

**MAUI PLANNING COMMISSION
MINUTES
NOVEMBER 25, 2008**

Approved: 1/13/09

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Jonathan Starr at approximately 8:32 a.m., Tuesday, November 25, 2008, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Mr. Starr: Good morning everyone. Good morning. Welcome. This is the Maui Planning Commission meeting of November 25, 2008. I'd like to thank everyone for joining us today. We have a full and interesting agenda so we'll try to move along as expeditiously as possible. We have with us today Maui Planning Commission Member Bruce U'u, Planning Commissioner Ward Mardfin, Corporation Counsel and our own lawyer extra ordinaire James Giroux. I'm Chair, Jonathan Starr. We have Planning Department Director Jeff Hunt. We have Commissioner Donna Domingo, Commissioner Dr. William Iaconetti. We have Carolyn Takayama-Corden our secretary for our commission. We have Planner, Robyn Loudermilk, Planner Livit Callentine, Planner Ann Cua. We have Current Division Administrator Clayton Yoshida and these folks work really hard and do a great job and keep up working and moving forward and out of trouble.

Couple of things about the agenda today just to mention very quickly. Item E-1 relating to Kainani Street, we have that scheduled for 1:00 p.m., immediately after lunch so I'll request when the time comes if we need to juggle things to make it work so that we're ready for that at 1 o'clock. We'll take that up.

Also two items, G-1 and G-2, we've had a request from both parties, both the County and the Homestead Association requesting a deferral without a date certain until they can sort out their issues and after we finish with the general testimony if there's a desire on the part of the body to move that forward and defer that further we can do that and that will allow more efficient use of staff time. They don't have to wait around for that item.

Anyway, without further ado we allow testimony on agenda items and we allow it in one of two ways. People, members of the public have a choice either then can give their testimony before the meeting, before we start on any agenda item which will be in about two or three minutes or they can wait until that specific item is before us and there'll be an opportunity to testify at that time before we go to decision making. So whatever item people are here for, they can either testify now or they can wait till later when the item is called whichever is more convenient and we do ask since we have a full agenda that testimony be kept as short as possible, three minutes is really the limit and we will give you a reminder shortly after three minutes if you run over. You are welcome and we're very glad that everyone is here.

I have a list of people wishing to testify and I will call them in order of the list and then anyone not on the list will also have an opportunity. First on the list is Lee Ohigashi followed by Stephanie Ohigashi.

Mr. Lee Ohigashi: Wish to defer to 1:00 p.m.

Mr. Starr: Okay, thank you. You'll testify later Stephanie as well? Okay. Next is Jackie Carismo followed by Pat Borges. Jackie, please, and welcome and thank you for joining us today. Please come up to the mike.

The following individuals testified at the beginning of the meeting:

Jackie Medeiros-Carismo - Item E-1, Council Resolution No. 08-73
Pat Borges - Item D-1, Greg Kaufman, Iwa Ike Subdivision, DBA
Anthony Edington - Item E-1, Council Resolution No. 08-73
Zarleen Ogata - Item E-1, Council Resolution No. 08-73
Steve Sutrov - Item G-2, Parks and Recreation Lahaina Civic Tennis Courts, SMA
Jim August - Item E-2, A & B WAILEA LLC, MF-10, SMA
Daniel Kanahale - Item D-1, Greg Kaufman, Iwa Ike Subdivision, DBA
Chisa Dezon - Item D-1, Greg Kaufman, Iwa Ike Subdivision, DBA
Elaine Gallant - Item G-2, Parks and Recreation Lahaina Civic Tennis Courts, SMA

Their testimony can be found under the item on which they testified on.

Mr. Starr: Would anyone else wish to testify at this time on any item before us, if so raise a hand or stand up? Okay, not seeing any, the public testimony for the initial portion of this meeting is now closed. There will be opportunity to testify on items as they come before us. As I mentioned earlier, the Chair would welcome a possible motion to change our agenda to bring Items G-1 and 2 before us since we've had a request from both parties to defer. So if there's any commissioner who would like to make a motion to that effect. Commissioner Mardfin.

Mr. Mardfin: I move we bring Item G-1 and G-2 forward on the agenda.

Mr. U'u: Second.

Mr. Starr: Okay, so we have a motion by Commissioner Mardfin, seconded by Commissioner U'u, and that motion is Mr. Director?

Mr. Hunt: To move items G-1 and G-2 to the front of your agenda.

Mr. Starr: Okay, any discussion or amendments? Seeing none, all in favor please raise your hand? All opposed? Director.

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

VOTED: To Move Items G-1 and G-2 to the Front of the Agenda.
(Assenting - W. Mardfin, B. U'u, K. Hiranaga, D. Domingo, W. Iaconetti,
W. Hedani, J. Starr)
(Excused - J. Guard)

Mr. Hunt: I have that as six in favor, zero against.

Mr. Starr: Okay, so we'll be moving first to Item G-1 and G-2. I'll pass it over to the Director and

hopefully we can deal with this rapidly. Want to just introduce them and let the planner.

Mr. Hunt: Your first item is Ms. Jessica Kailani Ross, Vice President of Leialii Homestead Association submitting an October 24, 2008 letter requesting to intervene on the application by Mr. Tamara Horcajo, Director of the County Department of Parks and Recreation for a Special Management Area Use Permit for the Lahaina Civic Center tennis courts expansion project consisting of the addition of four new tennis courts, a 25-stall paved parking lot and related improvements at TMK at 4-5-021: portion of lot 10, portion of lot 16, portion of lot 20 in Lahaina. The file number is SM1-2008/0015 and the planner assigned to this is Livit Callentine.

G. UNFINISHED BUSINESS

- 1. MS. JESSICA KAILANI ROSS, Vice-President of the LEIALII HOMESTEAD ASSOCIATION submitting an October 24, 2008 letter requesting to intervene on the application by MS. TAMARA HORCAJO, Director of the COUNTY DEPARTMENT OF PARKS AND RECREATION for a Special Management Area Use Permit for the Lahaina Civic Center Tennis Courts Expansion Project consisting of the addition of four (4) new tennis courts, a 25-stall paved parking lot, and related improvements at TMK: 4-5-021: portion of 010, portion of 016, and portion of 020, Lahaina, Island of Maui. (SM1 2008/0015) (L. Callentine)**
 - a. Amended Petition to Intervene dated November 9, 2008 and submitted on November 10, 2008.**

Mr. Starr: I don't think we'll need a full presentation.

Ms. Livit Callentine: No. Yes, Mr. Chair, I just wanted to point out as the Director mentioned there has been a letter received by the Planning Department and it's on your desk right now from the applicant, Director of Parks and Recreation and from the intervenor requesting an indefinite deferral on this project of this intervention while they continue to work out the details of their - they hope to come to an agreement that will possibly remove the intervention.

Mr. Starr: Okay, so the recommendation is to defer at this time?

Ms. Callentine: That's the staff recommendation is to defer at this time. Yes, sir.

Mr. Starr: I guess before we take any action, is there anyone else in the public that wishes to give testimony on this? Seeing none, we'd welcome any motion.

Mr. U'u: Motion to defer.

Ms. Domingo: Second.

Mr. Starr: Okay, motion by Commissioner U'u, seconded by Commissioner Domingo. The motion is, Director?

Mr. Hunt: To defer Item G-1.

Mr. Starr: I know the request from Parks was to leave the date open on the deferral so when it's ready Planner Callentine will let us know. Any comments, questions? Commissioner Mardfin.

Mr. Mardfin: I'd just like to mention that while I heard Ms. Gallant's talk about the need for tennis courts and I would tend to agree with her, I think we will probably proceed faster by deferring this at this time and getting them to work out the deal rather than not defer at this time and then have it become a contested case so I'm going to be supporting the motion to defer.

Mr. Starr: Okay, Members? Commissioner Hedani.

Mr. Hedani: Is this applied to G-2 as well as G-1?

Mr. Starr: So the motion is just for G-1. I think we should take them serially. If you want to amend it to include G-1, we probably could, but lets take them serially, better. Okay, members ready to vote? All in favor, please raise your hand. All opposed? Director.

It was moved by Mr. U'u, seconded by Ms Domingo, then

VOTED: To Defer the Matter.
(Assenting - B. U'u, D. Domingo, K. Hiranaga, W. Mardfin, W. Iaconetti,
W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Hunt: I had that as six in favor, zero against.

Mr. Starr: Okay Planner Callentine, Item G-2.

- 2. MS. TAMARA HORCAJO, Director of the COUNTY DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the Lahaina Civic Center Tennis Courts Expansion Project consisting of the addition of four (4) new tennis courts, a 25-stall paved parking lot, and related improvements at TMK: 4-5-021: portion of 010, portion of 016, and portion of 020, Lahaina, Island of Maui. (SM1 2008/0015) (L. Callentine) (Public hearing conducted on November 10, 2008.)**

Ms. Livit Callentine: And Item G-2 is Ms. Tamara Horcajo, Director of the County Department of Parks and Recreation requesting a Special Management Area Use Permit for the Lahaina Civic Center tennis courts expansion project. And we're requesting deferral on this item as well. We're recommending deferral on this item.

Mr. Starr: Okay, once again, any member of the public wishing to offer testimony? Seeing none, Members?

The following testimony was received at the beginning of the meeting:

Mr. Starr: Next is Steve Sutrov followed by looks like Jim August. Steve, welcome and please introduce yourself.

Mr. Steve Sutrov: Good morning Commission, Chairman Starr. My name is Steve Sutrov. I'm testifying for myself today. I'm testifying on the Lahaina Civic Center tennis court expansion. Actually it's the SMA permit request before you on that. These west side park improvements are for everyone that are being applied for here. For the young, the old, handicapped, everyone. I've worked the last six, seven years on tennis court improvements for Kula and finally those are under construction. It's not an easy process to go through getting a capital improvement project and following it through.

I understand that there's been an intervention. To begin with, I understand that this item is going to be asked to be deferred today. And I'm sure everybody is happy a deferral today with this kind of meeting, but I understand there is an intervention here and you allowed someone to intervene that has nothing to do actually with the SMA request. It might be that I'm sure what grounds of that intervention request. It might be that the notification wasn't adequate. If that was the case, please have that notification corrected and put this project on line for the SMA request permit, permit for the request.

It needs to be done. We need courts on this island. We need more public parks facilities. I'm a public parks advocate and in any way possible. There might be some reasoning for more amenities for this park, but it was a process to go through for those other amenities. Playground equipment, I understand the intervenor now wants a boys/girls club, a meeting room facility, a community center and much more than just playground equipment. Those things should be addressed. If they have merits, they should be followed through with, but coming in the middle of this process, this project, it's not the correct place. I'm really surprised the intervention was allowed here unless there was other reasons that I don't know about that it did allow that to happen.

So I ask you to please put this project back on track. It's gone through the administration approval. The funding is there. It's been - It was on T.V. during the budget as far as being addressed at that time, in the newspapers, you know at that time, in the process of a couple years now and is no reason why this shouldn't go forward at this point. Urban Design has given its blessings. You have their report on it and it's your turn just to finalize the SMA and get it on its way. Thank you very much.

Mr. Starr: Okay, thank you for joining us today.

Ms. Elaine Gallant: Good morning. My name is Elaine Gallant. I'm with the Maui District Tennis Association. Unless you're enjoying my company, I would really like the Lahaina tennis court expansion project to be completed and voted on. It's in its final stages.

We did speak with the intervenors as you suggested or I did. I haven't had the pleasure of any additional meetings but some email correspondence and the meeting that you saw us at sitting. And when they were here on the 10th, they said they wanted a playground which is great, we're all for it. You know, why wouldn't a playground be a good idea? But they are also looking for a meeting space, a community center, a youth center and all these other things which are wonderful. The good news is the County has already foreseen the growth on our side and that's all provided

there. The meeting space is one block away, a short walking distance. The Boys and Girls Club has just done a wonderful job in 2008 to get a skate park and improvements and everything else and that's just a short drive down the road. Everything they've asked for is there. And they just need to take advantage of it. They need to know it's there. They need to know how to go about using the facilities that the County has provided.

What the County did not foresee was the loss of tennis courts to development and that's where the Maui District Tennis Association comes in. So, you have to excuse me, I had that long hospital drive last night at midnight. So I'm kind of like ... but anyway, not for me, for a friend. But I do ask you that when you're considering deferring the issue that you also consider that everything that they're asking for is there. So I don't know what else to say other than please approve the project. Thank you.

Mr. Starr: Well, thank you for coming before us and thank you for being passionate about public facilities.

This concludes the testimony received at the beginning of the meeting.

Mr. U'u: Motion to defer.

Ms. Domingo: Second.

Mr. Starr: Okay, Motion by Commissioner U'u, seconded by Commissioner Domingo. Motion is, Director?

Mr. Hunt: The motion is to defer Item G-2.

Mr. Starr: Okay, thank you. Not seeing any comments or amendments, all in favor please raise your hand? All opposed please raise your hand? Director.

It was moved by Mr. U'u, seconded by Ms Domingo, then

VOTED: To Defer the Matter.
(Assenting - B. U'u, D. Domingo, K. Hiranaga, W. Mardfin, W. Iaconetti,
W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Hunt: I have that as six in favor and zero against.

Mr. Starr: Okay, thank you very much. The motion passes. Thank you Planner Callentine. We'll see you back on this one. Moving along to our next item B-1. Director please introduce.

Mr. Hunt: Your next item involves Mr. Sandy Baz of Maui Economic Opportunity Inc. requesting a Community Plan Amendment from Heavy Industrial and Agricultural to Light Industrial Use and a Change in Zoning from Agricultural District to M-1 Light Industrial District for the MEO Transportation Center Project on approximately 10.041 acres of land at TMK: 3-8-006: 004, in Kahului. The file numbers are CPA 2008/0001 and CIZ 2008/0001 and the planner assigned to

this project is Ann Cua.

B. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

1. **MR. SANDY BAZ of MAUI ECONOMIC OPPORTUNITY, INC. requesting a Community Plan Amendment from Agricultural to Light Industrial Use and a Change in Zoning from Agricultural District to M-1 Light Industrial District for the MEO Transportation Center Project on approximately 10.041 acres of land at TMK: 3-8-006: 004, Kahului, Island of Maui. (CPA 2008/0001) (CIZ 2008/0001) (A. Cua)**

Mr. Starr: Good morning.

Ms. Cua: Good morning Mr. Chair, Members of the Commission. I'd just like to give you a brief background on this application. It has come before you twice in the context of an environmental assessment and back in September you recommended approval of the environmental assessment as a FONSI.

In addition to the staff report, on page 14, first of all no. 11, we have a letter from the Office of Hawaiian Affairs dated August 13, 2008, and that's attached Exhibit 31. Right under that I mentioned the applicant's response to that letter as Exhibit 31A which I had been expecting from the applicant before I finalized my report and I actually had gotten it after that. So the letter, their letter is not dated November 5th, it is dated November 17th. It's Exhibit 31A and I passed that out to you at the start of the meeting.

What I would like to do at this time is turn it over to the applicant to take you through the project. They have a brief 10-minute power point presentation. They've modified it since they've done it for you twice before. I think most of you are familiar with the project, but more for the benefit of the public and those watching we'd like to take you through a brief 10-minute presentation and then I'll come back up to summarize some points from our report.

Mr. Starr: Please continue. Thank you. Are they ready or do we need a recess to set up?

Ms. Cua: I believe they're ready. So with that, I introduce Chris Hart of Chris Hart and Partners.

Mr. Chris Hart: Thank you Mr. Chair and Members of the Commission. Just as we begin, Ann's going to pass out a letter to you. It's regarding some additional information from Phillip Rowell who is our traffic engineer. He did a revised traffic impact analysis report. Basically in order to address the issue that MEO transportation is a demand responsive system and that was requested by the State Department of Transportation. Phillip unfortunately cannot be present today because of actually not being able to get on the plane this morning. So we're apologizing for that. But we do have a letter response that we're passing out to you in the context of his conversations with the Department of Transportation.

As was indicated by Ann this is going to be a short presentation and it - it was presented to you previously on two occasions. This is the MEO Transportation Center project. Our project team, the applicant is Maui Economic Opportunity, Inc., planner, landscape architect and LEED consultant,

Chris Hart and Partners, Inc., and Brett Davis has been our project planner in our office. The architect is Maui Architectural Group. Archaeological cultural consultant is Scientific Consultant Services. Our civil engineer is Otomo Engineering, Inc., Stacy Otomo and our traffic engineer is as I indicated is Phillip Rowell and Associates.

The requested approvals, we are requesting a community plan amendment from agricultural to light industrial district and change in zoning from agricultural district to M-1 light industrial district.

This is the actual location. We have actually a board as well it shows Puunene, extension of Puunene Avenue. The A & B Sugar Museum. Walmart which is actually the location of the bus stop. I'd like to note that and this is the location of Zippy's and this basically is Hansen Road.

These are site photographs. Actually this area at one time was part of Puunene Village and it has actually been identified as urban. This is the actual new alignment of Puunene Avenue. It shows the old alignment which actually borders the property.

Again, this is another site photograph, actually looking in the Kihei direction toward the Puunene Mill and the A & B Sugar Museum. You can see that the Puunene Avenue actually becomes Mokulele Highway going toward Kihei.

This is a rendering of the project site which shows its relationship to the extension of Puunene Avenue and merging to Mokulele Highway. Also, shows old Puunene Avenue and it shows the remnant portion that actually is existing, has occurred as a result of the realignment and this would be the intersection over here of Hansen Road.

This is a rendering that identifies also the landscaping planting that will be provided. This is a 25-foot wide landscape planting strip in order to screen the project from Puunene Avenue and Mokulele Highway. This was basically a - came as a result of discussion or dialogue with the Planning Department.

This is the State Land Use District Boundary Map which identifies the site as being within the State Urban District. This would be Hansen Road. This would be the A & B Sugar Museum.

The Wailuku-Kahului Community Plan identifies the site currently as being in the agricultural district. The Maui Business Park Phase 2 is actually in the light industrial district. The A & B Sugar Museum and also the Puunene Mill are in the heavy industrial district.

This shows the County Zoning Map which basically reflects it's an old map, so it reflects the character of development that used to exist in terms of Puunene. So it reflects it as a residential district in the urban district.

Project description Phase 1 site work. We're proposing a three-story administration office building, maintenance building, bus washing and fueling stations, emergency backup generator, vehicle storage and parking areas and landscaped planting. Phase 2 is a bus transfer station. Phase 3 is future three-story administrative office building.

This is the site plan. It identifies Phase 1, Phase 2 and Phase 3 and essentially the bus parking.

I'm sorry Phase 2 is also - sorry, Phase 1 and then the transfer station is Phase 2 and Phase 3 is the future administrative office building.

This is the landscape plan which again this buffer is a 25-foot wide buffer and have existing or the remnant basically created by the realignment of Puunene Avenue and Mokulele Highway. Old Puunene Avenue and a remnant parcel which basically provide additional setback from the highway.

Project rendering. Shows the landscape buffer along Mokulele Highway.

Conclusion, the proposed project is entirely within the State Urban District. It's supported by policies in the current Maui County General Plan. It's adjacent to lands designated light industrial and heavy industrial in the Wailuku-Kahului Community Plan and supported by the objectives and policies in the community plan. It's consistent with the M-1 light industrial district and offsite parking and loading provisions of the Maui County Code, Title 19.

The site conditions, the soils, topography are conducive to the proposed development. They're very marginal. The site does not contain any known significant archaeological or historical sites or resources. MEO property is not classified as prime agricultural land. The property is in proximity to existing public infrastructure, utilities and services.

Project will implement traffic mitigation measures as required by the Department of Public Works and the State DOT. The project will incorporate onsite drainage retention and be coordinated with planned drainage improvements for the adjacent Maui Business Park Phase 2 project. MEO is coordinating with A & B Properties on water availability as part of the improvement plans for the adjacent Maui Business Park Phase 2. The project will connect to County sewer line on the Hookele Street and comply with applicable agency requirements.

Conclusion, in September of 2008, the project was registered with the U.S. Green Building Council to apply for LEED certification.

And finally on September 23, 2008, the planning commission accepted the final EA and issued a Finding of No Significant Impact. Negative Declaration notice was duly published in the OEQC Bulletin.

Thank you very much for your consideration and you know, we really feel that this is going to be an important project as far as Maui's moving forward in terms of establishing transportation facilities for the community. Thank you very much.

Mr. Starr: Okay, thank you. Ms. Cua. We're not ready for a recommendation, but do you have some analysis?

Ms. Cua: I do Mr. Chair. I would like to highlight a couple. I'm not going to go through the entire analysis since you've heard this before, but I do want to highlight some points.

The first is in terms of the State land use classification, and you heard at the time where you reviewed the final environmental assessment and today that the project is entirely within the urban

district and an updated letter that you have not seen yet, I'd like to call your attention to it's Exhibit 27A. The applicant had been in the process of obtaining a boundary interpretation and we did receive that. The letter is dated November 3, 2008, it's Exhibit 27A. So we actually now have two letters from the Land Use Commission. One that said initially the project was partly in the Ag district and the second letter saying that issuing of boundary interpretation for the parcel determining that the parcel is within state land use urban district. So that's important.

Also, I do want to take a little bit of time to talk about the General Plan update and the community plan and I'm going to summarize from page 16 of my report. As you know, the County of Maui is currently in the process of updating the General Plan and community plans as mandated by Chapter 2.80B. The intent of the Maui Island Plan is to provide direction as to where growth should take place in the County of Maui. Once this document approved the County and its residents will have a clear direction of where planned growth will occur. This project is currently not included in the Maui Island Plan. However, MEO by letter dated April 24, 2008, requested inclusion of the proposed MEO transportation center site within the urban growth boundary in the draft Maui Island Plan and to date, this plan has not been acted on.

In terms of the Wailuku-Kahului Community Plan, the property is identified for agricultural use. The applicant is requesting the community plan amendment from ag to light industrial to achieve consistency between the proposed use and the community plan. The community plan cites a number of major problems in the region and on pages 6 and 7 it discusses problems with parking and access for elderly persons with disability, pedestrians and bicyclists. Page 7 further acknowledges that there will be an increased demand for services to accommodate the elderly, preschool aged children and young persons. The proposed transportation center will allow MEO to continue its service to the community while planning for and accommodating future growth.

I also want to take a little bit of time to discuss the Planning Department's positions, the Planning Director's position basically on community plan amendments during the General Plan update because this is community plan amendment that's before you and we do have a policy that the department has been implementing so I feel that needs to be addressed.

The Planning Director issued a memorandum dated January 10, 2008, and I've attached that for your use as Exhibit 42. And this memorandum indicates that due to the pending General Plan update we should respect the existing community plan boundaries until there is further progress in the General Plan update process. The memorandum goes on to say that it would be counter to public policy for a development to be approved now in an area where the update plan may not provide for that type of development. The memo states that the department will not support any development involves a community plan amendment at this time. But memo lists a couple of exceptions where the county could consider the approval of a community plan amendment as follows:

1. The project offers a substantial public benefit and if it is a private project, the public benefits are far above what will be required based on existing ordinances, policies or other regulations.
2. The project's impact due to scale, location, etc., would not be significant.

The Planning Department has determined that the proposed project qualifies under exemption no.

A and the as such, the Planning Department is able to support the community plan amendment application. The project does offer a substantial public benefit which are far above what would be required based on existing ordinances, policies or other regulations.

In terms of archaeological and cultural resources on page 19, the applicant's consultant, Scientific Consultant Services did a 100% pedestrian archaeological inventory survey of the approximate 10-acre site. The assessment had concluded that the site is located on land that was previously in residential housing and later in sugar cultivation. The assessment further states that previous residential and agricultural uses have most likely obscured any trace Hawaiian occupation. The inventory survey yielded identification of no traditional or historical properties in the project area. No surface features were observed or recorded.

SHPD basically in their letter of May 12, 2008, Exhibit 24 indicates that they have accepted the project's assessment report. They concur that precautionary monitoring is warranted during ground altering activities within the parcel due to the potential for subsurface culturally significant deposits to be found below the previously disturbed archaeological substrate.

The Office of Hawaiian Affairs in their letter dated August 13th, has commented that they are pleased with the archaeological recommendations identified in the project's archaeological assessment report.

With regard to traffic, I know the project's traffic consultant is not here today, but I have included parts of the traffic impact assessment report dated, excuse me, attached as Exhibit 43, and the TIAR analyzed a number of intersections and those are identified on page 20 of our report. The study indicates that the project will generate 95 inbound and 35 outbound trips during the morning peak hour. And during the afternoon peak hour, the project will generate 45 inbound and 85 outbound trips.

The study concluded that in the general - that in general, the project is not anticipated to produce substantial adverse impacts to traffic movements. The projected generated traffic is less than 3.5% of the total peak hour traffic volumes at all intersections analyzed.

The TIAR recommended several improvements that the applicant's photographs and plans indicate. The State Department of Transportation when they reviewed the project and in their letter of July 2, 2008, felt that TIAR did not properly characterize the proposed transportation center and has requested an update to their TIAR. As the applicant showed you today in the letter that they passed out their traffic consultant has revised the TIAR in four areas. The trip generation analysis was revised in response to State DOT's comments. They feel the result is that the new trip generation estimates for Phase 1 are slightly lower than estimates used in the draft TIAR. They also conclude that there is no change in the level of service as a result of the new trip generation calculations. Therefore, the conclusions have not changed as well as the recommendations. Based on the new traffic projections using the new trip generation estimates the left turn lanes for traffic turning from eastbound Puunene Avenue to northbound Hansen Road is sufficient and they've provided additional information and data in the TIAR to confirm to SDOT that MEO is a demand responsive system and not a fixed route or a fixed schedule system.

My report indicates that the applicant had anticipated this updates to the TIAR that that would have

been submitted by today's meeting. So I have a correction to my report based on discussions with the applicant this morning. They indicate to me that they anticipate that the updates will be submitted to SDOT tomorrow and you may question them on that if you like.

In terms of community meetings, on page 26, the applicant has held 17 meetings with representatives of adjoining landowners, A & B Properties from December 12, 2007 until October 29, 2008. In addition, MEO met with representatives of A & B Sugar Museum and other community groups and a detailed listing of all the meetings that were held is attached as Exhibit 39. And finally, as of today, the Planning Department has received two comments letters and both are attached to your report. One letter in support, attached as Exhibit 37 and there letter from Maui Tomorrow which raises points for considerations and that is attached as Exhibit 38.

At this point I would like to conclude my presentation and ask if there's any questions of either myself or the applicant.

Mr. Starr: Okay, Members questions? Commissioner Mardfin.

Mr. Mardfin: This is for Chris I think and I'm not sure Chris will know the answer but Mr. Hart, can you go back to page 7 of your presentation? You pointed out the triangular piece in the foreground.

Mr. Hart: Right.

Mr. Mardfin: Do you know who owns that?

Mr. Hart: I believe that it's still owned by A & B.

Mr. Mardfin: Do you know who? And do you know what it's zoned by any chance?

Mr. Hart: Lets see, could we check the zoning map? It looks like - it would be this area below Commissioner Mardfin, I would say that it's zoned agricultural. It's lets say as far as county zoning is concerned.

Mr. Mardfin: And the portion on the north part, yeah, right where your thing is and to the right of there, now - to the right of where you have your red dot.

Mr. Hart: Right, okay.

Mr. Mardfin: That property, the adjoining property there. That's also by A & B?

Mr. Hart: Yes.

Mr. Mardfin: And you happen to know the zoning that? Is that agriculture?

Mr. Hart: We could go back to the zoning map. Okay, this is the Wailuku-Kahului Community Plan which shows it as agriculture. You want to go to the zoning map. The zoning actually shows a portion of it is basically in residential. A portion of it would be in agriculture. All of it is.

Mr. Mardfin: Okay.

Mr. Hart: Well, according to Brett, it's all agriculture. The zoning map is an old zoning map.

Mr. Mardfin: Right. And do you happen to know if for either of those two portions A & B has any current plans for them?

Mr. Hart: I do not know that.

Mr. Mardfin: Yeah, fine. Thank you very much.

Mr. Starr: I have a question for you Chris regarding your traffic. A TIAR was submitted to the State. The State has some severe problems with it. They contested many of the facts and summaries and the way it was done. You're before us here today and you're supposed to have an updated TIAR, you don't, and we've been told that you're planning on submitting it tomorrow to the State. In other words, after we've acted. On top of that your consultant who prepared the TIAR isn't at the meeting.

Mr. Hart: That's correct.

Mr. Starr: And you gave us a letter which frankly didn't address most of the State's concerns with TIAR. What, you know, on what basis should we approve this when the State feels your TIAR is insufficient yet you've not, you know, it seems like you're trying to get around showing us a updated TIAR.

Mr. Hart: Gee Jonathan, I don't think you should characterize it quite like that. The State Department of Transportation looked upon this, you know, basically as a different type of transportation system. In other words, it was a scheduled route system as opposed to a demand responsive system. In other words, where people call and ask for service. And so they were looking at it in the context - in a different context and we've been in dialogue with the State Department of Transportation. We've met with them together in Honolulu with our traffic engineer and we have made the changes to the - it's basically an amendment of the traffic impact analysis report. And as a result of the amendments we've provided for you essentially basically a result of the data being incorporated and there's four areas, four comments that are provided. The letter - transmittal letter is going out today transmitting it to the State Department of Transportation. They're not significant issues that the State Department of Transportation raised and these are the results of the dialogue and the changes to this traffic impact analysis report. So I don't want to characterize it as something that's really that serious.

Mr. Starr: Why are you submitting it to them tomorrow and not submitting it to us today?

Mr. Hart: It's going today.

Mr. Starr: How come you're not submitting it to us?

Mr. Hart: Well, I can't really answer that? We haven't received it from the traffic consultant.

Mr. Starr: And the traffic consultant is not here.

Mr. Hart: That's correct.

Mr. Starr: But you're asking us to approve a project based on a TIAR that is being updated today.

Mr. Hart: It is updated but unfortunately he's not present.

Mr. Starr: But you don't have a copy for us.

Mr. Hart: No.

Mr. Starr: This is highly unusual. Members, any other questions? Commissioner Hedani.

Mr. Hedani: Chris, you know, when I look at the project it's still visually looks harsh when viewed from above. Was any analysis done between the last time that we looked at it and today about softening the impact of the massive paving and bus area from aircraft flying over this every day.

Mr. Hart: As landscape architects we did, you know, definitely take your concerns to heart. And we have added trees in the perimeter area. Could we go to the landscape plan? We have added more trees in this area that are actually shown in the rendering, but you know, we have been basically told in the context of the operations of a transportation facility with buses moving in and out that you know, that ones on Oahu for instance don't have trees and any time that there are trees, you know, they basically get knocked over. And you know, I'm not opposed to trees. I would love to put more trees in and that certainly would make the difference as far as viewing the facility from an airplane, you know, flying in. But you know, the best alternative that we have is essentially to screen the facility from the public in terms of the public, viewing public along Mokulele Highway going north and south. But that's all that I can offer at this time from the point of view of how we've been advised by our client in terms of the need for basic freedom from obstructions in the parking area.

You know, as a planner I went through this process with the State Department of Transportation Harbors Division when they were doing some work in Kahului and you know, I tried to get, when I was in the Planning Department get trees planted in the harbor, but they wouldn't do it and till today you don't see trees down there because they're moving containers around and it's the same kind of story. I mean, I'm not - you know, I don't disagree totally but it would be nice to soften the impact of the area. So it's the best that we've been able to do. Okay, sorry.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: One quick comment and this is kind of a throwaway. But to take care of my fellow commissioner's concerns they could either paint it green so it looks like sugar cane or they could paint it blue with whales on it. You get Wyland to do this big whale mural so incoming tourists see the whales as they come into the airport. But that's kind of - that's a throwaway. My main question is or comment is, I love what MEO does. We, in Hana use it all the time. They provide services to bring us over and it's really great so I'm really positive about MEO, but I'm very, very concerned about two items, both of which were raised by Maui Tomorrow, and the two items are, the lack of a park and ride service which - while you might not put it there, that's why I was asking about the

ownership of the little triangle piece and the part which in that diagram is to the north as were park and ride could be because I think without it it somewhat cripples the values of it.

The second thing that Maui Tomorrow raised is the lack of coordination with the County bus program and I know response letter said, well, it's out to Robert's and it's on bid and all the rest of the stuff, but the County Department of Transportation Services could be the one to coordinate with MEO so you get a seamless public transportation system which I really think should be done. And if you say, well we don't want to negotiate with Robert's because they may not have the bid, negotiate with the County of Maui cause they could put it in their future contracts and I'm just very disappointed that that hasn't been done.

Mr. Hart: Well, could I just say that, two things, first of all I believe that, you know, MEO does provide a really important service and it is a demand responsive service as I indicated to you. And the other thing that I would like to say is, so it has value, real value in and of itself.

The second thing I would like to say is that, you know, the whole realm of public transportation, you know, is an evolving service that basically involves the County and it involves nonprofits like MEO, and you know, there are decisions that will be made, you know, in the future that people are not prepared to make at this time. And I think that in the context of that and in the context of it being evolving I'd like to ask maybe Sandy Baz, who is the Executive Director of MEO, to perhaps maybe address that a little bit and give you a little perspective on it, but it's not like it's been in a vacuum that there's been no dialog going on.

Mr. Starr: Yeah, Mr. Baz could we request you to give us some comments and I have a question as well afterwards.

Mr. Sandy Baz: Thank you Chair Starr, Commissioner Members my name is Sandy Baz, I'm the head of Maui Economic Opportunity and I'm happy to address you this morning. Did you want to ask some questions or you want me to -

Mr. Starr: I believe Commissioner Mardfin had a question which is why aren't, you know, going to building this world's largest parking lot here, why don't you use it for transit hub for the real bus system? And you know, and find a way to work with the County so that the - the transportation hub that we clearly need. Did I get that right?

Mr. Baz: I don't think he mentioned real bus system. I think that's a comment that maybe you have personally.

Mr. Starr: The Maui Bus system that one that, you know, the public gets ..(inaudible)...

Mr. Baz: As far as the park and ride goes, if you could Brett, go to slide 9, you see the item that's marked there Dairy Road with the arrow, that's where the existing park and ride is. The State has developed and actually just increased the capacity of a park and ride facility that's right there at the highway hub.

To bring traffic into - on Hansen Road to our site would actually be against if you read the comments from the State Department of Transportation their comments and so, they're seeing that

same item there as a park and ride at the corner of Dairy Road, Puunene Avenue and Kuihelani Highway there. And so that's to address the park and ride. There is an existing park and ride. It is right there. The bus stop, the Maui Bus does stop there on its way out to Maalaea. And so, that addresses -

Mr. Mardfin: And in theory, somebody could walk from there across the two road and down and then get on to the -

Mr. Baz: I'm not sure why they would do that. If there was a need for MEO to pick somebody up there, we would pick somebody up there at the park and ride. They wouldn't need to come to our facility. MEO system as commented to the State Department of Transportation and here as well, is a demand response system. People don't come to us to ride our system. We go to them, pick them up at their house, take them to the doctors, take them wherever and then bring them back to their places which you are very aware.

Mr. Mardfin: I know. My wife uses it all the time ...(inaudible)... some of the time.

Mr. Baz: So the need for people to walk to our facility is not applicable.

Mr. Mardfin: What about -

Mr. Starr: Yeah, go ahead.

Mr. Mardfin: It's just some follow up, what about the coordination with transportation services?

Mr. Baz: Actually there are, as you kind of said well, why aren't we talking - the Director of the County Department of Transportation is Don Medeiros and he knows very well our system because he was our transportation director for many years and we are coordinated in a manner of the things that we do for as far as specialized transportation and what the Maui Bus does as far as the mass transportation. They are separate and distinct systems, however, they do integrate as far as paratransit goes and picking up persons with disabilities and we are coordinated on that effect. We are not coordinated necessarily on the idea of the demand response other than say if you're coming from Hana you could get dropped off at any place that has a public bus stop and then ride that public bus stop to wherever you wanted to go from that area.

Mr. Mardfin: Thank you very much and that's a much better response than we got in the letter that was included as a response.

Mr. Starr: Yeah, Commissioner U'u then Commissioner Hedani.

Mr. U'u: Yeah, just a comment. I heard some of the comments from Maui Tomorrow and you know, some of the solutions would be for tell them pick up my kids from school and see if they up for that. In saying that the real bus service is the Maui Bus service I disagree with Jonathan Starr's points of views. My kids been using that bus system way before Maui Bus was ever around. My neighbors who get their dialysis us um for year so we cannot be knocking a service that has been reaped upon by the community like myself. The traffic report isn't done yet, you guys hand um in today, you know, it's a small setback for a huge good project for Maui. I wouldn't want to partner

up with the County myself I'll be honest if was me. I've had problems with - you know, I wouldn't want to. And I understand you guys getting, there's a park and ride close by but, I wouldn't want to tie myself to the County. I thank you for your job Sandy, and I support this project. Thank you.

Mr. Baz: Chair, may I?

Mr. Starr: Go ahead.

Mr. Baz: I do have 15 copies of 2,802 signatures signed petition that says, "we, the undersigned support the proposed Maui Economic Opportunity Transportation Center in Puunene, Maui at TMK: 2-3-8-006: 04. MEO transportation services serves our seniors, preschoolers, youth, low income residents and persons with disabilities and medical transportation needs. Existing MEO facilities in the Kahului area are cramped and inadequate and the new facility will serve the community needs for over 20 years." We do have 2,802 signatures here. I have more that were actually signed by the youth but I didn't want them to be public information without their parent's authorization. So this is your --

Mr. Starr: Okay, well thank you for distributing that. Commissioner Hedani.

Mr. Hedani: Sandy, we run a bus company in Kaanapali and the bus drivers don't usually kill trees. There are ways that you can encourage them not to kill the trees.

Mr. Baz: I was going to ask you do you have any suggestions to the site?

Mr. Hedani: Right. Primarily what I'm looking at is changing the angle of the stalls for the large buses so that they don't have to turn as radically in or out in order to access the stall. So make them more severely slanted so they have a straighter shot in and a straighter shot out. The question that I had is if you took your bus stalls, the large bus stalls, there's 37 stalls right now, you have 37 buses that would be parking there at any one particular point in time?

Mr. Baz: I don't have the exact number in front of me right now, but as far as our current bus it's not quite that much.

Mr. Hedani: Well, the question that I had was if you could substitute islands for seven of those stalls interspersed throughout those 37 stalls and put in canopy trees of some kind and adjust the angle of those so that you would have sufficient curb distance between the trunk and the edges of your islands to make sure they survive. And then fire every driver that kills a tree.

Mr. Baz: They actually, they do get written up. There's more damage to the vehicle than the tree, but -

Mr. Hedani: The other suggestion that I would have if that's impossible would be to look at some kind of a trellis system that would protect your buses as well as screen them from view at the same time.

Mr. Baz: Thank you. We will look at maybe putting in islands in there. Would it be okay if we consolidated maybe three of the stalls into one island?

Mr. Hedani: The reason I'm having so much difficulty with it is because the County has a rule for everybody that says one tree for five stalls and it's spread out for the purpose of making the parking lot have trees throughout the parking lot. So that would kind of be defeating - your landscape architect planner type would probably agree.

Mr. Baz: Yeah, no, and because this is not necessarily a parking lot that's why that didn't really relate. We did, and as you notice in the picture review coloring the concrete or whatever the paving is going to be to separate the differences there so that you can - it won't be one big paved area, but necessarily some splotching and -

Mr. Hedani: Yeah, but I think personally you know, it's going to read very industrial and very intense industrial by every single aircraft that goes over it. They're going to see it and you can say aloha or whatever, but my recommendation would be to take some stalls out and put some trees in.

Mr. Baz: Yeah, we will - of course this will go through the County Council review as well and so we will put in those - look at putting in those stalls.

Mr. Starr: Yeah could you discuss that and when we get to decision making possibly a condition could be acceptable to you that would -

Mr. Baz: I'll talk to our -

Mr. Starr: Commissioner U'u.

Mr. U'u: Just a question Sandy. I agree with Commissioner Hedani. You know, when I work on Oahu and I land on Oahu, Nimitz has to be the ugliest place on Earth and I would hate that to be reflective of Maui. It would definitely soften the blow to add some trees in place. I know we trying to stay away to make it affordable but it would have a lasting impression on myself and the tourists who's flying over and like said, you know, one look at bad planning is to land at Honolulu International Airport and look at Nimitz. It is gross and we're trying to limit that by maybe adding some beautification for your project.

Mr. Baz: I definitely understand.

Mr. Starr: I have a couple of questions.

Mr. Baz: Sure.

Mr. Starr: I've been baffled by this project. When I first saw it, I thought, oh great, we're finally going to get a transit hub where the buses, you know, and it's in the perfect central spot where buses could go to Lahaina, it could go to Wailea, it could go upcountry and you know, people could transfer off of them. And then I realized that it was not for general public transit system use. It's for the special needs system. And it's - MEO service is great, I don't in any way wish to be thought of as denigrating it. You know, I've served as president to Boys and Girls Club and other organizations that exist because of the great service that MEO is doing. I know the work you do for seniors, I know the work you do for dialysis patients in Hana, everything, you know, I don't want to put anything but praise onto that service, but what I, you know, what I see is something kind of

a bureaucracy gone hog wild here you know. It's just the scope of it, the size of it, the heat island, you know, this massive concrete, and the resources and I was wondering why, you know, is there a plan to build something huge for this service which is maybe not so massive.

Then I heard something recently which surprised me. I have heard that MEO has gone out to the State Legislature for funds to not build only a trans - you know, a special needs transit system here, station, but to move all of their facilities from Cameron Center to this location to build out the office buildings there and to turn over the Cameron Center facility to the hospital and that that is what's being presented to members of the legislature. And meanwhile, what we're shown in the EA and what's before us is something completely different. So I'd like you to tell me whether this is specifically for the transportation or with all these office buildings and all of this stuff there really is a plan to move all of MEO headquarters, all of its everything here and then turn over Cameron Center. And I'm not saying that's a bad plan. I just want to know if that is indeed what is going on.

Mr. Baz: First of all, from my understanding when we submit an environmental assessment and change in zoning application you want to put in what your ultimate design will be. Whether it's going to taking a year or 20 years to build to fill out. And so what you see here is what our ultimate design would be. If you go to - go back to the phases slide there, okay, you see where building, the long building that's running - this building here is our maintenance facility. It will maintain, the currently over 80 buses that we have within the next year. We're looking at getting about 16 more buses in our fleet. So this is the maintenance facility. This is the operational facility for transportation. These two buildings as well as probably about two-thirds of the site being paved, the gas fueling station and the vehicle wash station will be part of phase 1. So that's what we're looking at in the current construction phase.

As mentioned here phase 2 is the possible idea of a transit center. Now, this could or could not be used for being a hub of the bus system, but as currently it's not designed that way. It's designed for our own buses as they come from Hana, maybe going to Kihei or vice versa.

This phase 3 building is the future administrative offices of Maui Economic Opportunity. Now we have not approached the State Legislature to ask for funding for that facility. We were approached by the hospital and the hospital administration to - with the possibility of them taking over our building. So they approached us and our board has reviewed that and said, we'll at least start discussion about it. Our building that we're in is only 10 years now and it has a long life ahead of it. We didn't have any plans to move but when approached by the hospital that they were looking at expanding and taking over that area. They are planning things like a nurse's college over there and different opportunities then we said, okay, well lets look at it. And then as a management - from management perspective having everything on one campus is a huge benefit to me as a manager, to my fiscal department and HR and those ...(inaudible)... that are separated right now. And so it would be a big benefit for us to be on one location. That would not be a separate request to the State Legislature directly from us other than the hospital expanding into our area there. It's not a desire necessarily of ours at this point. But you know, as described, we want to show what this site has the capacity to do.

Mr. Starr: My one concern with this from a, you know, from our point of view is in terms of runoff and drainage. And especially in relation to the fact that there's a bus wash and a fueling facility which means that by their nature they're going to be taking a lot of toxic matter and somewhere it's going

end up on the ground. And I'm - especially since you're going for LEED certification you know, you'll see when you go through it that there's a lot of discussion, first of all about pervious pavement and I would absolutely feel that this is a model project if you are using pervious pavement where you could to get rid of the runoff problem and that would make it a show piece and it's something that's being done in many, in fact, most of the large cities throughout the United States, the use of pervious pavement so that the rainwater is able to percolate through the pavement if not, you know, on all of the hard pads for the big buses for, you know, where it is suitable, but where you have the wash areas and fueling in particular I want to have some technical details about how you're going to separate out fuels and contaminants. We've seen some innovative systems before this commission. I know, you know, MEO is a quality organization, I'm sure you're going to do it right. So could we get, I understand your architect is here. I don't know if that's in his purview but how are you going to make sure that none of the fuel spill, none of the stuff that gets washed off the buses is going to enter into either the water table or sheetflow and end up on the reef?

Mr. Baz: Thank you Mr. Chair, if you don't mind I would call Stacy Otomo of Otomo Engineering to discuss that.

Mr. Stacy Otomo: Good morning Mr. Chair, Members of the Commission. My name is Stacy Otomo. To answer some of the commissioner's, Chair Starr's question, regarding the washdown area, we're not at that particular level of detail but normally happens there is they have a recycled system where they reuse the water for washing down of the buses.

Regarding the fuel area right in here, again, we're not at that level of design, but we would meet all the required EPA standards in terms of containment of the fuel and so forth.

I'd like to add a little bit more regarding the drainage and what's going on. We are prepared to handle or meet the county requirements all within the site right now. Maybe by retention basins in the planting areas or subsurface drainage systems, but we have also been in contact with A&B regarding possibly using a small corner of this triangular piece as a offsite retention basin as well as A&B has a plan right in this area to do a master drainage facility for the business park expansion. So are in discussions with them possibly if we could use part of that system also. So in addition to the onsite stuff we are looking at couple of offsite solutions for the drainage as well.

Mr. Starr: How about pervious paving where applicable which is, you know, much better solution?

Mr. Otomo: We've had the discussion and you know, I guess we could take it a step further and take a look at that if it's at all possible.

Mr. Starr: I'd like to request you look at preparing a condition in the background with Ms. Cua that will assure not only best management practices regarding the fueling and wash area are utilized but that a system be created that will allow no, zero, runoff from those areas to enter the environment. Could you, prepare and craft something that when the time comes we can get to that? I'm going to call a recess. We've been here a long time. Commissioner Hiranaga before we recess.

Mr. Hiranaga: I was wondering if it might be a good idea to ask the Director of Transportation to come down and provide comments regarding some of the commissioner's concerns about

integrating the demand responsive system as proposed by MEO and the fixed route fixed scheduled system that is provided by the Maui Bus service because some people are kind of making assumptions that that's what the Maui Bus system wants. If he's available, during the recess, he might be able to come down.

Mr. Starr: Yeah, we'll call him down and I thank you for that suggestion. Ms. Cua.

Ms. Cua: If I could comment just briefly. I believe this question came before where you wanted to call Don Medeiros, and at one of the meetings he was supposed to come but because the timing that the project was on the agenda didn't coincide with when he could be here. He asked me to get comments to you. So I believe in somewhere in one of your meeting minutes, I mentioned that I did speak with Don, and I can go ahead and try and call him during the break, but I did speak with him and he basically reiterated that this is a totally separate project. And that although in the far distant future there may be, you know, the County may want to consider discussions with this applicant to see if maybe the county wants to purchase additional lands to provide or extend the services at this facility that may take place in the future but at this time there was no direction from the County to pursue that, but I'll go ahead and try and call Don, but that's the last I had heard from him.

Mr. Starr: Yeah, lets try to get him. We're going to take a recess. We'll be back at 10:35 a.m.

A recess was called at 10:22 a.m., and the meeting was reconvened at 10:36 a.m.

Mr. Starr: Maui Planning Commission meeting of November 25th is back in session. We were just having discussion with Mr. Sandy Baz and company about the MEO transit facility and we had a request by Commissioner Hiranaga that the whole body certainly appreciated to call the Director of Transportation for the County of Maui, Mr. Medeiros if he was free and we've been fortunate that he's not only free but he was here with the bells on. And we're going to ask him to come before us and give us just a - you know, that Mr. Hiranaga wanted comments regarding transit hubs and how this project will or could possibly tie in with the Maui Bus system and I want to ask you to go a step further and dream a little bit here. You know, what would be the best thing we could do and what was consistent with your long range planning in terms of creating a unified, a really functional whether unified or not, but a functional transit system for Maui Island. Take away Mr. Medeiros.

Mr. Don Medeiros: Thank you. So the first question which you asked, MEO is part of the transit service that the County of Maui funds and operates. It's a targeted service that is - some of its services are open to the general public though a lot of the services are program specific for people with disabilities, the youth or the seniors for the County's - to augment the County's Kaunoa Senior Programs, Nutrition Programs, etc. There are quite a few programs that MEO offers on behalf of the County to get folks from where they need to - from their home to where they need to go. I guess the distinguishing, the major distinguishing piece between the Maui Bus and MEO, MEO will go to your door to get you and take you where you need to go to that door. With the Maui Bus you come to the bus and then off the bus to where you need to go.

As far as the future is concerned, we know that this system will continue to grow and get requests daily for more service into the rural communities. If funding permits in the near future we would like to expand that up to Kula and do a lot more upcountry. I guess long term as things go on, and I

don't know what the time line for the long term would be, but the Mayor has had some discussions with Alexander and Baldwin regarding the location near this site that you're talking about. I guess at some point in the future as growth occurs and we finish with our general plan where growth will occur that that would probably be as you alluded to a few minutes ago, so of the center where things which might shift from where we are now to where that would be. I don't see that in the near future but in the distant future that is probably something that would likely occur.

Mr. Starr: Members, questions, comments? Commissioner Hiranaga.

Mr. Hiranaga: No, he answered my question.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: This is just a comment. I understand that the Maui Bus system is a scheduled regular route service and that this particular system is demand service. It's an irregular route demand service that provides door to door service. So I don't think the two necessarily have to be tied at the hip. You know, you're not going to pick up somebody at his house, take him to his doctor, stop over here and force him to go to the administrative office to view their administrative offices, get back in the bus and then take him back to his home. He's just going to want to go to the doctor and go home and that's exactly they do. To force him to do something more inconvenient than that just doesn't make sense.

Mr. Mardfin: I guess what I was concerned about, you two engage in discussions from time to time about what you're planning to do. I presume you knew about this plan before it came to us I would hope.

Mr. Medeiros: Yes.

Mr. Mardfin: You talked about with him I assume about, you know, if you were going to put a new route on, you discuss it with him at all or?

Mr. Medeiros: Yeah, we have ongoing discussions about what goes on. We speak to them probably on a weekly basis.

Mr. Mardfin: Okay, that's the kind of coordination I wanted to hear about because I read the response to the Maui Tomorrow's comment. I don't know if you've had a chance to look at this or not, but Maui Tomorrow first asked about park and ride which sounds like it's in your kuleana, and then they talked about coordination with you folks directly and we got a response like, they're independent operations, it's under contract, it was just like, you know, don't ask us about coordination with and you both have been much more responsive and that you've told that you do talk. You know, you guys aren't operating in isolation, and you're, you know, you do it different missions, but you're handling it and you're not surprising each other and you're kind of moving forward together it sounds like which makes me much happier.

Mr. Medeiros: All of the funding comes through our department. So we know exactly what they're doing. I also happened to work for MEO for 13 years and helped to build this system so I have intimate knowledge of what goes on and we do, you know, have discussions pretty much on a

weekly basis of, you know, and what it comes down to is, you know, somebody wants to know why something can't be done for whatever reason and so we get involved in it. It's not - that's unusual that's just the business as usual for us.

Mr. Mardfin: That's great to hear for both of you. Thank you.

Mr. Starr: I know that what, you know, I'd love to see for the long, you know, long - medium or longer term, you know, is a unified system, you know, since it is the funding's coming from the same place and it is one community. And you know, I know that the dream for a transit oriented community is that you have either a system or several systems that are transparently interconnected such that you can get from almost any point to almost any other point. And the systems work together if you go to the airport - if you're coming from the airport and want to get to Hana there's a way to do that. If you're a special needs person and you need to be picked up, you're going to a place where there's a normal route, there's a way to transfer you to a handicap capable Maui Bus, you know, and there's a place where people can drive their cars and park them there and get on a bus to anywhere. You know, or possibly light rail as well and whatever systems there are in the future. I mean, is there an entity that's looking ahead to try to create this future that would some day, and I know it's not going to be real soon, but some day integrate the Maui Bus, integrate what MEO does and does very well, and you know, possibly light rail and the airports and harbors and all of that to create the kind of network, smart network that would be a lot more efficient where we wouldn't have buses, you know, large buses running empty but rather routes that would do as much of it under transit as possible. I wanted to ask your opinion and also like to ask Mr. Baz to comment on this.

Mr. Medeiros: That is ultimately the charge of our department in the County and having all the transit services under one department allows us to do that as we move forward. If you look back when we, two years ago when we did the short range transportation plan, it did an assessment of what's in the community and it talked about how to move forward and MEO was part of that plan and discussed within that plan. I think you need to, maybe to help you better with this, I mentioned it earlier with our senior program under Housing with Kaunoa, MEO does a lot which is specific to that program and their needs which is still part of transportation in the County it's just a different form of transportation within the County that will allow you the wellness program that is an excellent program at Kaunoa. Well, MEO provides services such as excursions where folks can get to some special event that's going on in a unit that together and will pick them up from places to get them and then back to home again, particularly for our senior population. That is not necessarily what a fixed route system is designed to do. You're almost talking about a charter type service and that's not what a fixed route system does. That's what MEO does and that's why we contract MEO to do and to take people from their homes to the nutrition programs that are operated out of Kaunoa at various locations throughout our community and then back home again. And that's - the transit routes may not go there. So when you're looking at a population that isn't as agile, can run around a lot like the younger folks can. So we really do view that as part of our transportation system on Maui.

Mr. Starr: Is it typical in communities around the U. S. for government to pay to transport, you know, people from where they live to you know, luncheons and political events and activities and so on out of the County budget or is this usually a function that's provided for either personally or by an institution?

Mr. Medeiros: There are services like this throughout the nation. There are thousands of them in the rural communities. Just keep in mind we are a rural community. And there are levels of service vary based on levels of funding. What drives all of this is funding. And how much there is available to do it and the program. I - talking to different people across the nation over these years and I mentioned it to you at one time when I was here before, Maui's a great place to retire in. It's just marvelous the services that we have for the older community.

Mr. Starr: Okay, Members? Thank you very much for coming down, and you know, I appreciate - we appreciate it and we also appreciate that the Maui Bus service is working so well. You're doing a great job.

Mr. Medeiros: It's the folks that use it every day, it's not necessarily my -- Thank you, aloha.

Mr. Starr: And Mr. Baz, can I get some comments from you on the future?

Mr. Baz: Unfortunately I don't have crystal ball like Director Medeiros mentioned, the idea of Maui being a retirement community has intrigued a lot of people. The director of the Kaunoa Senior Services calls it a age tsunami. We are getting to a point where there are going to be actually more people over 65 on Maui than under 65 and that's just part of life. What I was getting to prior in some comments was the Maui Bus system you know, has a fixed route, fixed stops whereas we, you know, go to their doors so that they can get there for elderly.

And also I wanted to bring up the youth transportation that we do. It's a safe place for kids to get picked up at their school and get dropped off directly at either the Boys and Girls Clubs or the Youth Centers or paddling practice or wherever the County sponsored event is. And it makes it so that parents can stay at work if they're working, it makes it so that the kids can have a safe and distinct time to get there. My daughter did ride the Maui Bus this past summer, she's 14 years old and I was definitely afraid of her riding the bus but it's a good system and you know, her and friends, it's a whole new generation of kids that are learning, you know they ride the bus for the MEO system after school, they get used to being on a bus and you know, being not just driven here and there so they see that a future as well. So we're kind of training them to get into the Maui Bus system. In fact our youth services program we have, we actually do that, we take them on the Maui Bus and take them on routes and get them familiarized with the bus system because we do see it as a huge benefit to this community keeping in mind that we are still a rural community and MEO has been providing transportation services. Next year will be our 40th year of providing transportation services in Maui County. Most systems on the mainland you see the public bus system built first and then the paratransit or specialized bus systems were kind of layered on top of that whereas with Maui and with the needs of the community it has been actually the opposite. We've been supporting it, the County's been very supportive in of course in the development and supported this system as well as the State and the Federal Government. That's how we've been able to meet the needs of the community.

As far as future goals I can't tell you specifically. I think that, you know, as a nonprofit we can, we run, you know, an efficient operation. We are subject to you know, all kinds of standards and requirements that are, you know, put on us as a contracting agency by the government and other entities. You know, we're not in it for the money, so there's a benefit definitely to having us be a nonprofit and doing it.

Mr. Starr: Well, thank you for the service you provide. Members any other questions regarding the project or for Mr. Baz? Not seeing any, we can move along to testimony.

a) Public Hearing

Mr. Starr: Like to open up for public testimony and is there anyone here would like to testify on this? Please come forward. Thank you for being here and please introduce yourself. Tell us your name and welcome.

Ms. Charlotte Asato: Good morning, my name is Charlotte Asato.

Mr. Starr: Do me a favor, talk into the mike so we can hear you better.

Ms. Asato: Good morning, my name is Charlotte Asato. I am with the MEO Board of Directors and a senior as well with other activities. I've been with the MEO program for a while. I'd like to bring out about my grandson being transported when he was a school some 20 years ago. He was brought directly home, he was brought directly to my working place that I took care of him, you know, after school and MEO provided marvelous services and they still do. They support the seniors a hundred percent. They do whatever they can. The services are great. I ride the bus system periodically, at least four times throughout my senior activities. It's enjoyable to be among us and being unified with other members from various areas and I really do support your consideration into having the zoning changed so we can have our building being built that we've been waiting for for the past 30 years. It's in dire need. The system has grown and the services are great and I really appreciate like many this services. Thank you.

Mr. Starr: Okay, thank you. Members? Okay, thank you for coming forward. Anyone else wishing to offer testimony? Please make yourself known? Okay, not seeing any public testimony portion for this item will be closed. We'll now call on planner par excellence, Ann Cua, to give us recommendations.

b) Action

Ms. Cua: Mr. Chairman, Members of the Commission, pursuant to Chapter 2.80b, the applicant has met all the procedural requirements for the processing of the community plan amendment. In addition, the project has also met the criteria for the granting of a change in zoning as found in Section 19.510.050 of the Maui County Code. As such, with regard to the Community Plan Amendment, Planning Department recommends that the commission recommend to the Maui County Council approval of the community plan amendment from agricultural to light industrial.

With regard to the change in zoning application, the department recommends that the commission recommend to the County Council approval of the change in zoning from the agricultural district to the M-1 light industrial district subject to the following conditions. And I would like to go through the conditions.

Mr. Starr: Before you begin, the conditions, do they relate to both items?

Ms. Cua: No, we do not normally place conditions on community plan amendments. The conditions

are normally placed on the change in zoning application and that's why we've separated out our recommendations.

Mr. Starr: And we are advisory to the County Council for both items?

Ms. Cua: Correct.

Mr. Starr: Okay.

Ms. Cua: So the conditions that we're recommending that you recommend to the County Council is:

1. "that a separate left turn lane be provided for vehicles turning left from northbound Hansen Road into the project at the MEO main driveway. Said left turn lane shall be a minimum of 90 feet in length."
2. "That all buses exiting the project site shall be restricted to right turn only onto Hansen Road."
3. "Access to Hansen Road shall be coordinated with the County of Maui Project Hansen Road realignment under the jurisdiction of the Engineering Division."
4. "That archaeological monitoring shall be conducted during ground altering disturbance."
5. I'd like to modify from what you have in your recommendation. "That an updated TIAR shall be submitted to the State DOT for review and required highway mitigation measures shall be approved prior to issuance of a building permit."
6. "That full compliance with the requirements of the State DOT as a result of their review of the updated TIAR shall be rendered."
7. "That as each phase of the project is constructed, the undeveloped portion of the property shall be grassed at minimum."

These next two conditions we are recommending as a result of discussions that took place by the commission today on this project. And we have discussed this with the applicant and I believe the applicant is in agreement with the language.

So Condition number 8 would read, "That additional shade trees shall be provided possibly in the form of planter islands within the large bus storage area."

Mr. Starr: Commissioner Hedani does that work? Yes, okay.

Ms. Cua: And then Condition 9, "That additional pervious planters shall be constructed within the bus parking area to mitigate 100% of the additional flow and 20% of the existing storm water runoff."

And I believe on that condition, we had the applicant's engineer work with us on that and they would like to address you on that condition and their reasoning for the wording.

Mr. Starr: Could we hear the wording again because I'm not convinced that that answers all the issues.

Ms. Cua: "That additional pervious planters shall be constructed within the bus parking area to mitigate 100% of the additional flow and 20% of the existing storm water runoff."

Mr. Starr: I mean that's a fine condition, but that doesn't deal with containing petrochemicals and possible spills and car wash. So you know, in my opinion there should be an additional condition regarding that. We've had those in several other installations a - the National Car Rental facility comes to mind and -

Ms. Cua: We can look at the - I know there's an SMA condition that I believe deals with that and I could possibly look at that language.

Mr. Starr: Commissioner Hiranaga.

Mr. Hiranaga: I'm having difficulty understanding the proposed changes to the staff recommendation. I would prefer to see it in writing versus hearing it verbally because I think it's important to understand exactly what the conditions are.

Ms. Cua: Okay, I can go and type it up. I mean, two of the conditions is just language that based on your discussion of an hour ago.

Mr. Hiranaga: It was some commissioner's discussions.

Ms. Cua: Okay.

Mr. Hiranaga: I may not be totally in agreement. So I need to see the exact language that we're placing as a condition on the applicant.

Ms. Cua: Okay, if you want to take a short recess I can go upstairs type it up and bring it back down. It's basically three conditions. Condition Number 5 has been amended and then we're proposing the addition of 8 and 9 based on discussions of some of the members and also, the staff was asked to consult with the applicant as well on language which we did during the break. So I can, you know, type that up and bring it back and we can start discussions from that.

Mr. Hiranaga: You spoke of a grassed area?

Ms. Cua: Condition Number 7?

Mr. Hiranaga: Right. You modified 7 also.

Ms. Cua: No, I didn't. No.

Mr. Hiranaga: Oh, okay, I'm sorry.

Ms. Cua: And that Condition No. 7, the reason why that was put in, when we went to through the environmental assessment process, I think, I can't remember which commissioner or commissioners brought that issue up because this project is going to be phased over time you know, what is going to happen to the remainder of the site as each phase is developed. And as a result of that, we put this condition in to assure that, you know, the portion that will be developed, is developed in a certain way but that the remainder of the site would be grassed at minimum until it is ready to be developed for a subsequent phase.

Mr. Starr: Director.

Mr. Hunt: Ann, would be it be possible for the consultant to type these up and put them on the screen?

Ms. Cua: Yeah.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: Ann, in this particular case does this project come before the commission again, when the plans are completed?

Ms. Cua: No, it does not.

Mr. Hedani: It goes directly to building permit?

Ms. Cua: Correct.

Mr. Hedani: I see.

Mr. Starr: Commissioner Hiranaga.

Mr. Hiranaga: I guess one of the concerns I have with this proposed conditions on additional landscaping and also the grassing of the minimum areas is are you going to be requiring the applicant to install irrigation systems in order to maintain the plantings at a certain level or are you going to rely on rainfall because I know Puunene area is relatively dry so you may be able to grass it and water it, ...(inaudible)...turn brown and revive itself.

Ms. Cua: I'm sorry, I missed the first part. Are you talking about all of the landscaping or are you talking about just the grassed portion?

Mr. Hiranaga: Well, everything. I think the trees will need to be watered also.

Ms. Cua: Yeah, when a building permit is submitted to the department for review, part of the required submittal is a landscaping and irrigation plan and if the project is submitted with the landscaping plan but not an irrigation plan, we ask for it. And when an - a separate approval, a separate landscaping approval must be granted and a number assigned to the landscaping and

planting before our Zoning Division will sign off on the building permit.

Mr. Hiranaga: A continuing concern, you know there's constant talk about our portable water source being taxed by demand and here we are putting these conditions to create grassy fields. They're going to have to use potable water unless they pull it out of the ditch system at the Puunene Mill. That's why I have these concerns that when we start playing these types of conditions there has to be a practical reason for doing it and a practical way of fulfilling it and not placing unnecessary burden on the applicant. I mean, yeah, we're concerned about flying over a large concrete area but right across the street you have the Puunene sugar mill which is not really that exciting to look at either and you know, the jets use the mill stack as their inline guide to land at the airport. So they fly right over the stack and if you're flying in the airplane you look down you get to look right down the stack if they're in the right place. Those are the reasons for my questions.

Mr. Starr: I suggest that lets allow them to type it up and then we can debate them. I have - Sandy did you want to respond and I have one more ...(inaudible - changing of tape)...

Mr. Baz: ... Commissioner Hiranaga's question and I appreciate the thought, you know, in everything that we do, we definitely don't want to build what they call like white elephants. You know, something that's going to cost too much to maintain than it's even worth. We have or had prior discussion with Alexander and Baldwin, in fact up into even last week with their availability if on the other side of this same parcel is some brackish wells. They are reactivating those brackish wells to do the landscaping irrigation for Maui Business Park Phase 2 and I believe also for the State's airport access road landscaping. They have told us if we give them our irrigation requirements that they will build the system to handle our capacity and we would just a rate to them for that brackish water. So we have addressed in that planting.

Mr. Starr: Commissioner Hiranaga please proceed.

Mr. Hiranaga: Just a word of caution, you probably need specific language that A&B will guarantee you the water source because I believe if they feel based on various decisions regarding stream flow, bringing back stream flow and they find that they need that water to irrigate the sugar fields, you need to have very strong language guaranteeing you that access to the water. They may write that they can revoke that source if they deem necessary.

Mr. Baz: Thank you for the comment.

Mr. Starr: Okay, ...(inaudible)... Members we have three - I guess one amended and three suggested additional conditions and first we should look at them, the applicant should look at them, the department should look at them to decide if the department will make them, wants to make them part of their recommendation or not. So, we're open for comments on these.

Ms. Cua: I believe that, as I mentioned Condition No. 5 is just a further clarification of that condition that the department would like to propose and based on discussions, the department is proposing two additional conditions 8 and 9. I would have to consult with the director to find out if he would like that last proposed condition to be proposed by the department. We got that from the Chair.

Mr. Starr: Yeah, and the Chair is not tied to that wording. That's, you know there may be a better

way of doing what -

Ms. Cua: I don't believe the department would have a problem with that. Director, would you be able to?

Mr. Hunt: I don't see a problem with it. We need to ask the applicant if he sees a problem with it.

Mr. Baz: We don't see a problem with that.

Ms. Cua: So then that would be recommended condition no. 10 then of the Planning Department.

Mr. Starr: Okay, Commissioner Hiranaga.

Mr. Hiranaga: I'm wondering if the word "treatment" should also be included because they're saying they're going to recycle the water.

Mr. Starr: Okay.

Ms. Cua: And where would that be? Could you read where that would be in the condition so we could type it.

Mr. Starr: It would be capture, treatment and/or disposal. Is that it?

Mr. Hiranaga: Yeah.

Mr. Starr: So capture, treatment and/or. Go ahead please.

Mr. Hiranaga: Additional pervious planter. What is a pervious planter?

Ms. Cua: Well, it's basically just a planter that's going to. Whether it's graveled or dirt, that's going to allow the runoff to go into the ground and that would coincide with your other condition that requires additional shade trees, possibly by removing stalls and adding planter areas within the bus parking.

Mr. Hiranaga: I'm not sure if this is the appropriate time to debate language but I hate to create a monster where all of a sudden there's 50% of the land area is pervious planters. So I would prefer to say, replace the word "shall" with "should." Because I'm not civil engineer and I don't know what land area is going to take for the additional pervious planters to mitigate a 100% of the additional flow and 20% of the existing flow.

And also, above with the additional shade trees they expressed concerns, you know, operational exposure to hitting the trees. So maybe it should say, "should be provided," versus "shall." Because I hate to mandate something that all of a sudden becomes an operational hazard for them, also incurring costs because of damage to buses. And again, I'm not expert on bus terminals.

Ms. Cua: Would you like us to add, "shall be provided to the extent possible or practical?"

Mr. Hiranaga: Should.

Ms. Cua: Okay, just should. So not adding, "to the extent practical."

Mr. Starr: If Commissioner Hiranaga is satisfied with that I think we're okay. Director.

Mr. Hunt: In terms of enforcement it's easier for the department to have a specific condition that is explicit and mandatory that you shall do this and therefore, we know whether you are expected to do it or not. Should is kind of waffle word, do we enforce that or don't we?

If there's concerns about the implementation then I would ask their engineer to address the 100% and the 20%. But from the Planning Department's perspective we would ask that it be shall and then you come up with percentages that are implementable.

Mr. Starr: Go ahead Mr. Otomo.

Mr. Otomo: Stacy Otomo again. I want to clarify something that the planters themselves are not meant to take care 100% plus 20%. It will help to supplement the drainage system to achieve those numbers.

Mr. Hiranaga: Got to look at the language.

Mr. Starr: So Commissioner Mardfin.

Mr. Mardfin: Yeah, Condition 9 has me bothered because it doesn't jive with what I thought I heard earlier. And I'll tell you what my problem is. It says, "additional pervious planters," that sounds like a construction item where you construct a planter. And I thought our chairman was talking about that the surface be pervious.

Mr. Starr: Yeah, I didn't, I wasn't sure why it got turned into planters. I would say "that pervious paving be utilized were possible to mitigate flow."

Mr. Otomo: I'd like to make a comment about that Chair.

Mr. Starr: Yeah.

Mr. Otomo: Regarding the pervious pavement, could of concerns that we do have is that as far as I'm aware there's no contractor on the island right now that does it.

The second issue is that during research on this pervious pavement there's quite a bit of maintenance that needs to be done and my understanding what people have been using on the mainland is like a large vacuum cleaner that they need to actually vacuum the pavement to make sure that the pores are open. There's a lot of maintenance on it.

Again, my other concern is that when you have a pervious pavement and you talk about filtering potential pollutants, a pervious pavement it will just take runoff and take it straight down into a substrata. Whereas if you had a concrete pavement, whereby the runoff gets into catch basins we have the opportunity to put in like a catch basin insert that acts as a filter, if you may, to take out some of the pollutants, whereas not letting everything go directly into the substrata.

Mr. Starr: Your thinking is about five years out of date. That currently there's a lot of pervious pavement being utilized. Chicago and Portland are -

Mr. Otomo: I understand.

Mr. Starr: Are leading that with the codes. The newer designs do not require the removal, you know, and they utilize, they actually encourage bacteria to go underneath it which eats the stuff. You know, the fact that no one's doing it, it's to me a reason we should be doing it. Commissioner Hedani.

Mr. Hedani: Mr. Chairman, what we should do I think in this particular case is receive the staff recommendation which is where we're at in the agenda and then consider a motion to approve it or disapprove it or amend it rather than debating the fine points of concepts that are not on the floor for discussion at this point.

Mr. Starr: Yeah, I was actually hoping to get to a point where we would have a motion, but you know, we kind of got side tracked with specific discussion. You know, as far as this particular point I would be happy with wording that just, you know, where possible and a commitment be made to try it.

Mr. Otomo: Okay.

Mr. Starr: To some extent. Commissioner Mardfin.

Mr. Mardfin: I generally agree with Commissioner Hedani, but I do want to make an attempt. I would have phrased 9 to be, take out "the additional pervious planter should be constructed within," and say, just say, "the bus parking area will be designed to mitigate a 100% of additional flow and 20% of the existing storm runoff." And let them worry about the details of how they do it.

Mr. Starr: Lets get a motion on the floor. And then we can find tune things. Commissioner Hedani.

Mr. Hedani: Move to approve the staff recommendation as amended.

Mr. Iaconetti: Second.

Mr. Starr: Okay, we have a motion by Commissioner Hedani. Seconded by Commissioner Iaconetti. The motion is Mr. Director?

Mr. Hunt: Move to approve the staff recommendation as amended.

Mr. Starr: Okay, discussion? Commissioner Mardfin.

Mr. Mardfin: Move to amend Condition 9 from what is on the screen to, "the bus parking area will be designed to mitigate a 100% of the additional flow and 20% of the existing storm water runoff." And so you eliminate a bunch of the original wording. That's my motion to amend.

Mr. Starr: Okay, is there a second to the amendment?

Mr. U'u: Second.

Mr. Starr: Okay, we have a amendment by Commissioner Mardfin, seconded by Commissioner U'u which is to make an amendment as per the screen. Chair has as question whether there be any interest in asking for, you know, a voluntary attempt be made to include some pervious paving to further?

Mr. Mardfin: As the maker of the motion I would not like to add that because I think let them worry about the mechanism. I don't want to dictate to them how they do it just that it be done.

Mr. U'u: I agree.

Mr. Starr: Okay, Commissioner Hedani.

Mr. Hedani: I just want to get comment from the applicant to make sure they're okay with that because I don't know if the retention areas or the detention basins or systems that the engineers have designed can accommodate what they're talking about.

Mr. Otomo: We will be designing to that. What I would like to propose instead of saying, "that the bus parking area," maybe just refer to it as "the drainage system for the project."

Mr. Starr: Yeah.

Mr. Otomo: Is that okay?

Mr. Mardfin: Acceptable adjustment to the maker of the motion.

Mr. Starr: Okay, so we have a motion and an amendment on the floor. Any further discussion or subsidiary amendments? Commissioner Hedani.

Mr. Hedani: Call for the question on the amendment.

Mr. Starr: Okay, all in favor of the amendment, please signify by raising your hand. All opposed?

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

**VOTED: To Amend Condition No. 9, "that the drainage system for the project will be designed to mitigate a 100% of the additional flow and 20% of the existing storm water runoff."
(Assenting - W. Mardfin, B. U'u, K. Hiranaga, D. Domingo,
W. Iaconetti, W. Hedani, J. Starr)
(Excused - J. Guard)**

Mr. Starr: Okay, amendment passes. Any further? Commissioner Hiranaga.

Mr. Hiranaga: I'd like to propose to amend Condition No. 8, replace the word "shall" with "should."

Mr. Starr: Okay, we have a proposed amendment changing "shall" to "should." Is there a second to the motion?

Mr. Hedani: Second.

Mr. Starr: Okay, amendment by Commissioner Hiranaga. Seconded by Commissioner Hedani. Changing "shall" to "should." Any discussion? Commissioner Hiranaga.

Mr. Hiranaga: I guess MEO being the applicant specifically I have the sense that we can trust them to do the right thing. They have a Board of Directors that are appointed, that consist of members of our community that you know, they're going to figure out what's the best balance. I really don't want to start dictating what needs to be done because I'm not an expert on bus terminals. So that's why I proposed that change.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I'm going to vote against the amendment based largely on department's director's recommendation that he'd like something that's enforceable and shall was more enforceable than should. And it just, and the only part that the shall is is that additional shade trees shall be provided. Let them worry about how they do it provide more.

Mr. Starr: Okay, we ready to call the question on the amendment? All in favor please raise your hand. All opposed. Director.

It was moved by Mr. Hiranaga, seconded by Mr. Hedani, then

**VOTED: In Condition No. 8 to replace the word, "shall" with the word, "should."
(Assenting - K. Hiranaga, W. Hedani, B. U'u, D. Domingo,
W. Iaconetti.)
(Dissenting - W. Mardfin, J. Starr)
(Excused - J. Guard)**

Mr. Hunt: I have that five in favor and two against.

Mr. Starr: Okay, amendment passes. Are we ready to vote on the main motion? Are there any further? Okay members? Okay, we're going to call the question on the main motion as amended with the two amendments. All in favor, please raise your hand. All opposed. Director.

It was moved by Mr. Hedani, seconded by Mr. Iaconetti, then

**VOTED: To Recommend Approval to the Maui County Council of the
Community Plan Amendment and Change in Zoning with Conditions.
(Assenting - W. Hedani, W. Iaconetti, K. Hiranaga, B. U'u, W. Mardfin,
D. Domingo, J. Starr)**

Mr. Hunt: Seven in favor and zero against.

Mr. Starr: Okay, good. Congratulations and good luck.

Ms. Cua: Excuse me, so you voted on the community plan amendment and the change in zoning as one?

Mr. Starr: Yeah, that was your recommendation and to approve both. We've done that.

Ms. Cua: Okay, thank you.

Mr. Starr: But the conditions only relate to the -

Ms. Cua: Correct.

Mr. Starr: Okay, thank you. Good presentations. Thank you Ann, thank you everyone.

Mr. Hart: Thank you very much Commission. Appreciate it.

Mr. Starr: Okay, we're going to take a recess till the half hour to set up.

A recess was called at 11:24 a.m., and the meeting was reconvened at 11:32 a.m.

C. ADOPTION OF WRITTEN FINDINGS OF FACTS, CONCLUSIONS OF LAW, AND DECISION AND ORDERS (No public testimony will be taken as the Commission will be completing their adjudicatory function.)

Mr. Starr: Planning Commission meeting of November 25th is back in session. We have the next three items on our agenda relate to the Iwa Ike and Pine State item. There's some legal question and there is some legal filings that been done in relation to that and because of that I'm going to ask Corp. Counsel to address us. I understand that Corp. Counsel's office has not had a great deal of time to look into this relating to the recent filings. Mr. Giroux and I believe you might want to call Ms. Johnston as well.

Mr. James Giroux: Okay, I guess I'll just do a quick summary of what's happened is, from our last meeting on this subject we disposed of the petition to intervene. So what I did is in order to follow our rules I went back and compiled a draft findings of fact, conclusions of law and I've posted that on the agenda for your review. However, in the meantime, we've also received a petition for writ of quo warranto which also references to these cases, the district boundary cases. So that has recently been assigned to Ms. Johnston in our office and I'll let her explain as far as the procedural matters concerning that.

Ms. Mary Blaine Johnston: Thank you. Mary Blaine Johnston, Deputy Corporation Counsel. We received the middle of last week a document call a petition for writ of quo warranto filed by Mr. Collins on behalf of Linda McDonald. It's a special proceeding.

A writ of quo warranto, I wasn't even sure what it was when I got it, that's how seldom it's used, but what it is it's a challenge to a person who is holding a public office as to their right to be in that office. And normally it's made by the person who thinks they should be in that office and the other

person should be kicked out.

Historically from the little bit of research I've been able to do that in ancient days historically it was used by kings and so forth or reigning nobility when they decided they wanted to take over a particular office or particular franchise that some lesser person had they would haul them into court and say, you know, you don't belong in that office. Usually they couldn't defend and so then they would take over and get whatever the money or power was associated. So that's kind of a history of it.

In this case, the petition that has been filed names Chair Jonathan Starr and Planning Director, Jeff Hunt as the respondents in that and they've been summoned to show up theoretically on December 19th in front of the court. Judge Cardoza explained something. Unfortunately what the petition doesn't challenge their holding of the offices that they have so it's probably a very improper use of this. What is believed is requested that upon a hearing that judgement be entered that respondents that would be Mr. Hunt and Mr. Starr, cease from attempting to make determinations or making determinations regarding state land use district boundary amendment applications that are inconsistent with the requirements of Chapter 19.68 of the Maui County Code. In other words, he's trying to use this proceeding to collaterally attack the decisions I guess that were previously made on hearing before the planning commission. I had not been assigned to this, the planning commission issue. I'm filing a motion a motion to dismiss. I'll file it by tomorrow because just a inappropriate proceeding for the relief he's requesting. It's sort of like not only apples it's oranges, it's more like kiwi fruit and I don't know, bananas or something. So I don't know to what effect it has on the findings of fact, conclusions of law you have in front of you and what you should do on that. I really don't know - I only became aware of it this morning when I happen to come in here. I wasn't even planning coming for this agenda item, but I'm willing to provide any insight if I can. I think James can you know, maybe give you his impression of what you should be considering with what you have in front of you. If you have any questions, I'd be happy to answer them.

Mr. Starr: Members, you know, what my recommendation would be if anyone desires to do so would be to defer items C1 and C2 and D1 at least until Counsel has an opportunity to look at this and how these times on our agenda today relate to this filing. I'm not a hundred percent confident that it would be in the best interest to proceed. But Commissioner Mardfin.

Mr. Mardfin: I have two questions. My one question is is this - if we're going to discuss this quo warranto petition did we need to have it as an item on the agenda? And my second question is, does Lance Collins, the attorney, need to be present and notified in any fashion?

Mr. Starr: Mr. Giroux.

Mr. Giroux: Well, I think this is an issue - this is actually does not need to be a public item. You're trying to actually do housecleaning and this was a part of a contested case. So actually the fact that it is on the agenda is fine, but I mean, that's kind of how we've decided to do business. However, this is the cleaning up part of a contested case which has your exemption under 92, Chapter 92, that says that if you're trying to finish up a adjudicatory function you can do that in executive session if you wanted to. So we're discussing this petition because it is raising an issue on whether or not you want to go ahead in finalizing your findings of facts. So as far as that goes, I don't believe that we need, you know, this hasn't been filed in the commission, this has been filed

in the Circuit Court which is a public document and you're allowed to address a public document if you wish.

Mr. Starr: Yeah, go ahead. And if we do want to have a detailed discussion regarding that filing, it would be probably be suitable to do it in executive session. But if we're not going to deal with it we wouldn't need it. Commissioner Mardfin.

Mr. Mardfin: The second or the third I guess now question is, this deals with items 1 and 2, C1 and 2 in particular not especially D1, except that C1 and 2 relate to D1 is that?

Mr. Giroux: Yeah, we're in different portions of our hearings. The findings of facts and conclusions of law deal with your disposition of the petition, it's a petition to intervene and you had two of them based on two projects. On the last, at the last hearing you actually did approve one of the applications. So you have two applications, you approved one application. The other application is still pending on your agenda and that's what's on there today. The court case, may or may not affect the petitions or the applications depending on the disposition of the Circuit Court on how it deals with the petition for the writ of quo warranto. So we're just bringing it to your attention. And you know, in administrative law it's kind of strange because you can file something in Circuit Court and if the judge doesn't enter into a stay in proceedings you can just go along and finish up your proceedings. That's the whole purpose of having an administrative body is to actually deal with legal matters in a less formal way than you would if you had to deal with all of these matters all the time in Circuit Court.

Mr. Starr: Yeah go ahead Commissioner Mardfin.

Mr. Mardfin: So even though our Chairman expressed the desire to postpone it, it seems to me that I think we ought to go ahead and deal with item C1 and 2 unless and the deferment issue, is there a concern - is there a time frame in which we have to do things? So that if we fail to act within a certain number of days something happens?

Mr. Giroux: Well, I think the application there may be some ramifications of timing as far as the application. As far as these findings of facts, I couldn't find in the rules about any timing about when we have to get these out. I think the issue the Chair is bringing to head is that the petition for quo warranto contains language and information and facts that may contradict what we've got now in our draft findings of facts and he wants us to look into that and see if we need to craft language that makes the findings of fact more accurate or tighter.

Mr. Starr: If we want to discuss that perhaps executive session might be a better venue if you do want to get into the details. Commissioner U'u.

Mr. U'u: Just ask Corp. Counsel if he agrees with what Commissioner Starr recommended?

Mr. Giroux: Yeah, I think you know, since this is being brought on so quickly, I think if we postpone this for two weeks, put it on the next agenda I think we would be able to clear up all the legal matters.

Mr. Starr: Commissioner Hiranaga.

Mr. Hiranaga: I have no objection to deferring item C1 and C2 since there is no sense of urgency or a deadline that these be executed as represented by Corporation Counsel, but as far as D1, since it's only a recommendation to the Council, I would prefer to continue conducting business on that agenda item. And if the Chair is uncomfortable because he's been personally named in this petition, we could just ask if the Vice Chair could preside over this item.

Mr. Starr: Why don't we deal with C1 and C2 and then we can deal with D1.

1. **Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and JAMES GIROUX, Deputy Corporation Counsel on behalf of the Maui Planning Commission denying the intervention request from LANCE COLLINS, attorney on behalf of LINDA MCDONALD on the request by PINE STATE LIMITED for a State Land Use District Boundary Amendment from Agricultural to Urban for Ke Kani Kai, a proposed 2-lot subdivision and associated infrastructure improvements at Lot 3 Makena, Keoneoio Road, TMK: 2-1-005: 117, Makena, Island of Maui. (DBA 2007/0008) (P. Fasi) (Action taken at the October 14, 2008 meeting.)**
2. **Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and JAMES GIROUX, Deputy Corporation Counsel on behalf of the Maui Planning Commission denying the intervention request from LANCE COLLINS, attorney on behalf of LINDA MCDONALD on the request by MR. GREG KAUFMAN of IWA IKE LLC for a State Land Use District Boundary Amendment from Agricultural to Urban for the Iwa Ike Subdivision, a four (4) lot subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005: 118, Makena, Island of Maui. (DBA 2007/0007)(J. Prutch) (Action taken at the October 14, 2008 meeting.)**

Mr. Starr: Regarding item C1 what's the desire of the members? We can have a deferral or any other motion or executive session. Commissioner U'u.

Mr. Giroux: You know, as counsel, I think you know, to make things a little more efficient I would like to at least try to go into executive session on this and if you guys see any other problems with the draft that would help me out because then I could actually in the meantime be cleaning up this draft. So if you want to go into executive session, discuss this issue or any other issue that you want me to tighten up the language or clear up before we move on.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: Jim, do you have a problem with our moving ahead as is?

Mr. Giroux: You know, it raises - there is a couple of things that I think we should discuss in executive session because again, like I said, I put this on because it's a draft. I want you guys, this is your - I don't want to be putting words in your mouth. I want you to be okay with this document. So I'm asking for you - I did my best crack on what I heard and all the documents that were submitted and all legal theories that I could see were being dealt with, so I just want your concurrence to say that you guys are comfortable with this document.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I move we go into executive session for the purpose of discussing with our counsel, the item C1, C2 and the petition.

Mr. Iaconetti: Second.

Mr. Starr: Okay, we have a motion by Commissioner Mardfin, seconded by Commissioner Dr. Iaconetti. The motion is to?

Mr. Hunt: To go into executive session to discuss item C1 and C2 on your agenda.

Mr. Starr: Okay, and this motion requires, what, two-thirds?

Mr. Giroux: Two-thirds of the body present.

Mr. Starr: Yeah, two-thirds of the body present. Commissioner Hedani.

Mr. Hedani: Doesn't going into executive session requires specific language in addition to that?

Mr. Giroux: Yeah it would be for the purpose of looking at the findings of fact, conclusions of law for the two petitions.

Mr. Starr: Before we vote, it would be my preference to have Mr. Giroux, the Director, Ms. Johnston and also Paul Fasi, the planner on this item with us if that's acceptable.

Mr. Giroux: Oh I think Prutch is on the other one.

Mr. Starr: Oh, and Joe Prutch, he's also on that. Okay, we ready to vote? All in favor, please raise your hand. All opposed? Okay, Director.

It was moved by Mr. Mardfin, seconded, by Mr. Iaconetti, then

VOTED: To Go Into Executive Session.
(Assenting - W. Mardfin, W. Iaconetti, K. Hiranaga, B. U'u, D. Domingo,
W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Hunt: It was seven in favor and zero against.

Mr. Starr: Okay, please clear the room but Mr. Fasi, Mr. Prutch, Ms. Johnston and Mr. Giroux and Director please stay.

The commission went into executive session at 11:48 a.m., and the regular session was reconvened at 12:00 p.m. The commission then recessed at approximately 12:01 p.m. for lunch, and the meeting was reconvened at 1:02 p.m.

Mr. Starr: The meeting of November 25th is back in session. As we discussed early this morning, we had an item that was specifically agendaed for 1:00 p.m. We have people from off island fly in for this, so if any of the commissioners would like to make a motion to move that item which is item E1 up next on the agenda we could handle that. Commissioner U'u.

Mr. U'u: Motion to move item E1 up to the 1:00 p.m.

Mr. Iaconetti: Second.

Mr. Starr: Okay we have a motion by Commissioner U'u, seconded by Commissioner Dr. Iaconetti to move up item E1 on our agenda, all in favor please raise your hand, all opposed? Okay, we have unanimous six to nothing.

It as moved by Mr. U'u, seconded by Mr. Iaconetti, then

VOTED: To Move Item E1 Up on the Agenda.
(Assenting - B. U'u, W. Iaconetti, K. Hiranaga, W. Mardfin, W. Hedani, J. Starr)
(Excused - D. Domingo)
(Absent - J. Guard)

Mr. Starr: So we're going to have item E1 which is Director Jeff Hunt who is going to be transmitting this so I turn it over with all due ... (inaudible).. and respect to Planning Director Jeff Hunt.

Mr. Hunt: This item involves the Planning Department transmitting Council Resolution No. 08-73 containing a draft bill amending Section 19.78.070 of the Maui County Code to prohibit traffic ingress and egress on Kainani Street to and from the development within the Maui Lani Project District to the Maui Planning Commission. The file number is PH1 2008/0001 and the planner assigned to this is Ann Cua.

E. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

- 1. MR. JEFFREY HUNT, Planning Director transmitting Council Resolution No. 08-73 containing A Draft Bill amending Section 19.78.070, Maui County Code, to prohibit traffic ingress and egress on Kainani Street to and from the Development within the Maui Lani Project District to the Maui Planning Commission. (PH1 2008/0001) (A. Cua)** (Commission to take item up at 1:00 p.m.)

Ms. Ann Cua: Mr. Chairman, Members of the Commission, this matter arises from the Council Resolution 08-73 and it was adopted by the Council on August 22, 2008 and received by the Planning Department on August 28th. As Jeff mentioned the resolution is requesting an amendment to the project district ordinance for Maui Lani to prohibit traffic ingress and egress on Kainani Street from the development within the Maui Lani project district.

I do want to speak a little bit about what the Charter provides. Section 88-62 regarding adoption of General Plan and other land use ordinances. "Any revisions to the General Plan, zoning

ordinance or other land use ordinances may be proposed by the Council and shall be reviewed by the appropriate planning commission as if prepared by the Planning Department. Any such revision shall be referred to the appropriate planning commission by resolution." And that's what brings us here today.

I've discussed with you before the project district processing regulations and this resolution will effect the or affect the Project District Phase 1 or the ordinance itself. And so I've outlined on page 3, how that process works and so basically it's processed quite similar to a change in zoning application where you have to meet certain requirements and it has to have a public hearing and adoption by the Council.

In terms of procedural matters, on October 3rd, the Planning Department notified the Council's Public Works and Facilities Committee about this scheduled public hearing with you. On October 24th, the notice of the public hearing on the resolution was published in the Maui News by the Planning Department. And the 120-day deadline to transmit findings and recommendations by this commission to the Council on the resolution is March 26, 2008.

Mr. Starr: 2008?

Ms. Cua: I'm sorry, 2009. So in terms of some background information, the planning commission right now is in the process of reviewing a Project District Phase 2 application for the Maui Lani commercial project at TMK 3-8-7:121 on 12.926 acres. I've attached the site plan just to kind of familiarize you the area. Most of you have reviewed that application.

That matter has been deferred by this commission to allow the preparation of an environmental assessment which has been triggered by proposed improvements to Kainani Street as well as the use of other state or county lands for infrastructural improvements.

The project when it was originally submitted to the Planning Department proposed a secondary access to the commissioner center at Kaahumanu Avenue. The primary access is from Maui Lani Parkway. The applicant at that time was not able to obtain approval from the State Department of Transportation to allow access onto Kaahumanu Avenue and as such pursued alternatives for secondary access to the project and Kainani Street became that proposed secondary access which caused strong neighborhood opposition.

Since that time, the applicant has revised the site plan for the commercial project and is no longer pursuing unrestricted shopping center ingress and egress at Kainani Street. The site plan now proposes a right turn only out of Kainani Street and a right turn only from Kaahumanu Avenue into the development along with a six-foot wide sidewalk on northbound Kainani Street and eastbound Kaahumanu Avenue.

The request before you today as I mentioned is the resolution request by the County Council considering an amendment to the project district ordinance to prohibit traffic ingress and egress on Kainani Street to and from the development within the Maui Lani project district. So although this proposed resolution and amendment to the ordinance would affect the - would apply to the Maui Lani - the entire Maui Lani Project District, it really is going to affect only one property and that's the property that has an application for project district approval before this body.

The Planning Department transmitted this application out, or the resolution out to a number of County agencies and I do want to go over some of the comments.

The Department of Public Works by memo dated October 23rd, commented that they understand the community's concern. However, they believe that limiting access to a major shopping center to just one street which would be Maui Lani Parkway will result in traffic congestion of the Maui Lani Parkway as well as intersection of Kaahumanu Avenue, Baldwin Highway School, Maui Lani Parkway.

The Police Department in their memo dated October 9th, indicates that they had no comments regarding the Council resolution at this time. Relative to the Maui Lani commercial development they feel that the prohibition of ingress and egress on Kainani Street will likely require an updated traffic study due to the fact that the only remaining ingress and egress points for the development will be from Maui Lani Parkway. And again, these departments were not aware that there was a possibility of having access from Kaahumanu Avenue because the latest word, you know, we had before from Department of Transportation was that that was not possible.

The Fire Department in their review commented that they would prefer to see two entrances to the shopping center but it is not an absolute requirement. They want to take a look at any new development plan if the use of Kainani Street will be prohibited.

And the State Department of Transportation in their letter, they commented on two things. We had sent them two separate submittals. One submittal was asking them for comments on a revised site plan for the Maui Lani shopping center project that would eventually come to you when you take that matter up again. And I want to make it clear that we're not discussing the project district application for the Maui Lani shopping center today. We're discussing the resolution. It just so happens that that resolution directly affects that parcel so we have to get into some of the background information and facts associated with that project.

But the second matter that we sent to Department of Transportation was the resolution itself asking them to comment on that resolution. DOT sent us one comment letter that addressed both things. So, how their letter reads, they say, "in response to Council resolution, DOT agrees that it would be desirable for the County to restrict shopping center traffic from using the residential portion of Kainani Street under the County's jurisdiction. However, they object to County restrictions on egress of shopping center traffic to Kaahumanu Avenue over northbound Kainani Street which is under State's jurisdiction." "Forcing all shopping center traffic to exit onto Maui Lani Parkway would significantly increase existing and projected left turns from northbound Maui Lani Parkway onto Kaahumanu Avenue." They further state, "that it would not be acceptable to adjust signal timing to provide more green time for northbound left turns because this would increase the delay for through traffic on Kaahumanu Avenue and could adversely affect signal coordination." That was just their comment on the resolution.

The also commented on the revised site plan for the Maui Lani shopping center and I won't go through that in detail but on page 6, items A through G, they reiterate the changes that are going to be made to Kainani street. If you want me to go through them, I can. You want me to? Okay.

So what they reviewed, what DOT reviewed and what the applicant will propose for the shopping center project as it relates to Kainani Street is a right turn only out of the shopping center project

onto Kainani Street. A six-foot sidewalk on northbound Kainani Street and eastbound Kaahumanu Avenue. And just so you can follow along, I have a Exhibit No. 3, 2 and 3 basically shows where Kainani Street is in relation to Nakoa Drive, the Sandhills Subdivision, it shows its relation to Kaahumanu Avenue. This is Exhibit No. 2, and then it shows Kainani Street's relation to the Maui Lani commercial shopping center site.

In Exhibit 3, it's just another detail showing the existing roadway. Again, the existing Kainani Street and commercial, the proposed commercial development that will again, come before you at a different time.

And then if you go into Exhibits 7A and Exhibit 8, these were maps that were attached to Department of Transportation's letter and it shows you the proposed, the newly proposed improvements for Kainani Street. The latest proposal from the commercial project. And Exhibit 8, shows you a detail that you can see a lot clearer than in Exhibit 7A. So as I'm going through the list maybe you can refer to that Exhibit 8. So again, a right turn only out of the shopping center project onto Kainani Street. A six-foot sidewalk on the northbound Kainani Street and eastbound Kaahumanu Avenue in vicinity of the shopping center. A bulb out to replace a right turn acceleration lane from northbound Kainani Street onto eastbound Kaahumanu Avenue. A right turn deceleration lane on eastbound Kaahumanu Avenue to the proposed shopping center driveway between Kainani Street and Maui Lani Parkway. A second westbound left turn lane at Kaahumanu Avenue's intersection with Maui Lani Parkway. A wire signal interconnect along Kaahumanu Avenue between Kainani Street and Maui Lani Parkway and modification of various lane markings, crosswalks, signage and sidewalks within the vicinity of the shopping center as required by Department of Transportation.

As of today's meeting we did receive some correspondence and I believe it's been passed out to you. Yesterday we received a letter from Mr. Lee Ohigashi and that was passed out ... (inaudible - changing of tape)... the green folders and blue folders and that was I believe also given to us this morning by Mr. Lee Ohigashi and he is today and I'm sure we'll address that. So at this point, before I go into conclusion and recommendations, I would ask if you have any questions or if you want to take public testimony.

Mr. Starr: Before we get to that, the original proposal of having ingress and egress by Kainani Street I understand that's off the table and what is under discussion is purely egress with right turn only and if that's the case, did the developer take it off the table or was that DOT. What got us to that point?

Ms. Cua: You are correct in that first part of your statement. And I believe what's happened is, you know, since - from the very beginning, from when this project started, the applicant has been meeting with Department of Transportation, Public Works to try and respond to various comments issued by the agencies and the most familiar comment at the beginning of this project was that they would not be allowed access on Kaahumanu Avenue. So they had to amend their traffic report to deal with how are they going to get traffic in and out of the development. And so you've heard various testimony and presentations on different iterations of how Kainani Street could look and it actually got quite intensive in terms of how much construction could go on in that area and all the different turning lanes and to be able to accommodate ingress and egress. But I guess the community concern in the applicant's attempt to try and accommodate community concern and

work with the Department of Transportation I believe this latest arrangement is an attempt to try and do that. To try and provide a secondary access. They have also been talking to Department of Transportation and from what we hear they've been able to secure a very limited access off of Kaahumanu Avenue which is different from anything we've seen before and so now what they're proposing, what they will be proposing when they come before you is right turn only out of Kainani, a right turn from Kaahumanu into the project, sidewalks, some turning lanes and then their primary access ingress and egress out of Maui Lani Parkway.

Mr. Starr: Is DOT here? Are there any other resources here?

Ms. Cua: No. DOT is not here, no.

Mr. Starr: What I'd like if it's acceptable to the other commissioners, I see Ms. Ohigashi is here and I know she represents the councilmember's office who initiated this and I was going to give her or her able spokesperson an opportunity to speak because I know that's where this resolution originated. So if they want the opportunity to lead off, I'll allow that. Just keep it brief because we really have a full agenda. Lee.

Mr. Lee Ohigashi: Are you doing testimony or do you want me to come up and -

Mr. Starr: You want to speak for the resolution because it originated from you guys, right?

Ms. Cua: Well, the resolution originated from the County Council. And I don't know if they're here to speak on behalf of the County.

Mr. Ohigashi: We're not speaking on behalf of the County. We're speaking on ...(inaudible - not speaking into a microphone)... County Council.

Mr. Starr: Okay, so you're just testifying. Then you'll have an opportunity to testify in a few minutes. Okay, before we get to testimony, members? Commissioner Hedani.

Mr. Hedani: Ann, if I understand this correctly, The County Council took it upon themselves to create a resolution to prohibit access onto Kainani Street? In spite of that in the department's recommendation is to allow access onto Kainani Street for egress?

Ms. Cua: Okay, we did an analysis that included agency comments that addressed the resolution which prohibits ingress and egress, both. And we're - I mean, we haven't gotten to the recommendation yet, but basically our conclusion is that we didn't feel it was in the best interest to prohibit all access. We think that very limited access would be more proper. But again, we're asking - we're being asked to comment on the resolution which proposes no access, ingress or egress.

Mr. Hedani: Just a follow up. So the only action that we're being asked to take today is provide comments on the resolution?

Ms. Cua: Correct.

Mr. Starr: Just for clarification of process, we're not here to vote up or down on a recommendation or just to comment on it or are we - is our process to recommend approval of the resolution or changes?

Ms. Cua: Actually you are - sorry I need to clarify, you are recommending either approval or disapproval of the resolution and providing you know, you're comments on it.

Mr. Starr: Or alteration, or alteration right?

Ms. Cua: Right.

Mr. Starr: Okay, Commissioner Mardfin, I think I saw you first.

Mr. Mardfin: I'm still a little confused because normally we would have a map up there.

Ms. Cua: I know, sorry -

Mr. Mardfin: And we don't seem to have that.

Ms. Cua: Yeah, I wasn't able to get that together.

Mr. Mardfin: Then I will go to Exhibit 8 which is the one you directed us to, and the problem with 8 is I'm trying to understand what I'm reading. The problem with 8 is it shows Kaahumanu Avenue, it shows Kainani Street. It doesn't show Maui Lani Highway which I presume is about three inches to the right.

Ms. Cua: Correct.

Mr. Mardfin: Okay, and I see I'm looking at that little, see where it says that little north arrow?

Ms. Cua: Yes.

Mr. Mardfin: I'm looking one inch above that and I see what appears to me to be a road maybe and with some arrows going around in a clockwise direction and I see something that I don't know where it starts from but some counter arrows going in a counter clockwise or at least a east direction and I'm trying to figure out how this hooks up to Kainani Street.

Ms. Cua: Okay, well, if you could look up. You're looking at Exhibit 8, correct?

Mr. Mardfin: Yes.

Ms. Cua: Okay. This is Kaahumanu Avenue and you can see the labeling of Kainani Street here.

Mr. Mardfin: Right.

Ms. Cua: Where it goes into Kaahumanu Avenue. Now this portion here this is where I believe you're referring to because here's the north arrow.

Mr. Mardfin: Right, right.

Ms. Cua: This is within that project, that commercial project site that is actually not before you but it's directly affected by this resolution.

Mr. Mardfin: Okay. And where does it hit the road?

Ms. Cua: Right here. This is Kainani Street. Which road are you speaking of?

Mr. Mardfin: Yeah, that's the one I was looking at. And the Kainani Street is accurate the way it currently is? I mean, you're not widening Kainani Street or doing anything else at this stage?

Ms. Cua: When you say at this stage, that's being proposed? Yeah, they are proposing as I went over they're proposing to put sidewalks, to put deceleration lanes.

Mr. Mardfin: And so that would be - can you tell me what currently - what currently exists Kainani Street is a two-way road?

Ms. Cua: Yes. Yes.

Mr. Mardfin: And it bends, is coming up and turning northward.

Ms. Cua: Actually if you look at Exhibit 3A.

Mr. Mardfin: See I can't - mine is so faint I can't make out what's on 3A.

Ms. Cua: Oh, okay.

Mr. Mardfin: I can look at 3 make sense of 3.

Mr. Hiranaga: Mr. Chair?

Mr. Starr: Yeah, Commissioner Hiranaga.

Mr. Hiranaga: I'm very familiar with this intersection because my parents have lived on Nakoia Drive since 1960. I think it's a big disservice to the commission that we're looking at this exhibit in this scale. It's kind of a waste of time in my opinion. I think we should get a better exhibit because it is extremely complicated intersection that at some point I will express my opinions, but the other commissioners trying to decipher this exhibit, it's really a disservice in my opinion.

Mr. Starr: Yeah, I agree. I'm trying to - I think there's a snooker lane and I'm trying to understand what that -

Mr. Hiranaga: There's all kinds of stuff there.

Ms. Cua: I do have some -

Mr. Starr: Is there a larger one we can pass around Ann?

Ms. Cua: I do have.

Mr. Starr: Lets pass that around at least. Short recess, technical.

Ms. Domingo was in attendance at 1:24 p.m.

A recess was called at 1:26 p.m., and the meeting was reconvened at 1:28 p.m.

Mr. Starr: I understand we have an illustration on the screen and there's something that will be passed around that may be a little bit better. Please continue with our questioning. You know, obviously if members feel that there's not enough information we could defer it because we do have time. But lets at least get through public testimony if that is the case. But in any case, lets ask our questions now as best we can. Commissioner Mardfin.

Mr. Mardfin: Ann, with the diagram that's on there.

Ms. Cua: Yes.

Mr. Mardfin: Do you have the red pointer? May I go up to the - maybe it's easier if I - may I go up there anyway?

Mr. Starr: Mike can you help with this? Are you involved with this Mike? No, this isn't a county -

Ms. Cua: So this is Kaahumanu Avenue -

Mr. Mardfin: Mr. Chairman, may I go up and -

Mr. Starr: Yeah, go ahead approach whatever you want to approach for. Yeah, please proceed Commissioner Mardfin.

Mr. Mardfin: What I'm trying to do, I'm not making arguments one way or the other. I just want to get a clear understanding of what's going on. Currently no change. Current situation, people can - this doesn't exist. People live up this road. There's no road here. People go down there.

Ms. Cua: Correct.

Mr. Mardfin: This is Kainani.

Ms. Cua: Correct.

Mr. Mardfin: Some people turn right.

Ms. Cua: Right.

Mr. Mardfin: Go out here.

Ms. Cua: Yes.

Mr. Mardfin: Can turn right.

Ms. Cua: Yes.

Mr. Mardfin: Can go across the street.

Ms. Cua: Yep.

Mr. Mardfin: And turn left.

Ms. Cua: Yep.

Mr. Mardfin: They can go out the other side.

Ms. Cua: Correct.

Mr. Mardfin: They can turn right, they can go across the street and turn left.

Ms. Cua: Correct.

Mr. Hiranaga: Wrong.

Mr. Starr: No.

Mr. Hiranaga: ... (inaudible)...

Ms. Cua: They can go on the bridge.

Mr. Hiranaga: Only go west. Can't go east.

Mr. Mardfin: They can't go right.

Ms. Cua: Can't go on the bridge.

Mr. Hiranaga: There's no road.

Mr. Starr: Lets turn to Commissioner Hiranaga as a - why don't you go up there with Commissioner Mardfin.

Mr. Hiranaga: I can explain it from here. If you make a left turn out of Nakoia Drive onto Kainani, you end up on the white bridge which is the entrance to Wailuku Town.

Mr. Mardfin: Oh, the one that goes over the main road.

Mr. Hiranaga: So you can only go west. You can't go east on Kaahumanu. The bridge does not

allow you to come back onto Kaahumanu.

Mr. Mardfin: Okay, so if I go this way, I'll go to Kaahumanu. I go this way to get on the bridge to go across and then come down toward Wailuku Town.

Ms. Cua: But you can turn right to get on the bridge.

Mr. Hiranaga: Right. But there's no -

Ms. Cua: Okay, I thought the question was that you could -

Mr. Mardfin: Well, I meant - he had what I was after. I wanted to know if you could go right and get on Kaahumanu.

Ms. Cua: Oh no.

Mr. Mardfin: So the only way to go onto Kaahumanu going toward Kahului is to go out this way. And if you're going to go to Wailuku you have two choices you can go up to the bridge, cross the bridge, come down or you can go out here cross the road here and there's a stop light here I'm trusting.

Mr. Hiranaga: Traffic.

Ms. Cua: Traffic light.

Mr. Mardfin: Traffic light. If you come down here, this doesn't exist. There's no dakine in here.

Ms. Cua: No. No.

Mr. Mardfin: But you can come down there. You can go up or down Maui Lani.

Ms. Cua: Correct, presently.

Mr. Mardfin: If I was coming this direction from Kahului and I wanted to go up this road, no point in going here because that won't get me there, go across here, go to the stop light, traffic light. It turns -

Ms. Cua: Left.

Mr. Mardfin: Is there a turn signal? Or you just take your chances?

Mr. Hiranaga: There's an arrow.

Mr. Mardfin: Is there a left turn only signal.

Mr. Hiranaga: Yes. Left turn.

Mr. Mardfin: Left turn only signal. So I wait for the left turn only - I'm in this lane, I wait for the left turn only, I go into here.

Ms. Cua: Correct.

Mr. Mardfin: If I go this way there's no way I can get onto this road. If I'm coming from Wailuku, how do I get in here?

Ms. Cua: You turn right off of Kaahumanu Avenue.

Mr. Mardfin: Up here I turn right and I'm on -

Ms. Cua: No, you come down -

Mr. Mardfin: Oh, I come down there and come in there.

Ms. Cua: Right. Yes.

Mr. Mardfin: I can't -

Ms. Cua: You could go up the bridge if you wanted to.

Mr. Mardfin: I could go up the bridge and then make a right and come down here.

Mr. Starr: I want to give one person at a time talking and if anyone else wants to speak. I've got to recognize them because we do have to have a record of this.

Mr. Mardfin: Okay, I'm just trying to -

Mr. Starr: Yeah, keep going.

Mr. Mardfin: I want to get the traffic pattern down at least in my own head and so, okay. If I'm coming from Kahului, there are two - there's only entrance. Basically I have to go to this - what's the name of this road going across.

Mr. Starr: Commissioner Hiranaga, you're our resource person today.

Mr. Hiranaga: I believe the north side is Liholiho.

Ms. Cua: Liholiho.

Mr. Mardfin: Liholiho.

Ms. Cua: Yeah.

Mr. Mardfin: So I make a left here and that's the only way in if I'm coming from there. If I'm coming from Wailuku there are two - which way is the most people do it? They go up to the bridge turn right

and then kind of swoop down to the left and come in. The road out here we don't see on the map, but where this comes in is there any connecting - there's another road that comes down this way somewhere? This road leads to what? Just housing?

Ms. Cua: Residential uses.

Mr. Mardfin: Residential area. There's no through way to get to Lahaina or anything else or something silly, Kihei or -

Ms. Cua: Well, it takes you to other roadways.

Mr. Mardfin: Oh, it does. This does connect with something.

Mr. Hiranaga: It connects to Waiale Road which you can then connect - Waiale's been extended beyond the homeless shelter and connects to the road to go up to Wailuku Heights. That's the proposed new entrance to the Maui Lani District.

Mr. Mardfin: But there are other ways to get to those places so -

Mr. Hiranaga: Well, people have used Nakoa Drive and Naniloa and Halenani Drive as a short cut coming off of Waiale and that's the concern on the neighborhood.

Mr. Mardfin: And this is a two-lane road?

Mr. Hiranaga: No sidewalks.

Mr. Mardfin: No sidewalks.

Mr. Hiranaga: No gutters, no curbs.

Mr. Mardfin: Okay, and down here same thing, no sidewalks and so that's why we got the testimony that's a little dangerous and it takes you 20 minutes to go down to here to get - this is the entrance to Baldwin Highway I take it? And Maui Lani, Kaiser is located here. Okay, thank you. At least it's clear in my mind. Thank you very much for all of you.

Mr. Starr: Okay. Ms. Cua. I'm a little confused about sidewalks. Right now it's very difficult to walk from Wailuku. Say someone wanted to walk from Wailuku to Kaahumanu Center. It's almost - well you have to cross back and forth several times.

Ms. Cua: Yes.

Mr. Starr: It looks like there's a sidewalk on this but I'm not sure.

Ms. Cua: Yes, my understanding and maybe the - Mike Munekiyo is here who's actually the planning firm that's taking care of the shopping center project but has had obviously more intimate conversations with the DOT than I have. But I understand that there's going to be a six-foot sidewalk on Kainani Street and on Kaahumanu Avenue in the vicinity of the shopping center. I'm

not sure it if - I know it goes here and here. And I don't know if it goes down to here too. I think maybe just to here.

Mr. Starr: Yeah, Mike Munekiyo, can I call you up to mike and tell us about sidewalks and bikeways? It looks like there's --

Mr. Michael Munekiyo: Thank you Mr. Chair, Commissioners. My name is Mike Munekiyo. I thought perhaps this might just clarify for the commission some of the regional elements of the roadway system and before I talk about sidewalks if that's okay Mr. Chair?

Mr. Starr: Why don't you answer the question first.

Mr. Munekiyo: Okay, lets get to the next slide, then yes. There would be sidewalks along the property frontage here, down through here and down through here to connect to the existing sidewalk system. So there would be sidewalks along the entire property frontage along Kaahumanu Avenue.

Mr. Starr: And is there a sidewalk on the Wailuku side of Kainani Street currently that will.

Mr. Munekiyo: I don't believe there's a sidewalk on Kainani Street right now.

Mr. Starr: I believe there's a shoulder there.

Mr. Munekiyo: There is a shoulder, yes, that's correct.

Mr. Starr: So someone walking from Wailuku would chance it going under the overpass and then walk in the shoulder.

Mr. Munekiyo: Right here?

Mr. Starr: Yeah.

Mr. Munekiyo: Yes, right.

Mr. Starr: And then cross Kainani. I assume there's going to be a light at Kainani.

Mr. Munekiyo: That's correct.

Mr. Starr: And then there'll be a sidewalk fronting this property and then they'll cross the Maui Lani Parkway and then what happens to them after they cross Maui Lani Parkway because it looks like on this drawing it says proposed new six-foot wide sidewalk and that's great but it's hard for me to believe that that's going to continue in front of the Police Station.

Mr. Munekiyo: I don't believe it does Mr. Chair.

Mr. Starr: So why is it shown on the drawing.

Mr. Munekiyo: It's along this entire frontage here.

Mr. Starr: No, it's shown on - oh okay, it's not - it's just - in other words, it just goes up to Maui Lani Parkway?

Mr. Munekiyo: That's correct.

Mr. Starr: And then there's no sidewalk after Maui Lani Parkway.

Mr. Munekiyo: I don't believe there is. I think there's a shoulder however. Okay, Commissioner Hiranaga.

Mr. Hiranaga: Actually if you're walking to Kahului from Wailuku what you would do is you'd go up the bridge, cross Kaahumanu using the bridge and you would come down by Stillwell's and there is a sidewalk that goes all the way to Kahului Beach Road on that side of the highway.

Mr. Mardfin: On the makai side.

Mr. Starr: Yeah, so you have to cross. You have to walk up the hill, cross and then walk down on the Baldwin High School side.

Mr. Hiranaga: Yeah, and the sidewalk goes all the way I believe, does it go all the way to Kahului Beach Road or maybe it stops at -

Mr. Munekiyo: Pretty far along, yeah.

Mr. Hiranaga: I know at least to Wakea Avenue. I'm not sure in front of Maui Community College if there's sidewalks. I only drive that about five times a week.

Mr. Starr: This is an item that is coming to us from the Council. It's up to members whether we want presentation from the developer which I guess would be Mike Munekiyo at this point. Whether that's proper or not, I leave that up to members. Commissioner Hiranaga.

Mr. Hiranaga: This is just whether to approve or disapprove a resolution and based upon our determination the Council still has to enact an ordinance and that's when I guess the applicant or the developer would be making a presentation before the Council. Personally I really don't really want to get into a full-blown presentation. I think it's premature for us to be commenting on a project that's not before us. It's really just a resolution regarding Kainani Street.

Mr. Starr: Yeah, and especially the merits of the shopping center are not something that's before us or on our agenda today. Commissioner Mardfin.

Mr. Mardfin: My understanding from the planner is that what we're supposed to do is the Council has passed a resolution. The rules require that or expect us to comment on what they passed before they pass a final resolution and I think that's the process. And so we're supposed to put -

Mr. Giroux: It's an ordinance.

Mr. Mardfin: An ordinance, excuse my language before they pass the ordinance they want input from us. They're asking for our input. That means we have to kind of understand what's going on. And I have - I asked before about questions about what is currently the situation. Now I'd like to ask a series of questions about the proposal and if I can go up there again, I'd like to.

Mr. Starr: Please proceed. I just request that if we go to someone else to answer a question we make it clear who they are and have one person at a time speak, but continue Commissioner Mardfin.

Mr. Mardfin: I get the old situation worked out I know how everything moves. New situation. People that live us here, drive down this road, they turn right to go to Kahului same as they currently do now. They can no longer turn here because they wouldn't be allowed to cross the road and make a left hand turn.

Ms. Cua: They have a separate. They have another lane here.

Mr. Mardfin: So they still would be allowed to, well, no this is an incoming lane.

Ms. Cua: Oh, I'm sorry, it's the one -

Mr. Mardfin: Oh, wait, there are two here?

Ms. Cua: Yes, there's two lanes there.

Mr. Mardfin: So this one goes right. This one they could go across and make a left.

Ms. Cua: I believe so.

Mr. Mardfin: So existing traffic pattern for these people, I mean, I'm not talking about the number of cars, but the options haven't changed from their point of view.

Ms. Cua: They still are able to turn, but they have now a dedicated right turn lane. Is that correct.

Mr. Mardfin: From here? The right turn lane is what I was asking about. I was about the lane that goes through and turn left to go to Wailuku.

Ms. Cua: They're still able to go through and turn left.

Mr. Mardfin: They'd still be able to do that. Back to this section. You -

Ms. Cua: There's nothing there now.

Mr. Mardfin: There's nothing there but some cars will be manufactured on this place and somehow manage to get on a road that goes this way that come down to here. Can they turn left?

Ms. Cua: No. Right turn only out of the -

Mr. Mardfin: So if they want to go to Kahului, they come out here, they go this way, they swoop into the left lane -

Ms. Cua: The right lane because you said Kahului, yeah.

Mr. Mardfin: I want to get them to Wailuku.

Ms. Cua: Oh, you said Kahului, I'm sorry.

Mr. Mardfin: I'm sorry. They come out of here. They turn right, they swoop in the left lane, they here, they go across, they turn left. They come out of here they turn right, they go up to here then they turn right into Kahului.

Ms. Cua: Correct.

Mr. Mardfin: So that's how we're getting out. Getting into this place where there are somehow generating cars by magic they might be able to come in here.

Ms. Cua: They will be able to come in there. Right turn in only.

Mr. Mardfin: But no out.

Ms. Cua: Correct.

Mr. Mardfin: Alternatively people that were going to go to this magic factory would come in here and go in or out here.

Ms. Cua: Correct.

Mr. Mardfin: And the concern of the department is that you'll have a whole lot of traffic here if that's the only place in or out to the magic kingdom.

Ms. Cua: Correct. I mean, you've heard it a previous meeting that from the Police Department that's it's always better to have more access points than --

Mr. Mardfin: And the testimony from the Fire Department is they'd much prefer to have a second in and out too.

Ms. Cua: Right, correct.

Mr. Mardfin: There's nothing coming in or out. Is there things coming in?

Ms. Cua: That's a service access.

Mr. Mardfin: Now, you talked about this bump out. You used a term I wasn't aware of, a bulge or something.

Ms. Cua: Bulb out.

Mr. Mardfin: A bulb out. Okay. So they come out here and instead of turning an immediate right, you have this bulb out so they gotta swing wide and then - does this exist currently before this magic kingdom is built is this - it exists?

Ms. Cua: I believe it does -

Mr. Mardfin: So there's one, two, three lanes currently. So you're cutting off that inner, the mauka most lane I presume for safety of people coming in here or some reason like that. But they swing wide then they either come in here or they stay on here if they want to go up this way.

Ms. Cua: Correct.

Mr. Mardfin: Or they stay in one of these two lanes if they want to go straight.

Ms. Cua: Correct.

Mr. Mardfin: Can you make a U-turn here?

Mr. Starr: Commissioner Hiranaga.

Ms. Cua: I don't believe so.

Mr. Mardfin: Not legally?

Mr. Hiranaga: No.

Mr. Mardfin: Okay. I'm just - I'm really just trying to understand it. I'm not trying to make editorial comments at this point. Okay. And now there is no sidewalk here.

Ms. Cua: Correct.

Mr. Mardfin: When that person testified it took 20 minutes to get to Baldwin that's cause they're dancing all around and worrying about cars and stuff. There's no cross lanes here currently?

Ms. Cua: The person that was speaking was driving to Baldwin High.

Mr. Mardfin: Are there any cross lanes here?

Ms. Cua: Crosswalks?

Mr. Mardfin: Crosswalks. Currently there is.

Ms. Cua: I believe there is.

Mr. Mardfin: On this side only or both sides. I'm getting a signal from my esteemed colleague that

you got one here and you have one here. Okay, thank you.

Mr. Starr: Okay, thank you. Members, how about we go to public testimony at this point? Does that work for everyone?

a) Public Hearing

The following testimony was received at the beginning of the meeting:

Ms. Jackie Medeiros-Carismo: Hello. I'm not a public speaker so this will be very short less than three minutes. My name is Jackie Medeiros-Carismo. I live on Hale Nani Drive on the Sandhills. The home was built in 1950 by my parents and I'm enjoying it now as well as my children. My grandmother did. So it's like four generations there in a very old, old neighborhood and makua.

I'm sorry to see what is happening in a very quiet neighborhood. If this project does go through in regards to the road, we will have a lot of traffic, a lot of traffic there which will not be in my opinion a very good idea. I hope - I'm here to support the people there in the Sandhills the best I can. And I do hope that you will consider that this could be brought to the Council.

I know we do need another little shopping area, but the concern is the traffic. I thank you.

Mr. Starr: Okay, well, thank you very much. Members any questions for the testifier? Seeing none, thank you for joining us today.

Mr. Starr: Thanks for being here. Anthony Edington followed by Zarleen Ogata. Great to see you here Tony, welcome.

Mr. Anthony Edington: Hi, my name is Anthony Edington, I live on Hale Nani and I'm here to address the Resolution 08-73 prohibiting the egress and access on Kainani Drive. It kind of reminds of that Richard Pryor joke that this is a neighborhood not a residential district.

We have actually there quite a few small streets with a lot of people who use them with no sidewalks. And having this access to that shopping center I think would greatly increase our traffic. It also isn't directly related to the neighborhood itself. It's more involved with the Maui Lani subdivision and I think that they should have planned to have their access and egress within that subdivision or off of Kaahumanu Avenue as opposed to into a neighborhood that is fairly quiet and residential I think as our other neighbor mentioned earlier. We have people who have been living there for 30, 40 years and most of the houses have been there for 30, 40 years. And so it wasn't really designed to have people driving through it. And I think that having this set of openings or should I say changes in Kainani would invite additional traffic. And if you look at where the kids are and where the developments are going that's a natural walkway for them to go to Baldwin High and I don't know that kids are that conscious of what's going on around them. I, myself, when I walk down the street I have to look back and forth. A lot of the areas have sidewalks or should I say have no sidewalks and you have people with their walls that are four or five feet high and on both sides so there really is no where to go. So I think it's inviting an accident for us to increase the traffic in that area.

As I said earlier that this neighborhood you live there and it's pretty much quiet by 8:30. Everybody's home, they're doing their thing so when people come driving through it kind of sets up a different feel and I don't want to be sitting there, you know, like on a thoroughfare, that isn't why we bought the house and I don't think anybody there really wanted to have access to major thoroughfares. Those are little connector streets and there are big streets around it so I think we should try to use those as opposed to the smaller street that are there.

And additionally, Kainani which is maybe two blocks long has four intersections on it already. And I think we're just inviting an additional accident. One of them coming off of Ting by the bridge, there's a stop sign with four streets coming right into that and that's I think a logical way of people were able to go into that shopping center that they would come through. I just don't think that the safety of that neighborhood as well as the environment that we've created would be enhanced by this and I'm thinking that the objective of this project is to enhance the quality of life and I don't think that it would do that. Thank you.

Mr. Starr: Okay, members any questions? Okay, thank you very much for coming down today. Next testifier Zarleen Ogata followed by Steve Sutrov. Welcome, Zarleen please introduce yourself.

Ms. Zarleen Ogata: Aloha, my name is Zarleen Ogata. My husband and I, Eddie Ogata, live at 157 Hale Nani Drive. We purchased our home there in 2002 with really, you know, the idea of it's such a nice neighborhood. It's so quiet. Our kids go to Baldwin and you know, they walk to Baldwin. Well, now they drive I should drive I should say. But when we first moved there and my kids starting walking to Baldwin one of the biggest threats was the traffic. And you know, my kids at the time were like freshmen and sophomore and they almost did get banded by cars with that streetlight there. And a lot of times people don't realize that they need to slow down, they need to stop, they try to fight that streetlight. And having that in and out extra traffic exiting out of Kainani will add for us to try and get out to go to the schools and down to the street.

I've taken my kids to school so has my husband. In fact, I argued with my husband because he argued with me. I told him it takes 20 minutes to take my daughter to school. No, it doesn't. I told him, honey, bye, take them. He took our daughter to school, he came back so mad, he couldn't believe how long it took to get to the school and come back because trying to get out Kainani, a cross over into Baldwin area is so hard. And now adding to Kainani for us to get out again, that is just going to make it even worse. Unfortunately you know, there is a lot of changes but some things should be left alone and Kainani is one of them I hope you support. Mahalo.

Mr. Starr: Okay, members? Okay, thank you very much for coming today.

This concludes the testimony received at the beginning of the meeting.

Mr. Starr: Mr. Ohigashi, you are up sir.

Mr. Lee Ohigashi: Do I have to say by this?

Mr. Starr: You can take the handheld mike to introduce yourself.

Mr. Ohigashi: I'm going to be moving to show this.

Mr. Starr: Okay, then take the handheld microphone Lee. As long as you use the mike you're good.

Mr. Ohigashi: Good afternoon Mr. Starr and members of the planning commission. My name is Lee Ohigashi and I'm a resident of Hale Nani Street which although it's not shown in there, it's the next street up and it's three residential streets in a row. I passed out some binders and in those binders are the record that -- of the initial letters that were sent to the County Council concerning this matter as well as letters in opposition to use of Kainani Street as well as a petition that indicated at least a hundred residents are against the use of Kainani Street, ingress and egress and those were to support the resolution that was passed. So we ask that that they be accepted as part of the record, at least in this part of the record.

In January 28th I wrote the Council and said, "a we're requesting this action before you because the Planning Department has determined that only phase 2 approval is necessary for that they can use Kainani Street." Our reading of it is that they would have to amend the district or phase 1 application and go through an ordinance procedure and we cited in our letter the reasons why, and I'm going to point to you in our binders the first ordinance that was passed by this Council and it's the yellow tab in our binder. And the yellow tab, attached to the yellow tab is a map and this is the map that is in your - this is the original map that was approved by the Maui County Council. Up here in the blues that I've outlined it's not in yours but in the blue lines that I've outlined is Kaahumanu Avenue. This is an unnamed road but we believe it's Maui Lani Parkway and this here, this little squiggly line here is Kainani Street or is Nakoa Street coming down into Kainani. As you can see in 1989 the Council passed this ordinance saying that, hey we're going to utilize Kainani Street Intersection for the purposes of having Maui Lani Parkway ingress and egress. That was the plan.

This, let me show you what I think the next one is the 2003 and it's labeled in pink. And in that section, again the blue lines represent Kaahumanu Avenue, the two blue line. This represents the Maui Lani Parkway and this little squiggly blue line represents where Nakoa Drive and what is it called, Kainani Street is. And if you talk a look at it, again, we have Maui Lani Parkway intersection there. Passed by ordinance in 2003. In 2005, this was attached and passed by ordinance and that's what we have here today. We have Maui Lani Parkway, the intersection is here, we have Kaahumanu Avenue and we have Kainani Street here. There is no connection in 2005 passed by the ordinance to Kainani Street. So we are saying by this ordinance that we should not allow them to connect to Kainani Street without a project 1 district amendment.

Now what is the advantage to a project 1 district amendment? The advantage is every single condition that is placed upon by the DOT would - can be placed as a ordinance and require them to build it. And thy can say lets build this first before you build in there. By law they can do that. They can condition the ordinance.

That is the reason why the County Council should have a say and the only vehicle we have is to ask the County Council to ban and if they want to use it, they should come up before the Council and ask to use it. That way if there are - if the Council as a policy decision agrees with the use of Kainani Street then they can put down specific conditions in the ordinance to enforce. I think that is the cleanest legal way to go. Because right now you have a situation where by ordinance, Kainani Street is not to connect to this project. And that's the reason.

I have a few more comments to make. And it really bothers me, --

Mr. Starr: Yeah, I'm going to have to ask you to wrap up but there'll probably be some questions for you. So wrap it up and then we can ask questions.

Mr. Ohigashi: What the department is recommending I want to put for you, they're recommending some kind of hybrid to amend this ordinance. But what they're really doing is creating an entitlement. If you send out the ordinance as recommended by them to amend it to allow egress only not ingress then what you're saying is the Council has made a decision that this is okay, the use of Kainani Street is okay. It doesn't make sense. Either you go say, we recommend approval of this resolution or recommend down. But to say that you were only half use or it's ...(inaudible)... approval. That constitutes a usable entitlement that the developers can be used in this case and it makes no sense at all. You know, this community has been in existence for like 50, 60 years. We believe that as a policy the County and State has determined that Maui Lani Parkway is the entrance, egress and ingress into Maui Lani, not Kainani Street. They made a decision it's not Kainani Street. You are not policy makers in that regard, the Council Council is the proper person to make that policy. So we're asking that you approve the resolution, send it out, lets get the policy makers who can attach the proper conditions, who can make this thing go correctly to make that decision. If you have any question, I'm available.

Mr. Starr: Thank you Mr. Ohigashi. Questions for the testifier? Yeah, Commissioner Hiranaga.

Mr. Hiranaga: Lee, do you know the approximate distance from the proposed exit to the intersection with Kaahumanu Avenue?

Mr. Ohigashi: Proposed exit, you have to -

Mr. Hiranaga: Their proposed exit-

Mr. Ohigashi: Over here?

Mr. Hiranaga: On Kainani. The distance from that to Kaahumanu Avenue.

Mr. Ohigashi: I don't know the exact distance but you got to think - as proposed their property only goes up to a certain point and they would have to redo parts of the State road to actually reconfigure parts of the road. So the actual question is, you know, I mean, it's very difficult, I don't know the answer anyway.

Mr. Hiranaga: They have to reroute Kainani Road, reconfigure it in order to abut Maui Lani Parkway.

Mr. Ohigashi: What is interesting is that if you notice only that distances is putting up what you call that sidewalks. As a side, if it goes back to the Council, the Council can put on conditions to say hey, you guys in Sandhills you guys are suffering the brunt of this thing so we can do mitigation. We can require you additional, we can require you to extend the sidewalk, we can require you to put in additional sidewalks. We can do all kinds of things because if you take a look at it, we don't have any bargaining chip or we don't have any benefit from this thing. The community should gain

some benefit not suffer the detriment only.

Mr. Starr: Okay, Members any other questions? I have one question for you. I understand the principal behind the jurisdictional principal that you stated, but from a practical point of view I'm trying to understand what is the harm to the community by using the very end of Kainani Street in a newly created lane that will not allow a turn up into Sandhills, what harm will be done to the community. I understood originally when they were going to enter and exit that your community will just get inundated with traffic but this seems like it's not going to really bring any more traffic to the community.

Mr. Ohigashi: Can I approach?

Mr. Starr: Yeah please, but take the mike Lee. You gotta use the mike.

Mr. Ohigashi: You know, everybody says that. The problem is that very few of us lived on this area. We all know from Waiale that we have cross through traffic coming in here. With this development rather than going all around, all what is it the prison view I'd like to call it, but all of the ... (inaudible)... by the prison can utilize this road for purposes of entering into here. The utilization of this area increases the traffic flow. Second thing is that the utilization of this area increases the traffic flow coming from, what is this street, Kaohu Street because Kaohu Street comes up through Hale Nani Street comes around. Third thing is that as you, as pointed out by the commissioner this is a right turn only and this is the only way that these residents have to turn and go to Kahului. The traffic queue that they're so concerned about here will have an inordinate impact on the traffic that is coming from here. Well, they say well it won't because you guys have the right of way but how much of the people coming out of this area is going to back up over here, and even though you have the right of way, what is the real impact of this area on the traffic. The last thing that I can think of is that if you create a road you don't have, you create a situation where you have pedestrian traffic. And if anybody has been down at the Safeway at 12 at night looking at who sticks around there you're creating a pedestrian walkway into our neighborhood. So those are the impact of it. And those are real impacts and those are concerns of all of us.

Mr. Starr: Okay, thank you very much for your good testimony. Next is, oh Commissioner U'u do you have a question?

Mr. U'u: Yes, I have one question. Mr. Ohigashi, on that bulb out that right turn to go onto Kaahumanu, would it be on the arrow or would it be the right, that bulb out that they're claiming to put, would it be on a traffic signal light signaling to turn right on arrow?

Mr. Ohigashi: I have no idea.

Mr. U'u: Because it's no longer a free right turn now.

Mr. Ohigashi: It doesn't seem to be a free right turn, but I'm -

Mr. U'u: So that would generate some traffic also then?

Mr. Ohigashi: I would guess. I want to correct the commissioner, this is only a two-lane highway

not a three-lane highway at point. Down, the road ... (inaudible)... I think up there is still like -

Mr. Starr: Okay thank you very much, intelligent testimony. We now have Stephanie Ohigashi. Come on up, introduce yourself.

Ms. Stephanie Ohigashi: I don't want you to be thinking that I'm the - I am his mate and we do get along most of the time. I was so afraid he was going to hit Ann's head. But anyway thank you, good afternoon, Chairman Starr and Maui Planning Commissioners. It's been a long day for you. I understand you want to go home.

I grew up in this historic neighborhood, nicknamed Sandhills. It has a Hawaiian name, Hale Koa, House of Warriors. There's a lot of history behind this and you'll be hearing this in the future when the project comes before you.

I currently live at 179 Hale Nani, but I did move around this neighborhood quite a bit as a kid. ... (inaudible - changing of tape)... kept calling me back. I raised my three boys there. They made good use of all the streets in Sandhills with their bicycles, skateboard and their motor scooters. I'm still hearing the complaints from the neighbors. But anyway, I am still in the house. I took care of my mom until she passed away in 2006 and now I just take care of wayward dogs and cats. But I love that neighborhood. It's historic, it's quaint. It was built to fit on the grade, the natural grade. We didn't have to fill, we had to build our house on whatever was there. So every neighborhood as a different elevation so it's charming, cute and quaint.

The reason I am here today of course is to support the resolution passed by the Maui County Council on August 22nd. This resolution only asks to prohibit traffic ingress and egress to and from the district like you've been talking about and while I would love to speak about the plans within the project I guess I'm restricted from doing so today.

There are a few commissioners that I didn't have the pleasure of meeting last year. I was 18 months younger then and in case you don't recognize me, I'm the same girl that says, I love shopping. I'm not against development. I am so for shopping centers and would love to see a good well-planned community like it was proposed to be over 20 years ago when Maui Lani was the dream of Maui. When Bill Mills and Everett Dowling proposed this 25 years ago, I was a young mom thinking that I could just go shopping, get my Pampers and all that kind of stuff easily. Of course, it's been 25 years.

But just to clarify, I am not against the shopping center. We need good markets. We need good dry cleaners and we need hint, hint, a good gourmet cheese shop. But with that being said, I've attended several informal meetings held by the consultants. They've been very kind and of course, the Planning staff, has been, you know, very dedicated to this project. I really thank everyone and I was to hear about this development. The only thing I'm concerned about is Kainani Street.

Kainani Street is already an amusement ride. It's some where it's like a dip, you know a roller coaster and to add more to it, is a scary thought. Not for me because I'm a pretty good drifter. I can go scooping in, you know, turning left and getting to Baldwin, but I worry for the many older people that live in this old neighborhood. Over 150 signatures we got from them opposing Kainani Street. More of them are 70 years and older. They're not going to be navigating this bulb out and

this drifting course which has to force them to fight with traffic coming from Wailuku to get to Baldwin or from Liholiho to get to Maui Lani Shopping Center. I hope that it's well planned and I hope that the reality will happen soon because we need the jobs.

In closing, the needs of the residents of this older neighborhood was never once considered in the original Maui Lani community master plan. Not one sidewalk, not one tree, not one bench, not one invitation to sit down at the table and discuss this grand master planned community with us. Why? Because Kainani Street and the old Sandhills were never thought of as an important component 20 years ago because they had everything they thought they needed, beautiful designed shopping centers, future planned schools, commercial buildings, and their master roadway plan. They have a master plan and a unilateral agreement and they've named Maui Lani Parkway their needed road for that commercial development. So why is our little road of Kainani such a big factor in this project. Have you ever wondered why? I hope you ask that question. Mahalo and happy Thanksgiving.

Mr. Starr: Okay, Members any questions? Okay, thank you for coming before us and your patience today. I'm not sure who was maybe left before and has come and would like to testify. But if you - who's here to testify on this, just give me an idea? Okay, why don't you. Come on up. You'll be next gentleman in the -- Welcome.

Ms. Claire Apana: Good afternoon Commissioners. Good afternoon. I'm here to speak about Kainani Street and I have - I live in a house that 75 years old in that neighborhood and my name is Claire Apana and I live on Hale Nani Drive and for some two to three years we've been working on this Kai Nani Street project and it's really been a struggle for us as it seems like we don't get our voices heard. And so the resolution in front of you we hope that you will look at the laws and look at what, you know, you can do to support a neighborhood that's this old without sidewalks. And for myself, my interest is in the history of this area and I notice that there was no comment from the State Historic Preservation Department or OHA and this area of this road is a preservation area. It is a site where I was told that they came upon 17 inadvertent burials. I believe there's no reports. I don't know if I'm telling you exactly the right numbers. They came upon 17 burials and decided to stop and preserve so it has not been fully tested in there and we're talking about an exit to a shopping center. This is close to my heart and I don't believe that it would be worth it for me to see this happen for an exit. So I ask you please to support our neighborhood and all the efforts that myself and a lot of neighbors have made in passing out petitions and getting people's opinions and comments over these past years and I have walked those neighborhoods many, many times and spent many hours to do this, to get that information to you. So thank you very for allowing me to speak today.

Mr. Starr: Okay, thank you Claire, any questions? No. Thank you so much for being so patient. And please come up and testify and introduce yourself first.

Mr. David Kingden: Good afternoon, my name is David Kingden. I thank the planning commission for allowing testimony on this. Just a couple disclosures. I'm also a resident of the old Sandhills neighborhood. I also am a paramedic and a consultant in public health and public safety. Today though I'm representing myself and no other agency.

I support the prohibition of traffic ingress and egress on Kainani Street to and from the development

within that Maui Lani project district. Chairman asked earlier about what the remaining impacts would be with this latest proposal and that is what my comments are directed towards.

Kainani Street is an established residential street. It's used by residents and motor vehicles but also by those who are pedestrians and bicyclists. Old Sandhills is a quiet neighborhood and it's currently one of the more walkable communities in Central Maui as many of you know. Substantial number of the residents as mentioned are senior citizens in that neighborhood. And there's also several students who use Kainani Street for pedestrian access toward Baldwin Highway. I think that's an important point. Changing the existing, the today configuration of Kainani Street by adding intersections, bringing in cut through traffic or commercial vehicles could present a safety hazard to this neighborhood. Groups such as the elderly and school aged residents could be a increased risk and there's a lot of national and state traffic safety and injury data that provide evidence for these concerns.

If you'll just humor me I'll summarize a little bit of that for you. While intersections add up to a tine proportion of road mileage in the United States, intersections account for 44% of all reported motor vehicles crashes. Pedestrians and bicyclists are at particular risk. Of the 4,784 pedestrians and 773 bicyclists killed in motor vehicle crashes in 2006, collisions at intersections accounted for 21 to 32% of those fatalities respectively. In addition, this is kind of an important point national crash data have long demonstrated that collisions with pedestrians are much more likely to occur with turning vehicles than with straight through traffic.

Here in Hawaii pedestrians struck by motor vehicles are a leading cause of injury death among residents ages 1 to 14 and then also with those aged 75 older. So these elderly residents, the ones over 75 in Hawaii they accounted for 42% of the pedestrian fatalities in our state.

Here in Maui from 2001 to 2006, 20 pedestrians were killed, 11 of those were in the Wailuku area. Six of those victims were senior citizens. During that same time period there were five bicyclists deaths in Maui, three in the Wailuku area. Intersections themselves were a common site of fatal injuries to both pedestrians and bicyclists in Hawaii about a third of fatalities occurred at intersections.

In addition to just the intersection issue, the volume and type of traffic that's imposed on a residential neighborhood such as this can itself pose a significant hazard to the residents. There's researchers in California that have found that increased traffic in residential areas especially truck traffic raises the risk of pedestrian and bicycle injury and death. There's other researchers that have found that factors such as added traffic volume and right turn lanes contribute to motor vehicle crashes with bicycles. Furthermore the dangers of cut through traffic in residential neighbors they're specifically recognized not just by public health and safety agencies but also by municipal governments and planners across the country such as yourselves. In fact, the United States Conference of Mayors has brought safety concerns specifically just in cut through traffic to the national level.

So in summary, preventing additional ingress and egress on Kainani Street to injury for residents and other users of the neighborhood. Whereas if you were to fail to make that prohibition, that could lead to significant hazards to the public's health and safety due to those specific concerns that I cited. I believe someone was kind enough to provide you with copies of this that will give you

the citations, annotated citations so you can see where some of that data came from and if you do have any questions, I'd be happy to entertain them. Thank you for your time.

Mr. Starr: Thank you for the well-researched testimony. Mr. Munekiyo, you're next.

Mr. Mike Munekiyo: Good morning or good afternoon again Mr. Chair and Commissioners. My name is Mike Munekiyo. I'm here this afternoon on behalf of HRT, they are the property owners and applicant for the proposed Maui Lani Shopping Center. I think the first thing I wanted to say was HRT has been quite sensitive about the concerns raised by the neighbors and we've met with them on a number of occasions. We understand the concerns as it relates to Kainani Street. Over the past several months, since March really, we've been trying to get a solution which we believe would be workable for all stakeholders. We've been working with DOT. And as Ann mentioned, the original plan that DOT or we had advanced was access via Kaahumanu, entry and exit but that was prohibited by DOT and as a result, you know, Kainani was an important alternative because the impacts to Maui Lani Parkway otherwise might be, I guess challenging I guess just from a lay standpoint.

And if I could just real briefly, what needed to be done in terms of a breakthrough in the discussions with DOT was to get access reinstated via Kaahumanu and that is what we were able to do and it was because we were able to offer to DOT that the applicant would construct a fourth auxiliary lane here. This would be a dedicated exit lane only to the shopping center. Right now you've got two through lanes and I think there's that third lane that comes from Kainani goes down all the way to - oh, no I'm sorry, just there's an acceleration lane and decel lane into Maui Lani Parkway but what would happen is the third lane through from Kainani to Maui Lani Parkway would be connected and beyond that there would be that exclusive decel lane. And with that offered, the DOT recognized that that would solve some of their traffic safety concerns at the location and with that, they okayed the entry via Kaahumanu Avenue. So that was really I think a breakthrough solution for all. And that I thought was important to share with you.

I think again what we want to be able to convey is that there is in terms of redundancy in traffic circulation, redundancy that use of Kainani is important. There isn't going to be no traffic generated from the shopping center from Kainani going into the residential area nor any turns into the shopping center from Kainani. So we're hopeful that that type of configuration would be workable for all. And what we're asking commissioner is for your favorable consideration of I think the Planning Department's recommendation. And if not, at least recognize that the right turn in would be something that's workable for all. We think it's helpful and again, it would eliminate the traffic impacts along Maui Lani Parkway as both DOT and Public Works has indicated. Be happy to answer any questions.

Mr. Starr: Okay, thank you. Commissioner Hedani.

Mr. Hedani: Mike, in this particular case the second exit or the second entrance into the commercial property from Kaahumanu Avenue was important for Safeway, right, the tenant?

Mr. Munekiyo: That's correct.

Mr. Hedani: Okay, exit from the shopping center is not as important to the tenant from their

perspective, right?

Mr. Munekiyo: Exit is important from the standpoint of the not necessarily the tenant but the owner, HRT because from the operations of the entire shopping center what would happen is Maui Lani if all of the traffic were routed here, exiting out of - onto Maui Lani Parkway then that would create a back up on the northbound lane and that causes some operational problems at this intersection here. So from a -

Mr. Hedani: Okay, I understand. The point I'm making is that from the standpoint of the residents that live in this particular area the problems of Maui Lani appear to be spilling over into their neighborhood.

Mr. Munekiyo: Right.

Mr. Hedani: It could be that you could get access from Kaahumanu Avenue according to the DOT for the tenant and eliminate the exit onto Kainani Street so that the residents would be protected. It would be a little bit more inconvenient for the shopping center, but the shopping center is Maui Lani's problem, you know, from my perspective. So the question is, once the egress into the commercial site is established from Kaahumanu Avenue is it critical for the tenant and the developer of the shopping center to have an exit onto Kainani Street which is already caused the neighborhood to go get a resolution from the County Council which was unanimously passed with one excused which means whether or not we disapprove it or not, they're going to override our decision because they have a hundred percent of the votes at this point.

Mr. Munekiyo: And if I may, I believe Mr. Benner who's representing Safeway today will be testifying as well and he could probably better respond to the need for that Kainani exit. However, with respect to the resolution itself, that resolution itself, that resolution I believe was passed in August. At that point, we did not have an agreement with DOT and we did indicate to the Council at that point that we were in negotiations with DOT to secure a viable solution for all. Unfortunately we were not able to get that until just about a month ago. And so the timing relative to the resolution and when it is that we were able to finalize our discussions with DOT just didn't work out.

Mr. Starr Commissioner Hiranaga, please.

Mr. Hiranaga: So the Department of Transportation is opposed to a right turn only exit at your proposed right turn only entrance?

Mr. Munekiyo: Yes.

Mr. Hiranaga: And why is that?

Mr. Munekiyo: I understand that the distance from this - if there were to be an exit and this intersection here if this were an exit you would have traffic weaving out into the two lanes through and traffic weaving in to turn right onto Maui Lani Parkway and that weaving action is what really concerns the department.

Mr. Hiranaga: What if you put a bulb out at the intersection of Kaahumanu and Maui Lani Parkway

so you wouldn't have a decel lane there? Like the bulb out that's proposed at Kainani and Kaahumanu.

Mr. Munekiyo: Oh, right here?

Mr. Hiranaga: Right.

Mr. Munekiyo: Well, right now there's a deceleration lane that allows for exclusive right turns into Maui Lani Parkway and I think that movement needs to be preserved.

Mr. Hiranaga: There is an acceleration lane out of Kainani Road onto Kaahumanu Avenue that you're proposing to remove.

Mr. Munekiyo: That's correct. There will be a bulb out at that location. And again, that was more to address the weaving actions, to eliminate the weaving actions at that location.

Mr. Hiranaga: So you're proposing to put a bulb out at Kainani intersection but you don't want to do it at Maui Lani intersection because it wouldn't be in favor of what the developer wants.

Mr. Munekiyo: You know these solutions that were developed were jointly developed with DOT and DOT's comments were quite important. So again, you know, the original, I believe the original solution didn't show the bulb out but that put in a result of DOT's recommendation at Kainani.

Mr. Hiranaga: Mr. Chair, I don't know if you want me to get into a lengthy discussion about this proposal because I think the agenda item is whether to approve or disapprove the resolution, but I have a lot of thoughts about what's proposed and you know, I moved to Nakoia Drive when I was four years old and lived there for 14 years before I went off to college but I did return intermittently to live with my parents. I do visit them about five times a week so I am pretty familiar with the traffic situation there. I don't know if you want me to get into that.

Mr. Starr: I won't cut you off but you know, if we could move it on it would be preferable.

Mr. Hiranaga: I guess my, okay, the two major concerns I have is with the bulb out right now there is an acceleration lane to go eastbound to Kahului. With the bulb out people making a right turn would have to wait for the traffic signal to turn green in order for them to merge into traffic whereas now it's a stop and proceed with caution. You're going to add traffic coming out of the exit egress onto Kainani, that distance is not very far and it would not take more than several trucks to stack up there where it would create a major stacking problem on that street especially if right turns are only allowed on green lights. So you got someone that either is going to go straight. If they're going to go left to Wailuku, they've got to yield to the traffic going straight off Liholiho and then people making rights can only make rights on green lights. I just - in the morning when you got this traffic trying to get into Baldwin High School with that bulb out people coming out of on Kainani must wait for the green light and then merge across three lanes in order to get to the left turn decel lane to get into Baldwin High School. That's going to be a major nightmare and now you're adding more traffic coming out of that shopping center in the morning with the delivery trucks because that's when they make the most deliveries is in the morning so you're going to be adding a stacking problem on Kainani Street. I just don't see it.

And right now without the bulb, that intersection looks pretty passive but I think if you put that right turn bulb there, just going to have a major stacking problem during the morning hours because the people that just want to go to work in Kahului will have to wait for that green light. There's no longer any stop and proceed with caution and go down the accel lane to get to Kaahumanu. So I just see a big problem with that.

I think if the commissioners have an inkling of disapproving this resolution then they should have site visit at 7:30 a.m. on a school and workday and see what's happening at that intersection right now. They want to put more load on that intersection in the morning, I just don't see it happening. And the accel lane that currently exists onto Kaahumanu probably proceeds about two-fifths of the way and then it merges into Kaahumanu one-fifth of the way, and then two-fifths of the way it's a decel lane into the Maui Lani Parkway. They almost connect, they're probably only like 30 feet apart between the accel and decel lane and you've already got that crisscrossing action. They're going to put a third lane and decel lane which is really four lanes and the bulb there. It's a huge hindrance on and burden on Kainani Street.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: Mike, would the DOT accept the right turn in to the shopping center without bulb?

Mr. Munekiyo: Perhaps Mr. Chair, we have our traffic engineer, I'm not sure if it's appropriate but he could come in as a testifier separately.

Mr. Starr: Yeah, have him come as a testifier but we are kind of running really late. Commissioner Hedani, that okay? Commissioner U'u, you're next.

Mr. U'u: I remember the first time they coming in for this project and saying that well, let us just pass it here and if we run into one problem we can fix it later. I remember that. I don't know what kind of thinking is that but that's bad planning. And we shake the trees, we rattle the trees and we come up with this which is an improvement but still not good enough where you putting the problems on the adjacent property owners which shouldn't have any impact, zero impact. I think it's a case of bad planning and it's an afterthought that somebody of that size of Maui Lani with all their acreage to come in and put the burden on the neighbors. I feel is, I would be unhappy too. And if that was my neighborhood I would be losing my cool probably right now. So I feel it's an injustice and that's where at times people get labeled as bad development and I think this is one of them.

Mr. Starr: Okay, thank you very much Mr. Munekiyo. Who's next? Come up sir. I think I've met you before but I forget your name. Introduce yourself.

Mr. Jeff Benner: Good afternoon Mr. Chairman and Commissioners. My name is Jeff Benner. I'm an architect both for the project as well as representing Safeway. We've had a chance both ourselves, the team and Safeway to you know, review this latest concept which we are part of the creation of this and have reviewed the Department's of Transportation's review and approval of this concept and we would like to just go on record of saying that we concur with the direction that we have at this point. Now I've heard a lot of testimony, some questions and maybe I can kind of help or answer some of the questions that have come up.

Just a moment ago I heard something regarding truck egress from the site using the Kainani Street exit, but that is part of our plan overall not to allow the large vehicles which I think typically come twice weekly to the site. We will not allow those to exit out onto the Kainani Street. We'll actually bring them back from the loading areas which you see to the left of the Safeway Store but also underneath this major B, kind of mid major tenant that we'll exit them back out to the signal at the Maui Lani Parkway. So if there's any concern about large vehicles, the large semis hopefully that answers that particular question.

We've talked in terms or heard discussion about the amount of traffic in the morning hours. Those are typically the low peak hours for this type of retail activity so therefore we're not really introducing many more cars at that particular time of the day as compared possibly to later in the day during the p.m. peak hour which is I believe is 4:30, 5:30 in the afternoon and even at that point, the amount of traffic that we're introducing to Kainani is an egress only out to Kaahumanu Avenue is approximately two maybe two and half cars per minute. So it's not a significant amount of traffic that's being generated on that lets call it roughly 200 feet of Kainani as an egress only.

I would be happy to answer any questions that anybody has.

Mr. Starr: Commissioner Hiranaga.

Mr. Hiranaga: The p.m. traffic lets say between 4:00 and 4:30 p.m., it's not unusual for the traffic to stack now from Maui Lani Parkway beyond Kainani intersection. But you're only going to add two cars per minute which is 60 cars per half an hour.

Mr. Benner: It's about yeah, two, two and half per minute.

Mr. Hiranaga: When the traffic is now stacking beyond Kainani Street from Maui Lani Parkway.

Mr. Benner: Headed eastbound.

Mr. Hiranaga: Right.

Mr. Benner: Yeah. That's a question have to ask our traffic engineer who is here to respond to that. Because I'm just kind of responding to the egress only at this point from the center.

Mr. Hiranaga: So you're saying no large trucks. Are you willing to say absolutely no delivery vehicles?

Mr. Benner: No, I'm not saying that. I'm saying the large trucks. The pop deliveries, the chip deliveries, the Federal Express, those types of small vans possibly might use that particular exit. But it's the large semis that I'm speaking of.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: In my head this is the second strike on Maui Lani. The first strike was Palama Drive where they screwed all the neighbors in that area and sold the property off to somebody said it's not our problem. It's Val Peroff's problem. This particular case, you're dumping a problem that

comes from the commercial side onto a residential neighborhood. It's not their problem, it's HRT's problem. You know, that's the second strike.

In this particular case, they've got a Council resolution that says prohibit all ingress and egress off of Kainani. In this particular case will the tenant be able to operate if he didn't have egress onto Kainani Street?

Mr. Benner: Well, it's a very good question. You know, we have done retail projects you know, in many locations and the success of these types of centers is the convenience for the shoppers. Getting the ingress as well as the egress into and out of the site. I mean, it's simply a function of the way the retail market works.

Mr. Hedani: Okay, I guess my question, you know, the quick answer would be, if you didn't get egress onto Kainani Street is that a deal breaker for the tenant? Personally I don't care, you know, whether or not the tenant is there or not for the subdivision but part of the answer has to be is that a deal breaker for the tenant?

Mr. Benner: Well, I think you know, that's something that I would have to, you know, confer with the tenant. You know, there's been a lot of dialogue. We've worked on this project for many years. I know what the success of these - how these centers work and their successes. I simply would have to speak with the tenant. It may, it may not. Yeah.

Mr. Hedani: Okay and my last comment is that, in the development of this particular shopping center, if Maui Lani was conscientious and considerate of the neighbors that they had to the west, they would have established a connection through their own single family residential subdivision to exit the shopping center rather than dumping the problem on the older neighborhood because they have single family right next to it.

Mr. Benner: Yeah, that's something I was involved it, but I mean, it's a very good point.

Mr. Starr: Okay, let Commissioner Mardfin go then Commissioner Hiranaga.

Mr. Hiranaga: I wanted the consultant to answer my question about the stacking of the p.m. ...(inaudible)... Kainani, he said he would have to talk to his consultant.

Mr. Starr: The traffic engineer will be testifying next I think.

Mr. Hiranaga: If I asked him a question if he was aware that traffic in the p.m. stacks beyond Kainani Street from Maui Lani Parkway and he said he would have to ask his traffic consultant. So I was wondering if he could answer that question by asking his traffic consultant.

Mr. Starr: Well, the traffic consultant is going to testify. So why don't we ask the traffic consultant to answer that when he comes up. Commissioner Mardfin.

Mr. Mardfin: I apologize for being out on part of your testimony but when I came in you were saying things that I was going to ask about. So let me ask a couple of questions. Have you done a study of how many people currently use Kainani?

Mr. Benner: I have not personally, but the traffic consultant.

Mr. Starr: The traffic consultant is coming up.

Mr. Mardfin: I just wanted to ask if it had been done. How many vehicles do you project will be leaving by that exit?

Mr. Benner: We'll clarify that with the traffic engineer but it's my understanding it's worst case, peak time hour it's a 140.

Mr. Mardfin: 140 an hour?

Mr. Benner: For one hour during that 4:30 - 5:30 time period.

Mr. Mardfin: Would you consider putting a speed bump in?

Mr. Benner: On the exit?

Mr. Mardfin: On the exit.

Mr. Benner: It probably won't need a speed bump. Right now the way this is designed we've actually pushed the site downward, as you know, helping with some of the residential neighbor's concerns. Therefore that slope from the center up to Kainani is 10, 11%. It's a fairly steep drive.

Mr. Mardfin: Well, the reason I'm asking is because I'm concerned as some of the residents are with safety and a speed bump might really slow people down going out the exit and make it safe for people to be crossing from left to right. Similarly I thought about an auto gate, one car at a time going out. Has that been considered or would that be considered?

Mr. Benner: We haven't talked about that. I probably would defer that to the traffic consultant.

Mr. Mardfin: I was going to ask about having no trucks but you've already addressed that. Certainly no trucks in the morning.

Mr. Benner: The large trucks. Large container trucks would go back out in front of the stores to Maui Lani Parkway.

Mr. Mardfin: Would you be willing to make it no trucks before 10:00 a.m.?

Mr. Benner: No trucks exiting before 10:00 a.m.?

Mr. Mardfin: Yeah. From that exit.

Mr. Benner: Personally I would not see a problem with that but I would want to confer with the tenant.

Mr. Mardfin: Because that would get them past the morning issue.

Mr. Benner: Yes.

Mr. Mardfin: My colleague was talking about the afternoon and that could be a real problem too. Are you willing to build the sidewalks and the roadwidening before you go ahead with the project cause that way they get a benefit of it for a while anyway? I'm talking about the phasing of the project?

Mr. Benner: You're talking about the Kainani Street improvements there?

Mr. Mardfin: Yeah.

Mr. Benner: I mean I wouldn't have a problem with it. I guess that would be up to HRT in this case.

Mr. Mardfin: So I mean, you put in the sidewalks, you widen the road and then before you start any of the other stuff.

Mr. Benner: Yeah, I personally don't see that as a problem.

Mr. Mardfin: Thank you.

Mr. Starr: Okay, thank you very much. Next testifier please. Who is? Okay, please introduce yourself.

Mr. Phil Matsunaga: Hello, my name is Phil Matsunaga. I'm the traffic engineer consultant to the team. I guess based on what I've heard today there are a couple of things I wanted to touch on. The first one was the actual project related traffic volumes that are going to be coming out of this exit only and what we're talking about in the a.m. is less than one vehicle per minute so that we're talking about 43 vehicles during the a.m. peak hour and the vast majority of them aren't even going to be using that right turn lane. They have another access onto Maui Lani Parkway that they can also use. So they're not - they can spread themselves out between the two accesses. So it's not like they're going to be stacking with that northbound right turn at Kainani which is your primary concern.

In the p.m., we're looking at as Jeff mentioned about 140 vehicles coming out of the shopping center at the Kainani access and like he was saying that comes out to about two and a half vehicles per minute and those too, will be primarily using that left through lane rather than the northbound right turn lane.

So in addition to that, we're looking at something like, one second, have to find it, I had it all here, yes. Okay, so looking at the northbound Kainani approach, in the afternoon, the afternoon peak is 1:45 to 2:45 it's related to the school peak and we're looking at about 150 feet for the northbound left through lane and about 100 feet for the northbound right turn lane and the amount of space given I believe is about 200 feet. So weaving shouldn't be a problem.

During the p.m. peak which is 4:00 to 5:00 we're looking at about 74 feet, 64 feet for those same two lanes. So again, this shouldn't - sorry, this is combined, combining the project and the future traffic coming out of Kainani. So this isn't based off existing. So, there shouldn't be an issue on

being able to get to the right turn lane if you're on Kainani already. And there shouldn't be an issue coming out of the shopping center of getting to the left through lane which is primarily what they're going to want to be doing.

Regarding the bulb out at the Kainani intersection, that was one of the conditions that DOT gave to us. It wasn't our idea at. It was a condition that they gave us in order to approve it. And the right turn on red from what I understand it's not necessarily a bad movement. From what I understand DOT, it's still in discussions with DOT and I don't have any reason to think that they're going to band the right turn on red as of now. From what I understand you could - even though the stop bar is in the same place you can still kind of inch out next to the bulb out and still complete your movement. And the difference is you wouldn't necessarily, as it is now there's an acceleration lane when you make the right onto Kaahumanu from Kainani.

Mr. Starr: Please wrap it up.

Mr. Matsunaga: All right. And basically what it will do is it will encourage people to stop to make a full complete stop, check to make sure there's a gap in traffic before completing their movement. Whereas now, you can kind of just make your movement, check your side view mirror and oh, there's a gap, okay, I'll go in now. It's kind of how it is right now. It's pretty much all I wanted to touch on.

Mr. Starr: Okay Commissioner Hiranaga, you still have any questions?

Mr. Hiranaga: The 140 per hour increase in traffic that's from the entire center to both proposed exits, Maui Lani Parkway and Kainani or is that just Kainani?

Mr. Matsunaga: No, that's only the Kainani.

Mr. Hiranaga: So 140 cars an hour would be added to Kainani during the peak period between 4:00 p.m. and 5:00 p.m.?

Mr. Matsunaga: Right.

Mr. Hiranaga: How many cars - do you agree that during the peak period current conditions cars do stack from Maui Lani Parkway beyond Kainani?

Mr. Matsunaga: I'm not quite aware of it being that bad, but I am aware of it backing up.

Mr. Hiranaga: Okay, it does.

Mr. Matsunaga: Okay, I'll take your word for it.

Mr. Hiranaga: So how many cars can come out during a green light and make a right turn out of Kainani onto Kaahumanu assuming there is no stacking?

Mr. Matsunaga: How many could possibly make it?

Mr. Hiranaga: Right, I don't know what the time interval is for the green light. You know, if you got the green coming out of Kainani how many vehicles do they cycle out?

Mr. Matsunaga: Well, lets see. I'm not quite sure how to answer your question. I can say that there's probably about at minimum about 25 to 30 seconds because of the pedestrian phase for the Kainani approach and the number of right turners in our last traffic count which was in April of this year, we counted 71 vehicles in the morning making that right turn and 61 vehicles in the p.m. making that right turn. So, you get something like a little over one vehicle a minute.

Mr. Hiranaga: No, my question is hypothetically if you got a 140 cars coming out that propose exit and you've got the existing traffic and they're all trying to get through, get onto Kaahumanu Avenue.

Mr. Matsunaga: You're talking about eastbound direction?

Mr. Hiranaga: Right. So the traffic on Kaahumanu is stacked from Maui Lani Parkway all the way up to Kainani so the only way they're going to get onto Kaahumanu is when they got the green light. When they have the green light, how many cars do you think will be passing out through that green light is my question?

Mr. Matsunaga: You're talking about total or just project related?

Mr. Hiranaga: Total cars. During that green light if it's a minute or 90 seconds.

Mr. Matsunaga: It's not going to be that much added from this particular access to that right turn. So it would probably be somewhere on the order of maybe at most two vehicles per cycle and this including the existing.

Mr. Hiranaga: No, no, no, I'm just saying when you got a green light how many cars usually can get out before it turns to yellow or red. Some people I guess go against the red.

Mr. Matsunaga: If you assumed - typically vehicles can be processed about once every two seconds. So with a full green you could process anything up to maybe 10, 12 vehicles maybe a little bit more with a little two second gap at the beginning for people to start up.

Mr. Hiranaga: 10 to 12 vehicles?

Mr. Matsunaga: Yeah, if you had the full green and if you needed that much because otherwise the signal would switch to another movement if there were no cars waiting. But it would stay green if there were still cars processing or if there were a pedestrian phase initiated.

Mr. Hiranaga: I don't want to belabor the point but I guess maybe you should take a closer look to confirm that in fact the traffic does stack from Maui Lani Park beyond Kainani Street in the p.m. hours. Like if you leave today about in an hour or so, you'll see it.

Mr. Matsunaga: Okay, with any luck I'll be out there.

Mr. Starr: Okay, Commissioner Mardfin, lets try to wrap it up though.

Mr. Mardfin: Lets assume that the egress were not allowed for some reason, that traffic would then transfer to the Maui Lani exit?

Mr. Matsunaga: That's correct.

Mr. Mardfin: And so there would be more stack up there. There would be more danger of accidents there?

Mr. Matsunaga: What would happen is the traffic particularly for that - well, okay, at the Maui Lani, the northbound Maui Lani approach the current configuration is a left turn lane, a through lane and a right turn lane. And what would happen is primarily the left turn lane would be impacted greatly by all the traffic that's transferred over. So whereas something like two and a half vehicles per minute, it might not have that much of an impact at Kainani, at a busier intersection it can kind of have a greater impact. So, what would happen if the traffic were transferred to the Maui Lani intersection is that the traffic would stack out of the northbound turning lane and pass the shopping center and Kaiser access which would kind of clog things up, be a safety issue. So that's kind of what would happen if there were no Kainani access.

Mr. Mardfin: Thank you.

Mr. Starr: Okay, thank you very much for testimony, answering questions. Any other members of the public wishing to offer testimony on this item? Not seeing any - oh, please come up, introduce yourself. Welcome.

Mr. Derrick Katada: Hi, my name is Derrick Katada. I'm a resident of Wailuku and I work in Wailuku. I've been to several of the meetings that they introduced this plans and I know at the beginning that probably there was a lot of problems with the egress and ingress from Kainani. I think right now that they do propose a workable solution and I know there's probably a lot of concerns with the traffic and the stacking and all that. And hopefully with traffic lights, timings and stuff like that they can probably overcome that.

You know, since Ooka Super Market closed there's been no major shopping in Wailuku. We do have Sac and Save, Takamiya Super Market, things like that. So I think shopping center is really needed. I spoke to a lot of people and I know they all are in favor of this shopping complex. So I wish you would consider it as they have proposed. I feel kind of awkward coming out now after all the professional testimony but just to let you know, to voice my opinion and those that I have spoken to. Thanks.

Mr. Starr: It's because of members of the public to give them an opportunity to express themselves that were here. So thank you for coming today.

Mr. Katada: Thank you.

Mr. Starr: Any other members wishing to give testimony please. Welcome.

Ms. Jocelyn Costa: Good afternoon. I'm glad that I'm coming towards the ending part so I can hear some of the professionals and their justification on what they're doing and I just want to -

Mr. Starr: Yeah, introduce yourself for the record.

Ms. Costa: I'm sorry, my name is Jocelyn Costa and what this gentleman said about how it would make it convenient because there's a shopping mall that's closer where there's not a Ooka. I live in Haiku and I have no problem driving out to Kahului to do my shopping. I wouldn't want a shopping center in my district. It could pose a lot of problems. And as I stand here as a lay person and I'm trying to hear justification or try to find concerns on where they're proposing to put this exit or whatever, when it comes to Kainani there is no problem. No problem. We can fix it with a bulb, with a blink, with a this, with a that, but the minute you put it into the project all of a sudden all the problems that you guys are pointing out is a problem. Can you imagine that? So why can't they fix it in their project with a bulb and a blink and a that? You know, I'm just a lay person but as I'm standing here listening to the explanations given to you folks from professionals, I wonder how they cannot solve the problem within theirs and yet say that they can solve it outside theirs. Just my manao. Mahalo.

Mr. Starr: Okay, thank you for sharing. Any other members of the public wishing to testify please make yourself known. Not seeing any, public testimony on this item is now closed.

Members, I have a question for the department which is, how is it that if the Maui Lani project in the phase 1 didn't envision using that for an entrance or exit as was testified to us, it can be added on without any process or are we wrong in thinking that it wasn't part of the original process?

Ms. Cua: I can try and answer that as best I could. Well, first of all a map is not normally attached to a project 1, project district process. I believe the only project district that has it is Maui Lani. At that time when roadways are envisioned in a plan they're conceptual roadways. Things changed. The roadways within the Maui Lani project district from what was originally planned 20 years ago changed as a result of burial sites that they found and various other reasons and again, my history doesn't go back 20 years with Maui Lani. But generally what happens in the project district phase 1 process is to establish the standards and the uses within the project district. What happens in the phase 2 process is the site planning, the actual preliminary site plans that come in and they have to go through the planning commission. The planning commission must hold a public hearing in the affected community plan region and that's of a preliminary site plan. And then in the phase 3 project district approval, is when the construction plans come in that is supposed to be in accordance with the preliminary plan that you approved and that allows the Planning Department to grant administrative approval of a phase 3 application. So that is how we see the process.

Mr. Starr: So as I understand it, they've not done phase 2 yet is that correct?

Ms. Cua: You are reviewing the phase 2 application for this particular project, I should say, for the commercial site. It came before you. You held a public hearing. You deferred action and they'll be coming back to you I'm not sure when because they're compiling a environmental assessment at this point in time.

Mr. Starr: So in other words, we would have an option to deal with their ingress and egress and so on as part of the phase 2 if we desire to look into that or to make changes am I correct?

Ms. Cua: Yes. You have already, it has already been before you. You have already seen various

iterations. You have not formally seen this proposal because it was just worked on with the applicant and Department of Transportation but this would be the newest iteration that you would see when it comes before you at some point in the future, but yes, you would have - it's your jurisdiction to approve or deny the project district phase 2 applications and you make conditions which often times deal with traffic.

Mr. Starr: And what are the pros and cons of us dealing with it under the phase 2 versus the Council coming in and dealing with it as an ordinance?

Ms. Cua: How I can respond to that is, in an ordinance in this particular ordinance it would be - the way they propose to have it added it would apply, it appears to apply to the whole project district. But in actuality the only portion of the project district it's going to affect is this particular property. This particular property is within the project district and you are the authority to review and approve the preliminary site plan and the final site plan. So from the department's standpoint, I mean, you are the body that is going to be reviewing all those changes and looking at the impacts and imposing conditions on the project in any way that you see fit that would mitigate any impacts.

Mr. Starr: Okay, any other questions and then we'll go to recommendation. Commissioner Mardfin.

Mr. Mardfin: Let me ask you about what Commissioner Starr asked a minute ago. What's before us today is a recommendation to the Council on their resolution which proposes to pass an ordinance preventing both egress and ingress?

Ms. Cua; Correct.

Mr. Mardfin: If we are mute on or if we approve what they say, then they're likely to pass an ordinance preventing both ingress and egress possible?

Ms. Cua: Possibly. You're going to make a recommendation.

Mr. Mardfin: If we recommend however, that we - and the department's recommendation on this which I know you'll get to in a few minutes is denial of the ordinance, proposed ordinance as written in the resolution. It seems to me that we need - it would be possible for us to approve, recommend the department's approach which is to say okay, no ingress but we could have egress in what the Council passes and then when the project comes to us then we can deal more with the egress issue. But if we don't do anything now and the Council passes a ban on ingress and egress then we're locked out. We can't do anything with the egress is that correct?

Ms. Cua: If the law changes, everybody has to comply with the law. And if there is an ordinance amendment that occurs or that is passed by Council to prohibit ingress and egress, then it will be prohibited and -

Mr. Mardfin: Then this is off the -

Ms. Cua: Whether this developer or any other developer decides for that particular property because again that's really all that would be affected when they decide to do whatever project and come before you in a phase 2 application that would be a restriction that's in the ordinance and

would have to be addressed by everyone.

Mr. Starr: Yeah, Commissioner Mardfin, you'll have an opportunity to make a motion, whatever motion you want.

Mr. Mardfin: I was just trying to clarify what the issue was.

Mr. Starr: Okay, Commissioner Hiranaga.

Mr. Hiranaga: I'm sorry, maybe you're going to have to repeat the process but whatever decision is made by the commission goes to the Council and do they conduct public hearings once more or I mean, because they have to vote on the ordinance. They passed a resolution, they did not pass an ordinance.

Ms. Cua: Correct.

Mr. Hiranaga: So they would have to go through the process of possibly - I don't know if they - you're holding a public hearing. This is a public hearing. I believe they have the discretion to hold another public hearing if they wanted to.

Mr. Starr: I believe this is a full noticed public hearing.

Ms. Cua: This is it.

Mr. Starr: But they will have testimony at first and second reading.

Mr. Hiranaga: Right, so it still has to be voted on by the Council in order to enact to ordinance?

Ms. Cua: Correct.

Mr. Hiranaga: And if they deemed appropriate to amend the ordinance or change the ordinance they can do so.

Ms. Cua: Correct.

Mr. Starr: Okay, can we move along to the recommendation? Okay.

b) Action

Ms. Cua: Based on the new proposed site plan for the Maui Lani Shopping Center project to include right turn out only onto Kainani Street and comments from State and County agencies the Planning Department concludes that County Resolution 08-73 to prohibit traffic ingress and egress on Kainani Street to and from development within the Maui Lani Project District is not in the best interest of traffic safety and sound planning principals.

In addition, the amended site plan requires project district phase 2 approval from Maui Planning Commission and this issue of Kainani Street will be subject to public testimony and discussion by

the commission.

Therefore, the Planning Department is recommending disapproval of the resolution to amend the Wailuku-Kahului Project District 1 Maui Lani Ordinance to prohibit traffic ingress and egress on Kainani Street to and from development within the Maui Lani Project District. If the County Council wishes to pursue an amendment to the ordinance we suggest that ingress only to Kainani Street to proposed development in the Maui Lani Project District be prohibited and egress from the proposed development in the Maui Lani project to Kainani Street be permitted.

In consideration of the foregoing, the department recommends that the commission adopt the Planning Department's report and recommendation prepared for the November 25, 2008 meeting as its findings of fact and conclusions of law and authorize the Director of Planning to transmit said findings and conclusions on behalf of the commission.

Mr. Starr: Okay, Members Chair would very much welcome a motion either to accept or to deny or change.

Mr. Hiranaga: Question for staff?

Mr. Starr: Okay, go ahead.

Mr. Hiranaga: Ann, are you aware that the traffic stacks from Maui Lani Parkway beyond Kainani Street during the p.m. peak hours?

Ms. Cua: No, I'm not.

Mr. Hiranaga: So you do not take Kaahumanu Avenue to go home. I don't know where I live so.

Ms. Cua: Actually I take it home every single day.

Mr. Hiranaga: But not at 4:30 you never see -

Ms. Cua: No, I never leave the office before 4:30.

Mr. Hiranaga: Okay, 5:00 ?

Ms. Cua: Never leave the office before 5:00.

Mr. Hiranaga: That's because you want to avoid the stacking.

Ms. Cua: No, that's because I work till 5:30 to 6:00.

Mr. Starr: It does stack up. I get caught in it. Anyway, members how about a motion? Go ahead Commissioner Mardfin.

Mr. Mardfin: I move that we accept the recommendations of the Maui Planning Department's report and recommendations and the findings of fact and conclusions of law and that they have proposed

in this in effect the report is a recommendation against the ingress in but allowing for egress out.

Mr. Starr: Okay, is there a second? Motion dies for a lack of a second. Do we have a different motion? Commissioner Hiranaga.

Mr. Hiranaga: I'll make a motion to approve the Council resolution.

Mr. Starr: To recommend approval.

Mr. Hiranaga: Recommend approval.

Mr. Iaconetti: Second.

Mr. Hedani: Second.

Mr. Starr: Okay, we have a motion by Commissioner Hiranaga, seconded by Commissioner Dr. Iaconetti. That motion is Director?

Mr. Hunt: To approve the Council Resolution.

Mr. Starr: Okay, I just want to ask Planner Cua whether we need to add any other flowery language to that or if that works?

Ms. Cua: No, that works for me. Your recommendation will be transmitted up.

Mr. Starr: Okay, so we have a motion on the floor. Discussion? Possible amendments? Seeing none, oh, Commissioner Mardfin.

Mr. Mardfin: I'm going to vote against this because I think that at least a potential for egress should be allowable. So I think this is a unwise resolution.

Mr. Starr: Okay, thank you. Commissioner Hedani.

Mr. Hedani: Actually it's the third strike against Maui Lani. The first strike was when they excavated this area and they caused the collapse of some of the walls that were on the neighbors residences on the upper side of the subdivision. The second time was when they filled all of the Palama Street neighborhood and the third time is when they're proposing to go through an area that has burials in it and congestion that backs up for 20 minutes in some cases I heard. And nothing really to benefit the subdivision adjacent to it in order to make things better instead of make things worse. And if that's a deal breaker for the tenant then maybe they have the wrong tenant.

Mr. Starr: Okay, we're ready to call the question? All in favor of the motion please signify by raising your hand? All opposed? Director.

It was moved by Mr. Hiranaga, seconded by Mr. Iaconetti, then

VOTED: To Recommend Approval of the Resolution to the Maui County Council.
(Assenting - K. Hiranaga, W. Iaconetti, B. U'u, D. Domingo, W. Hedani, J. Starr)
(Dissenting - W. Mardfin)
(Absent - J. Guard)

Mr. Hunt: Six in favor. One against.

Mr. Starr: Okay, thank you very much and I want to thank everyone for their patience. It's been a long time. We're going to take a 10-minute recess.

A recess was called at 3:06 p.m., and the meeting was reconvened at 3:16 p.m.

Mr. Starr: Okay, Maui Planning Commission meeting November 25, we are back in session. We're moving back to our schedule agenda. We're moving to Item C-1 which is possible adoption of a written decision and order and it was prepared and modified by our - there really are good lawyers in this world people. So I'm going to turn it over to our legal eagle Mr. James Giroux.

Continuation of:

- C. ADOPTION OF WRITTEN FINDINGS OF FACTS, CONCLUSIONS OF LAW, AND DECISION AND ORDERS** (No public testimony will be taken as the Commission will be completing their adjudicatory function.)
 - 1. Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and JAMES GIROUX, Deputy Corporation Counsel on behalf of the Maui Planning Commission denying the intervention request from LANCE COLLINS, attorney on behalf of LINDA MCDONALD on the request by PINE STATE LIMITED for a State Land Use District Boundary Amendment from Agricultural to Urban for Ke Kani Kai, a proposed 2-lot subdivision and associated infrastructure improvements at Lot 3 Makena, Keoneoio Road, TMK: 2-1-005: 117, Makena, Island of Maui. (DBA 2007/0008) (P. Fasi)** (Action taken at the October 14, 2008 meeting.)

Mr. James Giroux: Yeah, we went back during the break and I took your comments and integrated it into the new draft that's now on your table. So if you want to, I guess if you want to take a vote to adopt it then you can execute this.

Mr. Starr: So this isn't an item that we, you know, it's not a public hearing item. We already did make decision making on this. This is just to finalize and put it in writing. So these are open for discussion or for the - lets do them one at a time. Possible motion to adopt or reject whatever you wish. Commissioner Mardfin.

Mr. Mardfin: I move we adopt the findings of fact, conclusions of law and decision and order denying petition to intervene in the Pine State Limited case, Docket DBA 2007/0008.

Mr. Starr: Okay, we have a motion. Do we have a second?

Mr. Hedani: Second.

Mr. Starr: We have a motion by Commissioner Mardfin, seconded by Commissioner Hedani to adopt the findings of fact, conclusions of law and decision and order denying petition to intervene in the matter of Greg Kaufman for Pine State Limited. Any discussion? All in favor please signify by raising your hand. Any opposed?

It was moved by Mr. Mardfin, seconded by Mr. Hedani, then

VOTED: To Adopt the Written Findings of Fact, Conclusions of Law and Decision and Order.
(Assenting - W. Mardfin, W. Hedani, K. Hiranaga, B. U'u, D. Domingo, W. Iaconetti, J. Starr)
(Absent - J. Guard)

Mr. Starr: We will pass this around and we can all sign it if we're in agreement. We have signified by voting for it. Now we move onto this next item which is Iwa Ike.

- 2. Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and JAMES GIROUX, Deputy Corporation Counsel on behalf of the Maui Planning Commission denying the intervention request from LANCE COLLINS, attorney on behalf of LINDA MCDONALD on the request by MR. GREG KAUFMAN of IWA IKE LLC for a State Land Use District Boundary Amendment from Agricultural to Urban for the Iwa Ike Subdivision, a four (4) lot subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005: 118, Makena, Island of Maui. (DBA 2007/0007)(J. Prutch) (Action taken at the October 14, 2008 meeting.)**

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I move we adopt the findings of fact, conclusions of law and decision and order denying petition to intervene in the matter of Greg Kaufman, Iwa Ike LLC, Docket No. DBA 2007/0007.

Mr. U'u: Second.

Mr. Starr: Okay, so we have a motion by Commissioner Mardfin, seconded by Commissioner U'u. The motion is to adopt the findings of fact, conclusions of law and decision and order denying petition to intervene regarding Greg Kaufman, Iwa Ike LLC as it's been amended and sits before us. Any discussion, amendments? Seeing none, all in favor please raise your hand. All opposed.

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

VOTED: To Adopt the Written Findings of Fact, Conclusions of Law and Decision and Order.
(Assenting - W. Mardfin, B. U'u, K. Hiranaga, D. Domingo, W. Iaconetti, W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Starr: Yeah, Director I count seven in favor.

Mr. Hunt: Seven in favor, zero against.

Mr. Starr: Okay, we'll be passing these around for your signatures. I'll now ask the Director to introduce the next item. Item D-1.

Mr. Hunt: This item involves Mr. Greg Kaufman of Iwa Ike LLC requesting a State Land Use District Boundary Amendment from Agricultural to Urban for the Iwa Ike Subdivision, a four-lot subdivision and related improvements at 6699 Makena Road, TMK 2-1-005: 118 in Makena. The file number is DBA 2007/0007 and Joe Prutch is the planner assigned to this.

D. UNFINISHED BUSINESS

- 1. MR. GREG KAUFMAN of IWA IKE LLC requesting a State Land Use District Boundary Amendment from Agricultural to Urban for the Iwa Ike Subdivision, a four (4) lot subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005:118, Makena, Island of Maui. (DBA 2007/0007)(J. Prutch) (Public hearing conducted on October 14, 2008.)**

Mr. Joe Prutch: Good afternoon Chair and Commissioners. Hope you got a chance to get out and see Shane Victorino out there. Last time we were here was October 14, 2008. Planning Commission reviewed this project for a DBA for the Iwa Ike subdivision. At that time you guys voted to defer the project for three reasons and I'll list the three reasons to remind you.

One of them was to request the applicant to withdraw his application for SMA assessment and submit an application for an SM major. The second request was to have staff send a letter to OHA to confirm their acceptance or their agreement with the archaeological inventory survey as adequate and if it met their satisfaction and the third one was to require the applicant to include the retention basin cost in his engineer report.

At that meeting we also had various conditions that were proposed by the commission. I've listed the 12 of them in your staff report plus the two conditions that staff recommended in their report.

The status, the applicant did submit a letter requesting withdrawal of his SMX application. It's in your report and he also did submit an SM1 application. It is deemed complete by the department. However, the department's not going to act on the SM1 until the DBA is either approved - well, until the DBA would be approved by Council. If the DBA is not approved by Council then there is no SM1 application.

A letter was sent to OHA. Have not got a letter back from them, but I did talk to a lady named Heidi Goo yesterday on the phone. She said that a letter is forthcoming or should be forthcoming, but that it sounded like they really didn't have much else to change. That previous comments were going to be the same.

And the third one was the updated engineer's report included the cost of retention basin, that's included. The value still came in under a \$125,000.

The applicant's here to speak on his behalf as well and I'll be answering any question you might have. You want me to do the recommendation now or we'll leave that to the end?

Mr. Starr: No. Now is the time for questions and discussion. Members, who's got any questions regarding this?

Okay, I still have some concern about this estimate and the fact that they're trying to do this project without a major SMA which I see a new engineer's estimate for \$122,000 which of course slips in right below the -

Mr. Prutch: Mr. Starr if I may?

Mr. Starr: Yeah.

Mr. Prutch: I think you misunderstood. The applicant withdrew their application for the SMX assessment and he submitted an application for an SM1, SM major use permit. So there is a use permit on file in the Planning Department. However, we can't act on the SM1 until the DBA is acted on.

Mr. Starr: That means -

Mr. Prutch: So that will be coming forward. If the DBA is approved then the SM1 would come back before your body for your review and action at that time.

Mr. Starr: Okay, so in other words, there will be an SMA major?

Mr. Prutch: Yes, there is an application for it, yes.

Mr. Starr: Okay, Commissioner Hiranaga.

Mr. Hiranaga: I know you read the first three items of your staff report. Did you read the other 12 into the record?

Mr. Prutch: No, I did not. I mentioned them as listed in the staff report.

Mr. Hiranaga: Maybe for the record for the public because I think you know, we spent, we put quite a bit of restrictions on the project. I know there was some testimony prior about Makena development. I think it might be worthy for the record being read into the record.

Mr. Prutch: Okay, I can do so. Because there was 12 conditions that the planning commission put forward on this project. Those 12 are:

1. That all lots shall a minimum of one-half acre in size.
2. That no future subdivision shall be permitted.
3. That no condominiumizing - There shall be no condominiumizing of any lots.
4. That the setbacks shall match that required by the rule RU 0.5 zoning district.
5. Building heights to be limited to 30 feet above natural or finished graded.
6. Ohana size restricted to a maximum of 700 square feet.
7. No curbs, gutters, sidewalks or streetlights and adhere to new DSA standards for Makena Road.
8. Retain all runoff on site post and preconstruction.
9. Preserve archaeological sites 6224 A through E and 6225 as shown on the Iwa Ike subdivision map in situ by recording easement for historic preservation purposes.
10. Driveway shall be relocated to avoid archaeological site easement.
11. Lot owners to allow for access to their properties for study of archaeological sites.
12. Ensure that lights from the project cannot be seen from the makai side of Makena Road.

Plus there was two conditions in the staff recommendation report as well.

Mr. Starr: Members, I'd like to open it up for public testimony at this time if that's acceptable to everyone. I think we do have some stalwart members of the public who have been patient and waiting all day please come forward. Thank you for being so patient and introduce yourself.

The following testimony was received at the beginning of the meeting:

Mr. Starr: Next testifier will be Pat Borges followed by Angie Hoffman. Please come up Pat.

Mr. Pat Borges: Good morning everybody. I'm just here to - on that project that Mr. Kaufman's doing in Makena area. As you look at the pictures as I was going through the files here and the pictures of the parking area out at Makena Road, I mean, there's no - according to this pictures there no traffic. There's no cars. I drive this road every day and sometimes I cannot even get by with my horse trailer because there's so much cars on the road. So I want that to be addressed. I mean, I don't know if any of you been out in the Makena area lately. I think some of you should be taking a drive down there more often and see what's going on down in the area because you guys approved at 7155 that one house there, I know when they came before the Planning, they cannot do a TVR, but if you look the development there it's a guarantee it's a TVR. I mean, there's no doubt about it. I don't know how they're going to stop that runoff. One day we're going to have an eight-inch of rainfall in a 24-hour period and all that guy's front lawn is going be into the ocean.

I'm very concerned about Ahihi-Kinaiu Natural Area Reserve. All this urban growth is starting to reach that area. And this is the only natural area reserve that consist of the shoreline and the mountain. I think it needs to be protected. So I want Mr. Kaufman here, being an environmentalist protecting the whales he should know better and to be careful on his project here. And I would like to see a lot of you guys in the Planning Department ask some of the developers in the Makena area to put some kind of funding, some money into the natural area reserve because the State is very, very low. As you know, they don't have the money and I would like to see these guys coming in

here with this million-dollar homes, these are not for residents period. These are for outsiders going to come in here, use our water and that's why another concern that I have is that you allowing this type of homes being built in the Makena area, the desert and a drier side of this island and I went and researched in some of the water usage in some of these estates here, some of them are over 500,000 to 600,000 gallons a month. That's more than one - you know, how many households can be watered especially in the Makawao. You know, it's shame that we telling the people of Maui to cut back and we allowing this kind of development and it's not even benefitting the community of this island.

What is this project going to benefit the community of Makena. Look at Makena Big Beach, we don't even have a restroom. We don't even have showers. Shame on you guys. You guys supposed to take care the people of Maui and this is the kind of issues that I'm very concerned about is that we are treated like second class citizens on our own island. Shame, shame, shame.

And I don't know when the last time you drove on Piilani Highway, and recently I just saw a building going up at Wailea before you turn off Piilani Highway, what are you people thinking? You blocking our corridors. That's our view. This is our relaxation. This is our island. Why are you guys allowing this kind of development? It's ridiculous. It's no common sense. And I appreciate you people on this project with Mr. Kaufman. I not trying to stop his project, do it right and think of the people in our community, in the Makena area how it's going to benefit the community. And the only way they going to benefit us is take care of our shoreline, take care of beach access, take care of public facilities. You know, like last week I went down to the - shame on the County, I went down to Kalama Park, took my grandkids, we went swimming, went to take a shower, no showers. Shame. And you walk around and you see all these big - ...(inaudible - P. A. System malfunctioned)...

Mr. Starr: Try to wrap Pat.

Mr. Borges: Thank you. And be careful on this runoff. That 7155, look at Seibu, I just want to bring this up for a minute. That road, that Seibu built Maui Prince Hotel they connected Makena Road and they didn't do a catch basin. They tried to do a catch basin down by the shoreline. It didn't work. They had to do a catch basin above the project to stop it from reaching down to break it up before it come down because all that water and mud is going to go right into Ahihi Bay right there and that's the most pristine area on Maui right now. Thank you.

Mr. Starr: Thank you Pat, and thanks for your concerns. Runoff is one of our biggest threats. Members any questions? Okay, thank you very much Pat. Next testifier will be Angie Hoffman, followed by Anthony Edington. Angie? Okay, we'll give you a chance later Angie.

Mr. Starr: Next will be Daniel Kanahale followed by Kai Nishiki and thank you for joining us Daniel, please come up. Aloha.

Mr. Daniel Kanahale: Good morning Planning Commissioners. My name is Daniel Kanahale. I am testifying on behalf of myself. I'm going to make some comments this morning with regards to the Iwa Ike LLC, B-1, on your agenda.

Makena is culturally, historically, ecologically a very sensitive place. This is well documented and

I think any land use changes in that area should be looked at very closely and reviewed thoroughly for potential impacts to the cultural, historical resources to the native wildlife habitats and to that fragile ecosystem.

With regards to archaeological sites, I think reviewing bodies like yourself need to step back and look at the big picture and stop confining yourself to looking at arc sites in terms of surveys done on individual sites or on individual TMKs lots and parcels. The days of looking at arc sites in terms of isolated, disconnected features should be past. We need to look at arc sites in terms of cultural landscapes.

My question I want to ask you, is there evidence for a cultural landscape when it comes to this particular project whether on the parcel itself or adjacent to it. And I submit to you that there is evidence for that on lot 116 just north of the proposed project. Site 4185 there is a koa heiau. Just south of that, the enclosure on that there is a possible iwi, kupuna iwi burial. Across the street from lot 16, 116 and 117, we have the paniaka fishpond which was used traditionally as a fishpond by people who inhabited the area. There are works, this is, excuse me I have a little cold, currently there is a plan to restore that fishpond. Just north of the proposed project site, on the same side of the street is site 1961 which is in Makena Resort. There are several enclosures there with a built up platform which is paved with rocks and all of this is found on a built up terrace.

I'd like to read from Cultural Resource Management Plan 2005 for Makena Resort which says that "the earlier phases of this use was probably in the late prehistoric period, 1400 to 1800 AD. The size of the enclosure, the ili ili paving and the quality and complexity of site features strongly suggest that this earlier ... (inaudible)... site was represented some kind of ritual center or chiefly residence and not a common habitation." All of these would indicate cultural complex.

I would like to wind up by saying that I would recommend that you make a motion to send this to the Cultural Resource Commission like you did with Maui Lani VMX because this is exactly the kind of thing properties that are culturally and historically sensitive. Just exactly the kind of things that the CRC should review. And this is exactly what they said when the VMX was before them. They asked why this was not brought to their attention. And the Planning Department said that they felt it wasn't necessary because comments they had received from other reviewing bodies like SHPD. But the commissioners said that this is exactly the kind of thing that we need to look at closely. We don't have to look at everything, but something that is known to be culturally and historically significant should come before the Cultural Resource Commission. But I thank Commissioner U'u for making that move and I would suggest that you make that same motion, send this to them for review and comment because of the important - significant importance of this area. Thank you.

Mr. Starr: Thank you. Members? Commissioner Mardfin.

Mr. Mardfin: I'm very glad that you came to testify today and it's the kind of issue that I often ask about and I want to read from the Iwa Ike application form and I'm reading specifically from Appendix J, the cultural impact assessment which was done by Lianne McGarity and Robert Spear and in the summary page, on page 13, it says "the level of effort undertaken to identify potential effect by a project to cultural resources places or beliefs has not been officially defined and is left up to the investigator. A good faith effort can mean contacting agencies by letter, interviewing people who may be affected and who know its history." Goes on and on and on. "In the case of

the present parcel, letters of inquiry were sent to organizations whose expertise would include the project area. Consultation was sought from Kai Markel, Office of Hawaiian Affairs on Oahu, Thelma Shimaoka, Coordinator of the Maui Branch of the Office of Hawaiian Affairs, Central Maui Hawaiian Civics Club, Hinano Rodrigues, Cultural Historian with State Historic Preservation Division, the Maui Planning Department Cultural Resources Commission, Leslie Kuloloio of Hui Alanui O Makena, Robert K. Luuwai and Dr. Theresa Dunham, an archaeologist with SHPD, State Historic Preservation Division, Historic and Cultural. Historic and cultural source materials were extensively used and can be found in references, blah, blah, blah, blah." CIA that a cultural impact inquiry response - "as stated above consultation was sought from," and then they list these names again. And except for a letter from OHA basically nobody responded.

I've often found that unfortunate, and they - so the study concludes with "based on historical research and the lack of response from the above listed native Hawaiian organizations and individuals, it's reasonable to conclude that Hawaiian rights related to gathering access or other customary activities within the project area will not be affected and there will be no direct adverse effect upon cultural practices or beliefs. I gave, I don't know whether it was this project or another project but I said go make a second try. They made a second try, no response. You know, I don't know what we can do if the people that - unless you're saying we're contacting the wrong people. What's going on? We don't get a response, you know, I'm very, very glad that you're here because I think that some of these things do have impacts but if the Hawaiian organizations and individuals don't respond I don't know on what grounds we can do anything. That's kind of my comment and again, I want to thank you for being here. Would you like to respond to any of that?

Mr. Kanahale: There's a pressure to develop Makena. I do not think people maybe outside of our own community realize just how important a jewel Makena is. The knowledge of that I think is with all the recent publicity that we're receiving, because Makena's receiving because of Makena Resort. I think more and more people are becoming aware of what Makena means to us, to Maui and to Hawaii as a whole. I'm a kanaka maole. I am speaking for the aina. I'm standing up and I know there are other kanakas out there. I cannot speak for OHA and why they haven't been quick to respond. I think part of the reason is nobody really expected so much development in such a short time. I think SHPD is overwhelmed by the amount of things they need to comment and review upon and no doubt OHA is too. And so perhaps that is one of the reasons why they are slow to respond. Because they have so much to respond to just the sheer number of proposed developments is overwhelming so maybe that might speak to the problem. But the fact that maybe they haven't responded in a timely manner should not detract from the fact that we, you, all of us here know what Makena is. There have been numerous AS archaeological studies. We know that there is a NARS in the area. That this is a protected area by the State. There's a State park right across the street from this proposed subdivision. So, that doesn't excuse you, you folks along with the County Council are responsible for protecting and preserving our cultural historic sites. That's in County law. That's an ordinance. The responsibility rests squarely on your shoulders and therefore you are accountable. You cannot pass it off to OHA or somebody else. You folks are responsible and accountable too. And I say that with all respect.

Mr. Mardfin: I understand. Mr. Kanahale, who should - in your opinion, who should this have been referred to?

Mr. Kanahale: Well, I definitely think - I suggested the Cultural Resource Committee, Commission.

I was at the meeting where they discussed the VMX. Commissioner U'u suggested that should be sent the CRC for comment and it was and when the commissioners were presented this, they were a bit shocked that this hadn't been brought to them before. Why hadn't the planning commission brought this before and the planning commissions - I mean the Planning Department, why this hadn't been brought to the Planning Department before, their comment was that they didn't feel it was necessary because they had received comment from other reviewing bodies.

Mr. Mardfin: And I don't buy that. I agree with you.

Mr. Kanahale: To finish, their reply was, anything that's culturally, historically or traditionally significant like Maui Lani, it's well known it was used for a burial ground should have been brought to them right of the get go and Makena is no different. It is documented that this place is culturally and traditionally significant. So this proposal and others like it should, in my opinion, automatically be sent to the CRC. There's no reason in my mind why it shouldn't be.

Mr. Mardfin: Let me just be real careful. I want to be specific because I'll be asking for it in future projects certainly.

Mr. Kanahale: Thank you.

Mr. Mardfin: This is called the Cultural Resources Committee?

Mr. Kanahale: Commission.

Mr. Mardfin: And who is the head of that?

Mr. Kanahale: Gosh, my head is a little foggy right now. The Chair of that committee is Samuel Kalalau.

Mr. Mardfin: Thank you very much and Mr. Kanahale, I'm extremely glad you came and testified because you've been giving me the - you just gave me the kind of support that I need because I keep - I'm from Hana. You know, we're five-eighths Hawaiian over there. I know how important things is. I'm not as familiar as I should be with the Makena area personally but I do believe that we need to talk to people that do know. And if this is an organization that will respond and I want to make sure all projects go to them. They're Maui wide is that correct? Or are they just limited to Makena area?

Mr. Kanahale: No they're for the entire island.

Mr. Mardfin: The other thing I'd like to add, we had a former commissioner Joan Pawsat who the two of us at least were constantly after concessions that would allow us to look globally at the Hawaiian history and culture of an area. We were both very frustrated that, you know, a project would look at this and then look at this and then look at this and you'd kind of miss the big picture and so we're trying very - the best we can to have us look at a larger area and have a really good archaeological study done. But thank you very much Mr. Kanahale.

Mr. Starr: Mr. Kanahale before you go, the fishing shrine, the koa, is that on this property and

threatened?

Mr. Kanahele: It's on an adjacent property which touches it. We're talking about 118. And the koa is on 116. They touch on the eastern boundary. So you know, whenever you find koas, fishponds or probably chiefly habitations that's strongly suggestive of a cultural landscape. These things were all connected and they're all in close proximity to the parcel that we're talking about. So thank you.

Mr. Starr: Okay, thank you for joining us today. Our next testifier will be Kai Nishiki followed by Claire Apana. And Kai, congratulations on your recent efforts.

Ms. Kai Nishiki: Thank you Jonathan. Good morning. I am here to testify on D-1 and I am urging that this committee with the potential growth that will happen when Wailea 670 and Makena Resort area built that we carefully consider all projects in the Makena-Wailea area. We lose more and more every single day to over development. And I urge the council to let Mr. Kaufman be happy with his ag zoning or if anything upzoned to rural but that urban is completely unnecessary and simply secures a future entitlement for another outside investor. We need to protect our island from over development and this upzoning is not in our best interest. So I ask you to please consider the future of Makena and the developments that are already proposed and already on the books and to carefully consider the impact of your recommendation and please help keep our country, country. Thank you.

Mr. Starr: Thank you very much.

Mr. Starr: Okay, we'll allow her later. Dave Kingden followed by looks like Chisa Dezon. I guess Dave isn't here. Do we have I believe it's Chisa Dezon and please excuse me if I've mangled your name. Please introduce yourself properly.

Ms. Chisa Dezon: Everyone mangles my name, it's okay. It's Chisa Dezon. I do not approve of this project for upzoning and changing to urban development. In response that the ag land is poor in that area, it was once a thriving village, fishing village, agricultural village. That land is so good still there and I don't agree with that at all. I think it will start a downhill spiral effect if we change that to urban because everyone else will and we don't really need another Kihei. We've got a lot of developers, investors looking at, I mean, it's a prime piece of property. It's beautiful there and I don't blame anyone for wanting to build there, but it has to stop.

And if it is built, will it be affordable for locals like myself to live there? Will it be another high end second home or another high end property for another wealthy foreigner to come and live? I mean, the economy right now, I can't afford much. So will it be affordable for everyone if it is changed to urban?

And also, to challenge that the land is not good, I think if it's possible, unfortunately as it sounds will you let one of the Hawaiians that are supposed to be on that land try and come and borrow and cultivate that land and watch as our crops will grow and flourish. Watch and it will be a test to the word that the ag land is poor. Just a small parcel of it and even I would do it and I don't have too much of a green thumb. I can make things grow and I will reap the benefits of my plants. So I challenge that because that land is still so good, so good for growing.

Again, I am against it. Thank you.

Mr. Starr: Thank you for joining us today.

This concludes the testimony received at the beginning of the meeting.

Ms. Angie Hoffman: Aloha. My name is Angie Hoffman. This was a long day. I appreciate your guys job. I came before this body the last time this zoning request was heard and urging you folks to deny the upzoning. I've come back to ask this again.

Last time I was here I heard the applicant say that this will set a benchmark for the neighbors in the area to follow by restricting the project to less units per acre. I have a couple things to say about that. One, that could easily be changed in the future by a new landowner to amend for restrictions we've seen that happen a lot. And even if that never happens I think this upzoning will actually do the opposite. I think it could open the door to urbanization in this area. I was in Council Chambers for 12 hours Wednesday, another long day, listening to Makena Resort expansion testimony. They are also asking to turn parcels of ag land into urban over there in and it's pretty much adjacent to this area that we're talking about today. So this could definitely set precedent.

And just wanting you folks to imagine what this area will look like if the land right across from Makena State Park was higher density zoning than it is allowed now and if Makena Resort was to get all of their approvals and go forward with what they're proposing this kind of upzoning will change quiet rural Makena forever and today we are talking about the first thing I mentioned and I think you should really think about this. Any kind of building near the coastline will be a detriment to the ocean and environment.

As a naturalist for Hawaii Wildlife Fund I can tell you that the reefs are in danger. The Hawaiian Monk Seal, the Hawksbill, the Honuea are in danger. I ran the Honuea recovery project this summer and it's a very endangered turtle that lives or has nested on Oneloa, Big Beach, this summer had six successful nests. So this very endangered species loves that area, loves that beach and there's only 50 to 60 left in the world nesting females of the species. We can help to protect its habitat by keeping the lands directly surrounding the state park as low density as possible.

The reefs of Maui they're terribly endangered. They're dying. We have a 10-year window where we can change that and if we don't change our current behavior like allowing high density near the shoreline then our reefs will be gone forever.

One thing this project is planning is an individual septic system. The soil in Makena is very impermeable and doesn't absorb and sewage eventually finds its way into the ocean across the street where it can harm the reefs, the nearshore fish that people eat, the animals, the other animals that I mentioned earlier. So lets really think about this. You could be making a huge difference by recommending six more toilets as opposed to less in ag zoning as it stands now.

Just also wanted to mention the NAR, like Pat Borge had mentioned this morning right down the road from this. It was set aside as a NAR for a reason and at that time it was threatened by developed and you know, one of the only reasons that coral there is still pristine, it's the cleanest

reef on Maui, it's the healthiest reef on Maui, one of the - in a DAR study it was the only one that had increased down there at Kanahena and you know, the only reason for that is that the law is protecting it from development across.

I'm just going to wrap this up by, you know, just saying I don't see what's wrong with ag zoning. I've been told that with ag zoning you have permission to build one house and a cottage. I don't see why the applicant is not satisfied with that. So I don't see the need here. So it's more of ...(inaudible - changing of tape)... and so please, I implore you to do the right thing and please recommend that this request gets turned down. Mahalo.

Mr. Starr: Okay, thank you Angie. Members, any questions? Commissioner Hedani. Angie please stay up.

Mr. Hedani: Angie as a naturalist, I've seen Big Beach degrade over the last 20 years and there's no development around it. What do you attribute that to?

Ms. Hoffman: On degrade in what way?

Mr. Hedani: Of, there's less biota. The coral seems to be dying, but nothing's changed. The entire area surrounding Big Beach is wilderness right now.

Ms. Hoffman: One thing I know that has happened in the last 50 years is kiawe trees have come in and flourished. 50 years ago there was no - there was hardly any. I've heard from elders that have lived in the area and so what happens is the kiawe leaves fall into the wetlands and then wetlands get harmed and it sort of filled up the wetlands whereas before they were, you know, actually wetlands where now they're dry a lot of time. And so then that just starts a vicious cycle of really breaking down the ecosystem of the whole area. So, that's just one hypothesis I have.

Mr. Hedani: At least for the 40 years that I've been diving out there, there has always been kiawe trees.

Ms. Hoffman: Yeah, I was told, you know, it started about 50 years ago that it started to come in.

Mr. Starr: Commissioner Hiranaga.

Mr. Hiranaga: Angie, first of all I'd like to commend you for coming forward to testify. I don't think was mature enough at your age to be as concerned about the environment. Couple of statements you made and staff can correct me, but I believe the underlying zoning right now is urban residential 3 which allows 10,000 square foot minimum lot sizes. So the applicant is not applying for a change in zoning. The underlying community plan is single family and he's not applying for a change in the community plan. What he's doing is requesting a boundary amendment, state land use designation from ag to urban, but although he may be allowed to create 10,000 square foot lots, he's saying he's only going to create four, half-acre lots. So he's actually proposing less density than what is here is designated for at the current time.

Ms. Hoffman: So right now as it stands he could go forward with the R-3 zoning because that's what the county has?

Mr. Hiranaga: Well, it's zoned R-3 at the county level. If we were to grant the district boundary amendment to urban and he did not place a self-imposed restriction to half-acre minimum lot sizes he could theoretically develop 10,000 square foot lots. He said on his own he's only going to create half-acre lots.

Ms. Hoffman: So he can do the 10,000 square foot lots even though the state says ag?

Mr. Hiranaga: No, he has to get the boundary amendment. As far as changing these conditions either it would have to be approved by the planning commission or if it's imposed as an ordinance or actually approved by council they'd have to make the change. So it wouldn't be like the owner could make the change. There's a governmental body that would have to make a decision.

Also, it's proposed that he will retain all existing surface runoff and all additional surface runoff. So he's actually going to eliminate the existing runoff from crossing the street and going into the ocean. So it may help the repopulation in the ocean. So, I mean, there's pluses and minuses but I just wanted to kind of clarify that. You know, he is -

Ms. Hoffman: Okay, yeah, I apologize, you know, like you said, I'm young and new to this so I don't understand all the zoning stuff really that well yet, but just trying to go on what I know about it. Just, you know, what I've seen just you know, watching like the Makena Resort hearings and stuff, what little I know about real estate it just seems like, you know, asking for something that makes the property go up in value and you know, I don't know, could be speculation at this time, you know, with the economy the way it is or whatever. But so, you know, I don't know, I just worry about things being given urban designation in an area such Makena that is so fragile and I appreciate the talk about keeping runoff, you know, contained and I do appreciate that conditions that were announced earlier. You know, I definitely think there's a conscientiousness to it, but I just think that any you know, development past Puu Olai is going to affect not only Makena State Park but down in the NAR as well. So, just to be clear, if you guys deny this request then the project would still be able to do higher density? No? So, yeah, so that's basically what I'm asking. I'm asking for lower density. I think that's - I don't see a need to do higher density in this area.

Mr. Starr: Okay, thank you very much. Hannah. Please come, introduce yourself.

Ms. Hannah Bernard: Aloha ka ko. Hannah Bernard, President, Hawaii Wildlife Fund. I do have a question before I have something to share just for clarification. What is it that currently is allowable? What's the size? What can be built in this particular location right now without any changes, any zoning changes?

Mr. Starr: Right now it's ag.

Ms. Bernard: What size building?

Mr. Starr: We're really asking you to testify and not ask questions at this point.

Ms. Bernard: Okay, just wanted to get a little clarification. Okay, what I wanted to testify about was the natural area reserve which is very close to this proposed expansion of this unit. I don't know if some of you saw the testimony about the Makena Resort development? Yes? No? Some of you

did. Some of you didn't. We've been working down there for 11 years and I don't want to belabor and waste people's time who've already seen and heard 12 hours of testimony about this area. But in case you don't know I brought you some information about the natural area reserve and I'm going to leave this with you. This is a brochure about the state's natural area reserve's program and I am not a Department of Land and Natural Resources employee. I have worked down there for the last 11 years as a representative of an NGO and running volunteer work down there to help protect that area from human impact.

We are also in the process of working with the DLNR to compose a management regime, a management program for that area and just last week the group that is working with the DLNR identified the top five threats to the natural area reserve and of the top five the existing development and proposed development were in the top five in fact, in the top four threats to this particular Ahihi Kinau Natural Area Reserve that is down there. So the reason that we're concerned about any additional development and even a single family home would be of concern to me. Any additional development is because our research for five years showed that an average of 725 people a day went down to that area and it doesn't have the facilities for that. And in fact, that impact lead to the Department of Land and Natural Resources restricting the usage of that NAR so now you cannot go in almost 90% of it maybe more. There's a lot less of the area that you can access so that it can recover.

This NAR is the first one that was designated in the state in '73 and it's the only that's got both an oceanic and a land-based component and it is special. It's extremely special. It's unique. In fact, that's what the whole program is about. It's protecting unique ecosystems, not a single species but an entire ecosystem, a representation of something that's unique to Hawaii. So the geology, the biology, the natural and cultural resources of this area are protected in the highest type of protect that the state affords, that natural area reserve's protection. There is no commercial activity allowed in this NAR and our work down there assisted in stopping commercial activity from going on down there.

I'm going to leave with testimony from some work that we've done with a coalition for the Environmental Protection Agency on sort of phasing out or stopping our injection wells. Our county and private injection wells. They are leaking out into our nearshore waters. This is not in dispute. This is fact. This is something that is causing enrichment of the reefs, algae blooms. There may even be extra input of bacteria and viral wastes into the nearshore waters and this has been going on for a long time. And the longer it goes on, the more it kills the nearshore ecosystem. So we do have as Angie said about 10 years. That's the international estimate for holding onto our reefs and keeping them alive and keeping them healthy. We don't have any longer than that and if we lose any more, that lost of our reefs, we lose our reefs, we lose our lives here. This is what these islands depend on is the reefs for storm protection, for food, for some people for their way of life and for others their livelihood.

So I'm very concerned that any development at all down past Puu Olai will threaten the NAR and it has been identified. This particular natural area reserve has also been identified by the Chair of DLNR as one of the top five stewardship sites in the state. So it's one of five in the whole state. This is how special this place is. I do appreciate the applicant's willingness to work on making sure that he reduces his potential impacts to this particular site that he is building on and I think it's commendable and if everybody had done that when they first started building on the coast here,

we wouldn't be in the state that we're in now but we are. This is not the time to continue doing thing the way we always have. We don't have time. So keeping and retaining runoff on the land, that's great, but additional water in this area percolates through the ground into the nearshore environment. So this is the problem. We change the ecosystem. We change this place forever. So this is just one person, one house, but every single house down there is it's a different thing down there than it used to be. And the people who settled down there before us westerners didn't alter it so dramatically as it is today.

So I've taken up quite enough of your time. I'm going to leave you with my testimony to the EPA. I also want to leave you with this study from the Department of Land and Natural Resources and from the U.S. Coral Reef Task Force-funded work for local evaluation of the status of our reefs. And as Angie said, nine of our reefs out of 11 are in decline. Two are good. Two. One is actually increasing coral cover. I mean, that's off of Ahihi Kinau.

Mr. Hiranaga: Mr. Chair, how long are you going to allow this person testify?

Ms. Bernard: So here's my testimony.

Mr. Starr: Can you wrap up Hannah?

Ms. Bernard: I'm complete. And just wanted to leave this with you folks. Thank you for your patience.

Mr. Starr: Okay, Commissioner Hedani.

Mr. Hedani: Hannah, let me ask you the same question that I asked Angie. The reef off of Big Beach has been in decline for 20 or 30 years. Do you know what's causing that?

Ms. Bernard: I have not studied that reef. I can't tell you. I don't even know which reef you're talking about? Are you talking about north -

Mr. Hedani: Oneloa Beach.

Ms. Bernard: -edge of Oneloa or you're talking about the point.

Mr. Hedani: South of Oneloa. South of Puu Olai.

Ms. Bernard: South of Puu Olai on the Maluwaka side or the -

Mr. Hedani: Big Beach.

Ms. Bernard: Big Beach side. So before Little Beach, that point.

Mr. Hedani: Big Beach.

Ms. Bernard: Right there off the shore break.

Mr. Hedani: Right.

Ms. Bernard: I have not studied that myself so I can't speak to what is causing its decline but I can speculate there's been a worldwide decline in the reefs around the world and it's going to continue. There's a number of reasons why but here in Hawaii it's land-based pollution, over fishing and climate change. These are top three threats to our reefs. And the land-based pollution is partly from over development.

Mr. Hedani: On this particular beach --

Ms. Bernard: In this particular beach we've lost the wetlands --

Mr. Hedani: In this particular beach there's no development that's occurred over the last 20 years.

Ms. Bernard: As Angie said -

Mr. Hiranaga: Mr. Chair this is not a debate. Will you allow the commissioner to ask his question and the testifier to respond.

Ms. Bernard: And the wetlands have been lost to that area and those are kidneys. Just in case you didn't - you know, want to know that. Those are the kidneys, they filter the water.

Mr. Hedani: I'm just trying to determine what's causing the decline in the reef because I don't personally believe that it's connected to the development that's land-based.

Ms. Bernard: I can't speak to what's happening right there, right now. As I said, Ahihi Kinau that reef right off there, that actually is the healthiest reef that's been evaluated by the DLNR and the ...(inaudible)... methodology in the last 10 years.

Mr. Hedani: And I think that's because human pressure has been removed from that reef. It's been protected.

Ms. Bernard: It's been protected from fishing and there's not much development, very little, just a few houses, but not development right there off that site. Yeah.

Mr. Starr: Okay, thank you very much Hannah. Oh, wait. Commissioner Mardfin.

Mr. Mardfin: I just wanted to know did you have copies of that for all the members or only one copy for the whole?

Ms. Bernard: I'm sorry. I only have one copy.

Mr. Mardfin: No problem.

Mr. Starr: Okay. Yeah, why don't you pass it around.

Ms. Bernard: Yeah, and I just want to clarify also one thing about the Hawksbill Sea Turtles, that

there's 50, maybe 50 to 75 nesting in Hawaii. That that species is ...(inaudible)... tropical but there's genetic structure between the ...(inaudible)...

Mr. Starr: Okay, thank you Hannah. Okay, anyone else wishing to testify on this item? Not seeing any, public testimony is closed on this portion. I'd like to have the Recommendation from staff. You've already read the suggested conditions Joe, so keep it brief.

Mr. Prutch: Okay, Maui Planning Department recommends that the Maui Planning Commission recommend to Maui County Council approval of the State Land Use District Boundary Amendment from agricultural to urban subject to the two conditions that are listed in the recommendation report plus the 12 conditions of approval I read into the record earlier in my staff report.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the October 14, 2008 and the November 25, 2008 meetings as the Findings of Facts, Conclusions of Law and Decision and Order and authorize the Director of Planning to transmit said written Decision and Order on behalf of the Planning Commission.

Mr. Starr: Okay, Members, what is your pleasure. We're open to questions, comments or possible motions. Commissioner Hiranaga.

Mr. Hiranaga: So the Cultural Impact Assessment was sent to Mr. Namuo of OHA and although they have not responded in writing you said they verbally indicated to you that their position remains unchanged.

Mr. Prutch: It's my understanding from talking to Heidi Goo, her name was, they may get the letter out to me soon, but not yet. My understanding was she mentioned that with SHPD, I guess SHPD and OHA are supposed to concur and ...(inaudible)... each other on these project but I guess it doesn't always happen. And I guess she said that SHPD is getting better at referring to OHA for these archaeological studies but it just hasn't come full circle. So, what she told me.

Mr. Starr: Okay, Commissioner Hedani.

Mr. Hedani: Joe, this morning I heard Mr. Kanahale speak about this particular project.

Mr. Prutch: Yes.

Mr. Hedani: And he suggested referral to the Cultural Resources Commission.

Mr. Prutch: Yes.

Mr. Hedani: What is your perspective on that?

Mr. Prutch: I don't know if I have perspective on that. I haven't had anything sent to Cultural Resources Commission. I don't know exactly what the criteria is for sending to Cultural. I know

Mr. Mardfin had read that information in there that it was referred to them and nobody's responded.

Mr. Starr: Commissioner Hedani, could we ask the director for a comment on that because he's got more experience?

Mr. Hunt: The Cultural Resource Commission has several roles. One is to review actual permits within Historic Districts. They also have the role to provide advice or review on other matters. So you do have the ability though I don't believe the Code or the Charter specifically references it but I don't think it's out of line with the Code or the Charter to send it to them for their comments. They couldn't deny it or approve it. It would just to be their comments and perhaps recommendations.

Mr. Starr: Commissioner U'u.

Mr. U'u: Question for the Director. State Ag District to State Urban, what is the potential of the build out at State Ag? That's my first question.

Mr. Hunt: I don't have the facts in front of me. Joe, can you help?

Mr. Prutch: I'm sorry what was the question?

Mr. Hunt: The potential build out under if it was Ag?

Mr. Starr: How many houses on the lot?

Mr. Prutch: As Ag, we'd believe it would be one house and I guess if they had a farm plan, the ohana.

Mr. Starr: A farm workers dwelling.

Mr. Prutch: Farm dwelling, yes.

Mr. Hunt: They could get two houses per the existing lot. What's the acreage of the existing lot?

Mr. Prutch: It's 2.75 acres or something.

Mr. Hunt: Okay, so they'd be limited to two houses plus farm worker houses. The second one would be an ohana. So it would be limited in size.

Mr. U'u: My next question. At what point the workforce housing ordinance starts at five dwelling?

Mr. Hunt: I don't know off the top of my head but there's a threshold.

Mr. U'u: I think it's five.

Mr. Hunt: We can look that up if you'd like.

Mr. U'u: And you know into giving or approving or agreeing to the county recommendations which

is to change the boundary amendment from State Ag to State Urban, for myself I don't see the benefits for the community. It's just me. There's nothing towards schools, nothing towards affordable housing. So really for me, I going be voting no if we're taking a vote. We got to weigh the options and the community doesn't have anything on this project and we grill people that come through here, grill 'em, mill 'em, send 'em back to the factory to come back. For me, I got nothing out of this. The community has none. So my personal, I mean, I'm sure people disagree with me right now, but that's my personal feeling.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I want to get a clarification from Joe on what he told Commissioner Hiranaga. The question was what is OHA - has OHA changed its position because OHA wasn't against this. The OHA letter, Exhibit 13, says they recommend denial. Did you say OHA did not change their position?

Mr. Prutch: OHA hasn't submitted anything in writing yet. All I was able to do was talk to - I didn't talk to the main person, I talked to a lady named Heidi. She said they're working on the letter, they'll get something back to me most likely, they should respond. She said she believes that the letter is going to be basically the same as it was last time.

Mr. Mardfin: So we haven't received any communication from them retracting their position?

Mr. Prutch: We haven't received any communication.

Mr. Mardfin: So we haven't received anything retracting their position in opposition?

Mr. Prutch: Yes.

Mr. Mardfin: Thank you.

Mr. Starr: Members what's your pleasure? Some action is called for. Any action we'll take. Commissioner Mardfin.

Mr. Mardfin: I move denial of the request.

Mr. U'u: Second.

Mr. Starr: Okay, we have a motion to deny. We have a motion to recommend denial by Commissioner Mardfin, seconded by Commissioner U'u. Commissioner Mardfin.

Mr. Mardfin: Can I speak to the motion?

Mr. Starr: Yes, please.

Mr. Mardfin: I believe a few weeks ago I voted in favor of the earlier project because it was lack of clear testimony from the Hawaiian community. There was very little testimony. There was no testimony in opposition. We have had now testimony in opposition to this particular one. There are

environmental concerns. There are cultural concerns. At this point I can't go along with the - I couldn't possibly approve it, so I'm voting to disapprove. Recommend disapproval.

Mr. Starr: Okay Members. Commissioner U'u.

Mr. U'u: Just on my feelings. If it was already a state urban district, I would agree because I do believe that property owners have their rights, but when you're seeking to get a state urban district, you know, then we have a problem.

Mr. Starr: Thank you. Go ahead Commissioner Mardfin.

Mr. Mardfin: I just want to say one other thing to Mr. Kaufmann. I do appreciate the concessions you made at the last meeting and I think you went a long way toward it, but at that point we didn't have any adverse testimony and now we do.

Mr. Starr: Okay, thank you. Commissioner Hiranaga.

Mr. Hiranaga: I'll be voting against the motion, although at this point I would not be prepared for a motion to approve. I would be making a motion if this one fails to defer so that this cultural assessment could be referred to Cultural Resource Commission and also wait for a response from OHA before I make a final decision. I feel the application is incomplete at this time. So it's premature to approve or disapprove.

Mr. Starr: I have a comment to make and I, you know, as Chair I don't really wish to change anyone's opinion or any votes, but sometimes I feel like I need to get something off my chest mostly so that I can sleep at night, you know. I've been diving this place since 1969. I lived on Big Beach in a house right next to it since 1969 for several months. You know, I've been in the water there pretty regularly. There's - I've been watching the reefs die. I've been watching the coral die from when it was mostly alive to when it's mostly dead. I've been watching from when there were a lot of fish to when there's very few varieties and very few fish and it's sad. In the last two months, I've seen something that is scary that I never used to see which is a surface algae blooms. I saw it once at Maluwaka by the Maui Prince I was it just about a week and a half ago by Makena Landing. You know, the first time by the Maui Prince I walked down with my gear and two tourists stopped me and said don't go in there, a tour boat must have dumped their tanks, you know. And I went in and the top foot and a half of water was just filled with a brown, you know, little brown particulates, kind of slimy brown particulates and you know, I thought maybe it was just a real fluke and then I saw it again really recently. And you know, I don't know what's causing it. I believe it's from nutrients and urbanization is - maybe this isn't the best place for urbanization. But, anyway that's all I have. This is a very sensitive place and thank you bearing with me for that. I apologize for standing on a soapbox.

Mr. Prutch: Mr. Chair?

Mr. Starr: Yeah, go ahead Joe.

Mr. Prutch: Is it possible for the applicant to come up and speak of any of these concerns on his behalf?

Mr. Starr: I don't think, you know, he's had plenty of opportunity to comment. If any members feel strongly I would defer, but I think it's time for us to call the question. Are we ready to call the question? Yeah, Commissioner Hedani.

Mr. Hedani: I have a question on this particular item. We're considering it outside of the General Plan cycle and is there a reason for that that the department's recommending approval or is it included in the General Plan for the future?

Mr. Starr: Director.

Mr. Hunt: The policy of the Planning Department is not to support community plan amendments during the pending General Plan update. There are exceptions to that policy for areas that are small in nature. The impacts are small, already committed urbanization, perhaps surrounded by urban land infills, etc. Technically in this case, they're not requesting a community plan amendment.

Mr. Hedani: It's already -

Mr. Starr: Okay, members we ready to call the question? We have a motion on the floor. It's been seconded. The motion being to deny, recommend denial. All in favor please signify by raising your hand. All opposed. Director.

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

**VOTED: To Recommend Denial of State Land Use District Boundary Amendment to the County Council.
(Assenting - W. Mardfin, B. U'u, D. Domingo, W. Iaconetti, W. Hedani, J. Starr)
(Excused - K. Hiranaga)
(Absent - J. Guard)**

Mr. Hunt: I have that as six in favor and zero against.

Mr. Starr: Okay, motion passes. Okay, thank you. Do we need a break or are we ready for another item. Which way Bruce? You good?

Mr. U'u: Any way you like go.

Mr. Starr: Okay, lets keep pushing. Sorry, but we got too much on our plate today.

Mr. Hunt: Your next item involves A & B Wailea LLC requesting a Special Management Area Use Permit for the proposed MF-10 multi-family use project at Wailea Resort consisting of nine improvement single family residential lots, 36 multi-family units housed in four buildings, commercial center of approximately 64,000 square feet and related site improvements located northeast of Wailea Ike Drive in Wailea Ike Place, TMK 2-1-008: 121 in Wailea. The file number is SM1 2008/0007 and Paul Fasi is the planner assigned to this project.

E. PUBLIC HEARING

2. **A & B WAILEA LLC requesting a Special Management Area Use Permit for the proposed MF-10 Multi-Family Use Project at Wailea Resort consisting of nine (9) improved single family residential lots, 36-multi-family units housed in four (4) buildings, commercial center of approximately 64,000 square feet, and related site improvements located northeast of Wailea Ike Drive and Wailea Ike Place, TMK: 2-1-008: 121, Wailea, Island of Maui. (SM1 2008/0007) (P. Fasi)**

F. COMMUNICATIONS

1. **A & B WAILEA LLC requesting a Step 2 Planned Development Approval for the proposed MF-10 Multi-Family Use Project at Wailea Resort consisting of nine (9) improved single family residential lots, 36-multi-family units housed in four (4) buildings, commercial center of approximately 64,000 square feet, and related site improvements located northeast of Wailea Ike Drive and Wailea Ike Place, TMK: 2-1-008: 121, Wailea, Island of Maui. (PD2 2008/0001) (P. Fasi)**

Mr. Paul Fasi: Good afternoon, thank you Mr. Director. The applicant's requesting a Step 2 Planned Development Approval and a Special Management Area Permit in order to develop the proposed development of 10 single family residential lots. There is a correction, it is 10 not 9 family residential lots on approximately 13.7 acres, 36 multi-family units housed in four separate, three-story buildings and that equates to nine units per building, recreation center, pool, interior access road, parking stalls, retaining walls including a 6.9 acre site consisting of 64,000 square feet of retail commercial space, grading, landscaping and the related infrastructure associated with this project. I know it's late in the day, and the report is quite long. So I'm just going to hit on the highlights. I know the applicant has a small presentation for you to view.

In July 2005, the planning commission approved the planned development step 1 transfer to allow 6.75 acres of A-2 Apartment zoning and 6.98 acres of B-2 Business zoning for the subject parcel and that's how it came to the present zoning.

The State Land Use District is Urban. It's in the Kihei-Makena Community Plan as multi-family. It is County zoning is A-2 Apartment. It is in the Special Management area.

I want to bring particular attention to you on page 10, 11, and 12 of the department's report relating to water usage. Apologize for throwing some numbers at you this late in the day but the department had some concerns regarding the applicant's consumption of water on this particular project.

In short, the department feels that their water consumption is excessively high. That the applicant is willing to address this, this particular excessive use, but to point it out and to bring it to your attention, there are two standards being quoted in the department's report, a system per unit standard and an empirical data standard. Basically the difference is the system per unit standard is just the theoretical guide. The empirical data standard is the actual usage based on history. And this comes straight from the Department of Water Supply's report which I believe is Exhibit No. 4 and in which they basically state that the quoted water usage that the applicant has proposed is a little bit on the low side.

So this planner did some calculations and running the numbers based on the system unit per unit standards and the empirical data standards. I won't throw too many numbers at you but basically what it comes down to is the water usage for irrigation purposes only, now for irrigation purposes only is roughly about 47% of their usage goes to irrigation. I think we heard earlier this morning when Pat Borge was up here and previously on another project where he commented and stated that you know, Wailea looks like Hana, well, it's not surprising when 47% of the water usage is going to irrigation purposes only. Their daily consumption based on empirical data standards and this is the historical usage standards based on the Water Department, basically comes out to 92,400 gallons per day or the equivalent of 154 single family homes. So their usage is exceedingly high and way beyond what the Department of Water Supply estimates what that water usage should be. Now granted there are only 10 single family residential lots on this project and historically based on the empirical data that the Department of Water Supply has quoted, the usage in the Kihei area is about 50% higher than the normal standard anywhere else on the island and that's clearly evident when you just drive into Wailea.

So the department had a very valid concern here and we would like to impose some conditions upon the applicant to reduce the consumption of their water usage and hold them accountable to this water usage consumption for a given period of time and then extend it beyond on an intermittent period to spot check their water usage. There has to be some accountability for water usage in Wailea and it has to start somewhere.

Other than that, the department supports this project. It's a good project. You may have some concerns regarding some bus stops and accessibility. There was an earlier testifier this morning talking about the lack sidewalks, and the noise from the construction trucks going down the street. I did meet with him outside and I told him I would bring it back to your attention.

The project did get Urban Design approval earlier, and it is a - design wise it's very compatible with the existing environment in Wailea. That will conclude my introduction and I will have the applicant go into the details of the development if you so choose to see it.

Mr. Starr: Yeah, how long will their presentation be Paul?

Mr. Fasi: I requested that it be between five and ten minutes max.

Mr. Starr: Okay, good and thank you for bringing the water issues to our attention.

Mr. Fasi: Thank you.

Mr. Starr: Take it away Mich.

Mr. Mich Hirano: Thank you Paul and good afternoon commissioners, Commissioner Starr. My name is Mich Hirano with Munekiyo and Hiraga and we're the planning consultants on this project and the applicant is A & B Wailea. We prepared a power point presentation of the project for the commission. So I'd like to just go to it now.

Just like to start off with giving the commissioners sort of an orientation of where the property is. This is the MF-10 project. It's approximately 13.7 acres and it's just on the north side of Wailea lke

Drive. This is Piilani Highway, Wailea Ike Drive coming down towards the water and this is Wailea Alanui Drive and this is the project site. It's approximately 13.7 acres. It's bordered to the east there's the Bluff's Subdivision and the Wailea Blue Golf Course and then as well the Wailea Gateway Center. To the north of the project is the Wailea Town Center. There's the Wailea Tennis Courts and the Wailea Grand Champions condominium and then Wailea Blue Golf Course. This is Wailea Ike Drive as well as golf courses and condominium projects on the south side. This is the Shops at Wailea.

This is again a parcel map of it. As you can see the configuration of the site is kind of an odd shape but the site plan actually blends quite well with the shape and we will get into that further on in the presentation. But I would like to just point out to the commissioners that currently there is a bus stop at this point at Wailea Ike Drive right by Mateo's. The bus stop, oh sorry down in this area, yeah, down in this area. The bus stop actually comes along South Kihei Road and up Wailea Alanui Drive and then it turns eastbound on Wailea Ike Drive, stops at Mateo's, drops off and does a short U-turn and goes back down South Kihei Road. It's a well-used route and currently the sidewalks in the vicinity of the project there are sidewalks currently now from Piilani Highway on the north side of Wailea Ike Drive to eastern boundary of the project. With this development the sidewalks will continue down Wailea Ike Drive on the north side and as well, along Wailea Ike Place to the project entrance. So there will be sidewalks all the way down with this project. And on the south side of Wailea Ike Drive there is a sidewalk starting from this area going up to Piilani Highway. And future roadway improvements call for a signalized intersection at Wailea Ike Drive and Kalawai Street and so there would be possibly a way to cross the street at the signalized intersection and have a bus stop maybe further up Wailea Ike Drive because it would be much safer spot for bus stop.

This is the planned development step 1 that was approved in July 2005. This is the A-2 Apartment area. This is the B-2 Business zone. And then again, another A-2 Apartment area at the bottom part of the project.

In terms of the land use. There are single family lots on the east side of the project. There are 10 lots and the total area is 4.2 acres. There's a multi-family component on the western portion of the site. There will be 36 condominium units. There will be nine units in four buildings, in four condominium buildings. The total acreage of the condominium site is 2.54 acres and there's a commercial site in the middle of the project area. It's B-2 zoned and it's approximately 64,000 square feet of commercial retail uses and the acreage is approximately 6.9 acres.

This is the site plan of the project. This is Wailea Ike Drive. There will be an access at the top of the project area on the eastern side and this is Wailea Avenue. It will come in, it will be a two-way roadway within the project and it exit at Wailea Ike Place. And then from Wailea Ike Place return back onto Wailea Ike Drive. This roadway is a two-way roadway so the traffic will actually be going eastbound and westbound and through the retail area and there will be angle parking within the retail area to make it a convenient stop off and just to pick up items, get back in the car and go back out. There's also as well, walkway sidewalks that can be used for those who are walking and pedestrians. The single family subdivision, the 10-lot single family development is up on the top of the project or on the east side of the project.

Something that was put in the staff report was that this roadway it's built to the standards of an A-2

urban area but it has a 56-foot right of way. The applicant will be going in for flexible design to narrow down this road and see if as well, if possible the Department of Public Works would approve sidewalks on just one side of the roadway since this sidewalk would serve no purpose. There are no residential lots on the west side of this access roadway.

As well, within the Wailea community some hotels offer shuttle service. I know there is talk about starting up a more Wailea wide shuttle service from the hotels throughout and to the Shops of Wailea to other commercial enterprises within the Wailea Resort and there is a shuttle service, bus stop that would be available for such purposes within this development and the shuttle bus would either come in Wailea Ike Place or Wailea Ike Drive and come into the project and drop off and pick up passengers and take them back to the resort.

We'll just show you a streetscape. This is looking at the project from the east to the west. This is the sort of the top part of the commercial portion of the project and it's as though you're looking at this elevation if you're in the middle street and in Wailea Avenue and you're looking at the south side buildings. And as you can see, the buildings are single story low rise buildings. This is the height limit at this point. And ... (inaudible - changing of tape)... This shows you that we're looking at this project within the streetscape of Wailea Avenue on the top part of the project.

And again, moving further westward, as again you'll see that it kind of reflects the old, some of the plantation style kind of storefronts, single stories, very small, low key type of commercial area.

And again, this is at the western tip of the commercial area. There are from this point this will be a parking area and then further to the west will be the condominium buildings and so this is the key plan of where this particular view point is taken from.

The floor plans of the condominiums are two bedroom configurations, two baths, approximately 1,500 to 1,600 square feet. There are three units per floor within each building and there are three floors of condominiums in each building. So each building will have nine units and there'll be four buildings that look very similar and for a total 36 multi-family units. And this is a elevation of the multi-family condominium unit.

Again, looking at the streetscape from Wailea Alanui Drive you'll see that the building and the site is actually somewhat lower and at the top part of the development so that as you're driving down Wailea Alanui or Wailea Ike Drive you're looking over the top of the buildings. As you come further down towards the west, the site and the roadway kind of merge and it's more level and at the bottom it's about the same grade. And this is the condominium unit at this point. This is the recreation building and beyond there's another condominium unit building.

I'd like to just go over some of the conservation practices that are reflected in this particular project. In terms of land use it's kind of built on the smart planning principals of new urbanism. It's a mixed use development. It has commercial, it has residential and it brings the residential and commercial components together in close proximity. There's the employment that's generated as well by the commercial activity and it provides convenience for those residents in Wailea, and as well, for those in the project, the residential component within the project and overall it will minimize vehicular trip generation within the immediate area.

It provides residents and resort support services to the Wailea Resort to reduce the need to travel outside the resort for certain goods and services. You know, right now there's not a grocery store within the resort area. So, it would reduce those kinds of trips into Kihei to Safeway if there were small grocery stores or fresh produce that can be purchased within the commercial retail stores.

It's conceived as a neighborhood center with a low key, small scale streetscape concept that really would be kind of the heart of Wailea. The new kind of commercial heart where people can go and pick up their day to day kind of goods and just go in and out of the retail complex.

The target market for the commercial component is really to service the visitors of Wailea as well as the local residents. Wailea has changed quite a bit over the years where there's a very permanent local residential community now in Wailea and so this development really helps to serve and provide services for those residents.

In terms of the best conservation practices on energy conservation there is photovoltaic electrical support integrated into the project in the commercial and the multi-family residences. There will also be solar hot water heating, low voltage landscape lighting and energy efficient air-conditioning systems.

This is just the elevation of that commercial area. This is kind of would be a food court area. It would be under a roof. And on top of the roof will be photovoltaic panels that would be the energy source for the photovoltaic system. And then similarly the carports of the multi-family project area will be outfitted with photovoltaic panels on the top of the carports and then the photovoltaic system will be used to supplement the common area lighting and the landscape lighting within the project.

This is the landscape plan for the project. The part of the conservation practice that I'll get into the next slide but just wanted to show the members, commission members that you know, what has been, there's native planting and really minimization of lawn areas that use the water and so the idea was to minimize the lawn areas and just keep them restricted to the right of way areas of Wailea Ike Drive and Wailea Ike Place, and as well, there'll be some within in the project area and keeping the landscape to reflect more natural and native plantings.

Paul had mentioned water and we'd like to just point out that you know, that comment from the Department of Water Supply was specifically addressing the single family development and there are only 10 single family homes in this particular project. However, the applicant, A & B Wailea has also gone to great measures to look at water conservation features for the project and some these include the low flow plumbing fixtures, reduction of lawn areas in the development, the use of drip irrigation for the most part and only limiting the spray irrigation to the lawn areas. Rain and soil moisture sensors in the landscape technology or the landscape system, the detecting system, extensive use of native plants and gutter down spouts that will drain into the landscape areas to supplement the irrigation.

There's also been best conservation practices that have been incorporated into sustainable building design and some of those features include the use of the LEED point system to guide the design. Photovoltaic electrical system, reduce heat island effect using light colors for roofs and paving and light-colored sidewalks and walkways. Energy efficient lighting and the overall project would meet

or exceed the model energy code.

And finally just the storm management system to filter storm water runoff. Filters to remove petroleum products in the drainage system and those are in the drain inlets. And the overall project will retain approximately a 115% of post development flows.

So that's our presentation. So thank you very much.

Mr. Starr: Thank you. Members questions? I have a couple. You mentioned putting in some photovoltaic and you mentioned LEED. The State DBED is requesting and they're requiring on all state-funded projects that commercial buildings and all market price housing be a minimum of LEED silver certification and that affordable housing be basic LEED certification. I want to know whether you'll be willing to really build a quality product and not make energy hog there and go for and actually come up with a LEED silver certification for all the buildings. Because it looks like you're just using the LEED name but not committing to anything.

Mr. Hirano: Chad Okinaka is the project architect and I would like to have him just talk about that what has guided the -

Mr. Starr: It is an opportunity to do something right and to be a show case. Thank you Chad.

Mr. Chad Okinaka: Yes, thanks Chairman Starr. Chad Okinaka from In Form Design. It's interesting that you mentioned just at the beginning about the State requiring now LEED silver certification. I was actually involved in the process to get that law passed. So I went to Council and testified in front of them to move that bill along. I'm the previous co-chair to Committee on the Environment for the American Institute of Architects so this is really comes from my heart, the design. And what I have is, you guys there's no way you're going to be able to see this, but we've already run kind of the LEED point system and the way that we do this is we put a yes, a maybe and a no. So what we've done is we've actually run some scenarios assuming that we're going to take certain strategies on the design. We're - silver is certainly achievable. That's something that is actually the benchmark that we've set internally to try and hit. With the strategies that we've got, we know that certified is definitely within our reach. Silver is something that we, you know, we have to take a look closer at the costs that are involved.

Mr. Starr: What are you willing to do as far as a commitment and you know, frankly ... (inaudible)... more attractive, a much more attractive project.

Mr. Okinaka: As far as whether or not we'd pursue the actual certification process?

Mr. Starr: Yes.

Mr. Okinaka: It's been something that's been driving the design since the beginning. We believe, Alexander and Baldwin has been committed up to this point at least to talk and to get to this point where we actually have something tangible that we can look at and actual specific design strategies on the building that we can use. So it would just be -

Mr. Starr: Clyde, are you willing to commit to at least a basic certification and then try for silver, but

at least - it sounds like you're going to be there, you know, from what I've heard.

Mr. Clyde Murashige: We hope to be there.

Mr. Starr: Will you commit to the basic certification?

Mr. Murashige: Clyde Murashige representing A & B Wailea. Commissioners and Chair Starr, as we went through the list and see if we could hit the certified level, we think we're really close and we'd like to stride for that and at least, try to at least get to the point where we hit those marks for certification. I think as you all know that certification is not something that we can commit to in the sense that it has to be given to us once we apply for the rating. But we certainly will try to shoot for that certified level. I mean, our efforts will be there in all of our plans that we submit and so forth, but we hope we get that certified designation.

Mr. Starr: Are you willing to offer any wording regarding that when it gets to conditions? We know that energy, you know, greenhouse gases and all that are contributing to sea level rise for the shoreline. It's a good thing. This is an SMA.

Mr. Murashige: I think if we could word a condition that we will incorporate LEED items totally up to the certified level we could make that commitment.

Mr. Starr: Okay, maybe with the planner you can write something.

Mr. Murashige: Sure.

Mr. Starr: Members? Commissioner Mardfin.

Mr. Mardfin: This doesn't look like low cost housing to me. I'm sure it's not. Are these going to be timeshare units?

Mr. Hirano: No, no, they'll be condominium units, multi-family condominium but not timeshare.

Mr. Mardfin: Do you expect that the tenant will live there full-time, year round?

Mr. Hirano: Yes, yes. Timeshares are not allowed in Wailea. It's a CC&R.

Mr. Mardfin: Okay, and these aren't going to be turned into TVRs or B&Bs or anything like that I take it?

Mr. Hirano: No. They're not allowed.

Mr. Starr: Commissioner U'u.

Mr. U'u: You guys going have to comply to the workforce housing ordinance?

Mr. Hirano: Yes, yes, it will be submit to the workforce housing ordinance as well as the water bill.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I'm just kind of curious as an economist. Who do you think your market's going to be? It's probably not going to be local people is it?

Mr. Hirano: I think that there will be quite a few people, local people attracted to this. I know that when we were doing the MF-8 project in Wailea a lot of the - we had a community meeting for that and a lot of people were looking to downsize from their current single family house into a condominium and so I think that was a market that was very attractive to those existing residences in Wailea. Clyde also would like to maybe speak on that, he's closer to it than I am.

Mr. Murashige: The mix of single family and multi-family housing is sort of a departure for us in the resort where actually the multi-family units are relatively small compared to the ones that have been built recently. In fact they're more accustomed to the initial projects in Wailea, the Ekelu Village project and the Fairway Villas project. And these units are only two-bedroom units. So they're really intended to look at permanent residents, empty nesters, young couples, people that are in the resort or would like to move to the resort. The same thing with the single family lots. They're small lots, they're 10,000 square foot lots for the resort. And what we're seeing more and more there are more permanent residents and a lot of times there are residents who have either moved from within the resort to these units or these types of units or they come from other parts of the island.

Mr. Mardfin: Any idea what the cost of - the selling price of one of these is likely to be?

Mr. Murashige: You know, if you had asked me several months ago -

Mr. Mardfin: I know, it went down didn't it?

Mr. Murashige: It did.

Mr. Mardfin: You're talking million dollars, half a million dollars, two million dollars?

Mr. Murashige: I think we're looking in a range, I think for the multi-family units we're probably looking in a range of little bit under a million to a million and a half depending on which building it's at.

Mr. Mardfin: You're not going to get too many young couples in there I don't think. You might get empty nesters.

Mr. Murashige: You know, that's very interesting. That's a good point and comment. We had a Wailea Community Association town meeting about a week and a half ago and some of the questions that were brought forward and some of the comments indicated that some of the younger people in the resort were actually kind of looking forward to this type of unit.

Mr. Mardfin: You pay better than I thought you paid.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: Mich, what is at the end of Wailea Ike Place?

Mr. Hirano: I think it goes into Wailea Town Center which is a commercial residential and then - that's Wailea Town Center.

Mr. Hedani: Wailea Town Center.

Mr. Hirano: It was a project I think that was completed about two years ago and was probably entitled about five or six years ago and it's a commercial and it has some residential components to it.

Mr. Hedani: And the time frame for this particular project is to being construction immediately or what are you looking at?

Mr. Hirano: Again, I'd like to ask Clyde for that.

Mr. Murashige: Just given the permitting time of construction drawings and so forth, we think that the earliest that the project will probably be approved is sometime in 2010. Then we go out for bid. So the project I think probably won't start till end of 2010, 2011.

Mr. Hirano: I think Commissioner Hedani just on the step 3 application part of that would be the phasing and the - phasing plan and the financing plan that has to come before you for the step 3.

Mr. Starr: I want to ask about sidewalks and bicycle access in and out.

Mr. Hirano: Yes. The sidewalks as I mentioned, you want me to show you where the sidewalks are?

Mr. Starr: Yeah, we had some testimony earlier regarding the current lack.

Mr. Hirano: Just have to get the computer up and running again. Generally just to explain, we don't have the site plan but sidewalks on the north side of Wailea Ike Drive come from Piilani Highway and right now to the eastern boundary of the MF-10 site. With this project, the sidewalks will continue along Wailea Ike Drive and go to Wailea Ike Place and then make that kind of hook and along Wailea Ike Place. Further west between Wailea Ike Place and Wailea Alanui Drive there are no sidewalks and there's a golf course that is in between or is that existing site or on that north side. On the south side of Wailea Ike Drive the sidewalk I believe only goes to the bus station or bus stop now just a little ways up on Wailea Ike Drive. And then it continues again from just Mateo's and up to Piilani Highway on the south side.

Mr. Starr: So there's no way that someone can walk from this project to the Shops of Wailea or to any of the beach access without walking onto the street is that correct? You're designing it for automotive - so people will have to -

Mr. Hirano: They will have to cross the street, and crossing the street could pose, you know, there's no crosswalk or signalization at this point in time.

Mr. Starr: What are you willing to do to correct that? I know it's very difficult to support when you can't walk to the beach, you can't walk to Shops of Wailea from there?

Mr. Hirano: We looked at that and it is something that overall Wailea Resort is grappling with is to incorporate and connect sidewalks, walkways and bicycle paths throughout Wailea Resort. We met with Public Works on that precise item in terms of sidewalks and Mike, do you want to just comment on that portion of it? And before Mike does I'd like to just say that in the long term as well, there is a network in the long term where will be a sidewalk and crosswalks and a controlled intersection at Kalaiwaa which is on the east side, on the eastern property boundary of this project. So you can cross at that point when that roadway improvement gets completed. There will be a signalized intersection and crosswalks.

Mr. Starr: Doesn't this organization still control the golf course?

Mr. Hirano: No. the golf course is owned by Golf BC.

Mr. Starr: What has to happen to get a sidewalk? It's very difficult for some of us to approve a project that you can't walk in and out of, that you have to get in a car to go to the beach or to go to a shop.

Mr. Hirano: Just on the sidewalk question and then -

Mr. Starr: Yeah, Mike.

Mr. Mike Miyamoto: Thank you Mr. Chair. The sidewalks on the north side of Wailea Ike are nonexistent at this point. When this project comes in their whole frontage will have the sidewalks. As they mentioned, the golf course parcel is not controlled by this group so there's no provision for the specific sidewalks. It was interesting in the applicant's presentation that they had mentioned that you know, the second access that's further mauka on Wailea Ike and possible expansion of the current bus route that could be implementing a bus stop along Wailea Ike along their frontage which could serve as, you know, for the pedestrian to want to walk to that bus stop, use the bus facility to get down Wailea Alanui to other alternatives but as right now we're limited by the crossing of Wailea Ike from the mauka bound to the makai bound direction because that bridge that currently - that roadway also serves as a drainage and right now there just isn't sufficient width to provide a sidewalk crossing from one side to the other side.

Mr. Starr: There's no way to make a crosswalk?

Mr. Miyamoto: The crosswalk is fine but there's insufficient space right now for any kind of sidewalk that would meet the requirements.

Mr. Starr: You mean on the south side?

Mr. Miyamoto: As you cross the median area. But as far as on the - the south side has the sidewalk on the -

Mr. Starr: Is it continuous all the way up and down, I don't think so.

Mr. Miyamoto: They're indicating that it is, but it's on the north side that you don't have it because the golf course parcel is controlled by someone else at this point.

Mr. Starr: Is it possible to make a crosswalk to get over from the north side to the south side and give them a sidewalk?

Mr. Miyamoto: The problem we have there is that that cross over isn't sufficiently wide enough to support a sidewalk at this point. There's not enough space on that structure that crosses that drainage channel that comes down the median. You know there's a wide median.

Mr. Starr: Well, couldn't they build that?

Mr. Miyamoto: That's not - I mean, that's certainly a possibility but it's not something that we have currently in our current CIP package.

Mr. Starr: I mean, it just seems like it's - you need to be able to walk - if someone's going to live there, kids should be able to walk to the beach or walk to the Shops of Wailea or go from Shops of Wailea to the shops and restaurants up there. I mean, is there is something -

Mr. Hirano: Chair Starr, I'd like to ask Bud Pikrone who is the manager of Wailea Community Association because it is a more regional wide problem.

Mr. Bud Pikrone: Good evening Chair and Commissioners. My name is Bud Pikrone, General Manager of the Wailea Community Association. To address your questions, there is a sidewalk that runs continuously on the south side of Ike Drive from the Shops all the way up. The crossing has been a concern of ours for some time. I don't know who the member was who spoke this morning but probably lives in the Grand Champions area which makes it very difficult for them to get down to the Shops area. We are in negotiation with the golf course. They will be coming to you for an SMA to do some improvements to the golf course at some point so we've been working with them to continue that walkway from this project down to the Shops. There is already a cross area that was built in originally at the intersection on the north side of the road, but was never completed. So we do hope to do that.

We also would like to have a crosswalk going across the street on Ike at some point. However, because the Council had put a condition 670, put a traffic light at Kalaiwaa which we didn't feel was very logical because it's not a four-way street like this would be at Ekolu Place, I would hope to at some time try and convince that to be changed down to Ekolu Place which would be much more logical to have a traffic light and safer for a crossing and then we could get a crossing to go across there.

We are working on at this time actually part of our strategic plan to put in a shuttle or a bus service to one, complement the Maui Bus, allow people in the area to get to these store and other shops in the area and golf courses without driving and also get to the beach accesses because parking is a problem always at the beach accesses. So we are working on that and that is in the process at this time to get that plus service or shuttle service started soon so it's in place for the Gateway Center when that opens and then when this shopping opens. So those are our plans at this stage for sidewalks, pedestrian traffic and to move people around within the resort. Other than that, I

don't know should I do any of my testimony at this time or just answer your questions, okay thank you.

Mr. Starr: Members we've got to wrap up one way or another, we'll be deferring or keep moving. Yeah, go ahead Commissioner Mardfin.

Mr. Mardfin: My major concern on this project is water. Earlier we were concerned about you know just making these areas look like Hana I believe the expression was and we get it naturally from the skies. You're pumping it out and I think taking, what was the estimate - the effective water of 143 homes. A 143 homes on this island that wish they had water. So it makes me really negative about it.

Mr. Hirano: I'd like to just make two comments on the water. One that the applicant I guess an affiliate of the applicant A & B Properties is working with the Department of Water Supply on looking at more surface water treatment for the Waiale reservoir and that would add to the Central Maui system. So they are looking to increase source supply through their affiliate organization.

Mr. Mardfin: How long are we talking about?

Mr. Hirano: We're just doing the environmental impact statement on it. The preparation notice should be out shortly and they're probably looking at two to three years I would think for that.

Mr. Mardfin: To begin it or to implement it?

Mr. Hirano: To implement it. The other thing is that the Planning Department in their recommendations has made a condition. We've requested some modification of that but there will be some accountability with respect to the water and as I mentioned there are conservation practices that have been incorporated into the design and it will be monitored to make sure that it does not exceed what was projected and if it does then there will be further conservation measures put into place. So the water use will be looked very carefully over the term of the project.

Mr. Starr: Commissioner Hedani.

Mr. Hedani: Mich, we previously had spent an inordinate amount of time going over the view plane from Piilani Highway to the sea, how does this project impact that view plane?

Mr. Hirano: Most the property as you come down Wailea Ike Drive you're looking over the buildings. The project area is at a grade below. Some of the condominium units at grade will probably you know, be quite visible from Wailea Ike Drive but I'd like to have the architect as well come back up and just sort of talk about the view planes to the project.

Mr. Starr: Before we do that, we're running into a time issue. I know I'll have to leave very shortly after 5:00. I think we'll lose Corp. Counsel and maybe some others.

Mr. Hirano: Can I just comment or just follow up on the LEEDs condition?

Mr. Starr: Yeah.

Mr. Hirano: The applicant will be amenable to a condition that has the wording, "the applicant shall include LEED standards which meet certified levels in construction plan submittals."

Mr. Starr: For all buildings.

Mr. Hirano: For all buildings. Yes.

Mr. Starr: Okay, good. Anyway, I kind of want to poll the members what we want to do. We have one other item that if we can, regarding a park in Hana that I don't think will take long but there's a real urgency apparently to get that passed and built, the director tells me. Should be continue this, should we defer this? I have a feeling we're not going to get through this. I know there's a bunch of public testimony on this item. Members?

Mr. Mardfin: I move to defer the project to a date certain.

Mr. U'u: I'll second. We won't make it anyway.

Mr. Starr: Okay, we have a motion and a second to defer it till, yeah, go ahead Clyde.

Mr. Murashige: Could we have, I think there's only one testifier, if we could finish the public hearing?

Mr. Starr: Yeah, I'll allow that. I think there's several, there'll be several testifiers. It would really.

Mr. Hiranaga: Poll the audience.

Mr. Starr: How many people will be looking to testify? I see - Is that allowable, will you pull back the motion?

Mr. Mardfin: Sure.

Mr. U'u: Sure.

Mr. Starr: Okay, come on Bud you're up. Really quick. I'd love to ask you a million questions but it will have to wait till next time.

a) Public Hearing

The following testimony was received at the beginning of the meeting:

Mr. Starr: Next is Jim August followed by Daniel Kanahale. Jim, please introduce yourself, welcome and thank you for coming.

Mr. Jim August: Jim August. ...(inaudible)... Wailea Ekolu 103. I'm concerned about the project that's across the street from us on Wailea Ekolu or Ike coming down off the Piilani Highway. Needing access, the only current access on down the road where it goes back into the Grand Champions. When they start this project -

Mr. Starr: Is this about the A&B MF-10?

Mr. August: Right. Right.

Mr. Starr: Okay.

Mr. August: Yes, thank you.

Mr. Starr: Please continue.

Mr. August: I'm a little nervous here.

Mr. Starr: No, you're doing fine. I was just a bit confused.

Mr. August: There, the current access is the street that goes into Grand Champions and that's the third street down, but there is no other streets that turn to the north to come into this development. If, and I haven't been able to see the plans, but I would request that an access be granted higher up on the street so as to minimize the traffic through the residential area. And if it can't be done permanently that at least during construction. We have excessive amount of truck traffic going down that hill and back up the hill. I mean, since the Piilani Highway has not been extended and I don't see why that can't be done to get down to Makena area. So access into the new development at the top of the development rather than at the bottom.

The second is, and maybe asking an awful lot but I think there should be a sidewalk especially coming in off where Grand Champions is at. I see over a hundred people a day walking in the street. There is no sidewalk. And heaven forbid some of them venture off onto the golf course and they get hit by the golf ball, but worse they may get caught by golf course management which my mother while visiting here got caught walking on the edge of a golf course and she was scared. So sidewalks, access sidewalks.

The other is just general construction traffic coming down that hill. It would be nice if the trucks were required to have mufflers and it would be nice if they did have mufflers that they didn't use excessive engine breaking coming down that hill. There seems to be a challenge amongst some of the truckers to see who can make the most noise coming down that hill. So I don't know if there's any way that you can put that in a requirement for the construction, and I don't think there's any way we can pose the process per se, and it would help not only this project but others if you could do something with the requiring construction noise to be held down. Thank you.

Mr. Starr: Okay, thank you Jim. If you want, you're welcome to borrow here and take a look at one of the staff reports which the staff has one or you can borrow mine and take a look because I believe there is a separate entrance to it. And you're welcome to take a look at it. Thank you very much.

Mr. August: With the staff over here? They'd have it?

Mr. Starr: Paul's got it back there.

Mr. August: Okay, thank you.

Mr. Starr: Okay, thank you.

This concludes the testimony received at the beginning of the meeting.

Mr. Bud Pikrone: I'll be quick and I'll come back next time to be here to answer questions. Again, my name is Bud Pikrone from the Wailea Community Association here to express our support of the project. The association's design committee has reviewed and approved the preliminary plans on this. We do review everything from the view planes to the landscaping, but we've gone through the preliminary plans at this point. We like what we see. We commend them on their concept. As you saw, it's supply community related elements to the area. This is something we really need and fits into our strategic plan for the future of trying to bring not just cohesiveness but also bring businesses there so that we can reduce traffic and save energy. We've already seen some of that in the Town Center coming in with a bank, a hair salon, doctor, etc, and we want to see that continue so that we can help the community.

We also applaud A&B for in these times, these tough times for looking forward and not letting this drag them down to look out three, four years down the road so that we can continue to be on the right track in making our community more supportive of the residents and their needs. With this planning in mind as I mentioned before we also as an association has taken on new steps as trying to improve moving through that community, bringing the community together with businesses and trying to support a population that is becoming more permanent and more people are beginning to stay there at a longer time. We see that because the baby boomers are hitting that age and will continue for the next 42 years to hit that.

So we did have town meeting recently and we have had A & B go to the many meetings over the past two years discussing this project and we have not received any negative feedback to our association though I understand there's been some concerns that have come before you and I just want to quickly mention those.

We did look at view coming down and for the most part the buildings, our concern was that they were below the trees. The monkey pod trees that line the road are going to hide the buildings pretty much. You'll see under them to the buildings but you won't see over the trees and see any of the building.

Traffic mitigation and the construction will be handled by our committee as we do with every project and trust me, I've been through four major projects in the last four years there and we've had to handle all of the traffic that we've had. So again, our committee and our association is glad to have a project of this come to Wailea.

Mr. Starr: Okay, thank you Bud and thanks for - I know you're working hard to build a great community there. Please try to help find a way to solve the pedestrian problem over there. Mr. Kanahale come. Thanks for being patience and hanging with us today.

Mr. Daniel Kanahale: Aloha ka ko Commissioners. Daniel Kanahale. I'm actually a Wailea resident. I think I'm one of the few kanakas that I know of that still live in Wailea, but this is my

neighborhood so I'd just like to share some comments on it.

You know, some people say Wailea is Kihei but with sprinklers and that is so true. You know, 50% of all the water from Central goes to South Maui and 70% of that is used by irrigation. I feel really guilty of all the water that we use. You know, I hate to say this but our community is the water hogs of Maui. We use more water than any other community. So I hope you look really closely at water use in any project that comes before you.

Other point, traffic analysis. We've got a lot of big projects coming down the pipe. Wailea 670, possibly Makena Resort, all of those projects in my opinion have woeful traffic analysis. This is located in a corner I'm very familiar with, Wailea Ike and Piilani. Going to have Wailea Gateway come on line with their traffic coming up making that hairpin turn and you have this project coming up. You really have to have good traffic analysis. Piilani is really heavily used and in my opinion not a very safe highway. I think it's below the national safety standards because it doesn't have a median and it doesn't have enough of a, you know, on the sides.

Other point, view planes. I remember when Gateway, Wailea Gateway came before you, you folks were talking about view planes, Commissioner U'u was concerned about the view planes, I keep bringing up your name commissioner, but you ask good questions, and if you go down there now and you look at what's up in Gateway, what they built, it has obstructed the view plane. You go down there Piilani Highway, you look to the right and you see the super structure of the commercial building. It blocks the view planes. There's an article in today's Maui News in Letters to the Editor. Read that. A lot of people feel that way.

Wailea is a high end luxury resort community. There's nothing local about Wailea. The only thing local about the community is the people that work there and the only thing it would make it more local if you had more people working and living there, the odds that this is going to provide homes for local people is zero. A lot of the condos down there are empty most of the year. I know that because I live down there. You go down there at night, empty. This is not for locals. This is for offshore people, people with money. Anything over \$600,000 not for local people.

So lights, and the last point, light pollution. I live in Maui Meadows. The thing Wailea people love it to be able to see the night sky. You gotta mitigate light pollution for new projects coming on line so we can look at the sky at night. Thank you so much. Mahalo.

Mr. Starr: Okay, and thank you for your concerns. Commissioner Mardfin, you had a motion?

Mr. Mardfin: My motion is to defer to a time - we don't have time to finish it. So my motion is to defer to a time certain.

Mr. Starr: Clayton isn't here, could we defer it to a meeting in January?

Mr. Mardfin: I move to defer to a meeting in January.

Mr. U'u: Second.

Mr. Starr: Okay, motion by Commissioner Mardfin. Seconded by Commissioner U'u to defer to one

of the January meetings. All in favor please raise your hand. Any opposed?

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

VOTED: To Defer the Matter to a Meeting in January.
(Assenting - W. Mardfin, B. U'u, K. Hiranaga, D. Domingo, W. Iaconetti,
W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Starr: Unanimous. I'd like to request we very quickly handle this referral to the Hana Advisory Committee on Paani Mai Park. If anyone has a problem with it we can deal with it. In which case, we would request a motion that Item I-1 be moved up on our agenda.

Mr. Mardfin: I move that Item I-1 be moved up on our agenda.

Mr. U'u: Second.

Mr. Starr: Okay, moved by Commissioner Mardfin, seconded by Commissioner U'u to move up Item I-1. We're going to handle this in warp speed, Director.

I. DIRECTOR'S REPORT

- 1. Designating the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following applications:**
 - a. Council Resolution containing the following draft bills for the Paani Mai Park Expansion project at TMK: 1-4-006: 025 and 1-4-0006: Portion of 001, Hana, Island of Maui: (D. Dias)**
 - 1) Community Plan Amendment for Parcel 1 from Multi-Family to Park (CPA 2008/0004)**
 - 2) State Land Use District Boundary Amendment for Parcels 25 and portion of 1 from State Ag. District to State Urban District (DBA 2008/0003)**
 - 3) Change in Zoning for Parcels 25 and portion of 1 from State Interim District to PK-2 Park District (CIZ 2008/0005)**
 - b. MS. TAMARA HORCAJO, Director, DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the Paani Mai Park Expansion project and related improvements at TMK: 1-4-006: 025 and 1-4-006: portion of 001, Hana, Island of Maui: (SM1 2008/0010) (D. Dias)**

Mr. Hunt: The agenda item concerns the designation by this commission to the Hana Advisory Committee to conduct public hearings on two applications. And one is for the Council Resolution for draft bills for the Paani Maui Park expansion at TMK 1-4-006:25 and 1-4-006: portion of 001 in Hana.

The second one is for the Director of Parks and Recreation requesting Special Management Area permit for the Paani Mai Park expansion project. Same TMKs.

Mr. Starr: Okay, we have a planner on it or this is just that?

Mr. Hunt: That's all we need.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I'd like to move -

Mr. Starr: No, no, no, little too fast, I'd like to call for any possible public testimony on referring the Paani Mai Park to the Hana Advisory Committee. Not seeing any public testimony is closed. Go ahead Commissioner Mardfin.

Mr. Mardfin: I move that we refer the two items, the Council Resolution and the Special Management Area Use permit to the Hana Advisory Committee to conduct public hearings and make recommendations to us on the two applications.

Mr. U'u: Second.

Mr. Starr: Okay, moved by Commissioner Mardfin, seconded by Commissioner U'u to refer the two items for public hearing to the Hana Advisory Committee. Any comments, amendments? Not seeing any, all in favor please raise your hand. Any opposed?

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearing for the Items I-1 and I-2.
(Assenting - W. Mardfin, B. U'u, D. Domingo, K. Hiranaga, W. Iaconetti, W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Starr: Unanimous. Okay, thank you. Director.

2. Notification of the issuance of a time extension on the following Special Management Area Emergency Permit:

Special Management Area Emergency Permit time extension for repairs and actions at 11 Hale Malia Place, TMK: 4-3-003: 096, Napili, Island of Maui. (SMX 2008/0219) (SM3 2008/0004) (SSA 2008/0020) (EAE 2008/0026) (T. Abbott)

Mr. Hunt: We also have a notification of the issuance of a time extension of a special management area emergency permit at 11 Hale Malia Place, TMK 4-3-003: 096 in Napili and Thorne Abbott's here if you have any questions. Otherwise it's just a notification.

Mr. Mardfin: We don't need to take any action.

Mr. Starr: Thorne, can you a little bit about it. Give us the 30-second -

Mr. Thorne Abbott: Yeah, somebody built a large home on the shoreline, there was a big storm, all their drainage ran into the backyard and that saturated the area. Their seawall subsequently collapsed. It's about a 55-foot, 25-foot high cliff. There's no beach resources there and there's no public access. The home is now 12-foot away from the ocean. So it's pretty dire situation. What they're proposing is put an emergency wall up and then come in and that wall will probably be the final concluding - what they build is probably what they're going to end up with and we'll come back with a shoreline variance and draft EA, final EA and SMA major. There's some language changes on the conditions, but they're pretty much minor.

Mr. Starr: Okay, and no action is required on our part right now?

Mr. Abbott: No, it's just notifying you. Technically the Director has to notify the commission before it's official.

Mr. Starr: Okay, and we know you'll work diligently to make sure that the proper environmental solutions are.

Mr. Abbott: Correct. Yes sir.

Mr. Starr: Okay, thank you. Thank everyone for their patience, great meeting. Thank you staff. Planner Loudermilk, Robyn.

Ms. Robyn Loudermilk: Yeah, I'm here on agenda item, Western Apartment Supply. I have not heard what is going to occur. If it's going to be deferred, to when? Notification. We need to be able to advise the applicant.

Mr. Starr: Item will be deferred because we've run out of time. I'll be meeting with Clayton tomorrow on agendas. He'll tell you as soon as he's able to schedule it.

Ms. Loudermilk: Okay, maybe some clarification from Corporation Counsel in terms of further renotification, what other procedural issues we need to be made aware of so we can ensure.

Mr. Giroux: As a safety I think you should just put it on the next agenda item because it looks like there's a lot of notification issues. If we just leave it up and we don't have a date at this meeting then we could run into some problem.

Mr. Chris Hart: Chris Hart, Chris Hart and Partners. Could I just say that is it possible, you know, from the point of view of notification, we're not opposed to deferral, but you know, open the hearing and basically see if there's anybody that wants to testify in which I doubt that there is, and close the hearing. Is that possible?

Mr. Starr: I prefer not to do that because it kind of reeks of just shoving something through without the public really having a great opportunity.

Mr. Hart: Well, the public's had a great opportunity all day long. It's been on the agenda and it was

properly noticed.

Mr. Giroux: Chair, I think what you can do is I mean, if you open it close it that will take care of the notification. If anybody had gotten the notification they would have signed up and had been on the list. But when it's put on the next agenda item because it's on the agenda item, the public would be allowed to testify if they had missed this meeting. So I think the only concern is that we, procedurally we need to announce the date and time at this meeting so that ... (inaudible - changing of tape)... What occurred at this meeting, they would be able to know when the next meeting so that would make sure that they could follow up on the project.

Mr. Starr: Okay, well, I leave it up to the body. Yeah, go ahead Commissioner Hiranaga.

Mr. Hiranaga: My understanding is you need a motion to defer?

Mr. Starr: If there are items we don't get to they become deferred, but it is better to do it under a motion.

Mr. Hiranaga: If you do not address the item and you adjourn the meeting it basically goes to the next meeting, right? Is that correct?

Mr. Giroux: Yeah, it should but it should be made clear though I mean, especially when there's noticed items and public hearing requirement.

Mr. Hiranaga: Well, I would think that we should open the public hearing.

Mr. Starr: Okay, well then make a motion to move it up on the agenda and well do it.

Mr. Hiranaga: Make a motion to move up agenda item E-3.

Mr. Mardfin: Technically it's not - we're there now.

Mr. Starr: We're there.

Ms. Loudermilk: We are there.

Mr. Hiranaga: To hear.

Ms. Loudermilk: Public Hearing.

Mr. Starr: We will open it up. We're on item E-3, Western Apartments Supply and Maintenance Company and we're going to move straight to public testimony for the public hearing.

E. PUBLIC HEARING

- 3. WESTERN APARTMENT SUPPLY & MAINTENANCE COMPANY requesting the following land use changes for the Maui Oceanfront Inn and Sarento's on the Beach Restaurant project at 2980 South Kihei Road, TMK: 3-9-004: 029 and**

3-9-004: 149, Kihei, Island of Maui (R. Loudermilk)

- a. **Community Plan Amendment from Single Family Residential to H-M Hotel (CPA 2006/0005);**
- b. **Conditional Permit to maintain current hotel and restaurant uses of the subject property and improve Parcel 149 with the construction of a paved parking lot (CP 2006/0012)**
- c. **Shoreline Setback Variance to maintain current hotel and restaurant uses of the subject property and improve parcel 149 with the construction of a paved parking lot. (SSV 2006/0004)**
- d. **Special Management Area Use Permit to maintain current hotel and restaurant uses and construct a parking lot on parcel 149. (SM1 2006/0017)**

F. COMMUNICATIONS

2. **WESTERN APARTMENT SUPPLY & MAINTENANCE COMPANY requesting an Offsite Parking Approval for the Maui Oceanfront Inn and Sarento's on the Beach Restaurant project at 2980 South Kihei Road, TMK: 3-9-004: 029 and 3-9-004: 149, Kihei, Island of Maui (OSP 2006/0002) (R. Loudermilk)**

Mr. Starr: We're going to move straight to public testimony for the public hearing.

a) Public Hearing

Mr. Starr: Any members of the public wishing to testify please make yourself known. Okay, not seeing any, public testimony will be closed. Do want to make it clear that there will be further opportunity to testify at subsequent meeting.

Ms. Loudermilk: Yes, that's correct. There will be further opportunity for people from the public to testify on this item.

Mr. Starr: Okay, as far as action for deferral on this, there's a full agenda for the next meeting already set, you know, we can shuffle something on that to put this there, but since Clayton's not here it might be preferable to put it into the first January meeting.

Mr. Hart: Mr. Chair, I'll tell you that our power point is just going to be five minutes and that's it. We're only going to consider two parts of this at this time which would be the community plan amendment and the conditional use permit and the rest of it gets deferred until the entitlement portion is dealt with by the Council. I'll make it fit in the next meeting, whatever we gotta do. Okay, does anyone want make a motion to defer to the next meeting?

Mr. Mardfin: Move to defer to the next meeting.

Mr. U'u: Second.

Mr. Starr: Okay, all in favor. Any opposed?

It was moved by Mr. Mardfin, seconded by Mr. U'u, then

VOTED: To Defer the Matters to the December 9, 2008 Meeting.
(Assenting - W. Mardfin, B. U'u, K. Hiranaga, D. Domingo, W. Iaconetti,
W. Hedani, J. Starr)
(Absent - J. Guard)

Mr. Starr: Okay, it's deferred to the next meeting.

Ms. Loudermilk: Thank you very much.

H. ACTION MINUTES OF THE NOVEMBER 10, 2008 MEETING

Deferred due to loss of quorum.

I DIRECTOR'S REPORT

- 3. Planning Commission Projects/Issues**
- 4. Discussion of Future Maui Planning Commission Agendas**
- 5. EA/EIS Report**
- 6. SMA Minor Permit Report**
- 7. SMA Exemptions Report**

Above items were deferred due to loss of quorum.

J. NEXT REGULAR MEETING DATE: December 9, 2008

The meeting was adjourned at 4:25 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Jonathan Starr, Chairperson
Donna Domingo
Wayne Hedani
Kent Hiranaga
William Iaconetti
Ward Mardfin
Bruce U'u

Absent

John (J.B.) Guard IV, Vice Chairperson

Others

Jeff Hunt, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works