

**MAUI PLANNING COMMISSION
REGULAR MINUTES
MARCH 27, 2012**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:01 a.m., Tuesday, March 27, 2012, 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.)

Chair Hiranaga: ...meeting. Commissioner Domingo is excused from this meeting. First item on the agenda is Item B, Resolutions thanking outgoing Members, Loris Sablas and Ward Mardfin. Deputy Director?

B. RESOLUTIONS THANKING OUTGOING MEMBERS - Lori Sablas and Ward Mardfin

Ms. McLean read the Resolution for Mr. Mardfin:

WHEREAS, The Maui County Planning Commission was established in 1958; and

WHEREAS, since December 2007, Ward Mardfin has served as a member of the Maui Planning Commission; and

WHEREAS, Ward Mardfin, has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

WHEREAS, Ward Mardfin's term of office will expire on March 31, 2012, now therefore

BE IT RESOLVED, by the Maui Planning Commission that it does hereby express its deepest gratitude and appreciation to Ward Mardfin for his service during the past four years and four months and does hereby extend its best wishes in his future endeavors; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui and the Honorable Danny Mateo, Chairman of the Maui County Council.

Chair Hiranaga: Commissioner Mardfin, would you like to say a few words?

Mr. Mardfin: Yes, as a matter of fact I would. What a surprise.

Mr. Shibuya: You're limited to three minutes now.

Mr. Mardfin: I can do it in three minutes. This is the first time I've been appointed to a Commission and I've enjoyed it. I've learned a great deal over the four and a quarter years I've been privileged to serve.

I wanna thank the past Commissioners that I've interacted with. Patty Eason who I actually didn't but convinced me to apply for it. Johanna Amorin, Wayne Hedani, Doc Iaconetti, Bruce U'u, J. B. Guard, Joan Pawsat, Orlando Tagorda and Jonathan Starr. And I'd like to especially thank the present Members of the Commission, Chairman Kent Hiranaga, Donna Domingo, Lori Sablas, Penny Wakida, Warren Shibuya, Jack Freitas, Keone Ball and Ivan Lay for everything you've--I've learned from you folks. I also want to thank Members of the Hana Advisory Committee who I see much more frequently than you. I want to thank your Secretary Carolyn Takayama-Corden for everything she's done to make my life easier here, and our former Planning Directors and Deputies Jeff Hunt and Colleen Suyama, Kathleen Aoki and Ann Cua and our current Will Spence and Michele McLean. I want to thank my personal law professor, James Giroux and Michael Hopper. I sat next to him and learned humongous amounts of law from him. And for the person who is in here that gave me the most fun part of my job, Joe Alueta for legislation and Public Works, Mike -- I learned a lot from Mike Miyamoto and Rowena Dagdag. All the past/present planners especially from Current Planning headed by Clayton Yoshida and Long Range Planning with John Summers especially Dave Michaelson, Mark King and Stan Solamillo when we were going through the General Plan. I have great respect for the professionalism of the Maui County Department of Planning Staff. The public gets their money's worth from the hard and thoughtful work of these people. I have gratitude for all the members of the public especially the non applicants who come forth to selflessly give their time and expertise to help participate in the process including members of GPAC like Lucienne de Naie, Dick Mayer and Leslie Bruce.

December 2007, I had my Council confirmation hearing and Councilmember Baisa said, "what's your vision for Maui County?" And I had some general comments and ideas but concluded with, "I don't have an answer now but in five years I think I'll have a real good answer." It's not four and a quarter years later and one of the most interesting things I've had the opportunity to do was to review the Maui Island Plan as it came from the GPAC which helped me form my vision. My vision includes a strong element of home rule. We have many different communities on Maui and each has its own dreams for the future. What fits for Kihei or Lahaina, Kula, may very well not fit for Hana Town or even more so for Kipahulu or Keanae and Hana District.

I believe the update of the community plans that are to be developed over the next several years is the single most important challenge facing the residents of this County in terms of planning. It is there that each community can enshrine what is important to it. I was somewhat unsuccessful in this but I tried to insert the phrase, "consistent with the community plan," at the end of virtually of every policy in the overall Maui Island Plan. I still believe we should let the community plans rule and the Maui Island Plan should integrate the different communities and smooth out the areas where there's multiple interaction and overlap.

My vision has a balance between economic development and jobs with sustainability and preservation of the natural and cultural and historic environment. A pristine environment with no jobs will lead to ghost towns. Runaway development will result in concrete covering all our communities with us wistfully remembering our former past. Change is inevitable, but change must be guided and not totally driven by private personal gain with no regard for the rest of the community. My vision is an island of aloha with a fruit salad of people, kanaka maole, kamaaina and newcomers who manage to get along with each other and share our various cultures with a special place of honor and appreciation for our host culture. Despite the struggles to survive

economically, we must not sellout to the highest bidder. We must ensure that our children and their children will always have Maui no ka oi as their bedrock for the future.

I said at my confirmation hearing, I don't think the Planning Commission has to give in to every desire that developers have. We have to make sure that the needs of the community as a whole are protected. Now, more than ever, I believe this is true. We need to support good projects, use conditions to improve mediocre ones, and reject bad ones. The Planners have to follow the bare minimum of the letter of the law, but the Maui Planning Commission often follows the spirit of the law. Several Planners have told me over the years that our reputation for the way we are careful and thorough in our analysis of projects gives the Planners leverage to get better outcomes from developers before they come to the Maui Planning Commission. I'm confident future Commissions will live up to this fine tradition.

I have three wishes. I hope the Commissioners will continue to ask lots of question so they fully understand all the impacts of the project. Often things are hidden and need to be discovered through careful reading, public testimony and sharp questioning. Be open but skeptical about what the applicant's present, trust but verify. I hope the Maui Planning Commission will continue to help improve projects through appropriate conditions and I'd urge you to explain your reasons for your voting often so the public and the developers kind of understand why you're doing things as well as just your particular vote on it. I hope--my third wish, I hope there will be a Hana resident appointed as a Commissioner for the following year so that my distant community will be fully represented in Maui's decisions. The next year we're not going to have somebody from Hana. Thank you all very, very much. Aloha.

Chair Hiranaga: After that, I'm not sure to say. Thank you very much for those impromptu comments, Commissioner Mardfin. Your presence will definitely be missed and for myself, your unique and important insight was very important to this discussion. Thank you.

Mr. Mardfin: Thank you, sir.

Chair Hiranaga: Next is Lori Sablas.

Ms. McLean read the Resolution for Ms. Sablas:

WHEREAS, The Maui County Planning Commission was established in 1958; and

WHEREAS, since March 2009, Lori Sablas has served as a member of the Maui Planning Commission; and

WHEREAS, Lori Sablas, has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

WHEREAS, Lori Sablas's term of office will expire on March 31, 2012, now therefore

BE IT RESOLVED, by the Maui Planning Commission that it does hereby express its deepest gratitude and appreciation to Lori Sablas for her service during the past three years and does hereby extend its best wishes in her future endeavors; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui and the Honorable Danny Mateo, Chairman of the Maui County Council.

Chair Hiranaga: Lori would you like to say a few words? We've suspended the three-minute limit.

Ms. Sablas: I think with me, you don't have to worry about that. I'm sorry that I missed Commissioner Mardfin's wise words of wisdom because he has been a guiding force for all of us and I really, really appreciate the mana`o you've shared with us over the years. I feel privileged that I've been able to serve in this capacity. I've always felt that I was very blessed to have been born and raised on this very, very, very beautiful island of Maui. My entire career has been spent in the visitor industry, half of them traveling all over the world talking about my home island and what a special place it is.

And I remember at one time it donned on me that the question came, Lori, you're going all over talking to people all over. Telling them about what a wonderful place you live and encouraging them to come here, but what are you doing? What are you doing to protect your island home? And so in my small way I try to be involved and to be as a wise person told me that if you wanna make a difference you have to have--to be at the seat at the table where decisions are made. And definitely we've made some really major decisions around this table and we continue to do that.

But you know, I'd like to again, maybe if I leave some words of wisdom for the Commissioners is to think as the Hawaiians all did. And when making decisions it wasn't for you know, tomorrow a 20-year plan. It was seven generations. When you think about the wisdom of that type of planning by generations may that be a guidance because our island is very, very special. In my lifetime and I'm going to turn 69 this year, and I'm fine with that, but in my lifetime I've seen more changes on my home island than my mom, her mom and her mother. Three generations. So think about that Commissioners. We are pretty much in the same generation, some younger, but what will the next seven generations see on this island home? We're very fortunate that many who come here and they see beauty and they want to come for different reasons. Some because they wanna preserve, some because they wanna do better economically, and fortunately many I find who have come here find that Maui is a very special place and want to give their mana`o from wherever they came to make this a better island. And I feel very fortunate that I've been able to work with many such people around the table in the years.

I really want to acknowledge the community members who have showed up time after time to take their time to come and share their mana`o to help us, to give us guidance as we, we deliberate over some major decisions because as Commissioner Mardfin said, you know, what we do around here is gonna make an impact on seven generations to come. So thank you very much for --it's been a, actually if I look back, it's been a learning experience for me to be here and to learn about a lot of government process. It's still complexing to me, it still amazes me that so many things have been built on Maui knowing the process, the difficult--the expense it takes to get a shovel moved on this island. But I know that many of you around here care about this island and that's what's warms my heart is that I know that you serve because we care about our island home. Mahalo.

Chair Hiranaga: Thank you, Lori for those valuable comments and I guess after we look at Ward and Lori ...(inaudible)... I think what I note is the diversity of the Commissioners. We all come from

different backgrounds although we all care about Maui and that's what makes the process work is the diversity of the Commissioners we have here.

There's two letters that we've received from the Mayor that the Deputy would like to read.

Ms. McLean: Thank you, Chair. It is the same letter for both Commissioners, so I'll just read it the one time.

Congratulations on a job well done. On behalf of the people of the County of Maui, please accept my deepest appreciation and gratitude for your dedication and service on the Maui Planning Commission. Your efforts and contributions have made a positive difference.

I truly believe that it is important for citizens to play an active role within both our community and government. The process of recruiting and selecting nominees to the various Maui County boards and commissions has given me a greater appreciation for volunteerism and community service.

I would like to commend you for your willingness to devote your time, energy, resources and insight to the betterment of Maui County. Once again, thank you very much for doing your part to make our County the best it can be. I hope that your experience has been rewarding and worthwhile. Sincerely, Alan Arakawa, Mayor, County of Maui. Thank you both.

And we still need one more signature on each of your resolutions. Once we get those, we'll mail the originals to you.

Chair Hiranaga: Okay, thank you. Moving onto agenda Item C, Unfinished Business. Deputy Director?

Ms. McLean: Thank you, Chair. The first item under Unfinished Business is a further update on the status of the mediation and written settlement agreement between the parties on the Grand Wailea SMA Permit application. Ann Cua is the Staff Planner.

C. UNFINISHED BUSINESS

1. **Further update on the status of the mediation and written settlement agreement between the parties on the Grand Wailea 310-Room Addition Special Management Area Use Permit application: (prior updates provided at the February 14, 2012, February 28, 2012, and March 13, 2012 meetings.):**
 - a. **MR. ISAAC HALL, attorney for SHAWN HORWITZ, TERRI ZAGER, CRAIG ZAGER, TIM CONNER, KENNETH HAWKINS, ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, JEFFREY MANDELBAUM, NINA S. YOSHPE, ANDRE MAGNINOT, R. TYLER WHANN, DEBORAH CROSS, and MURRAY JAFINE with respect to ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, and MURRAY JAFINE submitting a Petition to Intervene dated September 8, 2009 on the applications by MR. WADE FISCHER,**

Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Public hearing on SMA Use Permit was conducted on September 22, 2009.)

The intervention request was granted at the November 23, 2010 Maui Planning Commission meeting and Glenn Kosaka was selected as the Mediator.

- b. MS. DANA NAONE HALL, Intervenor Pro Se submitting a Petition to Intervene on the applications by MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Public hearing on SMA Use Permit was conducted on September 22, 2009.)**

The intervention request was granted at the November 23, 2010 Maui Planning Commission meeting and Glenn Kosaka was selected as the Mediator.

Ms. Ann Cua: Good morning, Mr. Chair, Members of the Commission, I too, would like to thank Lori and Ward for your contributions to this Commission. It's been a privilege and an honor working with you and serving you and I wish you well, and thank you for being so kind to our Staff. The Staff really appreciates that.

I have very good news to report. You see we have no attorneys here with regards to this matter. We did receive settlement agreements for the Grand Wailea. They were signed. We didn't receive in time for us to take action today. We tried our darnest. We held the agenda to try and, you know, get it acted on today. We were just very short of making that happen because of when we received documents. But after the agenda did go out, we did receive the signed settlement agreement. It

is before you those who will be here at the next meeting. You have a little packet that's labeled Grand Wailea. For two of the Commissioners, Commissioners Lay and Ball, your packet is bigger because you have a stack of legal documents that all the rest of the Commissioners had. You know, you can read through it just to kinda catch up to where we're at and then all the minutes. But basically all those legal documents led up to the mediation that took place and because they were able to settle in mediation, we did not have to go to a contested case hearing. And so, the settlement agreement is a result of all those legal documents that you have. But in order for you to vote, we need to have the entire record. The rest of the documents that's in that packet besides the settlement agreement. There's two settlement agreements. One from the Hoolei group and one from Dana Hall. And then you have the three old reports dealing with this case, September 2009, October 13, 2010 and October 27, 2010. And good idea for you to run through that. Action will be taken on April 10th which our next meeting. That is also your orientation meeting. So the Staff is going to be putting on the first portion of your orientation. However, in the morning, we're gonna start off with applications and get those out of the way. So the Grand Wailea will be taken up first on the agenda that day. So you will be getting a new staff report. It's not going to be very long. It's going to be basically updating you on everything that's happened. You will be getting revised project plans all mailed to you probably by the end of this week. So do you have any questions? That's basically what I needed to report to you. Action at the next meeting.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Just to clarify because, I too, I mean I got the other documents but I wasn't here on the very beginning of this. The two settlement agreements. One is the Isaac Hall. The other one is the Dana Hall?

Ms. Cua: No. Isaac represented both parties. Isaac represented the Hoolei group which I don't-- there's a whole list of names. And then he also represented Dana Hall.

Ms. Wakida: Oh, okay. Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I was reading some of the material and I notice that we're missing, I think all of the Commissioners are missing this page. It's in 205A-41, it's Pages 164 and 165. It's just one page but it is very important in terms of determining our procedures and definitions.

Ms. Cua: So you're just talking in general, not --

Mr. Shibuya: No, no it's on 205A-41. This was in our thick binder. It's missing.

Ms. Cua: Okay, so that's a Carolyn question probably.

Mr. Shibuya: Unfortunately I was reading it last night, and then I said, oh my, you know, what happened to the page?

Ms. Cua: We can check on that for you. You're talking more about the orientation part than the

Grand Wailea.

Mr. Shibuya: No, this is actually Hawaii Revised Statutes, 205A-41.

Ms. Cua: Right, yeah, which is SMA.

Mr. Shibuya: Right. SMA, that's correct.

Ms. Cua: Okay.

Chair Hiranaga: Any other questions? Seeing none, thank you.

Ms. Cua: You're welcome.

Chair Hiranaga: Next agenda item is C-2. Deputy Director?

Ms. McLean: Thank you, Chair. The next item under Unfinished Business, Mr. John Rapacz, attorney for SVOP Inc., submitting their 2011 annual report of its disbursements of funds. This is related to Condition No. 44 of their SMA Permit that an annual report be filed with the Commission. We understand that Mr. Rapacz was not able to be here today. He did submit a written statement to the Commission and Planner Paul Fasi is here as well if there are any questions. But there isn't any action for the Commission to take. It's just submitting this annual statement.

2. **MR. JOHN RAPACZ, attorney for SVOP, INC., submitting SVOP's 2011 annual report of its disbursements of funds to intervener West Maui Preservation Association and to the West Maui Community Benefit Fund pursuant to the Lot 3 Settlement Agreement between the Applicant and the Intervener as a required by Condition No. 44 of the Special Management Area Use Permit for the Kaanapali Ocean Resort Villas - Lot 3 project at TMK: 4-4-014: 005 (por.), Kaanapali, Island of Maui. (SM1 2006/0018) (P. Fasi)**

Condition No. 44 of the SMA Permit states:

"44. That an annual report shall be filed with the Commission for its information on the disbursement of the funds in the Lot 3 Settlement Agreement by the applicant to the intervenor and to the West Maui Community Benefit Fund."

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: Michele, you may or may not know this, but on the second page it says basically the 27,000 payment to let's see, the terms of settlement of agreement for Lot 3 have not yet required any payments. The first payment will be made after the applicant has obtained the Lot 3 building permits. Happen to know what the status of getting the building permits is?

Ms. McLean: I don't know.

Chair Hiranaga: Would you like to ask the Deputy Director of Public Works?

Mr. Mardfin: Does the Deputy Director of Public Works know what the status of the building permit is?

Ms. Dagdag-Andaya: I can check for you, but I don't have that information right now.

Mr. Mardfin: I won't be here for you to report to, but maybe it's somebody else would be interested in it.

Chair Hiranaga: Any other questions? Seeing none, moving onto Item E, Acceptance of Minutes. Deputy Director?

E. ACCEPTANCE OF THE ACTION MINUTES OF THE MARCH 13, 2012 MEETING AND REGULAR MINUTES OF THE OCTOBER 11, 2011 MEETING

Ms. McLean: Thank you, Chair, two sets of minutes before you today, Action Minutes of the March 13th meeting, and Regular Minutes of the October 11, 2011 meeting.

Chair Hiranaga: Have a motion to accept these minutes?

Mr. Shibuya: Move to accept.

Chair Hiranaga: Moved by Commissioner Shibuya, seconded by...

Mr. Mardfin: I'll second it.

Chair Hiranaga: Seconded by Commissioner Mardfin. Moving onto Item F, Director's Report.

Mr. Mardfin: Do we need to vote?

Chair Hiranaga: Oh, I'm sorry. No objections? All in favor say, aye.

Commission Members: Aye.

Chair Hiranaga: Opposed? Minutes are accepted.

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

**VOTED: To Accept the Action Minutes of the March 12, 2012 Meeting and the Regular Minutes of the October 11, 2011 Meeting.
(Assenting - W. Shibuya, W. Mardfin, L. Sablas, J. Freitas, I. Lay, K. Ball, P. Wakida)
(Excused - D. Domingo)**

Chair Hiranaga: Moving onto Item F, Director's Report.

Ms. McLean: Thank you, Chair. We have three items of the Director notifying the Commission of his intent to process SMA time extensions administratively. The first one is Hana Town Center requesting a two-year time extension to initiate construction of the Hana Ranch Store improvements. The Staff Planner is Anna Benesovska.

F. DIRECTOR'S REPORT

- 1. Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the time extension request administratively on the following:**
 - a. HANA TOWN CENTER, LLC requesting a two (2)-year time extension on the Special Management Area (SMA) Use Permit condition to initiate construction of the Hana Ranch Store Improvements project at TMK: 1-4-003: 056, Hana, Island of Maui. (SM1 2004/0020) (A. Benesovska)**

Ms. Anna Benesovska: Good morning, Commissioners. My name is Anna Benesovska and I'm the Planner representing this request for a time extension. This is the Hana Ranch Store permit time extension. It's a two-year time extension requested by the owner, Hana Town Center LLC. The reason for the time extension has been given is mostly economic, existing slowdown...(inaudible)...global, national and economic conditions since the late 2008, and the general deteriorations across all sectors of the economy has directly impacted financial opportunities and consumer spending rates and the applicant is currently experiencing a significant decline in visitor numbers at its existing Hana Ranch Store. The original permit has been transferred to a new owner in April 20, 2010. The length of the time extension request is a two-year time extension. As to the analysis on changes within the SMA area there have been no changes in the SMA Assessment and area in the project vicinity which would alter the proposed action's impact on the environment. Construction activity in the vicinity in Hana has been limited to a few residential development. There has not been any commercial development or changes around the Hana Town Center. As to the changes on the--with respect to environment surrounding the property, it's been concluded that there has been no significant changes and there have been no significant changes also with respect to surrounding conditions that would alter traffic or drainage patterns. The Department request that you Commissioners waive the review of this time extension and let the time extension be processed administratively. We have a representative here if you have any questions that we can answer. Thank you.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: What does this store propose to sell?

Ms. Benesovska: I'm going to let the representative respond to you Commissioner.

Ms. Wakida: Thank you.

Mr. Hirano: Good morning, Commissioners. My name is Mich Hirano with Munekiyo and Hiraga.

We represent Hana Town Center in this time extension application. The Hana Ranch Store is a general grocery store and dry goods. They sell products, local products for the community.

Ms. Wakida: Okay, so this would be a store and for example, in competition with Hasegawa?

Mr. Hirano: That's correct. Yeah.

Ms. Wakida: Okay, so it isn't a tourist boutique? It's a grocery store?

Mr. Hirano: Yes, it's a grocery store and it's an existing store. They're rebuilding it, renovate--and building a new store.

Ms. Wakida: All right, thank you.

Chair Hiranaga: Any other questions, Commissioner Shibuya?

Mr. Shibuya: This is Anna or maybe Mich can respond to this. How many extensions have we had on this project?

Mr. Hirano: There's been one time extension I believe and this would be I think the third because it was just approved in 2006.

Mr. Shibuya: So there would be at least six years or eight years?

Mr. Hirano: Yes, six.

Mr. Shibuya: Six years. Okay.

Mr. Hirano: It was, Commissioner Shibuya, the store was recently purchased by a new entity. Originally the application was with Ohana Hotels, and they made the application and got the permit. Then they just recently sold the store and hotel to Hana Town Center or Amstar and the Commission had renewed or approved the transfer of the permit in I believe 2010.

Mr. Shibuya: And essentially the plans have not changed?

Mr. Hirano: No, the plans have not changed. The applicant intends to hopefully start construction in 2012. The reason for not having been able to develop it, not only the economic conditions, but when the Hana group, Amstar acquired the property it was a nonperforming property. They acquired the hotel and the store. They'd like to refinance the project, and in order to do that, they wanted to release the store area from the original loan. That hasn't--they haven't been successful in doing that so they're probably looking at refinancing.

Mr. Shibuya: Thank you.

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: Let me make a statement first and then I have a question. I was not on the Commission when this came before Hana. The previous owners did a really good thing and a unique thing for Hana. They actually came to the community with their plans before they were finalized. This has almost never happened. There was a huge meeting down at Helene Hall. I was there. This is maybe seven years ago, eight years ago. I think it looks like a great store. I was impressed with it then. They showed what was going on and I was really looking forward to them doing this. I think it went to the Hana Advisory Committee and at least member had concerns about it being closer to the road that they prefer not. But you know, it is what it is and I'm happy with the location. In partial answer to Commissioner Wakida--

Chair Hiranaga: Commissioner Mardfin --

Mr. Mardfin: --I'm gonna get to the question. In partial answer to Commissioner Wakida, this is a separate building makai of where the current Hana Store is. Within this last year there's been a fair amount of money given to redoing the old Hana Store. They reroofed it. They did some other structural things to it. And I wanted to ask Mich was, what are the plans for the old Hana Store after the new Hana Store is built?

Mr. Hirano: Jim Neiss with Maui Architectural Group is the architect. So I'd like to have him just up.

Mr. Jim Neiss: Good morning, Commissioners. Jim Neiss, Maui Architectural Group. Commissioner Mardfin, we've been in contact with the new owners and I'm delighted to say that they've retained the firm to bring this project back to life. So that's my first statement. But for the existing store, the previous owners had looked at different uses one of which was a laundromat for the community. And that has its own problem because it's a lot of water use and whatnot. So really I haven't--we haven't discussed what would happen with the old building, but they did put like you say, they reroofed it and make it into a viable structure again. So it will have some community focus. It's in Commercial zoning, so it seems like a win-win situation.

Mr. Mardfin: Mr. Chairman?

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: This is an overall question I suppose. You--in 2005, the SMA Use Permit was approved. 2008, you got a one-year time extension. 2009, you got a two-year time extension. And then on April 10th, the permit transfer was approved. I believe that was by us if I recall, at least in part by us. Your reason three for the time permit there's been sustained slow down in global, national and local economic conditions since late 2008, I agree. General deterioration across all sectors of the economy has directly impacted financing opportunities and Consumer spending rates. The applicant is currently experienced significant declines in visitor numbers at its existing Hana Ranch Store. And this is the reason for the time extension. But they transferred in 2010. They knew all about 2008 at the time that it was transferred. I don't understand why this is used as a reason for needing the time extension.

Mr. Hirano: Well, as I also mentioned, not only the economy but also the ability to refinance. And

given the economy, the refinancing opportunities are very slim. And they were also encumbered with the hotel and the store under one financing package and they were trying to bifurcate that and have the store on its own financing. So I think it was a combination of the lenders being wary of, you know, separating the loan because it was a nonperforming loan when they acquired it, when the new owners acquired it. And so, the combination of the poor financial condition based on the economy and the projections of the use and the customer sort of drop in sales had I think made it difficult for them to refinance and get their financing for the project.

Mr. Mardfin: So how are they gonna do it now?

Mr. Hirano: They're looking to get a new finance. This is the existing group that held the mortgage on the property. They're looking to refinance with the new group.

Mr. Mardfin: And how confident are you that they'll be able to do that?

Mr. Hirano: I'm not involved in that. I can't say. But I don't know how confident they are. You know, I can't say, I'm not involved in the financing of it. That's--I spoke with the project manager this morning just before the Commission and that's what he informed me.

Mr. Mardfin: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: I noticed on this project and I know it started a long time ago, today, times have changed and we talk about resources like water, like electricity and power. In that case, water we cannot deal with at this point, but we can deal with some energy issues. I would like the architect as well as the owner to consider some kind of a generation of power. I don't see any features here but I would like to see something added to it. Whatever is reasonable that would be fine.

Mr. Hirano: There has been some review of that aspect in the project and I'd like to just ask Jim to give an update.

Mr. Neiss: Jim Neiss again. Yes, actually when we designed this project we were working with pretty much state-of-the-art variable speed motors in the all the conditioning systems and so that's pretty much right up to the Energy Code where we are today. Your point about maybe generating some power I think is a good one. I think that easily could be put into this project and whatever else, I mean, the construction type is a little unusual for Hawaii. We're using this these ...(inaudible)... in the roof deck, it's got insulation, laminated between two, it's a ...(inaudible)... So that was unusual at the time and it now is very appropriate to insulate our structures and concrete block walls. It has LEED aspects to it because we're using as much local material as possible. So I think your suggestion about generating power is a good one and we would certainly attempt to incorporate.

Mr. Shibuya: Thank you.

Chair Hiranaga: Questions? Commissioner Sablas?

Ms. Sablas: I have a question for the applicant. Would this project be adding more jobs for the community of Hana and if so, how many?

Mr. Hirano: I have to review my notes on that, but it is increasing. It's the expanding the floor area. So there will be as a result of that more people employed in the project.

Ms. Sablas: But you don't know how many?

Mr. Hirano: I'll just have to review my notes on that.

Ms. Sablas: I just ask the question because we all know how people struggle to make a living in that community and I'm hoping that this project would have a positive impact for employment opportunities.

Mr. Neiss: Jim Neiss, again. Lori, just to address your concern about the community in general. Originally with the previous owners the concept here was to create another revenue stream for the hotel. All of us know that the hotel has faltered over and over again and it really is rarely run in the black. So the concept is to put another revenue generating stream online to help subsidize the hotel. We all know that the hotel is the heart and soul of Hana employment wise. So if the store can generate revenue to keep the hotel running, I mean, we're talking about lots of jobs. It's not only creating jobs, but it's securing the jobs that are already there.

Mr. Hirano: Commissioner Sablas, the existing Hana Ranch Store has 12 full-time jobs, and the proposed expansion or new Hana Ranch Store is estimated to create six additional full-time jobs.

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: Mr. Chairman, are you ready for a motion?

Chair Hiranaga: No, I'm not. Commissioner Shibuya?

Mr. Shibuya: Just a question of being resourceful. I know that you were thinking about a laundromat and here if you do generate some renewable power, you also have opportunity because you're living below an area where is the wettest spot, I guess on Maui possibly and with this rainfall or--have you considered maybe some kind of catchment system and reservoir system that you possibly could recycle some of this or reuse some of this water, the captured water into laundry type of work? I know you're gonna have to put your thinking caps on this and let Hana be the leading edge on this. Thank you.

Mr. Neiss: No, that's another excellent suggestion. I've been living on a catchment system for 40 years and so I know that it can work and especially in a laundry ...(inaudible)... don't need potable water. The hard part is disposable, disposing of the water after it's used, but again, that can be recycled with the technology available. So we're gonna put that in our little ...(inaudible).. of good ideas here.

Mr. Shibuya: Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Another resourcefulness. The gray water, I have maybe illegally, but I use some of my gray water for my banana trees and if you don't like it, don't eat my bananas, but they love the leftover gray water.

Mr. Hirano: Thank you for your comments.

Chair Hiranaga: Any other questions, Commissioners? The concern I have is, none of the Commissioners here at this meeting was present when the SMA permit was originally approved. I would like to see an overview of the drainage plan because there seems to be a lot of water if you look at Page 10 of the Drainage Plan as far as peak storage requirements. You know, it looks like there's 21,000 cubic feet that fall on the development during a peak episode of which 13,000 is considered existing and 7,100 is considered additional runoff created by the development, proposed development. So if the applicant is prepared, I would like them to provide an overview of the drainage plan?

Ms. Benesovska: Yes, we have a architect or representative who can speak to that.

Mr. Hirano: The general drainage on the site sheetflows towards the Hana Highway at the bottom end of the property. The drainage plan is to create a retention basin at the, I guess it's at the north eastern portion of the property to capture the runoff and that it can handle the post--the pre and post development flows. So that's --

Chair Hiranaga: As currently designed or is that a representation being made by the applicant? 'Cause it looked like the storage was gonna be 10,000 cubic feet, but the entire runoff is 21,000 cubic feet?

Mr. Neiss: Jim Neiss again. Actually we were, you know, the retention basin will hold 74,000 gallons of water. It's designed as a 10,000 cubic feet basin which should accommodate the post runoff which is a 12 cubic feet per second in a 50-year, one-hour storm and the pre development runoff was 5.8 cubic feet and that's 17.8 cubic feet per second which translates into storage capacity of 74,800 gallons. So pre and post events were taken into the account in the design as it sits right now.

Chair Hiranaga: Okay, I'm not a civil engineer so I'll have to take your word for it. So it is a representation by the applicant that pre and post development surface runoff will be maintained on site?

Mr. Neiss: That's correct.

Chair Hiranaga: Okay, thank you. Just to understand this project, it's on a 12-acre site but the development is encumbering two acres?

Mr. Neiss: It's on 37-acre site actually and so, and yes, it encumbers approximately two acres.

Chair Hiranaga: So the drainage calculations are just based on the two acres in the --

Mr. Neiss: That's correct. There's just no way you could retain 37 acres worth of sheet runoff.

Mr. Hirano: Yes, Commissioner Hiranaga, it was one TMK it's a larger parcel, but this is a portion of that parcel where the store's property is.

Chair Hiranaga: Okay. Commissioners, any more questions? Seeing none, I'll open the floor to a motion. Commissioner Mardfin?

Mr. Mardfin: Mr. Chairman, I move we acknowledge receipt of the request and we waive our review.

Chair Hiranaga: Is there a second?

Ms. Wakida: Second.

Chair Hiranaga: Moved by Commissioner Mardfin to waive review, seconded by Commissioner Wakida. Discussion? Commissioner Shibuya?

Mr. Shibuya: I'm gonna have to decline on this and vote against this motion because I think that the Commission should take a look at this. It's been extended, the plans have not changed, yes. But there are some initiatives that I've asked them to consider and I would like to see this in the review. So therefore, I'm gonna be voting against this measure.

Chair Hiranaga: Any further discussion? Commissioner Mardfin?

Mr. Mardfin: I'm in a very funny position on this. My main concern is that they actually build it in two years. But, and I hope they will take into consideration the issues that Commissioner Shibuya has raised. But I'm in a very, very funny position. If I vote to not waive review, I won't be here and they'll be nobody here from Hana when it comes for review. So waiving review to me makes the most sense, but I would hope that Michele would convey to the Director when he looks at the time extension that he put very hard restrictions on them to actually build in two years. Say this is it, you do it in two years or you lose your entitlement. But that would be my advice. Thank you.

Chair Hiranaga: We would look forward to your reappearance here for public testimony. Any other discussion? My comment is, I do have a concern and maybe it's a generic concern is when extensions go beyond the term of any sitting Commissioner. I think that happened with the Maui Beach extension request where there was no Commissioner that had reviewed or approved that particular application and we have this same situation today where none of us have actually seen the formal presentation on the application. But at this time, I will defer to the wisdom of our Hana representative. So if there's no further discussion--

Mr. Ball: Question?

Chair Hiranaga: Commissioner Ball?

Mr. Ball: It may be for the applicant also or are we bound to the two years or can we get it six months or?

Chair Hiranaga: Basically we're waiving review. I mean, you could make a comment that the Director could take into consideration but it's really his call, his discretion.

Mr. Ball: And our extension would be that they would be done in two years, right?

Chair Hiranaga: Well, it's to meet SMA conditions, yeah, to commence construction. Doesn't mean they have to complete construction.

Mr. Ball: Because I have a concern also that echos yours. I seen ten pages of this thing that's in an SMA area. But I don't wanna screw them up and give them the opportunity to kinda get this thing going too. I don't wanna say we're gonna review this thing.

Chair Hiranaga: Well, I mean, reviewing it won't--doesn't mean you're denying the extension.

Mr. Ball: Well, it could, right?

Chair Hiranaga: If the Commissioners voted to deny.

Mr. Ball: Right. Which would screw them up.

Chair Hiranaga: Well, they could reapply.

Mr. Ball: So I don't wanna do that either, but you know, I would vote with reservations just because I haven't seen the complete project, but I guess I'd vote yes at this point.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I would urge my colleagues to deny this because all it is is having it brought to the Commission versus deferring it to the Planning Director. And I feel that this is our kuleana. This is our responsibility to the community and we need to do due diligence into ensuring that the needs and the wishes of the community are actually addressed. Therefore, I'm gonna deny it, this motion, but I'm very supportive of this project.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I have another question, I guess. Were there any changes since the approval was made to the area, to the structure, to what whatever?

Mr. Hirano: No. The plans haven't changed on it. The idea is to go forward with the plans that were submitted, the SMA.

Mr. Ball: And we've had that discussion before where we didn't want to second guess our former colleagues either. So, my concern would be though if something has changed in the area then we

should look at it.

Mr. Hirano: Pass the pictures of the site. It hasn't really changed. Hana hasn't changed too much.

Mr. Ball: Or if it does, I mean, that would probably be something that we'd wanna...any future...

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: I'd like to respond to the concerns of Commissioner Ball. The external environment hasn't changed at all. But they have redeveloped, redone in a major way, fairly major way the existing Hana Store. I don't know--that never came to the Planning Commission as far as I know. But I mean, they reroofed it. They did repair and updating, but that's a change. And Commissioner Shibuya's suggesting that there are changes in the way that we would look at a project today rather than the way that they looked at it six or seven years ago and I understand that. I am going to vote in favor of the motion figuring that the current Director of Planning has the ability to weigh in on those issues sufficiently.

Chair Hiranaga: Any further discussion? Seeing none, I'll call for the vote. All in favor of the motion to waive review, so indicate by raising your hand.

Ms. McLean: Six ayes.

Chair Hiranaga: Opposed?

Ms. McLean: One no.

Chair Hiranaga: Motion carries.

It was moved by Mr. Mardfin, seconded by Ms. Wakida, then

**VOTED: To Acknowledge Receipt of the Request, and Waive Its Review of the Time Extension Request.
(Assenting - W. Mardfin, P. Wakida, L. Sablas, J. Freitas, I. Lay, K. Ball)
(Dissenting - W. Shibuya)
(Excused - D. Domingo)**

Mr. Hirano: Thank you very much, Commissioners.

Chair Hiranaga: Next agenda item, F-B. Deputy Director?

Ms. McLean: Thank you, Chair. The next item again is a two-year time extension to initiate construction. This is for the Maui Beach Place, three-unit residential condominium project at 2192 Ilili Road in Kihei. And Anna Benesovska again is your Staff Planner.

- b. MR. JOHN C. BARTON of MAUI BEACH PLACE, LLC requesting a two (2)-year time extension on the Special Management Area (SMA)**

Use Permit condition to initiate construction of the Maui Beach Place three (3)-Unit Residential Condominium Project and related improvements at 2192 Iliili Road, TMK: 3-9-005: 033, Kihei, Island of Maui. (SM1 2007/0017) (A. Benesovska)

Ms. Ann Benesovska: Commissioners, this is a request for a two-year time extension. This is a first request on behalf of this project. The owners, Maui Beach LLC and Mr. Barton, have requested this time extension because of the current economic conditions. It has not, it has not been practical to obtain financing to proceed with construction nor have the owner found an investor or partner to share the cost of moving the project forward. However, the owner's intention, intentions haven't changed. He still intends to develop the project and retain one of the units within the condominium for himself and his family. There have been no significant changes in the SMA area in the vicinity of the proposed project that would have impact on the environment. Also further, for granting of this permit there has been no significant changes in the local environment of surrounding properties which would otherwise affect changes and conditions to water and wastewater and demand on wastewater and so on and so forth. The Department recommends that you waive the review of this project and allow the Director to grant the two-year time extension administratively.

Chair Hiranaga: Thank you. This particular project I remember sitting on this particular application. Probably, Lori was here. I'm not sure if Ward was here. Any questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Thank you, Anna. I have a question on project specific Condition 31. I don't have a concern. I just need a little educating. I didn't look up the Code 12.24, but as far as I know this is the first time I've come across a project like this, a private project where it says, "canopy shade trees shall be meet with the approval of the Department of Parks and Recreation." Can you give me a little more information on that?

Ms. Benesovska: Yes, this condition is not I believe a standard condition that we impose on every project. The condition reads, "that the proposed development will utilize drought tolerant plants and native trees in its landscaping scheme. That all canopy shade trees shall meet with the approval of the Department of Parks and Recreation pursuant to Maui County Code, Chapter 12.24A, Landscape Planting and Beautification." So I believe that this condition is to enforce the usage of the Maui County Planning Plan and the proper use of the proper plants and flora at a beach environment.

Ms. Wakida: Well, what I don't understand is this is a, a private piece of property as far as I understand it and I didn't--you know, I don't know why the Parks and Recreation weighs in on this? I'm not against it. I just don't understand this process.

Ms. Benesovska: I apologize, I'm particularly familiar with Maui County Code Chapter 12.24A, Landscape Planting and Beautification.

Chair Hiranaga: I believe the Deputy wishes to comment.

Ms. Benesovska: Thank you.

Ms. McLean: Thank you, Chair. There are a couple of references in the application to proposed improvements that they're gonna be making at the adjoining Kamaole Beach Park access. And as you'll see from Figure 2B which is early on in your packet it does look like the property abuts a Government Beach Reserve. So it could be that at that time, the Commission and the Parks Department was just concerned that even though the property itself is private that their landscaping and trees would be visible and could even be shading the Public Beach Reserve or a beach access that they just wanted to see that the same requirements be followed, as would be followed for a county project.

Ms. Wakida: I see. That makes sense. Thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, open the floor to a motion.

Mr. Freitas: So move to waive.

Chair Hiranaga: Moved by Commissioner Freitas to waive review. Seconded by Commissioner Sablas. Any discussion? No discussion. All in favor of the motion, please so indicate by raising your hand.

Ms. McLean: I think that's six ayes.

Chair Hiranaga: Opposed? One abstention. The motion carries.

It was moved by Mr. Freitas, seconded by Ms. Sablas, then

VOTED: To Acknowledge Receipt of the Request, and Waive Its Review of the Time Extension Request.
(Assenting - J. Freitas, L. Sablas, I. Lay, K. Ball, P. Wakida, W. Mardfin,
Abstained - W. Shibuya)
(Excused - D. Domingo)

Chair Hiranaga: Next agenda item is F-C. Deputy Director?

Ms. McLean: Thank you, Chair. This again, is a request for a two-year or for the Commission to waive its review of a two-year time extension on the SMA Permit condition to initiate construction of the Kihei Town Center expansion and renovation project. The applicant is Pacific Warehouse, Inc., and once again, Anna Benesovska is your Staff Planner.

- c. **PACIFIC WAREHOUSE, INC. requesting a two (2)-year time extension on the Special Management Area (SMA) Use Permit condition to initiate construction of the Kihei Town Center Expansion and Renovation project at TMK: 3-9-003: 012, Kihei, Island of Maui. (SM1 2008/0014) (A. Benesovska)**

Ms. Anna Benesovska: Thank you, Deputy. This is the first two-year time extension that this project is requesting. The reason stated, let me just read this out, the applicant submitting a building permit application on March 13, 2008. Agency approvals have been received from the County's Department of Public Works, Department of Environmental Management, Department of Fire and Public Safety, Department of Water Supply and the State Department of Health. Approvals are pending from the Department of Public Works, DSA Engineering and Department of Planning. So that's first part of the reasoning stating out that the applicant is continuing to work on obtaining all the permits required and it continues there has been a significant slowdown in global, national and local conditions since late 2008. There's generated deterioration across all sectors of the economy and has directly impacted financial opportunities and consumer spending. Most recently Pacific Warehouse Incorporated has shifted its focus developing and constructing its new store at the Kehalani Commercial Center in Wailuku. So that has been--what I've just read has been provided as a reason for the time extension.

As to the analysis of whether any changes have occurred within the Special Management Area there have been no changes in the SMA Use Permit and in the area of the project vicinity which could alter the proposed actions impact on the environment. Construction activity in the South Maui area has slowed down considerably in the last two years and there has not been commercial development under construction in the area. Further, as to the analysis of whether any changes have occurred in the Special Management Area since granting of the permit that may cause permit holders' development to adversely effect the capacity or conditions of infrastructure, the response was since the granting of the SMA Permit there have been no significant changes in the local environment or surrounding properties which would otherwise effect changes in conditions to water or wastewater demand or capacity. The Department would ask the Commission to waive its review and allow this request to be processed administratively by the Director. Thank you.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Anna, I'm looking at Exhibit 3, and the area in the dark gray, that's the expansion, correct?

Ms. Benesovska: Let me look really quickly, look up Exhibit 3, and I'm also going to ask the representative to come up and be ready to address the Commissioner's questions.

Ms. Karlynn Fukuda: Karlynn Fukuda from Munekiyo and Hiraga. To answer Commissioner Wakida's question, yes, you are correct. The shaded areas are the areas of the proposed expansion.

Ms. Wakida: Okay, I'm gonna borrow from Commissioner Shibuya's thunder. A cooler is going in and I know that--we all know that grocery stores use a lot of energy. What are the energy specific measures that are being employed in this renovation?

Ms. Fukuda: We do have the project's architect, Robert Domingo, here who can elaborate further. But just to let you know that with this renovation, the equipment that they we would be using would be all new efficient, energy efficient material or energy efficient equipment I should say and that's a policy that Foodland has I believe throughout its--throughout the State for all of their stores.

Additionally, although it was not contemplated at the time that the SMA permit was applied for back in 2009, they are looking at installation of photo voltaics on the roof and they have such designed so that the amount of equipment on the roof is minimized so that there's more area for photo voltaic panels to be installed but that would be done at a later date because that was not contemplated as part of this SMA application at this time.

Ms. Wakida: Okay.

Ms. Fukuda: Would like Mr. Domingo to elaborate further or?

Ms. Wakida: Yes.

Mr. Robert Domingo: Hello, Robert Domingo. Karlynn pretty much covered everything. All the refrigeration systems and air conditioning systems with their high efficiency motors would all be changed out to new--we have the newest technology and the newest energy efficiency systems in place. The roof was designed to be maintained as clear as possible for a future implementation of solar panels and another thing that we've integrated is a heat recovery system from the refrigeration system so we generate our own hot water internally. So that's all of our energy efficient means.

Ms. Wakida: Great. Thank you so you much.

Mr. Domingo: You're welcome.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Mardfin?

Mr. Mardfin: Yeah, Karlynn, I don't understand on Page 2 as a reason for wanting the extension, point 1c, you say most recently Pacific Warehouse Inc. has shifted its focus to developing and constructing its new store at the Kehalani Commercial Center in Wailuku. What does that have to do with this time extension?

Ms. Fukuda: So essentially Foodland has had to, has shifted its focus on Maui to developing the new store here in Wailuku and basically has focused its efforts to get the building permits done because of the need for a new store. And we're talking a whole new store whereas this project is a renovation and it was an expansion of the existing area. But right now they're focusing their efforts to get that done. That project they are hoping to complete by May of 2013. You know, that also involves capital expenditures and financial considerations for them. For the Kihei renovation project right now they are targeting initiation of construction for first quarter of 2014. So it's-- Foodland has the commitment to do the improvements to the Kihei store and they want to keep the SMA permit alive, but it's just that the development of a whole new store has taken away resources from them in order to focus on this Kihei project.

Mr. Mardfin: That's not terribly satisfying, but that's okay. I mean, it's your answer, but you know, if they're gonna focus on something else then they don't consider this very important it sounds like.

Ms. Fukuda: Well it's reprioritization for them. You know, they still consider, I think, the Kihei store

and that's why they came in for the time extension request is that they do want to actually do the improvements.

Mr. Mardfin: Okay.

Chair Hiranaga: Any other questions, Commissioners? It might have been a better idea not to have included 1c in hindsight. If there's no further questions, I'll open the floor to a motion.

Mr. Ball: Motion to approve extension.

Chair Hiranaga: Motion by Commissioner Ball to approve --

Mr. Ball: Waive review.

Chair Hiranaga: --waive review of the extension request. Is there a second? Seconded by Lori Sablas. Any discussion? No discussion. I'll call for the vote. All in favor, please so indicate by raising your hand.

Ms. McLean: Seven ayes.

Chair Hiranaga: Motion carries.

It was moved by Mr. Ball, seconded by Ms. Sablas, then

**VOTED: To Acknowledge Receipt of the Request, and Waive Its Review of the Time Extension Request.
(Assenting - K. Ball, L. Sablas, J. Freitas, I. Lay, P. Wakida, W. Shibuya, W. Mardfin)
(Excused - D. Domingo)**

Ms. Fukuda: Thank you very much, and briefly, thank you Commissioner Mardfin and Sablas for your service. We appreciate you. Thank you.

Chair Hiranaga: At this time, Commissioner Lay has made a request to revisit agenda Item C-2 of Unfinished Business, SVOP, Inc. If there's no objection, we'll bring this back for review.

Commission Members: No objection.

Chair Hiranaga: So Deputy Director if you could just read it to the record, Item C-2.

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Ms. McLean: Thank you, Chair. John Rapacz representing SVOP Inc., submitting SVOP's 2011 annual report of its disbursements of funds to intervener West Maui Preservation Association and to the West Maui Community Benefit Fund pursuant to a settlement agreement and as required by Condition 44 of the SMA permit.

2. MR. JOHN RAPACZ, attorney for SVOP, INC., submitting SVOP's 2011 annual

report of its disbursements of funds to intervener West Maui Preservation Association and to the West Maui Community Benefit Fund pursuant to the Lot 3 Settlement Agreement between the Applicant and the Intervener as a required by Condition No. 44 of the Special Management Area Use Permit for the Kaanapali Ocean Resort Villas - Lot 3 project at TMK: 4-4-014: 005 (por.), Kaanapali, Island of Maui. (SM1 2006/0018) (P. Fasi)

Condition No. 44 of the SMA Permit states:

“44. That an annual report shall be filed with the Commission for its information on the disbursement of the funds in the Lot 3 Settlement Agreement by the applicant to the intervener and to the West Maui Community Benefit Fund.”

Chair Hiranaga: Questions? Commissioner Lay?

Mr. Lay: Yeah, I have a question. I know previously we asked about the membership, who was on WMPA and I don't think we got that information given to us and I'm still wondering about that if we can get that information. And as far as the money that's been allocated for the Preservation, what has been used and where has it gone? We're not seeing any information on that. We're seeing that their attorney is paid, but we're wondering that's not the priority to me. The priority is getting Maui Preservation Association getting money out to help preserve that area. And I don't know if we're looking for the lawyer to come in here where we have to pay him more out of that money, are we looking for their representative to come here and let us know what's going on with that money? Because that's a lot of money that can be used very positively in the Lahaina area and that's what the money was intended for and I'd like to see where it is going. So if we can get a report from them on that?

Ms. McLean: Okay, so just to confirm your request. You're wanting to know who the members of the West Maui Preservation Association are?

Mr. Lay: Yes.

Ms. McLean: And what that \$75,000 has gone towards?

Mr. Lay: Yes.

Ms. McLean: Okay.

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: I'd like to add onto that. You know, I was looking through old stuff and there were other funds that went into there. There's one from Maui Beach Resort Limited Partnership and some other stuff. And we asked for them for--we asked Gwen Hiraga to give us answers to these things before and we've never heard back from them. They just--we ask and then they just blow us off and don't give us the information on who their membership is, how they're using the funds,

what's been done and it's somewhat unsatisfying.

Ms. McLean: We can certainly ask but WMPA is not an applicant. They're not a permit holder. It was a condition of a permit that funds be given to them, but I don't know that we have any control over what they do or responding to questions or so forth. We'll follow up and ask and ask these questions. And we'll provide you with whatever feedback we get. But we might not get all the information that you're asking.

Mr. Mardfin: I was thinking about this and have a suggestion.

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: Thank you. I have a suggestion. You know, if this WMPA is a nonprofit, they have to file Form 990s and I think there are ways to find out a lot of this information through their annual filings. And the Department might be in a position to review those or produce those so that the Commissioner could know what's going on. I don't know if that's too big a deal or not, but I'm just putting it out there that there are ways to find out some of this information if they're stone walling the Commission.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: So this is the second time I've heard of this. The first time was when I first got appointed and I remember there was public testimony on this from people on the west side saying there's something not right going on here. I don't know if we're the right body. It sounds like maybe we're not, but then who is the right body to kinda look into this thing. I mean, we're here to take some sort of action on this item. So I think it may be here where the investigation starts and if it gets out of our hands it might have to go to, I don't know, Ethics or whoever it goes to. But we're tasked to look at this and this annual report is minimal at best. It may have the required items in there, but I don't think that is the intent and I'm not sure what the intent because we don't have that either of what this settlement intent was to--okay, we're just gonna disburse this money and now this SVOP is stealing the money, I don't know. That's what the testimony we had last year was. That they're like hey, man we didn't see any of this money. So I don't know if it's us or not. So if we can have an answer to that whether, whether it's this body that's supposed to look into it or we can give it to whoever--give it to the other body that's supposed to look into this and investigate this thing because there were some very concerned citizens which I'm surprised aren't here today to testify on this thing and were very passionate about the ongoings of that settlement. I would like us to finish this one way or the other because otherwise it will come up again next year with questions.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: Yes, why are they reporting to us if we cannot ask these questions and get answers from? If there's a report coming, I think we should be able to get the answers, and if not, refer it to the Attorney General. Let 'em look into it.

Chair Hiranaga: I was not present for this particular application, but it has come before us annually and I my observation is that SVOP did a settlement agreement with West Maui Preservation

Association. SVOP is just satisfied to meet the various conditions of this settlement agreement. And it's just a cost of doing business for them. So they don't really care where the money goes. They were--they agreed to a settlement and they're just adhering to it. So John Rapacz, the attorney who represents the applicant, so part of the condition was to do this report. Now, Munekiyo and Hiraga was representing the applicant. As far as WMPA and their status and if you're unhappy, I think the Planning Commission was just a part of that agreement was to receive this report and that's our role. So I think if someone's unhappy with WMPA they need to take independent action outside of the Commission and that's my understanding of this particular subject and maybe Corporation Counsel may wanna comment or not.

Mr. Ball: Well, if I could--

Chair Hiranaga: Let's hear from Corporation Counsel.

Mr. Giroux: No, I think what everybody said is accurate is that we're kind of put on notice that the-- a private agreement and what we've allowed through our intervention process and our making of SMA conditions has kind of overlapped. But the overlap has kind of left out an element of accountability because we have oversight without authority. And that's where the frustration is is that we know that an independent body came in, used our procedures and our time and our rules in order to get a private gain that may or may not have swayed the giving of the permit. Because what you're looking at is a benefit to the community supposedly that would outweigh the impact of a project on a community.

However, the dissatisfaction at this point is that you're not really sure that that happened. And I think that's where, you know, the frustration is. And again, the problem is is that we don't have jurisdiction over the person who received the benefit. The assumption was it's gonna be the community. So I think that the statements that are made are accurate that this may end up having to be pushed towards the Attorney Generals if there needs to have been oversight over this nonprofit, if there's an accounting issue, if there's a, you know, we can go on and on. I mean, what we're looking at is an assumption because we really don't have that investigatory abilities to ask for their books. We can--I agree we can look at the 990s, the public information. But even with that, this body would have a hard time doing anything with that besides raising the issue again and saying this is not in accordance to the nature or the spirit of the analysis that went into giving this permit.

But again, you can't punish the applicant for that. That's not fair. That the analysis was done looking at a private settlement. And I wanna raise this again, this is a lesson. This is a lesson. You have to look, and when we look at the intervenors, when they look at intervention and when we look at settlements that we have to have done the due diligence to understand what, what are we looking at when we grant these things and I think, you know, since this happened, this group in a particular has done a very--has used a very high level of scrutiny which I--I'm hoping this kind of stuff won't happen in the future. You know, we looked at rule, possible rule changes, you know, we looked at, you know, but ultimately it comes down to the watchdogs and that's this group. And again, this is a tough situation because there was a large amount of money that it appeared was going to go into the community and benefit the community. But at that point, we don't understand where that money is, what it's doing and what the benefit, end benefit is? So I think, again, I'm

going to reiterate, everything that has been said has been accurate. We just don't have jurisdiction over it. I don't know what this body can do ultimately. But it is a valuable lesson to be learned.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: You know, I just want to change some of my previous comments that the testimony wasn't against the SVOP, it was actually against the beneficiaries of that settlement which was the West Maui Preservation Association and West Maui Community Benefit. So I don't want it--I understand what you're saying. We can't go after that guy if there's some weirdness down here the money getters then they're gonna have to--and we can't do anything anyway, gonna have to go A.G. or whatever route.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Do you need a motion to recommend that the Planning Director proceed to bring this issue to the Attorney General? I mean, we're just having a discussion at this point. Either that or establish some kind of escrow fund. But we didn't establish that in the beginning so--so accountability is not really available.

Mr. Ball: Right.

Chair Hiranaga: Commissioner Sablas?

Ms. Sablas: I have a question for Deputy Director. So what's the status of the entitlements for that North Beach area? Are they all--has all permit-- are they still coming before the Commission?

Ms. McLean: I don't know, but we can certainly find out and we can let you know individually and let the Commission know at the next meeting when we come back with the information that we can get on WMPA.

Ms. Sablas: I ask the question because I know this is a very contentious issue for West Maui development for North Beach and it is very passionate for many of--especially the cultural people there. And I do hear, again it's all hearsay that they're not getting promised funding for various projects that have been proposed to this committee and they're not able to move forward. So the reason why I'm asking the question is that a lot of this entitlement was okay, if you're gonna do with the community what are we gonna get back? And I understand there is probably what can we do? I would like to recommend that it remains on the agenda only because if it's not here who's gonna--it's gonna go away even if we don't have--at least they know that we're kinda watching that it is--maybe it's a slight way of having them be accountable. But if we don't have it on the agenda, where else do the community members have to go? And perhaps part of it is, you know, to notice these cultural people who were a part of that that when it's on the agenda to come and maybe from their point of view let the Commissioners know what their experience has been. Just a suggestion 'cause this has been a major, major issue for that West Maui community.

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: I'd like to ask Professor Giroux, if at some future time if another settlement comes where WMPA is involved if the future Commission could insert a clause saying that one of the conditions for this is that WMPA would agree to that they would have to report on their expenditures?

Mr. Giroux: Well, I think the sad thing is to say, I think we got a one-shot deal here to start off. But in the future, I think that, you know, and we could probably put this on as another agenda item as to how to deal with intervention settlement type scenarios. And I think some of the problems is that it's always the applicant who's put between the rock and the hard place. When you have interventions, you know, we have very liberal intervention rules that say, you know, we kinda have to freely give intervention. But that doesn't mean that we don't scrutinize, you know, the board--can always try to narrow issues to in order to facilitate mediation. To look at, you know, part of the review process of looking at the settlement. These types of interventions always end up postponing the actual substantive review of SMA project. So you're ultimately left, you know, you are ultimately left with that level of scrutiny to actually look at the substantive issue of the project if the intervenor fails to raise those issue. Because you know, you see a money settlement. The intervenor settles now you're left with the scrutiny of what do you put as a condition? And in this case that's what happened. You saw the settlement post or pre, analyzing the situation and then said, well if that's the agreement they have then we wanna see a report. And kinda that's how it got left there. You know there's a possible discussion with applicants. You know when they come, you know, to oppose, sometimes they don't oppose the intervention. They just say well, it's easier for us to just deal with them. There can be a level of scrutiny there as far as, you know, we wanna ensure that the process of intervention upholds the objectives and policies of 205A. And sometimes that gets to be a gray area when you're talking about socio and economic impacts and benefits of a project. And that's where the difficulty is because how do you draw bright line rules for a gray area. And again, as the Chair mentioned, some developers look at that as just the price of doing business. And that's, you know, that's a very clear vision of what's happening. It doesn't always mean that it's fair. It doesn't mean that it's just or equitable, but it is part of the process that, you know, we've become a part of. So we have to look at, you know, what can we do to find a fine adjustment for that?

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I'm wondering if we can have some kind of guidelines for this intervention. We have Commissioners that come in at that change, so a lesson learned that might have been in a last Commission isn't brought to the next Commission. So even a class in what to look for, what our goals are, something to teach us so the Commissioners themselves when this intervention comes before us, we're able to deal with in the best way where people don't get hurt. There's a lot of money out there being thrown out there going to the wrong place when the intention is to go to the right place. And we're seeing it time and time again. So I think we need to be taught on what's the right thing to do, the proper way to way to handle this intervention. Because we're seeing it become a moneymaking thing. We are. Guys are making money just intervening to stop a project. They see big money out there. Let's grab some. And these guys don't want to see it delay their project delayed year by year by year so they'll pay these people just to get it over with which is wrong. And the whole intention of them is saying, oh we're doing this because we want preservation. We want to do it historical when we know for a fact they're out for money. I mean,

it's plain and simple. So I think we have to be a little more concerned in how this, what's going on.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Is this Lot 3? I have a couple questions and then I have a concern. Is this Lot 3 as yet undeveloped? It says obtaining building permits, is that correct?

Chair Hiranaga: Deputy Public Works Director, maybe you can address this question to her?

Ms. Wakida: Lot 3 on this intervention, do you know if it's undeveloped at the moment? It says here --

Chair Hiranaga: Mr. Yoshida is raising his hand to be recognized.

Mr. Yoshida: Yes, Commissioner Wakida, Members of the Commission. I believe that the applicant did initiate construction because the permit was granted by the Commission in 2009. One of the first permits that Commissioner --well, 2009. But they still, you know, have not initiated the major above ground construction yet.

Ms. Wakida: Okay, my concern is I didn't look up the back information on this, but I don't know whether it's another area of the agreement besides this one. Because there was a--something that I read where this association and I'm wondering also if there aren't two associations involved, the West Maui Preservation and somebody else where they were gonna get a percent of the room rentals annually, a small percent, like a point something, something and this goes into this fund which brings up my concern of there's no updates since '08. So I don't know if this sounds familiar to anybody else. So, I'm questioning what this agreement involves and number two, if there's another agreement that isn't being brought to the table that has this other source of revenue that's annual that's coming into this. Because I know that there's \$300 something thousand out there in this preservation group. So that's--so I guess my question is, I wanna know what the agreement is so I can know if this '08 figure needed--is really an updated figure?

Chair Hiranaga: Let me make this one comment and Deputy Director or Corporation Counsel can correct me is we do not have any jurisdiction here. And if the Condition No. 44 was not placed in the SMA permit requiring an annual report we wouldn't even know what was happening because this is a private settlement between two parties, the intervenor and the applicant. So you know,--I share your concern, but we really don't have any jurisdiction in this matter. It's a private settlement.

Ms. Wakida: That's true unless we have a question about whether or not the --

Chair Hiranaga: We have no jurisdiction. The SMA permit has been approved and this is a independent private settlement. We just happen to have this Condition 44 which sends us a report once a year. And they're complying with that requirement. Deputy Director wishes to comment?

Ms. McLean: Thank you. I do have a couple of comments. I'd like to see what Clayton has to say first and then I'll comment in addition to what he says.

Mr. Yoshida: Yes, the Commission has to realize that WMPA intervened on two projects. The first one was Honua Kai on Lot 4, and they have a annual reporting requirement also. And then the second was KOR on Lot 3 by the same people, WMPA, and they have a settlement agreement and they have reporting. SVO Pacific has a annual reporting requirement to the Commission. So more monies have been paid on the Honua Kai project because that has been more fully developed.

Ms. McLean: And if I can add just reading from attorney Rapacz's letter. It suggests that funds had to be made from the applicant to both, the West Maui Preservation Association and to the West Maui Community Benefit Fund. And it seems that the payment to the West Maui Community Benefit Fund would be triggered by building permits. And so they haven't obtained the building permits that would trigger that payment. A year from now when they submit their next annual report it may or may not indicate that payment if that trigger has already been hit. But I appreciate the Chair's comment because you know--and I understand you're not happy about it and we will follow up to get whatever information that the WMPA will give us about their members and about how that money has been spent, but this was a private settlement agreement between those parties. The applicant is who you have authority over and who the Department has ongoing authority over to enforce SMA conditions and the applicant is complying with that. And beyond that, the Department doesn't have authority. We'll follow up and get what information we can. It's a very reasonable request, but beyond that, the Department doesn't have authority.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Appreciate the Deputy Planning Director's comments, but I do want to get more specific in terms of how are you gonna do it and if you do, would you be able to report back to us?

Ms. McLean: We will report back to you absolutely. We'll find out starting with Mr. Rapacz, who his contact is there and make contact with that person initially probably by phone or email and then in writing to formalize it.

Mr. Shibuya: Right, sort of following the money.

Ms. McLean: Yes.

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: This is deja vu all over again. I have before me, May 13, 2008 minutes, Pages 55 to 63 or something like that and it was moved by Mr. U'u, seconded by Mr. Hedani, there's some discussion, then a motion to direct the Department to draft a letter to WMPA as well as the applicant requesting WMPA's recording of the funding that was given for the community benefits as well as the status of the incorporation of the board and getting the board started as well as directing the applicant of which Honua Kai to do everything possible by getting the bylaws approved. Assenting-Bruce U'u, Wayne Hedani, Kent Hiranaga, J.B. Guard, Donna Domingo. Got passed 5-0, passed unanimously ...(inaudible)...people in the room at the time. So you might find out whether that letter was sent and if there was any response to it. My hunch is they just didn't respond. I don't know.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I totally get it. That these guys are fulfilling their obligation to us. This is the settlement agreement. This is what they did, they disbursed this money and part of it went to attorneys fees. But the Condition 44 which is not very well, not broaden, more--actually not specific enough on, okay, and once these funds are disbursed and we wanna look at that and all that. So I don't think you should go and look into that. It is what it is and if somebody in the west side wants to pursue that, then they should pursue that. But it's kinda not really the Commission's deal anymore. We're getting the information that we're supposed to get. However, with that, the settlement that I have not seen, this was last paid in 2008. Is it an annual payment that we haven't seen an update on or was this the last payment?

Ms. McLean: I don't know. The applicant is required to file an annual report and it could be that those payments that were made in 2008 were all that they were required to pay to WMPA and to their attorney. They're still, however, required to make a payment to the West Maui Community Benefit Fund when they obtain their building permits. So there is another payment to be paid.

Mr. Ball: That would be my only request for you is okay, we made our last payment 2008. We're gonna payment again is when we get our building permit and then that will be last payment or then we gotta pay another five years at whatever sum then at least we know that part. The other part, the West Maui Preservation Association and the Community Benefit Fund, I mean, we've all said it different ways, but it's none of our business how they do that, but if, you know, somebody thinks it's not right, I mean, I guess their opportunity to go to the Attorney General is where they would go. I don't think you should be spending your time investigating it. But if we can get those other questions on why the last payment was in 2008 and it's now 2012 so where are those other payments or will that be the last payment when they get -- so little bit more info on that.

Ms. McLean: Okay, we can follow up on that too.

Chair Hiranaga: Okay, I'm gonna call for a ten-minute recess.

A recess was called at 10:40 a.m. and the meeting was reconvened at 10:50 a.m.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: As long as the questions that we're asking about the membership and where the money has been allocated, if this intervenor is an all good intentions on where the money is going, I don't see where the, where they would have the need to hide it. And if you are doing the right thing take pride in what you're doing. Tell us who you are.

Mr. Ball: Where's the money.

Chair Hiranaga: Any other discussion? Commissioner Shibuya?

Mr. Shibuya: I understand where Commissioner Ball and Chairman is mentioning and where they're going with this. That our jurisdiction ends. However, this is a community issue here and

the integrity issue, yes, the developer has paid, yes, we have not received information on how the money was intended. This Commission has a moral obligation to follow up to ensure and our surrogate per se authority would be the Planning Department. Permits need to be issued in the future. If you ask the question for this information, why would they not give it to you if they knew that possibly the permit could be held up? I wanted to give you some tools to enforce.

Ms. McLean: They're not the applicant. The organization that we want the information from is not the applicant, isn't a permit holder. We have no authority over them.

Mr. Shibuya: Okay, so that's why I asked how are you gonna get this information for us?

Ms. McLean: We're going to ask and I think my first, my very first response to the question was if they don't provide it to us, I don't think there's anything we can do about that. We'll ask and we'll provide the Commission with whatever information we're able to get.

Mr. Shibuya: Okay, the other alternative would be to go to the Attorney General and highlight this issue. If that alternative doesn't work, maybe a class action suit or the Commission taking lead or the Planning Department taking the lead.

Chair Hiranaga: Okay, any other discussion? Seeing none, let's move on. Item F-2, Planning Commission Projects and Issues. Deputy Director?

2. Planning Commission Projects/Issues

a. Revising the SMA Boundaries

Ms. McLean: Chair, we have nothing to report on revising the SMA boundaries.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I am glad to see though that the Revising SMA Boundaries continues to stay on there and I hope that eventually there will be some recommendations made to this group about that because that's a concern that we--that's really hanging out there.

Ms. McLean: Yes.

Chair Hiranaga: Any further discussion? Seeing none, Agenda Item 6am, Future Agenda. Oh, F-3, 4, and 5. Any discussion?

3. EAEIS Report

4. SMA Minor Permit Report

5. SMA Exemptions Report

Chair Hiranaga: Seeing none, F-6. Mr. Yoshida?

6. Discussion of Future Maui Planning Commission Agendas

a. April 10, 2012 meeting agenda items

Mr. Yoshida: We're starting the new year so we'll have the two new Commissioners here. As Ann reported, you'll be taking up the SMA Use Permit and Planned Development Step 1 and Step 2 Approvals for the expansion at the Grand Wailea and also we'll be having Part 1 of our annual orientation session and election of officers.

Chair Hiranaga: Commissioner Sablas?

Ms. Sablas: Can I ask about the status of the Kula Lodge project?

Mr. Yoshida: I believe the applicant is, you know, rethinking and they may be going in for a Planned Development Phase 1 Amendment to include specifically kitchens as a use. So I mean, it's--I think that was what they were contemplating.

Mr. Mardfin: May I have a follow up question?

Chair Hiranaga: Commissioner Mardfin?

Mr. Mardfin: Would that--if they go that route, will they have to come before the Maui Planning Commission?

Mr. Yoshida: Yes, they would have to come before the Commission before the matter is transmitted to the Council.

Chair Hiranaga: Regarding the C-1, SMA Use Permit for the Grand Wailea Hotel, I know there were initially three intervenors and I notice Wailea Beach Villas apparently settled before the actual intervention occurred. Are we gonna have a copy of that particular settlement agreement also? Or is that public record?

Mr. Yoshida: I think it was reported back in November 2010 that they had dropped out. And so the Commission was faced with granting the intervention only for some of the owners at Hoolei and Dana Naone Hall. Those were the only two intervention requests that were before the Commission after the court ruling. But we can provide you with, again, the court ruling which I believe states that the Wailea Beach Villas people had dropped out.

Chair Hiranaga: Can you just confirm whether there was a settlement agreement agreed to before the intervention was granted because I thought I might of heard that they had settled before the intervention was granted?

Mr. Yoshida: Yeah, we could confirm that if there was one.

Chair Hiranaga: And if there is one, if we could have a copy of that provided at our next meeting? Commissioner Lay?

Mr. Lay: I'm wondering if we can put together a training program for how we can best handle best practices for intervention with the Planning Commission and Corp. Counsel getting together so we don't have these loop holes in the future?

Chair Hiranaga: Perhaps we could include it in C or D of our agenda which is the orientation.

Mr. Yoshida: Yes, we could do that.

Chair Hiranaga: Any other discussion on Item F-6? If there's no objection, this meeting is adjourned. Thank you very much again, Commissioners Sablas and Mardfin for your service.

G. NEXT REGULAR MEETING DATE: APRIL 10, 2012

H. ADJOURNMENT

The meeting was adjourned at 10:56 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Keone Ball
Jack Freitas
Kent Hiranaga, Chairperson
Ivan Lay
Ward Mardfin
Lori Sablas
Warren Shibuya, Vice Chairperson
Penny Wakida

Excused

Donna Domingo

Others

Michele McLean, Planning Department
James Giroux, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Department of Public Works