

Mr. Horcajo: So members of the general public, there should be copies of – is there any more copies up there?

Ms. Wade: I think they all got taken.

Mr. Horcajo: Okay. So members, maybe what might be better, can we just –. Is there any questions regarding condition of approval, items #1 through 7? We'll kind of do it separately I guess. It comes in different categories. Those are just general ones.

Ms. Betts Basinger: No.

Mr. Horcajo: Warren, you had any comments on condition #1 through 7? I guess while you're reading, I've got a question for Erin. I think I brought this up before. The new lighting standards and David may know as well, I realize, does not allowed up-lighting and this kind of mentioned that. But does the new lighting standards pertain only to exterior lighting on the building or even landscape lighting?

Ms. Wade: In the SMA area, it pertains to landscape lighting as well. But I don't think it applies – well, honestly, I guess I shouldn't answer that question. I have seen up-lighting approved recently in areas outside of the SMA. I know for certain it's not permitted in the SMA area.

Mr. Horcajo: So maybe David, if you don't mind, I'm going to ask you this question. Is there any landscape lighting planned for the project, up-lighting of landscape?

Mr. Lindquist: There's no up-lighting in the landscape. We only have some down lighting along the building just for security and walk way paths. There's no accent lighting.

Mr. Horcajo: Okay. Thank you. Okay, so maybe, members, so Department of Water Supply comments. Items #8, 9 and 10, any specific questions or comments about that? No? Okay. Department of Environmental Management, items #11 through 16? Okay.

Ms. Betts Basinger: Well, I do have a comment, Chair, and I'll ask the applicant. Because this is a multi-family or a multi-unit building, the County is not picking up trash there, are they? Is it commercial? County is doing it? Commercial. Thank you.

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Mr. Horcajo: Okay, items #17 through 18, relative to Department of Public Works' comments. And just as a reference or highlight, #17 is what pertains to the ADA accessible curb ramp on existing Kahawai Street sidewalk and a crosswalk from the project through the ADA ramp. The exact location of the ramp shall be coordinated with the Department of Public Works.

Ms. Wade: Perhaps we could change that to a condition. The exact location of the ramp shall be coordinated and executed to the satisfaction of the Department of Public Works. Just in the sense that encourages the applicant to coordinate but it doesn't require them to actually provide the solution. You know, I'm just realizing that as you read it.

Mr. Horcajo: Even though they won't get their approval unless they do it right.

Ms. Wade: Right.

Mr. Horcajo: Do you want to just add that?

Ms. Wade: Well, it's up to you.

Mr. Horcajo: Does anybody care? Does it matter? I would say we'll shine it because they don't like it, you don't get your approval. Okay.

Mr. Suzuki: Chair?

Mr. Horcajo: Yes?

Mr. Suzuki: As far as Public Works, I feel like there should be a condition in there where they shall confirm with the Department –. Something to the effect that they confirm with DPW in a road widening lot requirements, and agree to enter into an agreement where if and when road way improvements are placed along Kahawai Street, they'll pay their pro rata share for improvements fronting their property.

Mr. Horcajo: Okay. Any comments on that condition?

Mr. Suzuki: I think there's some language in improvement district agreement right there.

Ms. Betts Basinger: Regarding future road widening.

Mr. Suzuki: Road way improvements.

Ms. Betts Basinger: Yeah.

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Mr. Horcajo: I guess regarding that, I mean I have, as a project manager, had signed a road improvement agreements where if there's an improvement district that the owner pays for a pro rata share of improvements. Unfortunately that has never been done ever in Maui County so far. So I guess I'm wondering whether we're, a condition here suggesting that it's something that is somewhat –. I guess for me I expect that if these folks go back and submit the permit, and Public Works then says you've got to submit a road widening strip of x-amount of feet which then creates a problem for their project, they're going to, maybe, come back to us and ask for a variance for that right? Right now, we don't. I mean, they have no choice. If Public Works says we want a road widening strip for them to get their sign off, they can't do it, then they'll have to come back to us.

Mr. Suzuki: At the same time, Chair, I mean, you want to get in a situation where as you drive down the road, you see your right-of-way is popping in and out with road improvements jogging in and out because of varying road widening width? No?

Ms. Betts Basinger: I also agree Chair that it speaks to the standard that this body is looking for in the future and it's a burden that the applicant is going to be faced with anyway, so it just really speaks to our seeing that.

Mr. Horcajo: So Erin could you read – can you read what Warren's suggestion is?

Ms. Wade: Developers shall confirm with the Department of Public Works that no road widening is required on Kahawai and that upon improvement of Kahawai Street, the property owner shall pay their pro rata share of improvements.

Mr. Suzuki: No, road widening as far as the right-of-way widths.

Ms. Wade: That confirm with Department of Public Works that no right-of-way widening?

Mr. Suzuki: No road widening lot.

Ms. Wade: Okay.

Mr. Horcajo: Can you repeat that again? The corrected.

Ms. Wade: The developer shall confirm with Department of Public that no road widening lots are required on Kahawai. and that upon public improvement of Kahawai Street, that the property owner shall pay for their pro rata share of improvements.

Mr. Horcajo: So Warren, excuse me, so what we're saying is that if the County decides there's no road widening lot necessary, okay, that's point #1. And #2, if the County makes improvements on the existing County right of way, the developer has to pay for a pro rata

share?

Mr. Suzuki: Uh-huh.

Mr. Horcajo: That doesn't make any sense to me because it's a – I mean, right now the paving goes up – I shouldn't say – it goes up to the property, but –. Because they have to make improvements already like where that drainage thing is, right?

Ms. Wade: Right.

Mr. Suzuki: But they're requesting a variance from having to put in your standard road way improvements –your curb gutters and sidewalks. And they're saying that it's something that's not (phonetics) area and there could be some safety issues because there's not the continuity of the sidewalks and the curb and gutters. But in the future, and realize that maybe it's never been done before, but that's not to say that it will not be done in the future. But if and when it's done, I would hate for somebody else to bear the cost to pay the road widening improvements for that lot because we granted a variance. So, you know, my in-laws could be the one bearing a portion of the cost because they have to participate and they have to pay their pro rata share, but they're going to be paying their pro rata share for somebody else.

Mr. Horcajo: Does that makes sense to everybody?

Ms. Betts Basinger: And it's my understanding that you are set back. It's the neighboring lots that –.

Mr. Lindquist: . . . (Inaudible. Did not speak into the microphone.) . . .

Ms. Betts Basinger: Yeah, got you. I'm happy with that Chair.

Mr. Horcajo: Okay. Any other comments? And I realize, I'm sorry, there's also items #20 to 23 that pertains to Public Works. No, I'm sorry. That's Planning. Excuse me. Alright, so any other suggestions for Public Works' comments? Just one by Warren. Okay items #20 to 23 pertain to Planning Department's comments. And #22 specifically – the condition is developer shall utilize the Milgard Ultra Woodclad Series windows with divided light upper sashes. That's a condition.

Mr. Lindquist: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Horcajo: Well I'm reading item #22. This is the –

Mr. Lindquist: . . . (Inaudible. Did not speak into the microphone.) . . .

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Mr. Horcajo: #20. Okay. David, excuse me, can you come to the mic and identify yourself?

Mr. Lindquist: David Lindquist, Maui Architectural Group. Item #20 I think is speaking about the irrigation and trees for parking, and all our parking is under building. Is there still a requirement for any of that?

Ms. Wade: Yes there is. So any parking has – any parking that's provided whether it's in a structure or within a building or service parking, there's still the landscape parking requirements are required.

Mr. Lindquist: So you put trees under the building?

Ms. Wade: You don't have to provide them under the building, you have to provide them on the property.

Mr. Lindquist: Any where. Not relevant to the parking spot though.

Ms. Wade: Correct. It's not a shade requirement. You're not trying to reach that 30% shade, but you still need to provide landscaping.

Mr. Lindquist: I thought it was relevant to the actual parking stalls. Thank you for clarifying that.

Mr. Horcajo: Okay. So members, so, so far what do we have? We have added one item to the recommendations of the Maui Planning Department, and Warren's comment on improvements. Okay. Is there any additional discussion on the recommendations?

Ms. Wade: You want to design review and then take each variance one at a time or all at once? It's up to you.

Mr. Horcajo: Alright. Okay, you are here, first of all for design review on – I guess one reason we're here. So do I have a motion from any member here regarding the approval of the design review as submitted? Any member wants to make a motion?

Ms. Betts Basinger: So move.

Ms. Wade: That wasn't a motion. He asked if there was a motion.

Ms. Betts Basinger: To approve. So move to approve the design review. Is that what you're looking for Chair?

Mr. Horcajo: Yes. Second? Chair will second. Any further discussion? Can I second?

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She's recusing herself.

Mr. Giroux: Being that we're such a small body right now, I think we can surpass the Robert's Rules of Order as far as that goes. Otherwise we're not going to have any action.

Ms. Betts Basinger: We need a second to have discussion.

Mr. Giroux: Right. Unless Warren to fill the second.

Mr. Suzuki: No.

Mr. Giroux: As a matter of order.

Mr. Horcajo: Okay. Any further discussion on the recommended motion of design approval?

Mr. Suzuki: Mr. Chair, as I've said before, I have a concern about not seeking community input prior to application so for that reason I can't support the motion.

Mr. Horcajo: Okay. All in favor say aye.

Ms. Betts Basinger: "Aye."

Mr. Horcajo: Abstain?

Mr. Suzuki: No.

Mr. Horcajo: No. Okay. And again, Katharine is recusing herself. So the motion on approval of design review does pass.

Mr. Suzuki: Does not.

Ms. Betts Basinger: No.

It was moved by Ms. Alexa Betts Basinger, seconded by Mr. Robert Horcajo, then motion to approve the design FAILED.

(Assenting: Mr. Robert Horcajo and Ms. Alexa Betts Basinger

Dissenting: Mr. Warren Suzuki

Recuse: Ms. Katharine Popenuk

Excused: Mr. Ray Phillips)

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Ms. Wade: Doesn't it need a majority?

Mr. Horcajo: Oh, needs a majority. I'm sorry. Alright, sorry about that.

Ms. Betts Basinger: Are we in discussion still?

Mr. Horcajo: No, I think we've already taken a vote, right.

Ms. Betts Basinger: We took the vote.

Mr. Suzuki: . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Horcajo: Right, we have the variance is next, yeah. Okay. Can we take the variances together or you folks want to do them one at a time? It's for potential improvements on Lewa and Kahawai?

Ms. Betts Basinger: Might as well do them together. We've had enough discussion.

Mr. Horcajo: Is there a motion on the floor from anyone regarding the approval of the variances?

Ms. Betts Basinger: I move to approve the request for variances by the developers of this project.

Mr. Horcajo: Any second?

Ms. Wade: You have to be more specific. Are these the three variances on your agenda?

Ms. Betts Basinger: Maui County Code requirement to widen Lewa Place. Wailuku Redevelopment Area Design Guideline requesting relief from the requirement to use wood windows. And MCC 18.20.070, and 080, sidewalks, curbs and gutters, requesting relief from requirements to install sidewalk along Kahawai.

Mr. Suzuki: Second for discussion.

Mr. Horcajo: Okay, discussion.

Mr. Suzuki: On that particular variance, how do we attach the condition that they confirm and participate in an agreement for future roadway improvements?

Ms. Wade: You'll need to take the staff recommendations and condition the variances on those staff recommendations and separate it from the design review. So you can still

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accept the staff recommendations as part of your approval.

Mr. Suzuki: Public Works recommendations.

Ms. Wade: Correct. Yeah.

Mr. Suzuki: So she would have to amend your motion to include?

Ms. Betts Basinger: As amended.

Mr. Horcajo: Is that clear enough?

Ms. Wade: You want to say, including the staff's recommendations.

Mr. Suzuki: Public Work's recommendation.

Ms. Wade: Okay. Can I just clarify?

Ms. Betts Basinger: Which is part of the staff report.

Ms. Wade: Would that mean the staff – just the Public Works recommendations or all of the recommendations incorporated in the staff review?

Mr. Suzuki: But the staff review includes your windows.

Ms. Wade: Wood window, Water Supply, Environmental Management, Public Works.

Mr. Suzuki: But the motion is only to grant a variance for the roadway improvements.

Ms. Wade: She read all three variances.

Ms. Betts Basinger: No, all three.

Mr. Suzuki: All three?

Ms. Betts Basinger: Yeah.

Mr. Suzuki: Okay, then I don't have a problem.

Ms. Betts Basinger: As recommended in the staff report.

Mr. Horcajo: Excuse me. Do you want to amend it again to include the additional

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recommendation provided by Warren that we discussed?

Ms. Betts Basinger: The staff report as amended.

Mr. Horcajo: Okay. Any further discussion? All in favor say aye.

Board Members: "Aye."

Mr. Horcajo: Any opposed? Okay, variance request, all of them have been approved. Thank you very much.

It was moved by Ms. Alexa Betts Basinger, seconded by Mr. Warren Suzuki, then

VOTED: to approve the three variance requests and the Planning Department's staff recommendations with the amendments as discussed.

(Assenting: Mr. Robert Horcajo, Ms. Alexa Betts Basinger, Mr. Warren Suzuki

Recuse: Ms. Katharine Popenuk

Excused: Mr. Raymond Phillips)

Ms. Wade: Do you want to provide any further recommendations for the applicant about coming back for a design review?

Ms. Betts Basinger: Well, I have a question about whether or not we can add a recommendation to incorporate Warren's request that concurrent with what the applicant is doing, they solicit the community and report back to us in a way that would satisfy you.

Mr. Horcajo: I think that's what Erin was just saying that I guess this body is telling you based on the denial of the design review that if you take Warren's comment to heart and be proactive and going out to the community beyond just knocking on doors, and having a public hearing.

Mr. Suzuki: Public meeting.

Mr. Horcajo: A public meeting, excuse me, before you come back to us. I would hope in the mean time you can still submit, start your process through the County building permit process. I don't see why that's an issue.

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Ms. Betts Basinger: So that can't be a condition of the design review.

Ms. Wade: Well, you don't have a motion to approve or deny a design anyway. However, you have the direction. It can be the rationale for the denial.

Mr. Horcajo: Sherri, please.

Ms. Dodson: We are going to do it anyway. It is part of the process. We have a plan that we've worked out, and it is definitely part of that plan not only public meetings, but we're going to do adequate notice to the entire community.

Mr. Suzuki: Okay.

Ms. Dodson: Newspapers. All that kind of stuff.

Mr. Suzuki: So mail outs to the residences mauka of Market Street.

Ms. Dodson: I'm not sure what the requirements, but we can –

Mr. Horcajo: 500 feet.

Ms. Dodson: Yeah, the 500 feet encompasses, I'm pretty sure it goes on the other side of Market Street.

Mr. Suzuki: Mauka. Because again the reason why I'm saying that is because there's only two ways to get out from the area mauka of Market Street. It's Kahawai and Mokuahau. So my in-laws live, I would say, more than 500 feet from the project site, but they come out from Happy Valley through Kahawai 99.9% of the time. They'll see the project. They'll see the visual impacts. So my feeling is that there should be a broader community meeting to appraise them of what's being proposed. You know, similar when you go to – you don't just to people if you go for an SMA within 500 feet of the project, you open it up to the Kihei Community Association to schedule a meeting to get the community's input.

Ms. Dodson: Yeah, as I said, we'll definitely put it in the newspaper, and we'll post notices wherever we can in Wailuku town. It's convenient for us because we're actually are renters down the street so we can post at our own location. And we'll work with Wailuku Main Street Association to see how we can get notice out best to the area. We definitely want as much participation as we can get.

Mr. Horcajo: Alright. Thank you very much Sherri.

Ms. Wade: Can I make one further comment? I just wanted to point out that the design

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review is not a public hearing process, so as long as you submit within three weeks in advance of the MRA meetings, we can still get you on the agenda.

Ms. Dodson: Yeah, but we will definitely go through public hearing and public meeting process before we do that.

Mr. Horcajo: Thank you very much. Thank you. Okay, members, before I call a 10 minute recess, can I ask if we can move, if we can move items (E) and (F) in front of our orientation so any public member who does not want to stay through the orientation can leave? So it's going to be after (D1). We'll do (D1), (D2), and then if we can do item (E) and (F) and then we'll come to the orientation last. Is that okay with members? Okay. So, Chair calls a 10 minute recess. Thank you very much.

(Warren Suzuki leaves at approximately 3:17 p.m.)

(The Maui Redevelopment Agency recessed at approximately 3:18 p.m., and reconvened at approximately 3:25 p.m.)

D. MAUI REDEVELOPMENT AGENCY BUSINESS

- A. Wailuku Municipal Parking Structure update and discussion on the parking structure project including issues relating to design, schedule, contracts, proposals, project collaboration and funding. (Morgan Gerdel, AIA, Parking Structure Coordinator)**
- B. Market Street Improvement Project, Phase II through Happy Valley Update on project progress, public relations and schedule. (Yuki Lei Sugimura, Public Relations)**
- C. Maui Redevelopment Agency Orientation - Part I**
 - A. Maui Redevelopment Agency enabling legislation and documents**
 - 1. HRS 53**
 - 2. MCC 2.40.050**
 - 3. Wailuku Redevelopment Area Plan**
 - 4. Wailuku Redevelopment Area Zoning and Development Code**
 - 5. Wailuku Redevelopment Area Design Guidelines**
 - B. Development Review Board Actions**
 - 1. Design Review**
 - 2. MRA Use Permit**

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- 3. Variances**
- 4. Waivers**
- C. Rules of Practice and Procedure**
- D. Ethics**
- E. HRS Chapter 92, Sunshine Law**
- F. HRS Chapter 91, Contested Case Procedure**
- G. Maui County Charter**

Mr. Horcajo: Okay. We're now on agenda item (D), MRA, Maui Redevelopment Agency business, item (D1), Wailuku Municipal Parking Structure update and discussion, so Morgan. Okay Morgan, you have the floor.

Mr. Morgan Gerdel: Good afternoon members. My name is Morgan Gerdel. I'm with Nishikawa Architects, and Erin has passed out an updated project schedule for the municipal parking lot project and a status report. And in the status report I've added a column after the estimated start and end dates that shows the original end date so you can see how the schedule is lined in terms of the original projection. I'd like to start with the conceptual design of the parking structure. The Department of Public Works is sending a letter to notify the consultant that they've been selected. That will probably happen next week. And we're going to schedule a scope meeting with the goal to finalize the contract by the end of September so they can get started on the conceptual design. And the EA/EIS work will run concurrently with the design of the structure.

I'm also going to talk about phase three of my contract, the developing the funding strategy. I've been in discussion with Public Works and we're talking about amending that work to include a parking management plan for Wailuku. And I'm in discussions with the parking consultant to get a proposal based on the draft scope that the MRA had put together. So the phase three schedule and task will adjust when we add in that additional scope for the work. And I guess the idea is to provide the maximum benefit for the project, and be efficient with our time so we're serving what Public Works really needs. And I'm also going to update the schedule with the EDA reports, but I need to meet with Joe Alueta and Jo Ann Inamasu so they can tell me how that's going to work out. So I have to get them both together in a room, and Joe is out this week, but as soon I get that information I'll update the schedule. And I guess that's all I have now unless there's any other questions.

Mr. Horcajo: Is there any public testimony on this agenda item? Okay.

Ms. Perreira: Jocelyn Perreira. Wailuku Main Street Association. This is relationship to the municipal parking structure and what needs to be done during the interim and so on and so forth. So I just want to let you all know that since our last meeting our team of professionals met again. Bob, we also discussed, you know, one of your request like about

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the motorcycle space and what not. So they took another look at converting some of the existing 45-degree parking stalls back to 90-degree parking stalls, and that gave us an additional three stalls. So now we have a total of eight stalls in this revised version. And we feel that, MRA, if you want to –. So we're going to take this up to Public Works so they can file a formal application to you all. When they bring the application forward to you, we feel it would be the discretion of the Maui Redevelopment Agency if you wanted to convert one or more of the eight additional stalls that we got from this plan to designate for motorcycle space. But I am very happy to let you know that we've got something that I think will at least yield eight additional stalls, and I think everybody would be pleased with that. That will give us some head way while we're waiting to have the process of the municipal parking structure proceed.

Mr. Horcajo: Any comments, questions I should say?

Ms. Betts Basinger: Yeah. Question Jocelyn. So you're saying it does not include motorcycle parking. Does it include bicycle parking?

Ms. Perreira: We just took what we could do if we did a conversion of the existing 45-degree parking stalls back to 90.

Ms. Betts Basinger: Okay.

Ms. Perreira: So, our point of view was, and for people that we advocate for as well, the point and the whole idea was to get as much parking as possible. Now that's your authority whether you want to designate part of the additional stalls that we were able to get from this professional plan that we've prepared. And if you want to so choose to designate a stall for motorcycle or if you want to designate another stall for bicycles or what have you, but we didn't feel that it was appropriate for us to make that kind of determination. Furthermore, we really wanted to get it in the hands of Milton Arakawa, Public Works Director, because maybe he has some ideas and thoughts himself of what requirements he'd like to place additionally on this. And because that now that, you know, requirements change continually and that there maybe some more current requirements or, you know, flexibility, and what we wanted to do was give the most flexibility possible to you so that we could in fact achieve the most possible gain for the community.

Mr. Horcajo: Any other comments?

Ms. Betts Basinger: Did we get a copy of that?

Ms. Perreira: No. Erin is going to get a copy. It's going to go to Public Works. And then Public Works will file a formal application and it will come down to you, and you'll get a copy.

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Ms. Betts Basinger: So Erin will get a copy, though, before you give it to Public Works?

Ms. Perreira: No, I'm going to give it to them simultaneously, Erin and Public Works.

Ms. Betts Basinger: Okay.

Mr. Horcajo: So I guess – thank you very much – I guess, members, I was going to say that, I mean, I know we talked about, or I suggested, motorcycle stalls, but it's not allowed technically within our zoning code. So I guess once it goes to Public Works and Planning, you know they can discuss what avenues, what legal avenues, that we could take as the MRA to allow motorcycle stalls or bicycle stalls. But right now let's – as I agree with her – get it up to Public Works and have interagency discussions and hopefully they'll come to us with something we can –

Ms. Betts Basinger: There's also a restriction on bicycle parking?

Mr. Horcajo: Well, it doesn't mention it. It doesn't mention motorcycle. It doesn't mention bicycle. It just says you can go down to eight-foot stalls in our parking, zoning code.

Ms. Betts Basinger: Okay. I'm glad to see it this is moving forward.

Mr. Horcajo: Thank you very much. Any other public hearings on this item? Sir, just identify yourself.

Mr. Robert Joslin: Hello. My name is Robert Joslin. And I've got a few questions I guess. I was up here a few months back, and I was handed – this looks to be updated, this two sheets of paper, coordinator status report and the Nishikawa Architects' project schedule. And I guess the first thing that I need to know is it says consult with key stakeholders which has already been completed. I'm trying to figure out what that is. Could you help define that?

Mr. Gerdel: The key stakeholders were identified in my contract as the County Council, the Wailuku Main Street Association, the MRA, Public Works, but it also – if – I'm open to meeting individual residents or landowners as well.

Mr. Joslin: Okay, so that hasn't occurred with any landowners definitely. Is that correct?

Mr. Gerdel: I have had some landowners contact me. I have met with some, but I haven't met with everyone in Wailuku yet. No.

Mr. Joslin: Is the design been completed then? It's say review existing. Is that completed?

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Mr. Gerdel: We had a preferred option that was approved by the MRA that we're starting from, and using that as baseline to fuel the conceptual design.

Mr. Joslin: Okay. Does that impact any of the neighboring property owners?

Ms. Wade: Can you clarify your question? Do you mean, does it encroach on any properties?

Mr. Joslin: Does the design impact of the neighboring property?

Mr. Gerdel: Yeah, it would have some impact on neighboring property owners. Yes.

Mr. Joslin: Okay. That's all I needed to know.

Mr. Horcajo: Any questions for the testifier? So Robert, I would suggest you have Nishikawa's phone number and you should make contact with them because undoubtedly you did right?

Mr. Joslin: I left a card with him.

Mr. Horcajo: Okay. And as Morgan just said earlier, Public Works is sending a letter fairly soon to the selected architect. And I guess we'll know in the next couple weeks who that is, and the process will move a lot – there's going to be more public process. But starting that base, BC-1 plan that the public had reviewed I guess, you might have been a part of that years ago, that BC-1 plan. But any way, just keep in touch.

Mr. Joslin: Okay. Alright. I'm on the list, so –

Mr. Horcajo: Okay. Morgan? Is there any questions for Morgan? Any member? Thank you very much.

Mr. Gerdel: Thank you.

Mr. Horcajo: Thanks for the updated status report. Too bad Warren wasn't here to see it.

Ms. Betts Basinger: No, maybe not.

Mr. Horcajo: Okay. We're now on agenda item (B2). I guess Yuki is gone.

Ms. Wade: She left me a note. Okay, her report is Market Street Improvement phase two project is delayed since June 24th due to the water line readjustment, or realignment. As of August 18, 2010, the Department of Water Supply is still working on the project site.

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Anyway Goodfellow Brothers are not working on the site due to the delay at this time.

Mr. Horcajo: So pretty much ditto from last week.

Ms. Betts Basinger: And I do see them working when I drive through everyday.

Mr. Horcajo: Any public comments on this agenda item?

Ms. Wade: I just wanted to comment that I spoke directly with Lance Takamiya a couple of days ago, and he felt very good about the progress of the project and said that he just wanted to compliment all the contractors and everybody who's working on the project, so that was good news.

E. COMMUNICATION AND REPORTS

A. CHAIR HORCAJO - Report on meeting with Director Aoki regarding the MRA budget

B. NEWSLETTER

Mr. Horcajo: Okay, we agreed to jump to item (E), communications and report. I guess I'm up, Chair Horcajo report on meeting with Director Aoki regarding the MRA budget. Sorry, I did not put something in writing, but my main – well, two main reasons, I guess, two main issues I wanted to have addressed with the Planning Director, and one was having to do with how much money we potentially had for our 2011 budget. As you folks know Council and the Mayor had signed approval of \$81,000 for this year's budget, of which roughly \$45,000 was going to be used for the project manager's position. Now the Director did advise myself and Erin that we will have our total \$81,000 to use for our 2011 budget. And I'm not sure whether it's going to be scheduled for next meeting depending on the orientation, but we're going to start dealing with budget items soon as we go through some RFPs, like the parking management plan.

The second issue I wanted to talk with her about was how to get Erin help, you know, clerical help, I guess because as we've discussed at previous meetings, given the jobs that comes before her and before us, she needs help. And of course, we've discussed the options about hiring an actual clerical help outside, a consultant. For me, the third option was to see whether she could get help within the Planning Department itself. And basically Director Aoki directed Erin to say, basically saying, if you need help, we'll find it. Am I saying it all correct here?

Ms. Wade: I hate to say this, that's not what I heard at all.

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Mr. Horcajo: Okay.

Ms. Wade: I thought she had said that if we wanted to contract services for helping with the mailings and things, and the newsletters, and the PR related issues, that we should, that we could easily, and she could help us define a scope to be able to do that.

Mr. Horcajo: That's true. She said that too.

Ms. Betts Basinger: Would that include research and you know preliminary work on things that the MRA might give you?

Ms. Wade: I would suggest, and the one thing she directed us was be very specific. If you want to award a contract for communication with property owners and additional information, do that. And then if you also want something for research have a separate RFP for that because you're not going to get that many people that have both strong skill sets, you know?

Ms. Betts Basinger: Right.

Ms. Wade: So she suggested being very specific in that.

Mr. Horcajo: Thank you very much.

Ms. Wade: That's not to say she's unwilling to help when we need it, but, you know, at this point I haven't asked for additional clerical assistance because it is not Leilani's job at all to be doing these broad outreach letters to property owners, and neither it is the job of my current clerical staff. So it's just like become a very low priority whereas – but now we're at the point especially with this market base plan, we've got some really important information to communicate. So, I think she appreciated the gravity of what needs to be communicated, but was encouraging us to go the contract route.

Ms. Betts Basinger: So are we ready on the next meeting, Chair, to revisit again the scope of work for hiring a part-time person?

Mr. Horcajo: Well, yeah, I guess –. Let me ask Erin – this is going to be coming out soon, right, by the end of the month?

Ms. Wade: September. Yeah.

Mr. Horcajo: So I would hope that, yeah, at the next meeting we're going to have some RFP's coming out of Planning that we can look at. But whether it's specific to, but again as the Director said, it should be focused. And if the focus is mainly on this, for example,

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and using this as the start to get out to the public. And once we have the data base when we're getting into the design public hearing process, we can use that data base, of course, then that would be good. But it sounds like and we'll talk about it more at next month's meeting is, yeah, doing an RFP to get some specific help on getting this out. But, not so much a general, as we'll discuss this, the general clerical help. And that's what the Director is saying, be real specific.

Ms. Betts Basinger: Right. Well, you'll have to in a scope of work.

Mr. Horcajo: Right.

Ms. Betts Basinger: And so it seems correct that we discuss that together with the budget. So we will have a budget prepared in front of us next month or sooner, maybe, by email so we can start thinking about it prior to the meeting.

Mr. Horcajo: Any other comments?

Ms. Betts Basinger: Good work.

Mr. Horcajo: Item (E2), newsletter. Erin?

Ms. Wade: Yeah, I was kind of waiting for this completed report to finalize the information in the newsletter. So we got this earlier this week. They're going to be doing some additional edits. We had a few things that had I've talked to Brad today about and they'll be making some additional changes. They're going to be filling in a lot more information in a couple of areas. Once we have that, I think I'll feel pretty confident about doing the newsletter. The other thing I wanted to wait on was the dates because in their next meeting, or their next trip here which is the week of September 12th, they want to have two public meetings, so I wanted to make sure that goes dates would go in the newsletter when it went out. So I think we're about ready to do that.

Mr. Horcajo: Okay. I'm sorry, but any public testimony on items (E1) and (E2)?

Ms. Perreira: Jocelyn Perreira. Wailuku Main Street Association, Inc. Regarding the newsletter, I'm looking forward to having a discussion with Erin regarding some of the content on that. And the September 12th – can I get a clarification since you mentioned that? They're back here on the 12th?

Ms. Wade: No, the week of the 12th. So they fly in that Monday night, and they leave again the Thursday afternoon.

Ms. Betts Basinger: 13th through the 16th.

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Ms. Perreira: Oh, somehow I had it down as the 18th. Somebody told me the 18th of September. So that was wrong.

Ms. Wade: Correct. It's the 12th. The week of 12th. I'm sorry, the 13th through the 16th are the dates that they'll be here.

Ms. Perreira: Okay. Cool. So we can make sure we clue in some time. And the RFP's and the budget, I know I had mentioned this before, maybe not on the RFP's, but on the budget for the MRA. Is it possible to get an idea of what your budget is so that we can offer input into the draft budget? So that it is formulated with the consideration from the community as to what we'd like to see you consider?

Mr. Horcajo: Well, yeah, it's a public process, so –

Ms. Perreira: Yeah, but what I'm saying is if you're going to get it early on, if we can at least get a copy as well, then we come to the meeting we're prepared to offer some input. I think that is really important that we're not just receiving it the day and everything gets formulated because the perception is like it's a preconceived notion and we don't want be in a position where it's like just lip service. We want to be able to offer, if we have something to offer, as a consideration so that it's really, you know, it comes across as a consolidated effort because it is public funds. So thank you very much for that.

Mr. Horcajo: Okay. And I guess my only comment to the members here about this issue is that, you know, while we may talk about budget next month, you know, we're not going to be allocating our \$81,000 all at one time. We're going to – aside from any specific RFP such as what we've just been talking about help, you know. We talked about at our meetings last year about doing the parking management plan, pedestrian, and vehicle and pedestrian circulation plan. We don't have RFP's. We don't have numbers yet. So just kind of focusing where our top goals are and generalizing where the money should go as our top priorities. But we've got the website. So, yeah, it's just a general discussion. It's not just one meeting. It's ongoing.

Ms. Betts Basinger: We already knew. We already know our general budget. And the only thing left over from last year that wasn't resolved was the RFP issue for clerical help for the MRA, so this is good.

Mr. Horcajo: Okay.

Ms. Perreira: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Horcajo: I got it. Fine.

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Ms. Betts Basinger: Nothing new.

F. APPROVAL OF THE July 23, 2010 MEETING MINUTES (via e-mail)

Mr. Horcajo: Okay, item (F) approval of July 23, 2010 meeting minutes. You folks all got it by via email from Leilani. Everybody had a chance to read it. Do I have a motion?

Ms. Betts Basinger: I move to approve the minutes of the July 23, 2010 MRA meeting.

Mr. Horcajo: Second?

Ms. Popenuk: Second.

Mr. Horcajo: Okay. Any discussion? Corrections? Changes? All in favor say aye.

Agency Members: "Aye."

It was moved by Ms. Alexa Betts Basinger, seconded by Ms. Katharine Popenuk, then

VOTED: to approve the July 23, 2010 MRA meeting minutes as presented.

Mr. Horcajo: Okay, motion is approved. Thank you very much. Okay, we're back up to item (D1) Maui Redevelopment Agency orientation part one.

Ms. Wade: You guys are up for it? Okay, we just need to set up our lap top and then we'll be all set to go.

Ms. Betts Basinger: Because Warren is not here, and isn't he our newest member?

Mr. Horcajo: Yes.

Ms. Betts Basinger: I think it's inappropriate for us to. I would like to make a motion to defer. And also, hopefully, Ray will be back at the moment we defer. This is something everybody should sit through.

Mr. Horcajo: I agree. No, that's a good idea.

Ms. Wade: Do you mind if I make a brief comment?

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Mr. Horcajo: Excuse me? Erin?

Ms. Wade: I would like to extend an invitation to everybody on the Wailuku Main Street Association structure and design committee in case they were interested in hearing how the review process goes internally because I think it would be really helpful for them to raise any questions or concerns.

Ms. Betts Basinger: Good idea.

Ms. Perreira: We have gone through this, with all due respect, many years. Our group has a document relating to all of this. So thank you, but our people have . . . (inaudible) . . .

Ms. Betts Basinger: So defer to the 17th meeting?

Mr. Horcajo: So we'll defer to next month's meeting.

Ms. Wade: Okay, September 17th.

Mr. Horcajo: We'll do what we've got to do. Good idea. Okay, our next meeting date is September 17th. It's back to a Friday.

G. NEXT MEETING DATE: September 17, 2010 (Friday)

Ms. Wade: On that agenda item, we will have a variance. We'll actually have two public hearings. One will be the Sereno Law Office variance request. The other is going to be the Verizon wireless antenna addition. They currently have an antenna behind the Maui Dry Goods building. It's an H-frame antenna, however, it never received the use permit. This happened a lot during the time when antennas were starting to go up, or the H-frames were starting to go up. So they actually have to come in because they want to add additional antenna to the H-frame, to get their use permit, to get them, you know, in compliance, to add their additional antenna. So those two public hearings will be on the next agenda.

Also, we will have gone through a very rigorous week. The final week with the PUMA group that earlier, so I hope, you know, we'll stay in touch and make sure that you folks have all the information about attending the meetings. But I'm sure we're going to want to do at least a summary on that agenda of the experience of the week and what we've heard and learned.

Ms. Betts Basinger: And we may want to add under (D), Budget and RFP scope.

Mr. Horcajo: Alright, if there's no objections, the Chair will adjourn the meeting today at 10

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to four.

Ms. Betts Basinger: Thank you.

H. ADJOURNMENT

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 3:50 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
SECRETARY TO BOARDS AND COMMISSIONS I

RECORD OF ATTENDANCE

Members Present:

Robert Horcajo, Chair
Katharine Popenuk, Vice-Chair
Alexa Betts Basinger
Warren Suzuki (1:41 p.m. to 3:15 p.m.)

Members Excused:

Raymond Phillips

Others:

Erin Wade, Small Town Planner
James Giroux, Deputy, Corporation Counsel

Morgan Gerdel, Nishikawa and Associates