

**BOARD OF VARIANCES AND APPEALS  
SITE INSPECTIONS  
OCTOBER 14, 2010**

**(Approved: October 28, 2010)**

**A. CALL TO ORDER**

The site inspection of the Board of Variances and Appeals (Board) was called to order by Chairman Pro Tem William Kamai at approximately, 8:30 a.m., Thursday, October 14, 2010, at the property located at 525 Hulopoe Drive, Manele, Island of Lanai.

A quorum of the Board was present. (See Record of Attendance.)

Chairman William Kamai: This meeting will now come to order for the Board of Variances and Appeals, October 14<sup>th</sup>, 8:30 a.m. Let the record reflect that we do have a quorum. Staff?

**B. SITE INSPECTIONS**

1. **Site inspection of property located at 525 Hulopoe Drive, Manele, Lanai for the following item (approximately 8:30 a.m.):**
  - a. **STEVE and TINA STROMBECK requesting a variance from Maui County Code, §19.70.020(B)(5) to allow the construction of a single-family dwelling with the total height of 43 feet-6 inches, which includes up to 21 feet of fill, thereby exceeding the 30-foot height limit by 13 feet-6 inches for property located at 525 Hulopoe Drive, Manele, Lanai, Hawaii; TMK: (2) 4-9-023:006 (BVAV 20100017).**

Ms. Trisha Kapua`ala read the agenda item into the record.

Chairman Kamai: Thank you. Is there anyone in the public wish to testify on this agenda item?

Mr. Clay Rumbaoa: Does the lot owner count or—?

Chairman Kamai: Sure.

Mr. Rumbaoa: Okay.

Chairman Kamai: State your name for the record, please.

Mr. Rumbaoa: My name is Clay Rumbaoa. I'm with Castle & Cooke, the lot owner for this property. And I was gonna provide a verbal walking tour. Do I do that now or if there's anyone else wants to—?

Chairman Kamai: Any objections, Members? Please, Mr. Rumbaoa.

Mr. Rumbaoa: Okay. Thank you. Again, welcome, Board Members, to Lanai. This is Lot 77, the address being 525 Hulopoe Drive. It's about .66 acres in area in the Manele Project District. To the south is Hole no. 3. And beyond that is a property, Lot 85, which the owner will be coming this afternoon to testify in favor of the project. To the east, the adjacent lot, Lot 78, currently, obviously, there's no home, and it's owned by Castle & Cooke. To the east, there's a cart path, and beyond the cart path is a subdivision called M-5. That's about maybe 120 feet away. To the north is obviously, Hulopoe Drive, a 60-foot right-of-way. And it's Hole 10 above that. And above Hole 10 is an M-Ag area, which is probably going to be developed in about 10, 15 years.

Some of the features of the property: as you can see, we put up the poles, these two poles, with the red ribbons. It designates the 22-foot height limit of the highest point of the house. We put that up so that way that property up to the northeast, they could see the potential impact of the home. And they've written—it's in your packet—a letter of support stating that the view plain is not impacted. And this height that you see here depicts only the highest point of the home. As the pitch gets lower, the height of that structure and actual fill actually is less than the 30-foot limit. So the part that exceeds the 30-foot limit is only about 15% of the home.

The fill, as mentioned earlier, is about 21 feet at the highest point. The fill consisted of structural rock. It was compacted. We have all the engineering reports for that. It's a tiered surface. There's a wall about ten feet, and then there's a bench, and then another wall that comes up ten feet. And within these walls, we have drainage inlets to handle all – any runoff that comes off this property.

Now, the reason why we lifted this lot or provided the fill was the impact of the potential floods and the flood that occurred in 2002. The watershed at top here above Hole 10 is hundreds of acres. And as you can see, if you go this way, there's a natural drainage path right in this area. And before the lot was elevated, the water flowed in back in 2002, the flood of 2002, and inundated the property and caused severe erosion damage. So what we did to remediate the lot was to create a basin to collect the water runoff and direct it to the west side of the property. And that needed to be done to again, to protect the property. And to further protect the property, we had to raise the elevation of the lot.

Mr. Steve Strombeck: You want to show them the culvert?

Mr. Rumbaoa: Yeah, let's look at the culvert. So this is a collector basin, and it drains through a 48-inch culvert. And it goes underneath the roadway, and adjacent to the property, and heads up that way to the south. So again, before this was all constructed, the runoff created damage to the property back in 2002 when the floods occurred.

Chairman Kamai: Mr. Rumbaoa, does that conclude your testimony for this area?

Mr. Rumbaoa: Yes, correct. We can go back this way.

Chairman Kamai: Okay. Members, any questions for the testifier regarding this area? I have one. Mr. Rumbaoa, would that rock croppings present the natural grade in this area?

Mr. Rumbaoa: It's probably about – maybe a foot lower, it'll be natural grade. So it would be very

close. The gentle slope going to the north represents the natural grade. And the grade along the road, there was some dips in it, so obviously, we had to fill that. So it's about – maybe again, maybe about a foot of fill, and your aggregate sub grade for the roadway. So the roadway is pretty close to natural grade.

Chairman Kamai: Okay. Members, any questions for the testifier?

Mr. Stephen Castro, Sr.: What kind of damage was it at that time?

Mr. Rumbaoa: It was – obviously, it was a vacant property. A lot of erosion damage. You had the 100-year storm that came in, and because of the natural 25% slope from the roadway, everything that came down this way–

Mr. Castro: It wasn't backfilled yet?

Mr. Rumbaoa: It wasn't backfilled. This was back in 2002. In 2003 was when we got the grading permit to remediate the lot and the adjacent lots. So back at the time, it was its natural condition, 25% slope from the roadway down.

Mr. Castro: Do these boulders create any obstruction?

Mr. Rumbaoa: In terms of the water flow?

Mr. Castro: Yes.

Mr. Rumbaoa: Not necessarily. They'll come through it, if they do, but you can see the grade kinda goes this way, naturally. So it'll flow this way into this desilting basin and collect it. And then also when – if the Strombecks are fortunate enough to receive the variance application approval, they'll create swales along the roadway to again, provide interception of runoff from the road, but this will provide the major remediation of that lot for runoff. And also again, elevating it because when it outlets on the other side, if the lot was at grade, it would still be impacted, so it had to be elevated also to keep it off.

Mr. Castro: So where would that runoff go to?

Mr. Rumbaoa: There's an outlet type on the other side, and there's another detention basin, and then it connects to another pipe that heads underneath the golf course and out into Hulopoe, Hulopoe Bay.

Chairman Kamai: Members, any more questions? Okay, so we can go back to the other side.

Mr. Bart Santiago, Jr.: . . . (inaudible) . . .

Mr. Rumbaoa: That's correct.

Mr. Santiago: This property next – the 78, Lot 78, it's graded down, right?

Mr. Rumbaoa: Graded down, yes.

Mr. Santiago: . . . (inaudible) . . . that property, right?

Mr. Rumbaoa: Right. And as I mentioned, we put up these site poles for their benefit so that way they can see what impacts they may have. And after viewing that, they determined there's no impacts in terms of view for them, and they wrote a letter of support, I believe, which again, is in your packets.

Mr. Santiago: I would've asked you to put up a tent, a structure, so I could actually see it, if I was that owner.

Mr. Rumbaoa: Is that what you do on Maui?

Mr. Santiago: If you want my blessing, put up a tent. See how it actually looks. It's hard to see when you've got air space, yeah?

Mr. Rumbaoa: We did this on our own. I mean, we didn't have to do this, but we did it.

Mr. Santiago: True.

Mr. Rumbaoa: To let everyone know, and you guys also to see. And again, this is just the high point of the structure. With the pitch of the roof sloping—

Mr. Santiago: Single level, family home.

Mr. Rumbaoa: Yeah. It's a single level home. It's 22 and a half feet. Can I continue with a couple more points?

Chairman Kamai: Sure.

Mr. Rumbaoa: I wanted to add a couple more points. With the original natural grade being about approximately, 20 feet lower than the road surface, and if we were required to build on the original natural grade, the driveway would have to be a meandering driveway with multiple switchbacks. And with that, you would lose probably half of your lot because of again, because of the sloped area, and that would not be in character of the neighborhood. As you can see, we don't have meandering switchbacks, steep driveways in this area. Those are the main features. That's all I have for the site here, anyway.

Mr. Strombeck: We have all the water. We have— The water's here.

Mr. Rumbaoa: Yes, as part of the subdivision process, we had to extend all the utilities up to the property line, which we do. Power, sewer, potable water, non-potable water, it's all here. It's ready to go. And also, I was going to say it at the meeting up the top, but back in 2007, the property — there was an interested party that wanted to build a 17-foot home on this property, and that was approved by the Planning Department. Unfortunately, that transaction fell through, and today, Mr. Strombeck and Mrs. Strombeck are interested in buying the property. They have a different

design, which includes a 22-foot high home. It's five feet higher than the original 17-foot home that was permitted. And unfortunately, the application got denied, and here we are today trying to get a variance on our application, variance approval. And may I point out that the five-foot difference from the 17-foot original building approval is only about 20% higher than where we are today.

Chairman Kamai: Members, any more questions?

Mr. Castro: Is there any plans to backfill the adjacent property?

Mr. Rumbaoa: No, not for us. It's the potential buyer. It's gonna be up to them, but I suspect that they won't.

Mr. Santiago: Just for historical background, are there any properties that are currently built that have a variance similar to what you're requesting?

Mr. Rumbaoa: No, not in Manele.

Mr. Santiago: Okay.

Mr. Francis Cerizo: When was this built?

Mr. Rumbaoa: The grading permit that we got for the remediation was in 2003—the lot.

Mr. Cerizo: So this went through the whole SMA process?

Mr. Rumbaoa: That's correct. This is part of the original SMA process.

Mr. Cerizo: And that was approved in—?

Mr. Rumbaoa: I believe 1992.

Mr. Cerizo: And the project district approval—that was—?

Mr. Rumbaoa: Before that in the late '80s.

Chairman Kamai: Members, any more questions for the testifier? Okay. Is there anyone else in the public wish to testify on this agenda item?

Mr. Strombeck: I guess I can just say that my name is Steve Strombeck, and I'm the applicant with my wife, Tina, here. And we're excited about the possibilities here on this lot. And we appreciate Clay and his testimony. And if there's any questions for us, we'd like to answer them, if there's any questions for us at this point, but that's it.

Chairman Kamai: Members, any questions for the testifier?

Mr. Santiago: Will this become your primary home?

Mr. Strombeck: No, I don't think so, at this point. Maybe in four or five years, but at this point, this would be our secondary home.

Chairman Kamai: Is there anybody else in the public wish to testify on this matter? No? I got a couple of questions. In your bullet point, in your third bullet point, it says the natural grade slope underlying lot 77 is approximately 25%.

Mr. Rumbaoa: Correct.

Chairman Kamai: This looks like more than 25%.

Mr. Rumbaoa: Yeah, from the roadway – the 25% was based on the highest point. Right. So if you would continue that on, it would probably be greater than that.

Chairman Kamai: Okay. Okay. That was my question. Also, in your fourth bullet point, it says,

The planned development within the Manele Project District is unique to the point that residential development to this magnitude is not permitted outside the adjacent boundaries of the. . . .

Mr. Rumbaoa: That's correct. Lot 77 is part of the 868-acre project district. When the project district was approved to the County of Maui, it was based on a series of cuts and fills as the project district would be developed. So outside of the project district, you can't do that any more, or you can't do that at all. There's no development allowed outside the project district.

Chairman Kamai: So the SMA was secured for that?

Mr. Rumbaoa: That's correct.

Chairman Kamai: I have no further questions. Okay, at this time, we're gonna recess until our next site visit up at Lanai City.

(A recess was then taken at 8:47 a.m., and the site visit reconvened at 9:10 a.m.)

Chairman Kamai: Okay, the meeting for the Board of Variances will now continue, reconvene. Staff?

2. **Site inspection of property located at 335 Ninth Street, Lanai City, Lanai for the following item (approximately 9:00 a.m.):**
  - a. **LORI ANN NAOMI OHASHI of NO KA 'OI GRINDZ requesting a variance from Maui County Code, §§19.36A.010, 19.36A.070 and 19.36A.080 to delete the requirement of providing seven (7) paved and appropriately landscaped parking stalls for a proposed restaurant (No Ka 'Oi Grindz) to be located at 335 Ninth Street, Lanai City, Lanai, Hawaii; TMK:(2) 4-9-006:015 (BVAV 20100016).**

Ms. Kapua`ala read the agenda item into the record.

Chairman Kamai: Is there anyone in the public wish to testify on this particular item?

Mr. Tyson Toyama: I believe that--

Chairman Kamai: Please state your name for the record.

Mr. Toyama: Tyson Toyama with Okahara and Associates. I believe the public will come to the meeting after this and testify there.

Chairman Kamai: Is there anyone else in the public wish to testify on this agenda item?

Ms. Lori Ann Naomi Ohashi: I'm Lori Ann Naomi Ohashi. I actually will testify at the--

Chairman Kamai: At the hearing?

Ms. Ohashi: Yeah.

Ms. Kapua`ala: You might wanna familiarize the Board with the property.

Ms. Ohashi: Oh, okay.

Ms. Kapua`ala: It's a big property, yeah?

Ms. Ohashi: It is a big property. . . . (inaudible) . . . which already have one, two, three four buildings . . . (inaudible) . . . of this parcel.

Chairman Kamai: . . . (inaudible) . . . testimony. Are you done?

Ms. Ohashi: Yes, sir.

Chairman Kamai: Anybody have any questions for the testifier?

Mr. Santiago: You said you have four other businesses?

Ms. Ohashi: Yes, on the far end opposite from this one we have, Pele's Garden. In between, we have Lanai Ohana Poke Market. And to the right, Sergio's Asian Market, . . . (inaudible) . . . and Lunch Take Away, and Nita's In-Style Hair Salon.

Mr. Ray Shimabuku: So this would be the whole restaurant?

Ms. Ohashi: As of now, I have half the building, which these are vacant. And so far, I'm the only one that's gonna be occupying this building.

Mr. Cerizo: So this side?

Ms. Ohashi: This half, yeah.

Chairman Kamai: Any more questions for the testifier? Is there anyone else wish to testify on this agenda item?

Mr. Kris Baptist: I'm Kris Baptist. I'm the senior project coordinator for Castle & Cooke, and I'm here to testify on behalf of the company in favor of Ms. Ohashi and her No Ka `Oi Grindz. We feel that the parking basically in Lanai City is – for this parcel is adequate. And that the restrictions or the requirements placed on the small business owners is too stringent here in Lanai City, and that the Maui parking requirement shouldn't exactly be applied to Lanai City. And that's why they have Lanai City Design Guidelines and standards. And the parking requirements should be less stringent just to help maintain the character and the feel of this town. And what makes it special is that it's open. If all the small business owners were required to put parking lots, this town would be totally different. It would be more like a city and this isn't Honolulu. So I'm here to say that we're here in support of Naomi. We'd like to see her move forward with her business.

Chairman Kamai: What is the required additional parking stalls?

Mr. Baptist: I think for Naomi's, would be required to put seven parking stalls for just this half of the building. There's existing parking already in place.

Chairman Kamai: So these stalls here wouldn't be inclusive as part of that?

Mr. Baptist: I think according to the Planning Department, these stalls don't count because of public safety issues of reversing onto this main road, highway.

Mr. Santiago: What was here previously? Was there a business here and what was it?

Mr. Baptist: It used to be a dormitory.

Mr. Santiago: And for a dormitory, the requirement by the County is not the same as a restaurant?

Mr. Baptist: I think for a commercial business, you have more parking requirements.

Mr. Cerizo: So how many stalls you're gonna be providing? Just these here?

Mr. Baptist: Yeah, and those two.

Mr. Cerizo: And they back up.

Mr. Baptist: Yeah, but I'd like to make note that every single parking stall in Lanai City backs onto the road. Lanai City, you know, parking's never been an issue in the city. And I think people here prefer that there wasn't parking lots. You go to any church or restaurant, everybody knows where to park, and it's never been an issue.

Chairman Kamai: What about rush hour traffic?



Mr. Baptist: You're looking at it.

Ms. Ohashi: I think if anything, I think Seventh and Eighth Street is the more busier streets than Ninth Street, in all honesty. Maybe you can go there now and see that it's much busier than this street at this time of the day and throughout the day until the town shuts down at 7:00, I guess.

Mr. Santiago: Are there any other restaurants in this . . . (inaudible) . . . ?

Ms. Ohashi: No.

Mr. Cerizo: What kind of--? Do you think you'll have more people walking to the restaurant or is everybody driving pretty much?

Ms. Ohashi: I would think a lot of people will walk because it was meant to be a walking community. I, myself, park one end of the town to walk to say, the Poke Shop. It's just more convenient if -- it's more convenient to walk than to jump in your car and drive two seconds away.

Mr. Castro: I have a question. If you're occupying only half of the building, someone can still occupy the other half.

Ms. Ohashi: In the future, probably, most likely. I'm not really sure. That's more Castle & Cooke.

Mr. Castro: Now, what would happen if someone occupied this other half? What about their parking?

Ms. Ohashi: That's an issue that they would have to come to. My main concern right now is -- the present day it's me because I'm the only one occupying the building right now. In the future, I do intend to maybe take on just for the storage, this middle one. And maybe that end will probably be vacant, but as of now, I'm not really sure what Castle & Cooke has plans for that one.

Mr. Shimabuku: So you would have entitlements to parking here and there?

Ms. Ohashi: Yes.

Mr. Shimabuku: Even without having that space?

Ms. Ohashi: Yes, they allowed me to have that.

Mr. Santiago: How long has this building been vacant?

Mr. Baptist: Quite some time. A few years.

Mr. Santiago: So the last use was a dormitory?

Mr. Castro: What was that for--pineapple?

Mr. Baptist: Hm-mm.

Chairman Kamai: Just curious, what is your hours of operation?

Ms. Ohashi: We plan to open from 6:00 a.m. to 2:00 p.m., and then close. And then maybe we'll open from 4:00 to 8:00. It all depends on— We have to feel it first. If we're not as busy, we'll probably just open 6:00 to 2:00, six days a week.

Mr. Castro: Breakfast, lunch.

Ms. Ohashi: Breakfast and lunch, definitely. Not sure about dinner. We'll gonna have to feel it out.

Mr. Santiago: How many food establishments are there in the vicinity?

Ms. Ohashi: I think, so far, five.

Mr. Santiago: I don't know the restaurant we ate at but – the last time we were here. I'm not sure where that is in relation to—

Ms. Tremaine Balberdi: That way.

Ms. Ohashi: Was that at Blue Ginger?

Ms. Balberdi: Yes.

Mr. Santiago: Good food.

Ms. Ohashi: I make good food, too.

Chairman Kamai: Any more questions for the testifier?

Mr. Santiago: How many people will you employ?

Ms. Ohashi: As for now, I have myself, my husband, and then I have just family members that will be helping, my parents, and my siblings, and our kids.

Ms. Kapua`ala: We should walk around before we close, yeah?

Chairman Kamai: Sure. Who is going to give us the guided tour?

Ms. Ohashi: Kris.

Mr. Baptist: Sure. Follow me. Lanai City, the block, this is all within the business country town. And most of the blocks, most of the parcels, within this area are large lot parcels. They're not subdivided out. I think Naomi was saying that there's multiple businesses or buildings on one parcel. So around here, you've got this empty space. And right there, between buildings is the Poke Shop, another restaurant. On the other side is the ice cream parlor. And we have the – what is this building right here?

Ms. Ohashi: The hair salon.

Mr. Baptist: Hair?

Ms. Ohashi: Yeah, hair.

Mr. Baptist: Hairstyle.

Mr. Santiago: Do you allow people to park along--?

Mr. Baptist: Yeah.

Mr. Santiago: There's all this parking space.

Mr. Baptist: There's a lot of open space for people to park. Again, people here know that grass is not off limits. Pele's Other Garden, I think the other restaurant is right there on the corner as well. They utilize the parking off of the Dole Square.

Chairman Kamai: We're gonna walk the entire block because it's part of the variance application.

Mr. Toyama: Before we walk around the block, I think a couple of things I'd like you to notice is that a lot of the other establishments here, well, most of them, they don't have a parking lot that complies with the Maui County Code where they don't have to maneuver onto the street. Everybody parks on the side of the road like you see here, or they have head-in parking. Almost everybody here.

The other thing is businesses along Dole Park are exempt from the parking requirement. And we're really not that far from Dole Park. It's a longer walk to walk from one end of Dole Park to the other end of Dole Park than it is for us to walk from here to Dole Park where there is ample parking. I think most -- Costco on Maui, I bet if you could get a far parking stall, it's a longer walk to the Costco than it is from here to the park. And I think I'd like you to notice that it's really not that far to park, if there's not enough parking here. If Naomi's business is very successful, and everybody in the community comes here, there is parking there.

Ms. Kapua`ala: Actually, I'd like to correct the record. The exemption from parking does not exist. There's no exemption. The Board has the authority to -- only the Board has the authority to exempt. So Pele's Other Garden, which is still on this property received a variance also. That's noted in the staff report.

Mr. Toyama: I stand corrected.

Mr. Cerizo: Is this area gonna stay open? Is there any plans to develop it?

Mr. Baptist: No.

Mr. Toyama: Because you asked that question, in case you're wondering why we can't use this space for a parking lot, there are utilities over here, some shallow utilities, including sewer. And

there are some low overhead lines. And if you choose to make Naomi build a parking lot here, what about the other buildings that don't have spaces, don't have ample space for a parking lot around their buildings? It's putting Naomi at a competitive disadvantage compared to the existing buildings that aren't required to build parking lots.

Mr. Castro: Your sewage and utilities are running back here?

Mr. Toyama: For this building, I believe, yes, they are.

Mr. Castro: What about that side of the building on that side where there seems to be ample parking space?

Mr. Toyama: I am not as sure about that side.

Mr. Castro: Can you find out if there are any utilities on that side of the building?

Mr. Toyama: I could. I don't have those documents on me, but I could.

Mr. Castro: . . . (inaudible) . . .

Mr. Toyama: These white lines covers—

Mr. Castro: . . . (inaudible) . . .

Mr. Toyama: They're clean up, yes. And to the rear of both of these buildings, I believe there's a sewer main line running between the buildings. And I'm not sure where it runs after that.

Mr. Castro: Is there grease trap interceptors?

Mr. Toyama: There is one for the Poke Shop that opened about two years ago. They do have a grease interceptor at the rear of their property.

Chairman Kamai: Any more questions for the testifier?

Mr. Baptist: The businesses here utilize the parking stalls right here. I guess Trisha said they still had to get a variance. I think the design guidelines says they should be or recommended to be exempt from parking requirements, but I don't know if—

Chairman Kamai: They did already, yeah?

Ms. Kapua`ala: They got one.

Mr. Baptist: These other buildings, the people park here and utilize the parking right off the block here. (Inaudible) . . . open parking stalls back there for Naomi. There should be, in my opinion, ample parking for her establishment. If you notice, even the Dole Park, the parking lot, the parking stalls for the County don't follow the required code. They back up onto the main road. Any questions? Any more questions for me? That's all I've got.

Chairman Kamai: Any Members, questions for our testifier? Okay, this site visit for this agenda item is now adjourned. We're gonna reconvene at our public hearing at 10:30 at Hale Mahaolu.

(The site visit ended at approximately, 9:37 a.m.)

Respectfully submitted by,



TREMAINE K. BALBERDI  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Members Present:**

William Kamai, Chairman Pro Tem  
Rachel Ball Phillips  
Steven Castro, Sr.  
Ray Shimabuku  
Bart Santiago, Jr.

**Members Excused:**

Randall Endo, Chairman  
Kevin Tanaka, Vice-Chairman  
Bernice Vadla  
Rick Tanner

**Others:**

Francis Cerizo, Staff Planner, Planning Department  
Trisha Kapua`ala, Staff Planner, Planning Department  
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel