

**MAUI PLANNING COMMISSION
REGULAR MINUTES
APRIL 24, 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, April 24, 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: I'd like to call the Maui Planning Commission meeting to order. Today's Tuesday, April 24, 2012, and for the record we have quorum. At this time, I'll open the floor to public testimony regarding any agenda item. Is there anyone here that wishes to provide public testimony at this time? Seeing none, public testimony is now closed. We'll move onto Agenda, B-1, Director.

Mr. Spence: Thank you, Mr. Chairman. As Kenny is scanning the almost empty... Item B-1, Public Hearings, Mr. Mike Beason of General Dynamics on behalf of Verizon Wireless requesting a County Special Use Permit for the installation and operation of a cell tower monopole. Our Staff Planner is Mr. Danny Dias.

B. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MR. MIKE BEASON of GENERAL DYNAMICS on behalf of VERIZON WIRELESS requesting a County Special Use Permit in order for the installation and operation of a thirty-five foot (35') cell tower, monopole with twelve (12) panel antennas disguised as a palm tree on property located at 38 Keonaona Lane, TMK: 3-2-013: 039 (por.), Wailuku, Island of Maui. (CUP 2011/0005) (D. Dias)**

Mr. Danny Dias: Good morning, Chair Hiranaga and Members of the Maui Planning Commission. As stated by Director Spence the item before you is a application for a County Special Use Permit in order to install a 35-foot monopole and panel antennas at a property located in Waiehu. The project is very similar to another, you know, palm tree-type antenna that this Commission approved about a year ago, and that antenna is going to be installed right down the road here along Waiale. I'll let the applicant get into the details of the project, but essentially as mentioned, it's a 35-foot pole. There are gonna be 12 panel antennas attached to the pole and the pole itself is gonna have the appearance of a palm tree to help it sort of blend into with the surrounding environment.

With respect to the property it's community planned and zoned Agriculture. Antennas such as this are allowed in the State Ag District and also allowed in the County Ag District with a County Special Use Permit. The property is about six and a half acres in size and surrounded by other similarly sized Agricultural lots with the exception of the western boundary of the property which borders Malaihi Road and next to Malaihi Road is a handful of residential sized lots. The property itself contains a small residence and an agricultural building and currently it's used as a nursery for the Maui Tropical Plantation so it's in heavy agricultural use. It contains various palm trees and so forth. So we feel that the antenna it's gonna blend in quite well. With that, I'm gonna hand it over to the applicant for a quick five-minute Power Point presentation. Thank you.

Mr. Mike Beason: Good morning Chair and Commissioners and the other part of the Planning Department here. My name is Mike Beason. As you said, I'm here representing General Dynamics and our client is Verizon Wireless. Verizon Wireless is requesting to install a 35-foot monopole with 12 antennas disguised as a palm tree. This is if you wanna follow on your paperwork this is Exhibit 2. The city map, Wailuku is to the right on the map, Waiehu--Waihee is to the left. We've got Kahekili Highway here and this is Malaihi. Kahekili Highway coming through and Malaihi coming up. This is the property here on the corner with Keonaona Lane. I've taken the map and done a color overlay so you can see the different zoning districts here. We have everything represented on the State level. The Ag property in the light green, Rural is the area that's adjacent to the property in the kinda brighter green there. You've got the Urban and Single-Family designations on the right-hand side there. And then on the ocean side of the golf course is Conservation land. So one of everything going on in this area. And that's about a mile radius to give you an idea of scale here. And like I said, it's a six and a half acre property. To give you a visual of the area, this is the corner of Malaihi and Keonaona looking at the property. This is one of the photographs on Exhibit 4. This is just down the road as you're coming up to the property, you're looking across the adjacent property, the line of palm trees is the border of the property where we're proposing the site. This is uphill looking down at the property from the two properties up and that roof is the roof of the residence on the property. From Kahekili Highway looking up at the property, again, you can see the palm trees that line the property line. This is about 900 feet away. Give you an idea of perspective. Getting into the site plans, the project is proposed to be at the very top, kind of a dark rectangle there. Verizon's licensing a 30x40 square foot, 30x40 foot rectangle and it's about--how far is it, about 200 feet from Keonaona Lane and 540 feet to Malaihi Road. This is a little bit closer detail showing the property line.

This is Exhibit 11, in your diagrams if you wanna look at a closer picture. We have the fence line for the area setback 40 feet from the property line. The monopole is setback 62 feet from the property line. Getting into the a closer detail, the equipment plan, you've got the monopole with antennas. Has the kinda of the three array going on there. Lightly drawn in there is what would be palm fronds. At ground level, you've got radio equipment on the right-hand side in a line up and an emergency generator. The site is going to have a six-foot wood fence surrounding it and the owner is then going to put potted palms around it to help blend it altogether. Side view of the mono palm, you've got 35-foot structure with the palms branches that extend over the top. They're estimating at 42 feet. The grade here is level for the property and it's about 2 feet of fill. So the overall height is right around 44, 45 feet from grade which is important to Code enforcement. Again, you're looking at section view of the fence and equipment in the yard. And then we've terraced and doing a small retaining wall so that there's a level area below the project for plants. This is another elevation view and this is looking at the property line and the setback of one to one that's required for telecommunications facility.

Show you how the height limit's set. To get into a couple photo sims that we did, this is Exhibit 6 through 9. We're at the cul de sac of Keonaona Lane. Looking at the property this is the existing view. This is what we've taken a photograph of another site and then added it in and tried to show the fence line. This is a zoomed view of a picture I showed you earlier from Malaihi Road looking across the adjacent property up to the site and then we've added in the palm tree. And this again is a photograph of an existing site that has been cut out and put into this. The way we came up

with the scale here and why we're confident on height and how it visually looks is we do a radio test for property and they actually just do a boom truck. So we go out there with a photograph, take the photo from the same spot with that photo test and we know we're at the right heights. So I'm really confident on accuracy of height and visual.

Had a couple questions in the review process from notifying neighbors. This is a palm pole at Waikele Shopping Center as an example photograph of a mono palm. This is not a Verizon Wireless site, but it gives you an idea of a site that's been used here. I think this is in the 50-foot range for a pole. And another one's out at Coral Creek Golf Course, Ewa, Oahu. Again, it's another carrier that's done a palm pole there to make it work with the golf course. I think they're good examples and show what's out there. Again, this is a 50-foot mono palm. That's the end of my presentation. Any questions. I'd be happy to answer them. I really appreciate your time.

a) Public Hearing

Chair Hiranaga: At this time, I'll open the floor to public testimony to anyone here that wishes to provide testimony regarding this agenda item? Seeing none, the public hearing is now closed. Open the floor to questions from Commissioners. Commissioner Shibuya?

I just have a question in terms of some of the examples you've shown, 50-foot pole, what are the sizes of that antenna attached to it? Your approximate guess. Is it similar, identical to the eight-foot antennas that you plan to propose?

Mr. Beason: I don't recall what the antennas were on that. Just a second, let me look at a photo. Usually there's six--these other carriers use six-foot on the first one might be.

Mr. Shibuya: Because they're repeaters are they not?

Mr. Beason: It's a full cell site. It is a full cell site. The equipment's down below and this one is in the shed here. This site here, the equipment's actually behind it. If you are standing the Ewa Road or Farrington--or what it is Farrington, no. What is it, Fort Weaver, sorry, Fort Weaver Road looking at it, you would be looking at equipment building, it would be a monopole behind it. So it's a full cell site. I think this one's taller. I think this one's six-foot where these are four-foot antennas, the Waikele shot.

Mr. Shibuya: I just wanna have some visual comparison.

Mr. Beason: Right.

Mr. Shibuya: Because eight-foot is quite large.

Mr. Beason: Yeah, and the advantage with eight-foot is there's a lot better directional antenna. There's more focus in the sense of being able to provide the service better. They can--it's a lot better direction where a smaller antenna ends up being a wider path as --

Mr. Shibuya: I'm familiar.

Mr. Beason: Okay.

Mr. Shibuya: On your map, can you demonstrate the three directions that you have? Because you show us three directions on the chart here but on the map, I'd just like to see where we are. That's what it is, but ...

Mr. Beason: Right, and I can go--I can get back here. So the property line--the equipment area is close to this property line about, in the middle of the property. One sector is proposed to go out towards Waihee, another sector proposed to hit and cover this urban area here. I think right now, this area has some weak coverage because it's just over that rise as you go to the ocean. And then the third sector is almost parallel to Kahekili Highway coming back into Wailuku. And so again, you've got the current urban area here and this of course, is a proposed development at some future time. So we're trying to cover this whole area here and then, of course, get up the road and up to all the rest of the houses and everything in this way.

Mr. Shibuya: It will be Kahakuloa is that aiming point toward Kahakuloa?

Mr. Beason: I think that because of the ridge line, you'll probably only make it to Waihee.

Mr. Shibuya: Thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Thanks Mike for doing that 'cause I know the service out there is awful if you live out there. The question I have, I have a few questions. One of it is more of a in general and probably for Danny, that the property is leased. I guess Verizon's leasing land from the property owner?

Mr. Dias: Yes, that's what I understand.

Mr. Ball: Why is it not necessary for the property owner to be here? 'Cause we don't care or ...

Mr. Dias: Usually when a property owner leases it to somebody else, they give us a letter, that you know says, okay, he's gonna represent me and, you know, whatever--in whatever capacity. So that's why we don't necessarily need him here. I mean, if he wants to be here he can, but obviously he's okay with Mike representing him.

Mr. Ball: Okay. And then so, follow up to that is what's the--what is the lease term timewise not amount?

Mr. Beason: The way they do it is they do it as a license because of subdivision ruling, rules. And so it's done as five-year terms. I don't know exactly on this one. I don't do the negotiation on that side. Ideally Verizon's looking at 20, 30 years of a license agreement. It's a good size investment. It's a lot of really top end equipment and as long as an owner's willing to work, you know, as far as they're willing to work out, Verizon would like to do that and commit.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Follow up to that. If Verizon chooses after whatever term to terminate the lease, who's responsible for--and you choose that you don't want that pole any more for whatever reason, technology's advanced. Who's responsible for taking it down and dismantling?

Mr. Beason: Verizon Wireless is--usually the agreement it's specified that Verizon takes it back to its original state.

Ms. Wakida: Okay, I'm wondering if that should be in the, in the permit or is that something that's done through the lease or... I'm sure Danny is...

Mr. Dias: That's something we could put in our conditions, but generally we leave that between, you know, the property owner and Verizon.

Ms. Wakida: Well, as long as it's some place and it's stipulated that they'd be responsible for dismantling it.

Mr. Dias: Yeah, I believe it is in the lease as Mike stated.

Ms. Wakida: Okay. I have another question, but it's not along this line.

Chair Hiranaga: Just a follow up Danny. So when the Conditional Permit or whatever permit you're asking for expires that structure needs to be removed by someone, correct?

Mr. Dias: Correct.

Chair Hiranaga: We just don't care who it is, but someone will have to remove it?

Mr. Dias: Yeah. And generally, it's the property owner that's going to make sure that, you know, they're not entering a lease where now they're stuck with, you know, a 40-foot pole in their backyard.

Chair Hiranaga: Okay, thank you. Any other questions, Commissioners? Commissioner Ball?

Mr. Ball: There's a lot of terms under Section 9, A through E, Police Department issues a couple questions on that. Is there something that we're seeing that might happen or is this just in case, and also, in the previous request I think the top of the pole was kinda dedicated to County radio services? Is this the same thing, and if so, then it should probably be in here? I don't think I read that in here anywhere.

Mr. Dias: I know, I know there was one in Hana where the Police specifically stated, you know, we want some room up on this pole. They didn't specifically say that for this project, but I do know that, and Mike, maybe you can correct me if I'm wrong, but generally, the cell phone carriers they're open to that.

Mr. Beason: Almost all carriers have a division in their company to provide co-location and it's usually based on the structural ability. Maui Police Department has the advantage that they're using an omni antenna usually at a facility. So it's a very low impact. It hasn't been designed that way. It's typically over designed anyway. I think that that would be allowed and you know, our site, we try to keep our area fairly small, you know, for the landowner and just for use, so there would also need to be equipment on the ground or something like that that would have to be coordinated. I think it could be used in that regard. Kind of a tangent to this is co-location. Because we've kept this fairly low and part of that is the aesthetics from the surrounding owners there's very limited co-location ability here because it's just already been kept small. But I think a whip antenna would probably be able to be added to the site if they needed to. On interference, I guess the Police Department has had interference in the past. I'm not aware that they've had a problem with Verizon Wireless signal. Verizon is in the 900 megahertz which is very close, but I haven't heard of any problems. What the Police Department does is a public entity just needs to be fair to everybody and says everybody needs to come in and coordinate with us and that's really easy. The engineers will give them the heads up that it's being put on air and make sure there's no interference.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, one more question for you, sir and it's an easy one. What color will the pole be?

Mr. Beason: We'll do a faux bark as well. So it will have a brown kind of a bark look to it. They actually do some texture and green leaves. And we'll paint the panels, they're usually an off-white, we'll paint those green as well to try to take that out of the visual impact.

Ms. Wakida: Okay. One more question, but for--probably for Mr. Dias. This--and I'm not sure on the protocol here but this request doesn't have a time limit. I'm wondering if that's typical. This Special Use Permit it's not for any length of time. It has to come in for renewal. Did I miss that?

Mr. Dias: Standard Condition No. 1, says that the County Special Use Permit shall be valid until April 30, 2017, so five years.

Ms. Wakida: Oh, thank you. I was looking at the front page. Okay.

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

Mr. Shibuya: About two or three months ago, this body, Commission reviewed and sent their comments to the Council relating with the height of the antennas and this one probably could be part of that height limitation. The height limitation was moved from 40 feet, I believe, to 50 feet.

Mr. Spence: I don't recall.

Mr. Shibuya: Okay, can we check on that and see what the status is on that? The reason why I'm bringing this is up is because I'm looking at in terms of the impacts to the public and I would like to minimize some of the electromagnetic radiation hazards. They call it RADHAZ or EMR hazards. There's a difference between electric power transmission lines which is low frequency electromagnetic radiation and the electromagnetic radiation from transmitters and antennas. And

even though they're not really identified as hazards, they are depending on the strength, can impact ordnance, personnel, fueling operations that are close by. And this is the standards in the Federal Standard 1037C, if you wanna know, I have it here. And these hazards will exist when electromagnetic field of sufficient intensity is generated to a) Induce or otherwise couple currents or voltages large enough to initiate electro explosive devices or other sensitive explosive components of weapon systems, ordnances or explosive devices. b) Cause harmful, injurious effects to humans and wildlife. c) Create sparks having sufficient magnitude to ignite flammable mixtures of materials that must be handled in the affected area. Now this is a Department of Defense Dictionary of Military and Associated Terms.

To minimize some of this, you can minimize the radiation by several ways. The intensity, the amount of transmission, and of course, if you're gonna serve the public in this capacity, you don't wanna have something less than effective. Also, the duration of the radiation. If the duration is constant then it has an impact. The distance in which the public and all these facilities are located is of concern. However, it's located in an area that it's pretty much isolated away from the population and away from the industrial areas. This is agriculture. So I don't see any problem there. Okay, but I'm bringing this up because I want to suggest that we--if it allows for it, 50 feet would be my guess would be the better height because you're already applying it in Honolulu. The concern I have is the size of the antennas. The antennas here proposed are eight feet. When you start doing the math at 40 feet minus the eight and then you're standing up six feet, you have hardly 20 feet distance between your head and the antenna. That's less than two stories. I think that's a concern. If you can move it at least 10 feet more, I think you can minimize this effect as I mentioned intensity, the duration, and the distance. We're talking here distances.

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

Mr. Shibuya: I just shared that information. The reason why I'm sharing that information is because I'd like to make a condition. The condition would be that we allow, if the County ordinances permit, that it should be at the 50-foot level, if possible.

Chair Hiranaga: Okay, any other questions, Commissioners?

Mr. Shibuya: Danny, you wanna cover the other aspect?

Mr. Dias: 1515 is that what you're--

Mr. Shibuya: Yeah.

Mr. Dias: Maybe you can put some context to it. I believe Commissioner Shibuya wants me to discuss and I'll do it very briefly, Chapter 19.510 of the Maui County Code requires that when we're looking at County Special Use Permits that we make sure it complies with Chapter 15-15-95 of the rules of the Land Use Commission and keep in mind that this type of project is an allowable use in the State Ag District. So I'm gonna read the beginning portion of 15-15-95 just for the record, according to the State Land Use Commission, any person who desires to use land within an Agricultural or Rural District for other than a permissible Agricultural or Rural use may petition the County Planning Commission within which the land is located for a Special Permit. So if any of you

are wondering whether or not this project meets Chapter 15-15-95 of the Land Use Commission Rules, it does because 15-15-95 says that it's only if it's not a permissible use then that Chapter applies and in this case, it is a permissible use. So it's a clarification on that.

Chair Hiranaga: Danny, I'm confident that you would not have brought this application before us if it was not a permissible use.

Mr. Dias: Thank you.

Mr. Shibuya: I wanna endorse what our Planner Danny Dias --

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Yeah, thank you. I did ask him offline. And I did review the regs and it does--after I've read and reviewed the project it does fit in and it is admissible and it complies.

Chair Hiranaga: Do you concur Corporation Counsel? Okay, moving on. Any other questions, Commissioners? I have a couple questions. As far as selecting this particular lot, did you approach this particular property owner first or did you approach various property owners in the immediate vicinity and how did you select this particular property?

Mr. Beason: The way most of the carriers work, and I do almost all my work with Verizon Wireless, but I work--I know the other planners, is they put out a what's called a search ring and it will be an area that will be maybe half of this mile radius here. And say, we need to get coverage in this area and these are the elements that we're trying to get. We went out and looked at several different properties. We looked at properties down near Kahekili Highway, a couple of the Ag lots that are part of this subdivision. We also approached the golf course because we felt going with a palm pole design would work well. The golf course is up high, it sees everybody there which in turn makes --works well for the antenna reception. Of course, Urban, Single-Family would be very difficult, and very difficult to propose to the Planning Department and this search ring was basically this Ag subdivision and so it was focused on that. After coming up with several candidates, we bring out the radio engineer and say, this is what we see, this is what we think would work well. The owners had given an initial, you know, response. And we actually talked to the golf course for quite a while. There is--the difficulty there is the utilities are much harder to get to. And this property became central literally as a coverage area. And that's why their radio engineer wanted to go with this property and try to develop a license and permitting for it.

Chair Hiranaga: So you surveyed several adjoining property owners and some indicated no interest, others said they might be interested?

Mr. Beason: Yes. And that's typical. We find both ways. Sometimes you can't get a hold of an owner. Other times, an owner just doesn't want to work or they have something else in mind or like the adjacent urban area there, it's not developed yet so it's hard to present something and situate something in a development that they're not quite sure how they're gonna do it. And we run up on that often too.

Chair Hiranaga: I guess my primary concern relates to notification to adjoining lot owners. And I know you sent certified mail to 500-foot radius.

Mr. Beason: Right.

Chair Hiranaga: And I guess apparently did not receive any letters of opposition.

Mr. Beason: That's my understanding. Right, I didn't have a call. I'm always willing to talk to anybody who has questions. Think it's just good to be straightforward on that.

Chair Hiranaga: My concern is if I was one of the Ag lot owners and a 35-foot, you know, antenna pole rises 20 feet from my boundary, I wouldn't be that particularly happy about it. For me, I would prefer to see the pole in the middle of the property versus on one side of the property and I'm sure the property owner prefers it on one side of the property because it's the least intrusion into his use of his lot. He's gaining a benefit by the fact he's gonna get paid lease rents for the construction of that facility. So as long as for me, you know, they've been notified and no one's opposed it, when it comes up, they will probably have a weak basis to complain, but I'm sure there'll be complaints and people beyond the 500-foot radius who are above or mauka of the site will see this obstruction, you know, rise and they may be a little surprised.

Mr. Beason: Right. A couple things on that. One, Maui has one of the most stringent setback requirements, our requirements, the yard setback plus one to one. Big Island is one to five from the property line. Oahu's one to two often. The setback is much further away here. So in a sense your regulations are already trying to initiate that not imposing on your neighbor. The owner did take to the Association this proposal and did notify them on an Association level again whether people uphill were being active in that association or not, you know, and they're surprised later, but they did take it to 'em and get approval that this was okay. Again, the height has been proposed fairly low and I think our radio engineer would love to go taller. We were very cautious from my standpoint in presenting to the neighbors and to the public how tall we'd go and what the visual impact is 'cause at 50 feet you'll definitely be breaking your horizon looking out towards the golf course. And you know, of course, further away you go, that diminishes. But we did wanna keep it fairly low to avoid that impact.

Chair Hiranaga: Thank you. Any further questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: The other issue that I'd like to introduce at this point is Hawaii State Revised Statutes 269-92 requires that we have a renewal portfolio standards. That we have at least 15 percent of the net energy sales that is actually from renewable sources by 2015. And you noted that you're probably gonna have 20 to 30-year length of this investment. So it's gonna be beyond 2030 where the Hawaii State's requiring the utilities to provide for 40 percent of the power through electric renewal sources. With this in mind, because you're not consuming--I'm mean you're not providing any renewable sources, you're not generating your own power except for emergencies, are you initiating or proposing or can you initiate at least 40 percent of your total power that you're gonna consume?

Mr. Beason: I'm not aware of the plan on a large level out there. I do know that Verizon's been

doing a--trying to use solar at some of their facilities and seeing how well that works and what they can use. It goes both ways because of course, you're paying for the power and that brings a reduction down. So they have tried it. I think they'll continue to work with it to see what they can do. It's interesting because in a way we're a utility but in another way, we're not a utility.

Mr. Shibuya: That's right.

Mr. Beason: And it's a--we would be given a lot more latitude if we were a utility in many ways.

Mr. Shibuya: Yes.

Mr. Beason: So, yeah, we're in between, but they have tried it and they are looking at what they can do to save and, you know, on their side by using solar. So that is one way.

Mr. Shibuya: Okay, if we make a condition that we encourage you to do it, would that be something that you could do?

Mr. Beason: I think it would be hard to go all the way to 40 percent.

Mr. Shibuya: Right.

Mr. Beason: I think it would be very difficult.

Mr. Shibuya: But you can look at it, and ...(inaudible)...

Mr. Beason: I think they are looking at it, yes.

Mr. Shibuya: Because Maui has one of the higher rates and if you can minimize by generating your own renewable power that be to your advantage too. It's a win-win for both of us.

Mr. Beason: Right. We start looking more and more utility oriented or industrial than trying to just be a couple of equipment cabinets behind a fence, right.

Mr. Shibuya: I understand.

Mr. Beason: And you start bringing in photo voltaics, right, and do that, that aspect.

Mr. Shibuya: Right.

Mr. Beason: So that would diminish a little bit in appearance.

Mr. Shibuya: Right.

Mr. Beason: It's a--you know...

Mr. Shibuya: And it's also cooling the cabinets too.

Mr. Beason: Shade would be a benefit, right.

Mr. Shibuya: Yep.

Chair Hiranaga: Thank you. Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Another comment, different topic.

Chair Hiranaga: Are you asking a--you're making a comment or you're asking a question because we'll have discussion once there's a motion on the floor that you can make comments. Now is the time to be asking questions.

Mr. Shibuya: I have a question.

Chair Hiranaga: Very good.

Mr. Shibuya: To the Planning Department and/or the Department of Environmental Management, in the Maui community plan for Wailuku and Kahului, Item No. 3, it says, the direct and cumulative impacts of agricultural subdivisions and the impacts on the community shall be assessed and considered. How many towers do we have today and where are they located?

Mr. Dias: We don't have that information.

Mr. Shibuya: Okay. This is--can we get that kind of information? I'm not stopping this project, but we would like--this is not the first time this type of issue has come up, but I sure would like to see where we can minimize some of these towers that they can co-locate, join up and facilitate and minimize the number of towers. They can share it.

Chair Hiranaga: Commissioner Shibuya, they may be able to provide you a count of number of permits that have been issued for towers because a lot of the antennas are affixed to existing buildings.

Mr. Shibuya: Understand.

Chair Hiranaga: So if you--and so if you wanna know how many permits have been issued for towers they may be able to get that information for you, but to ask how many towers there are, I think that's beyond the scope of what the Planning Department should be doing.

Mr. Shibuya: Okay, I'd like to break it up into two areas. One is towers and one is antennas mounted on the roofs and how many antennas are we talking about?

Chair Hiranaga: Director, do you care to comment?

Mr. Spence: We can certainly check on how many Special Use Permits have been issued for cell towers. Actual number of building permits is for and where their locations are and all that. That's

certainly more within the purview of Public Works. You know, I somewhat I trust that the cell phone companies are--you know, because they make their locations of their facilities based on coverage, based on consumer demand. You know, there's a lot of technical considerations, lot of engineering that I'm certainly not familiar with. You know, I'd rather trust that the companies know their needs rather than having--I'm not sure it's a Planning Department function to dictate, you know, that we limit these kinds of facilities. You know, we get just as many calls from people saying, how come my reception so horrible versus, you know, the others saying I wish there weren't so many towers--you know, facilities.

Mr. Shibuya: I just want to have the impact. That's all I wanna do. I think we need to--because it's in the community plan, somehow we need to assess it. How do we know about the cumulative impacts when we don't even have an inventory?

Mr. Spence: Well, I'm not sure that there is an impact.

Mr. Shibuya: Numbers. The proliferation of these.

Mr. Spence: Well, again, you know --

Mr. Shibuya: How much?

Mr. Spence: Okay, we can find out. I'm not sure that numbers are an assessment of impact. However, that's not gonna show one way or another.

Mr. Shibuya: Understand. Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I would like to propose a condition and I wonder when the best --

Chair Hiranaga: Now is the time for questions. We don't have a motion on the floor.

Ms. Wakida: That was my question. When is the best the time to do that?

Chair Hiranaga: When we conclude the questions then I'll open the floor to a motion. And once a motion is on the floor, you can do amendments or you could make the motion yourself with additional conditions.

Ms. Wakida: Okay.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Tsai? Tsai, I'm sorry.

Mr. Tsai: In regards to the question brought up by Commissioner Shibuya, I do have a question regarding the--I've noticed a lot of antennas do have their own PV sources for energy. Are there any in practice cell towers that are self-powered from PV?

Mr. Beason: What I've seen are a couple examples where it's just a partial use of solar not an entire use of solar. It would be a pretty big grid. It's a typically a 200-amp service...(inaudible)...utility, not that it's using that ...(inaudible)... service, but that's gives you an idea of how much power's being used. So it would take a very large array and plus the reliability would be their concern. And if, you know, we're doing that with houses, right where the house payback and you're on and off. But as a sole use that would be a difficulty.

Mr. Tsai: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, we'll have the Staff recommendation.

b) Action

Mr. Dias: Thank you, Chair. The Maui Planning Department recommends approval of the County Special Use Permit subject to six standard conditions and four project specific conditions.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'd like to make a motion to approve with the following amended conditions, added conditions: One would be, that the sunset condition would be included. That if the facility were to be discontinued use, then it would be removed from the property. And the second one will be, let Verizon be able to investigate and would be encouraged to use renewable power where possible to comply with HRS 269. And that's all I have. Thank you.

Mr. Hedani: Second.

Chair Hiranaga: Seconded by Commissioner Hedani. Discussion? Maker of the motion, do you care to comment first?

Mr. Shibuya: Yes. I was gonna make another amendment if it's possible to include the 50-foot antenna provision if the County has provisions to allow for 50 feet, I would like to have that implemented over the current 40 feet. I support this on several points here.

Chair Hiranaga: Well, wait we need a second on your amendment.

Mr. Shibuya: Okay.

Chair Hiranaga: Is there second?

Mr. Ball: I'll second it if you don't comment any further.

Chair Hiranaga: We need clarification. Are you mandating that if it is allowed they go to 50 feet or if it's allowed that they consider going to 50 feet?

Mr. Shibuya: I would consider.

Chair Hiranaga: So you're not requiring it. It's if it's legal?

Mr. Shibuya: Yeah, right.

Chair Hiranaga: Thank you. Any discussion on the amendment? Commissioner Hedani?

Mr. Hedani: I think the cell tower is exceptionally well executed in terms of camouflaging it from the surrounding uses and blending into the surrounding environment. I know we did a cell phone tower in Kapalua. I'm not sure if Verizon did that for us when I was with Kapalua Land Company, but they put in like a 50-foot tower and hid it amongst the Norfolk pine trees and I was impressed that it looked so much like a Norfolk pine tree that you couldn't tell it was there close to Pineapple Hill. On this particular case I was wondering if we knew what species of coconut tree that that would be? On the subject of 50 feet, I would be a little concerned about going higher only because of the possible impact to the surrounding properties. Although the use is agricultural and I don't know that agricultural entity next to it other than a residential estate would be concerned about view planes you know, in the area. But I would, I would hesitate to go to 50 feet if 35-foot would do.

Chair Hiranaga: Director, you wish to comment?

Mr. Spence: Just on the question on going higher than what is proposed. I'm not sure what's in front of the County Council right now for raising heights, but currently we're, you know, nothing has changed. The only problem I would think with going higher, when you start getting--as the gentleman was talking about going one to one, with every foot higher that you go, we require another foot setback from the property line. You start getting into towards the center of the property then you start getting into the property owner's ability to farm the property in order to do--to have his farm dwelling on his property, he has to have a farm plan, all those kinds of things and we start to impeding on those kinds of issues as well. So, you know, we want the guy to be able to keep his farm dwelling legal and be productive on his land at the same time while doing this project.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: That's kind of a segue into another amendment if this is time or do we have to action on --

Chair Hiranaga: No, we need to act on this amendment first. Commissioner Wakida?

Ms. Wakida: Yes, two things. First, I'd like to thank Mr. Shibuya for bringing this subject up. He seems to be our local expert here in our Planning Commission about or at least our watchdog on these issues. So I think it's something we all need to keep in mind. But secondly, I think that asking the developer, Verizon to look at 50 feet it now almost requires them to go back to the drawing board and start all over again on this project so it does seem a little unfair. So I think we're creating a difficult burden for the applicant. But again, I appreciate the input that we get from Mr. Shibuya on this topic because he does seem to have his finger on the pulse of these concerns.

Chair Hiranaga: Any other discussion on the amendment? Commissioner Shibuya?

Mr. Shibuya: I just wanna identify that I had several points that I wanted to cover and the first one is, this is a hearing, a public hearing and it meets the criteria and it meets the criteria of 15-15-95. Secondly, it meets the intent of the General Plan in Objectives and Policies applicable in the planning Maui community plans. Number three, it doesn't adversely interfere with public infrastructure, schools, public requirement here is being requested for better communications and its conveniences and improvements. Number four, there's no impact on social, cultural, economic, environmental, ecological character and the quality of the area. It just impacts slightly the view plane but because it's camouflaged I think it minimizes that aspect. Five would be, protect the public from deleterious effects in the use of this transmission. If you put it at 50 feet it would --the square of the power would be the distance in which you would be in safe mode. And so therefore, the distance and the height is very important in my mind. Number six, the public is served by this project. And number seven, the Commission considers use that complies with these guidelines as established in the land use for the Hawaii State in Section 15-15-95.

Chair Hiranaga: Any other discussion on the amendments? Commissioner Wakida?

Ms. Wakida: I would like to see the dismantling a little more specific. I would like to see it include returning the land to its previous --

Chair Hiranaga: We're just addressing the amendment about the height that when you're saying-- you're proposing another condition that would be another amendment that you can put on the floor once this amendment is voted upon.

Ms. Wakida: I believe it was an amendment proposed by Commissioner Shibuya to dismantle --

Chair Hiranaga: The sunset was part of this original motion. He added two conditions to his original motion from the Staff recommendation. So we're only addressing the amendment which is the 50-foot, recommended 50-foot height.

Ms. Wakida: Okay.

Chair Hiranaga: I have a comment. Commissioner Hedani?

Mr. Hedani: Dan, you know, because the antenna is 35 feet high, what is the distance between the base of the pole and the property line? Was it 52 feet?

Mr. Dias: Sixty-two feet.

Mr. Hedani: Sixty-two feet. Okay. From my perspective because it's 62 feet away from the boundary line it would accommodate I think, you know, the concern relative to height of the pole.

Chair Hiranaga: Any other discussion? My comment is one of I believe notice. You know, you provide notice to the surrounding landowners that you were proposing a 35-foot tower and if you were to construct a 50-foot tower, you may have a problem of people saying, wait a minute, I didn't have a problem with a 35-foot tower, but I do have a problem with a 50-foot tower. So if, if Verizon is gonna do a 50-foot tower, I think they need to come back to us and go through the notification

process again. So I have a concern about the proposed amendment. Any other discussion, Commissioners? If not, I'll call for the vote on the amendment. I'll have the Director restate the amendment, proposed amendment.

Mr. Spence: The discussion went all over the place. I'm not quite sure what the amendment was.

Chair Hiranaga: Would you like to repeat the amendment for the Director?

Mr. Shibuya: The amendment was to allow for the--if the Council and the provisions are allow for 50-foot height that we'd like to allow for the Verizon to build a tower to 50-foot height.

Chair Hiranaga: So if permitted?

Mr. Shibuya: If permitted, yeah.

Mr. Spence: If permitted, the applicant can go 50 feet.

Chair Hiranaga: The applicant is encouraged to construct a 50-foot tower. Encouraged not mandated.

Mr. Shibuya: Yeah, not mandated.

Chair Hiranaga: Corporation Counsel would you care to comment as far as notification if the proposed permit was for 35 feet and they were to construct a 50-foot tower? Any concerns on notification to adjoining landowners?

Mr. Giroux: Yeah, that's a possible procedural issue as far as, you know, notification as far as what is actually gonna get built. So you know, so our Sunshine Law and then also with due process issues. That looks like a major concern.

Chair Hiranaga: Director?

Mr. Spence: I would think especially if the notification was, I don't know and I would ask Staff, what the notification said if it said a 35-foot pole? And if, and with discussion with the neighbors, you know, whatever the applicant discussed with them or Staff or whatever they understood was to be 35 feet and if we're permitting 50 feet then I would agree with Corp. Counsel that there's a notification issue there.

Mr. Dias: And just for the record, the notification did indicate that it was a--that the monopole was 35 feet not necessarily the entire thing, but the pole itself.

Chair Hiranaga: And Danny, correct me if I'm wrong. Is the building height limitation for Ag is that 35 feet?

Mr. Spence: Yes.

Mr. Dias: I believe so, yeah, and I think you get an extra five or ten if you're putting like a windmill or something like that or a chimney.

Chair Hiranaga: Any further--oh, Director?

Mr. Spence: And I was just going to confirm, I'm not sure what's before Council, if there is modification to that.

Chair Hiranaga: Any further discussion? Seeing none, Commissioner Hedani?

Mr. Hedani: I think in order to further address Commissioner Shibuya's concern, you know, if the concern is over the radiation emanating from the facility then I suggest that rather than tying the applicant up in a situation where he's subject to Council action, you know, we look at further setting back the facility from the edge of the property by an additional ten feet or so if that's applicable--you know, if that's something that's acceptable by the applicant. But I'd be opposing, you know, the amendment to go to a higher height.

Chair Hiranaga: Any other discussion? Seeing none, I'll call for the vote. All in favor of the amendment please so indicate by raising your hand.

Mr. Spence: That's one aye.

Chair Hiranaga: Opposed?

Mr. Spence: That's five nays.

It was moved by Mr. Shibuya, seconded by Mr. Ball, and

The Motion That if Permitted, the Applicant is Encouraged to Increase the Height of the Tower to 50 Feet, FAILED.

(Assenting - W. Shibuya)

(Dissenting - D. Domingo, M. Tsai, K. Ball, W. Hedani, P. Wakida)

(Excused - J. Freitas, I. Lay)

Chair Hiranaga: The motion fails. Open the floor to further discussion on the original motion. Commissioner Ball?

Mr. Ball: Exhibit 15 of our packet from the comments from Public Works, there are two open building permits that didn't receive final inspection on this property. This goes back to the Director's comment about Ag stuff and having things finalized. So I think I would like to see something in there that these permits were finished also. Concurrent with the finishing of the project or prior to.

Chair Hiranaga: I believe the Public Works Director would like to comment?

Mr. Goode: Thank you, Mr. Chair. I share Mr. Ball's concerns that I don't know the exact status of these permits. I don't know if they're -- one, it sounds like it didn't receive final. So that structure

must be there and the other has no inspections. I don't know if it was started or not. But the owner, the landowner is receiving lease payments. It sounds like, you know, the Staff is recommending approval and yet we've got, we've got outstanding issues here. So I would hope that the Commission would be amenable to adding a condition that these be resolved quickly, not I'd say, the five-year term that you're proposing is too long. And in fact, if you don't do anything, I'm going to initiate an action here to find out what's going and we can handle it administratively. So it's up to you, but I notice that there was no conditions in your proposed conditions to deal with it. Maybe the applicant or Danny knows what the status is?

Mr. Dias: We did speak to the applicant about it and from what I understand the agreement with the landowner is that he has to resolve this before Verizon actually puts anything on the property.

Chair Hiranaga: Okay, thank you.

Mr. Ball: So if we could add that as a condition then?

Chair Hiranaga: I think it's in the record. I don't believe we need to make it a condition. It's brought to the attention of both Public Works and Planning and they've made a representation that they will resolve that prior to the construction. So it's in the record. Question regarding your proposed additional condition, Commissioner Shibuya about the sunset issue? You proposed a additional condition regarding a sunset clause?

Mr. Shibuya: Yes.

Chair Hiranaga: So if, what you're saying is if the facility is no longer operational prior to the expiration of the Special Use Permit that it be dismantled?

Mr. Shibuya: That's correct.

Chair Hiranaga: Danny, is there any redundancy with that particular condition elsewhere? I mean, if it's already covered somewhere, I'd hate to add more conditions if it's being repetitive.

Mr. Dias: It's not really covered in our conditions, but we know it's covered in the lease. So I mean, there's redundancy there, but I don't think there's redundancy as far as our conditions are concerned.

Chair Hiranaga: Any further discussion? Commissioner Hedani?

Mr. Hedani: Danny or for the applicant, is there any objection to in an abundance of caution is there any objection to increasing the setback by an additional ten feet?

Mr. Beason: I'm concerned about it because we've presented this project to the owner and worked with the owner on what area we would be licensed to use. We've also presented that at the Homeowner's Association level where this site would be. I believe you have a very good setback at this point having one to one plus the sideyard setback which is 15 feet. I think that's a very strong setback. It's greater than any other County. I think the site is in a good location. So I'd

rather not go back to the drawing board on where the site's located.

Mr. Hedani: Thank you.

Chair Hiranaga: Any other discussion on the main motion on the floor as amended by the maker?
Commissioner Wakida?

Ms. Wakida: I would like to keep the dismantling in the motion. We don't have any control over the lease and what the property owner does. For all we know the property could get sold and I just would like to see that as additional caution so that we don't end up with an aging palm tree 10, 15 years down the road that somebody ignores. So I'd like to keep that condition in there.

Chair Hiranaga: Clarification, if the Special Use Permit expires and is not extended they would have to remove that facility. So it won't be there for 10 or 15 years. It will be there at the most for the life of the Special Use Permit.

Ms. Wakida: But weren't they talking about, I mean, they're re-opt then and having this in place for, you said, 20 to 30 years.

Chair Hiranaga: Yeah, they have to come back to the Planning Commission.

Ms. Wakida: So I would like to see that condition.

Chair Hiranaga: It's only for five years now. So if they don't have an extension they'd have to dismantle that facility.

Ms. Wakida: But it doesn't say that in here does it?

Chair Hiranaga: Director, you wish to comment?

Mr. Spence: Sure. I understand the intent of the condition. My question about that, I mean, if the applicant does not want to renew this permit how--my question is how will the--what are the guarantees that this facility would be removed? I think we could add onto a proposed condition that if the--if the facility is discontinued, you know, the applicant shall remove it. The terms of how it's removed, the applicant can put in their compliance report whether they wanna post a bond or whether they want, you know, sell it for scrap or you know, however they wanna do it. I don't want to limit the possibilities of how they would do that, but I think there needs to be some assurance to the Commission that it will be removed.

Chair Hiranaga: Which is covered in the additional condition that Commissioner Shibuya ...Commissioner Hedani?

Mr. Hedani: I'm sorry I was going to call for the question unless there's further comment.

Chair Hiranaga: But I'm sure I think Commissioner Ball has a question or a discussion.

Mr. Ball: So do we wanna put in then a time frame if the five-year lease is not renewed or if the Special Use Permit is not renewed then two months, you know, 60 days later the facility will be removed at the--at Verizon's expense?

Chair Hiranaga: You can propose that as a friendly amendment. Sixty days is pretty quick.

Mr. Ball: Right, so--

Chair Hiranaga: I would say six months or a year or--it's pretty innocuous.

Mr. Spence: Mr. Chairman?

Chair Hiranaga: Yes?

Mr. Spence: I would just suggest instead of putting a timeline on it just allow the applicant in the compliance report, you know, every permit is required that compliance report. Just allow them to state how they would do that.

Mr. Ball: Okay.

Chair Hiranaga: Commissioner Tsai?

Mr. Ball: Do we have to say that?

Chair Hiranaga: No, he's saying you don't.

Mr. Ball: Who will report that?

Mr. Spence: That could be a part of that condition, the applicant could say how they're going to ...*(inaudible)*...

Mr. Tsai: May I pose a question?

Chair Hiranaga: Yes.

Mr. Tsai: What's a typical life cycle of a cell tower?

Mr. Beason: That's a good question. I think--the life of the tower itself, right, is what you're asking?

Mr. Tsai: Yeah, and then what do you guys normally do with it? I mean, I assume that on the mainland and other places you have aging towers. Do you recycle them at all?

Mr. Beason: We have a project right now on Oahu that is replacing an existing lattice tower. That tower is probably on the 25 years old. It's on the windward side, very exposed to weather. There's no desire to get rid of the tower so it will be a replacement as a like for like tower just because of the rust. On a monopole, I don't know life cycle of a monopole how long it will last, you know, with

all the different elements. And in fact, here in Hawaii it's probably something similar, you know, in the 20 to 30-year range. You know they're painted and protected in that sense so, I expect them to last a long time really.

Chair Hiranaga: Any other discussion, Commissioners? Seeing none, I'll have the Director restate the motion with the additional two questions, the two conditions. Danny may have some appropriate language for the proposed two additional conditions.

Mr. Dias: Okay. Proposed that we add a Condition No. 11 and 12. Condition No. 11 shall read, "That the applicant shall research the feasibility of producing 40 percent of the energy required for the project, and if feasible, the applicant is encourage to produce 40 percent of the power required for the project using a renewal resources." And Condition No. 12, "If use of the proposed project is discontinued, the applicant is required to remove all structures associated with the project within," I'm gonna just say, "180 days of the discontinued use at the expense of the applicant."

Chair Hiranaga: Okay, I think the Director's suggestion was not to put a time limit on it.

Mr. Dias: Okay, we can do that.

Mr. Giroux: Chair?

Chair Hiranaga: Corporation Counsel?

Mr. Giroux: I have to comment on the word, "feasible." Is the Department gonna be okay with that? I mean, somebody's gonna have to make a judgement call on "feasible."

Mr. Dias: Maybe a possibility, I don't know. What do you suggest?

Mr. Spence: And this is pertaining to the alternative energy?

Mr. Dias: Correct.

Mr. Giroux: I think, I mean, if you leave it as to be encouraged to look at the use of alternative energy in a project, integrated into the project it allows maximum flexibility to the developer and it doesn't put the Department in a situation where you have to make a judgement call. I mean, if costs half a million dollars, is that feasible? That really puts the planners in a tough spot.

Mr. Dias: Okay.

Mr. Shibuya: May I make a comment?

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: The reason why I left it generally open is because MECO is the actual power provider and you need to work with MECO because some of the circuits are already saturated and this circuit may be saturated. So I just wanna allow the Verizon to have that ability to work with MECO

and to see if there's some alternatives to working with it.

Mr. Dias: Okay, I'm gonna make it really simple then and short.

Chair Hiranaga: Please.

Mr. Dias: "That the applicant is encouraged to provide 40 percent of the power required for the project using renewable resources."

Chair Hiranaga: If there's no further discussion, I'll call for the vote. All in favor please so indicate by raising your hand.

Mr. Spence: Mr. Chairman?

Chair Hiranaga: Director?

Mr. Spence: I have a question on the last condition regarding use of alternative energies. I share Commissioner Shibuya's concern over the energy independence of our State and the, you know, where we're going, you know, with imported oil, et cetera. I'm looking at Chapter 19.510.070, Item E under Special Use Permits and it says, "the Planning Commission may impose conditions on the granting of a request for a special use if the conditions are reasonably conceived to mitigate the impacts emanating from the proposed land use." I'm not sure that an impact has been identified for the use requiring, you know, that they look at the alternative energies, you know, generating up to 40 percent of their own energy. The project itself is not generating an impact. So we're requesting that they put a condition on a permit for which there's no impact identified. I'm not sure we're following with the requirements of County law here.

Mr. Shibuya: May I comment?

Chair Hiranaga: Yeah, I'm thinking. Commissioner Shibuya?

Mr. Shibuya: Okay, I noticed what he's saying here. Without this facility the ag land does not use or consume any energy. You can provide for bio fuels crops to mitigate the actual implementation of this facility too. So there's alternatives here too. It's not only to generate electricity, but to provide some bio fuels in the surrounding property.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Directed at Director, the fact that the project is requiring electricity does have an impact, an environmental impact because in the big picture anytime we require somebody to generate a large amount of electricity or a small amount, we have to haul that oil into our island and that's an impact, an environmental impact. So it can be seen in a bigger sense.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I just wanted to ask whether or not we completed the vote because we actually had

a question?

Chair Hiranaga: No, we have not. Call of the Chair. Any other questions or discussion? Seeing none, again, I'll call for the vote. All in favor of the motion, as amended by the maker, so indicate by raising your hand.

Mr. Spence: That's six ayes.

Chair Hiranaga: Opposed? Motion carries.

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

**VOTED: To Approve the County Special Use Permit, as Recommended with Additional Conditions.
(Assenting - W. Shibuya, K. Ball, D. Domingo, M. Tsai, W. Hedani, P. Wakida)
(Excused - I. Lay, J. Freitas)**

Chair Hiranaga: Thank you. We'll take a short recess.

A recess was called at 10:15 a.m., and the meeting was reconvened at 10:26 a.m.

Chair Hiranaga: Next agenda item, C, Communications. Director?

Mr. Spence: Thank you, Mr. Chairman. This is an application by Mr. Ronald and Barbara Wilbur and Alain--I am, I really apologize I'm not even going to try.

Mr. Alain Choinere: Alain.

Mr. Spence: Sorry?

Mr. Choinere: Just Alain will do.

Mr. Spence: Okay. Requesting a five-year time extension on their Land Use Commission Special Use Permit to operate Maui Pole House Bed and Breakfast and our Staff Planner this morning is Joseph Prutch.

C. COMMUNICATIONS

- 1. RONALD and BARBARA WILBUR and ALAIN CHOINERE requesting a five (5)-year time extension on their State Land Use Commission Special Use Permit to continue to operate the Maui Pole House Bed and Breakfast, a four (4)-bedroom bed and breakfast in the State Agricultural District at 180 Nahele Road, TMK: 2-7-008: 114, Haiku, Island of Maui. (SUP2 2007/0012) (J. Prutch)**

Mr. Joe Prutch: Thank you very much, Director. Good morning, Commissioners. I have before you

as he mentioned a State Land Use Commission Special Use Permit extension for a bed and breakfast on Ag, State Ag property. It's called the Maui Pole House located at 160 Nahele Road in Haiku. The SUP was originally approved by the Commission back in June of 2009. With a few days of that or within a week of that the B&B Permit was approved administratively by the Department. Both were set to expire in June 30, 2011. The applicant did make a timely request for a time extension, actually back in July of 2010. Since that time there's been a few things that have been happening. The applicant's health has been--had some stem cell transplant going on. He's been over on the mainland. He's taken, doing quite a bit of treatment. So he hasn't been physically here and his wife hasn't been physically here to be here for this meeting, and to get some of the work done on the property that had to be taken care of. So the application's taken some time to get to this point.

I do wanna say that the property does contain a main farm dwelling, a second farm dwelling, there's a pool, some gravel driveways and parking areas for the site. The parcel is 2.2 acres or about 52 percent of the property is currently devoted to farming operations. They essentially grow various palm trees on the site. If I'm pronouncing these right, Areca, Coconut, Manila, Foxtail, Samoan, and Triangle Palms. They do not grow cell tower palms. Just so you know. Sorry, I had to throw that in there, it was perfect timing.

Chair Hiranaga: Careful, Joe.

Mr. Prutch: I know, I'm sorry. The applicant, the applicant does ..(inaudible)...an additional one and a half acres for Foxtail Palms. In some time in the future, they haven't been able to do it recently or haven't been able to do it yet just because the economy slowing down, selling of their existing inventory and then with the applicant's health just physically having been able to get out there and do what they wanna do and stuff. At some point in the future we'll probably see an extra one and a half acres of palms out on their property.

The applicant has satisfied all the conditions of the approval--conditions of approval of the State Land Use Commission SUP Permit including Condition No. 7 which was a condition that was added by the Commission back in 2009 which was a--I'll go ahead and read it. The condition reads, "That the applicant forward a copy of the acreage verification report by Action Survey dated January 28, 2009, to the Department of Finance, Real Property Tax Division so that the County records relating to the size of the property can be updated." I don't know who was here back in 2009, but at the time there was a confusion over the size of the property. The applicant stated through their survey that the property was about 4.2 acres. However, our County tax website showed that the property was over five acres. And at the time of course, if it was over five acres, they would have to take a different route to get a Bed and Breakfast Permit. So there was just debate about that. Well, the applicant submitted that Action Survey that showed that showed that it was 4.2 acres, that was forwarded onto Real Property Tax, and I think in Exhibit 6, I showed from Real Property Tax's website that they now show the acreage of the property to be 4.22 acres. So that has been remedied. And as part of my recommendation I'll recommend that you strike that condition and delete it since it's been satisfied.

On the B&B front, the applicant also had to work on various, obtaining various building permits for a downstairs section of the house. The applicant went through and got some after-the-fact permits

eventually took care of that and I believe he just finished it at the end of 2011. So that work has finally been done. That helps me satisfy the B&B Permit from the Planning Department's side of it. So it's just trying to show that the applicant has made efforts to make sure everything's kosher, everything's up to compliance and that he's making his strides to do things. And because of that, there also haven't been any complaints. I also had a Police Department letter saying that there's been no comment from them. So because of all this, we're requesting a five-year time extension of his SUP, and we'll go ahead and extend the B&B five years as well to coordinate with your date. The applicant, Barbara and Ron are both here, and Alain is here as well. So if there's any questions of them, they'll be available to answer any questions you have.

Chair Hiranaga: Thank you. Does the applicant wish to make a statement?

Mr. Prutch: I think they'll, they'll be available for questions if anything comes up.

Chair Hiranaga: Okay, at this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide testimony regarding this agenda item, please come forward? Seeing none, public testimony is now closed. I'll open a floor to questions from Commissioners. Commissioner Ball?

Mr. Ball: I just wanted for disclosure sake, I'll be recusing myself from voting as the Wilburs I've know for over 25 years. Yes, I was a young child then when I met them, but I know them very well and they are outstanding people, and will do the right thing and have continued to do the right with their property. I know the property well been there many, many a times. So I just wanted to let you know that I will be recusing myself from voting on this matter. Thanks.

Chair Hiranaga: Commissioner Ball, having long-term relationship with someone may not necessarily be grounds for a conflict. It's typically if there is a foreseen financial benefit. So...

Mr. Ball: Am I still in the will?

Chair Hiranaga: Corporation Counsel would you just like to comment on that? Corporation Counsel would you like to comment on so-called conflict of interest?

Mr. Giroux: After that last comment, I don't know. Yes, it's a judgement call as long as there's full disclosure, you know, merely knowing somebody does not in and of itself create a conflict that's, you know, forcing a recusal.

Chair Hiranaga: You can still disclose your relationship but continue to vote, that's another option.

Mr. Ball: And for the record, I do not have a financial interest in this property.

Chair Hiranaga: So you're still gonna recuse yourself?

Mr. Ball: I'll vote.

Chair Hiranaga: Okay, so just a disclosure.

Mr. Ball: Just a disclosure.

Chair Hiranaga: Any other questions? Commissioner Wakida?

Ms. Wakida: Yeah, Joe, the B&B is currently in operation?

Mr. Prutch: Yes, the B&B has been in operation since they got their permit.

Ms. Wakida: Okay. In '09, that would be '09?

Mr. Prutch: In '09, yes.

Ms. Wakida: Thank you.

Mr. Prutch: I would--oh, go ahead, sorry.

Chair Hiranaga: Any other questions? Seeing--seeing Commissioner Shibuya?

Mr. Shibuya: I was gonna give everybody a chance. I get couple questions. The size of the water meter. What size is it approximately or--5/8 inch?

Mr. Ronald Wilbur: Five-eighths.

Mr. Shibuya: Five-eighths.

Mr. Prutch: It's 5/8.

Mr. Shibuya: And it's like electricity. If all of these guys use the water does it dim the lights or I mean does it reduce the amount of flow of water to the tenants?

Mr. Prutch: Well, the only thing--the only thing I can say is I did receive a letter from Department of Water comment letter and they essentially said that they were okay with the applicants. There's two conditions that we put on the B&B. One is for them, the applicants to do their water meter calculations to verify that their meters can handle what they're doing. The applicant did that. The Water Supply Department was satisfied with their water counts, and they also have a condition that the--B&B condition that they include water, what are they called, low flow fixtures. The applicant, his was actually kind of fun. He actually took pictures of his faucets, put a picture of the newspaper in there, so he had the date on it and sent that to the Water Department and they were satisfied that he had installed all the different water flow fixtures. So as far as the Department of Water Supply is concerned his water meter is adequate and he did install the low flow fixtures and that's what we look for in the B&B Permit.

Mr. Shibuya: Okay. I just didn't want to have the third party trying to take a shower and all he gets is a trickle. But okay, the next one is the capacity and size of the septic tank, approximate size?

Mr. Prutch: I don't know the answer to that one off the top of my head, so I'll go ahead and let Ron

Wilbur come up. He's got the answer.

Chair Hiranaga: Please come forward and identify yourself.

Mr. Ronald Wilbur: Ron Wilbur, husband of Barbara. We have a cesspool and the house was built in '84, and at the time the cesspool quite okay. It's 20 feet deep and it's approximately 12 feet wide. The ohana has a septic tank. I don't know what size it is. It's just typical for the size of the house.

Mr. Shibuya: And do you have to pump it out every now and then?

Mr. Wilbur: Every now and then, sure.

Mr. Shibuya: Yes.

Mr. Wilbur: Yeah, as you do like anywhere.

Mr. Shibuya: You can tell when it's time to pump it out, right?

Mr. Wilbur: Yes, I can.

Mr. Shibuya: It tells you. It talks to you.

Mr. Wilbur: Yes.

Chair Hiranaga: Okay, any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Home of record. Is Maui your home of record or it is one, 1 Deadhorse Canyon?

Mr. Wilbur: I'm sorry, would you repeat?

Mr. Shibuya: Your home of record. Where do you --

Chair Hiranaga: Primary residence.

Mr. Shibuya: Primary residence.

Mr. Wilbur: Currently because of my medical condition, I'm in 1 Deadhorse Canyon. I have once a week and sometimes twice a week chemotherapy sessions to attend and I got a week off to come here for the meeting. So we have utilized the Lafayette address. But all of my mail and utility bills and whatnot comes to 160 Nahale in Haiku.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, ask for the Staff recommendation.

Mr. Prutch: Okay, thank you. One more thing I forgot to add that I wanted to add it's just a little information about what he does with his palm trees. He just told me this this morning so I wanted to share with you. Is the new Marriott going up across from Costco, next time you drive by there, look at those palm trees, those are his. So they are being sold.

Chair Hiranaga: Those were his.

Mr. Prutch: They were his. You're correct. The recommendation. The Department recommends that the Commission approve the State Land Use Commission Special Use Permit subject to the following, well, six conditions I guess it would be with the additions or with the revisions to Condition No. 1 to allow the time to extend through June 30, 2016 to give a five-year time extension. And also the caveat that the Planning Director in the future could extend the time extension if there's been no changes or complaints about the use. And then also as I mentioned to you in your report the removal or the deletion of Condition No. 7 about the Action Survey since the acreage has been resolved and Real Property Tax now shows the correct address, I mean, the correct acreage. That's Staff's recommendation.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Ms. Domingo: Second.

Chair Hiranaga: Seconded by Commissioner Domingo. Any discussion? No, discussion. The Director will restate the motion?

Mr. Spence: The motion is to approve as recommended by Staff.

Chair Hiranaga: All in favor so indicate by raising your hand.

Mr. Spence: That's six ayes.

Chair Hiranaga: Opposed? Motion carries.

It was moved by Mr. Hedani, seconded by Ms. Domingo, then

**VOTED: To Approve the Five (5)-Year Time Extension of the State Land Use Commission Special Use Permit, as Recommended.
(Assenting - W. Hedani, D. Domingo, M. Tsai, K. Ball, P. Wakida,
W. Shibuya)
(Excused - I. Lay, J. Freitas)**

Chair Hiranaga: Thank you.

Mr. Prutch: Thank you.

Ms. Wilbur: Thank you very much.

Chair Hiranaga: Moving onto Agenda Item D. Director?

Mr. Spence: The next item is Acceptance of the Action Minutes of the April 10, 2012 meeting and the Regular Minutes of the January 10, 2012 meeting.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE APRIL 10, 2012 MEETING AND REGULAR MINUTES OF THE JANUARY 10, 2012 MEETING

Chair Hiranaga: Motion to accept.

Mr. Shibuya: So move.

Chair Hiranaga: Commissioner Shibuya, seconded by Commissioner Ball. Any discussion? Seeing none, all in favor say, aye.

Commission Members: Aye.

Chair Hiranaga: Opposed? Motion carries.

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

**VOTED: To Accept the Action Minutes of April 10, 2012 and the Regular Minutes of the January 10, 2012 Meetings.
(Assenting - W. Shibuya, K. Ball, D. Domingo, M. Tsai, W. Hedani,
P. Wakida)
(Excused - I. Lay, J. Freitas)**

Chair Hiranaga: Next agenda item, Director?

Mr. Spence: Item E, E-1 is notifying the Planning Commission pursuant to your rules, SMA Rules of Mr. Randall Endo, Vice-President of A&B Properties, Inc., requesting a two-year time extension for the SMA Permit condition to initiate construction of the Kahului Town Center project. Our Staff Planner this morning, it's still this morning is Ms. Gina Flammer.

E. 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. MR. RANDALL ENDO, Vice-President of A&B PROPERTIES, INC. requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Kahului Town**

**Center project at TMK: 3-7-007: 005, 008, 009, 010, 027, and 050,
Kahului, Island of Maui. (SM1 2006/0010) (G. Flammer)**

Ms. Gina Flammer: Good morning, Commission. This is the second time extension approval for the project which is the redevelopment of the Kahului Shopping Center which is going to be redeveloped in mixed use. It will be retail, office, park use and residential. In your packet, I did include a site plan so you could see in color where the area will be. There's also some photos in there of the area. The project was originally approved in 2007, and then this body granted a time extension request in 2010. I do have with me today from A&B Properties, Randall Endo. We also have the project engineer, and we have Mike Summers, the project consultant.

Chair Hiranaga: First of all, I'll open the floor to public testimony regarding this agenda item. Is there anyone here that wishes to provide public testimony at this time, please come forward? Seeing none, public testimony is now closed. I'll open the floor to questions from Commissioners. Commissioner Wakida?

Ms. Wakida: Since I was not here at the time when this was probably all the plans were presented to us, can you or maybe the representative point out the pedestrian walkways? I'm interested on the periphery of the project. I can't--there's no legend, so I don't know what's what.

Mr. Randall Endo: Good morning, Commissioners. My name's Randy Endo. What was your question again, I'm sorry?

Ms. Wakida: I'm looking at the map that Gina gave us, and I was interested in where the pedestrian walkways were on the perimeter of the project.

Mr. Endo: Okay. I believe there's extensive pedestrian access, but if Mike Summers, our planner might go over it?

Ms. Wakida: Just that we don't have a legend in here to give us any information on it.

Mr. Mike Summers: Sure. Okay, yeah, you're looking at the site plan.

Ms. Wakida: Yes.

Mr. Summers: And essentially, you know, the project site is bound by Kaahumanu Avenue, Lono Avenue, Puunene Avenue with some internal streets within it, and all the perimeter streets do have sidewalks. And you know, in the context of the redevelopment of the project when that takes place, all of the frontages of the project areas would be required to have sidewalks fronting those areas. Within the project itself there are very generous sidewalks and traffic calming measures. So it's very much pedestrian-orientated.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Just to clarify, on this colored site plan the pedestrian walkways would be the light colored orange? Is that what you're talking about, Mike?

Mr. Summers: Yes, that's correct.

Mr. Shibuya: Thank you.

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

Mr. Shibuya: I'm concerned because when it came up in 2010, they came for an extension, economics was a very viable concern and then I wanted to ensure that this project would get off dead center and get started. I see nothing wrong with the project. I'd like to have the project completed hopefully on time. I'm concerned if you get the second extension then I'd like to even have them report back to this Commission on the 13th month following this granted extension on where are we in terms of this project? Have we proceeded? What actions are we doing? What actions have we completed? What's coming over the horizon? What else do we need to do? I just need some kind of status. I just don't wanna micro manage this project, but I would like to encourage it to get off dead center.

Chair Hiranaga: Okay, at this point we're asking questions regarding the project. When you start proposing an additional condition we're kind of on the fence here as far as do you want to call the project back for review by the Planning Commission or do you wanna provide the Director the right to waive review? So I'm not gonna ask the applicant to respond at this time. When there's a motion on the floor if you wanted to you could restate that request, but I'm just gonna, at this point, we should be asking questions regarding the project for clarification to assist you as to whether to waive review or not. Commissioner Wakida?

Ms. Wakida: I have another question about, about what's included in here. Have you included bicycle parking or stations where people can tie up their bicycles?

Mr. Summers: You know, I don't remember specifically talking about bicycle parking, but those sidewalks are ten feet wide and, you know, every, you know, in the context of pedestrian and bicycle access, you know, I'm sure that that's something that would be accommodated in the project. There's no specific condition. Quite frankly, I don't see any reason why we would need a condition like that, but nonetheless, there is sufficient space within the project site to accommodate bicycles. There's a small park that's proposed within the project area. It's right at the corner of the intersection of the two streets that run in the middle of the street. That would be a very convenient location for bicycle parking. So I think it's a good question, and I'm very confident that bicycle parking will be incorporated in the project.

Ms. Wakida: I know that in Lahaina, and I'm not sure about Wailuku, there's a number of--they just look like bars that have been installed where bicyclists can lock up their bikes and they don't take as much room and they're generously scattered throughout the town. But I don't know, and you know, not having seen in fact whether that was even a consideration, and I certainly don't wanna add a condition or anything. I'm just interested in.

Mr. Summers: Yeah, no, I think that's a very good question and Randy's here to take the notes and I'm sure that can be accommodated in the project.

Ms. Wakida: Thank you.

Chair Hiranaga: Okay, just for clarity. So the applicant concurs with the representations made by his consultant for the record?

Mr. Endo: Yes we do. And if it's okay, I'd like to kind of address some general topics along with this matter?

Chair Hiranaga: Okay.

Mr. Endo: First of all, thank you everybody. It's good to see you folks. I'm glad to--I think I know about half of you.

Chair Hiranaga: Please identify yourself?

Mr. Endo: I'm sorry. Randy Endo from A&B Properties. I've been with A&B Properties now for about a year and a half. Prior to that, I was at Maui Land and Pine. I just wanted to address a couple of general global concepts. One is that I've noticed in prior hearings, not today, but in prior hearings a lot of people would come up to testify and bash A&B and say, these guys are just coming up and they're just trying to collect entitlements and hold 'em and they're just, they've kind of-- like there's nefarious, kind of a evil scheme to get stuff and then just hold it, and not do anything as if there was some kind of a plot where gaming of the system. And so I just wanted to explain that that's not the case at all. And in fact, it doesn't make any economic sense for us to plunk in a million dollars getting the SMA Permit, doing all the preliminary designs, doing the traffic studies, doing those things and then have to sort of stop, you know, in other words, we never had any intention to stop.

There was a time in 2007, when we got the SMA Permit the plan was to move forward, you know. It's a great project. It's a mixed use. Smart growth project. Everybody loves it. We want to do it, but you just can't do it if there's no market. You know, we all know in 2008, the market fell out and the real estate market there's just no buyers. There's just not enough economic viability for us to move forward at this time and so all we're doing now is asking you folks for a little bit of kokua to help us out in this time where our project is struggling. I mean, every year that goes by that we have additional delay, that's money lost for us because that's money sunk into a project that there's no return. So you could, you could say no, no extension and then what that would do is just send us further backwards, right. Then we'd lose all that money and all that time and then we have to redo everything again to the point where we're at. So we're just asking you to kinda hold on, believe in us that we're gonna get it done as soon as we make it a viable project, we're gonna move forward.

We still stand by the design and the plan and the concepts that were originally approved and we have been making some progress. We've been working with--we got a new traffic study approved. We're working with Parks. We're gonna dedicate, you know, the area by the Salvation Army, the

old Kahului Pool, we're moving forward to actually get that dedicated in advance even though we don't have to, we're gonna get that done as an assistance to the Mayor's Administration to try and get that aquatic center moving. We're on affordable housing requirements. We're doing things. It's just that we can't do it--we can't--obviously the economic factors are key and we can't move forward in earnest and actually break ground and do, do the whole project right now when we can't, when we can't sell it to anyone because of the market conditions.

And just, and just as an example, and I think it's a good one is the Airport Hotel. You know, that one was approved quite a long time ago. We got--everything, got full building permits, went out for construction bids but at that time, five years ago or whatever time was, it was so overheated, we couldn't even afford to build it because the construction costs were so high. So everything kinda had to stall for a while but you folks were good enough to allow us to continue our SMA Permit, we got extensions, and then ultimately, the market conditions improved to the point where we could move forward and we were successful. Now the project's about to be built. Should be opening its doors later on this year and everything's good. We got, you know, we got construction going, helping people get back to work. And we appreciate the Planning Commission working with us to nurture our projects to get them to the end point. So guess that's all I had to say. If there are any other questions?

Chair Hiranaga: Thank you. Any questions for the applicant or Staff regarding this application? Commissioner Hedani?

Mr. Hedani: Randy, I was on the Planning Commission in a former lifetime when this project first came up for approval. We approved it back in 2007. You came back for an extension in 2010. A lot of the project's approval and its subsequent extension was based on the appeal to get something going. I share Commissioner Shibuya's concern that the project is not moving forward. A lot of the justification that was brought up at the time was because there were a heck of a lot of people that were on the benches in the construction industry and this was looked at as something that would put some people to work, provide affordable housing for a bunch of people and, and help stimulate the economy. I hate to have it just continue on extension after extension after extension to the point where construction costs are so high because activity is so good that you cannot afford to build the project. So the question that I have is, how many more extensions are you gonna come in for before, you know, the Commission should step back and say, go back to square one?

Mr. Endo: That's true. I mean at some point, at some point if we keep on extending it, obviously there's gonna come a point where you say well we need to go and get a new permit. And I totally acknowledge that, that's a good point. I couldn't tell you standing here today whether or not we'll be back here in two years or not. I mean, it really is going to depend--there's a full spectrum. I mean, we see an improvement in the market. We think we've come off the bottom and there is good signs that the market is recovering, but we're a fairly conservative company. We need to have a fairly strong demand for our product before we actually go and break ground and actually put up buildings. You know, we wouldn't just some improvement in the market before we can pull the building permits and actually break ground. So in other words, I can't tell you. If I had to say, I would say there's a 50/50 chance we might be back again. If things got really better, you know, in six months and then maybe it's possible we could break ground, we wouldn't be open or selling anything but it's possible that we could actually break ground within two years and then we wouldn't

need to come back. But it's--we can't predict the future at this point unfortunately.

Mr. Hedani: Just a comment Randy is that the longer you take, yeah, the more conditions I can think up in my mind.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I echo Commissioner Hedani's comments here too. I was wondering Randy if I made such a condition or proposed such a condition that it would be less of a hardship if you could come back with a letter of a status report let's say April 2013, advising the Commission what has been done, what will be done, that sort of thing. Would that kind of status report--it doesn't have to be a long drawn out 20-page thing, it's just probably a couple pages at the most, just briefly?

Mr. Endo: Personally I think we--from our company perspective, we can probably do that, but I'm not sure if there's a procedure issue that Gina wants to address. So I'll let her address the procedural matter.

Mr. Shibuya: Okay, thank you.

Ms. Flammer: Okay. I think it would be more of a question. We're at a point here where you're deciding if you want a review. How it works when we're in this phase is the applicant can offer representations which we can then fold into the approval. Procedurally, I would have to ask James about, I don't know if we could actually schedule an item based upon that to come back to you. I don't know if a letter would require any kind of procedure to be sent out or how something like that could, could work with this?

Chair Hiranaga: Corporation Counsel?

Mr. Giroux: Procedurally, what you need to look at is that right now today you're actually deciding whether or not you want to let the Director do the extension or if you want to review it. If those types of conditions and things, if you want those things they need to be done when you review the extension. So, you know, right now I think you gotta take the first step. Do you want to review the extension or not? If you do review it, then at that phase you can look at different types of conditions.

Ms. Flammer: If I could ask also, if the applicant were to provide a letter of update in 13 months to the Planning Department or to the Planning Commission would that--could we forward that onto the Commission? Voluntarily send a letter?

Chair Hiranaga: To me it sounds like a request that if the applicant is agreeable, it's sent as a communication that there be no ramifications based upon what's stated because we have to decide if we're gonna either waive review or bring it back. We're not going to wait 13 months to make that determination.

Ms. Flammer: No. It be for informational purposes only.

Chair Hiranaga: Yeah. Commissioner Ball?

Mr. Ball: A couple of things. I'm not sure what that letter would say, you know, we're still waiting to the end. But I think we tread on ground where we're thinking that this project might be extended and all that. I mean, this is a ready to go project. We're just waiting for the market conditions to change. I will agree with Randy in his diagnosis of what the market is doing right now and we don't wanna hold this up where we have these conditions that we created or something like that that holds this project back. It was already approved. It's just waiting for so they can make some money of it which is logical. So I don't, you know, I don't think we need to review it again. I've looked through the plans extensively and, you know, it's gonna stay the same, we're just waiting for the market to come which is, i.e., the buyers to come out and purchase this and if people can't qualify it, why are you building it? You're gonna have empty buildings, many buildings standing there. 'Cause A&B can afford to build it, but can they can recoup the cost or will they have just a bunch of empty buildings there? So I think they will know, and if they write us something it will be too late, it would'll be old because the market will have already changed.

Chair Hiranaga: Right now, we're asking questions of the applicant. When the motion's on the floor we can start making--having discussion as to the merits of the motion. So any more questions? Commissioner Shibuya?

Mr. Shibuya: It's just a question here because I'm more in favor of, even though it's agenda'd differently I'm willing to just make a motion to give--allow the time extension with a condition of possibly just giving us a informal, informational letter by April 2013 as to the status of what's happening. Other than that, that's it. I would hate to see them go through more paperwork with the Planning Director and/or with this Commission.

Chair Hiranaga: Okay, we're asking questions for clarity from Staff or the applicant. We don't have a motion on the floor yet.

Mr. Shibuya: Understand.

Chair Hiranaga: Okay, then does the Commissioners have questions for the applicant or Staff? I have a couple questions. Could you address the drainage plan, primarily, I know County Code requires you retain post development surface runoff. Could you address how much retention beyond the Code minimum requirement?

Mr. Endo: Sure, we've got Fiona Van Ammers from SSFN here. So she can address our drainage report and study.

Ms. Fiona Van Ammers: Hi, I'm Fiona.

Chair Hiranaga: Could you say your full name please?

Ms. Van Ammers: Fiona Van Ammers from SSFM.

Chair Hiranaga: Thank you.

Ms. Van Ammers: So right now the proposed drainage improvements they've been designed for a 50-year storm which is based off the current regulations with the County. The proposed detention system would retain the increased runoff from a 50-year storm which is approximated at 15 cfs. Right now the detention system looks like it's retaining about 25,000 cubic feet. This is an improved condition from the current plan. The current site has no detention system. It just runs off into the County drainage system. The proposed system also includes a water filtration system so it will-- currently it doesn't--it would filtrate most of the runoff onsite before it would discharge to the County system.

Chair Hiranaga: So question. The site is now developed. So when you determine post development runoff is it from when the site was say grassed or covered with kiawe or is it from the current condition and what additional runoff is created with this proposed development?

Ms. Van Ammers: It was based off the current condition including the existing roof and pavement.

Chair Hiranaga: So post development is the additional runoff generated above the current runoff?

Ms. Van Ammers: Yes.

Chair Hiranaga: Because if you look at the Kahului Shopping Center block it's almost I would say 90 percent impervious surface. It's asphalt, building. So you're saying you're retaining, the post development is anything beyond what's now being generated?

Ms. Van Ammers: Yeah, I actually just ran that calculation. Right now the current site is about 75 to 80 percent developed.

Chair Hiranaga: Right.

Ms. Van Ammers: And we're showing retention of the increase from that.

Chair Hiranaga: But nothing beyond the incremental increase from current conditions? You're just meeting the minimum Code requirement?

Ms. Van Ammers: Correct.

Chair Hiranaga: And then any additional surface runoff is being treated beyond your detention's capacity?

Ms. Van Ammers: Yes.

Chair Hiranaga: So there'll be petrochemical filters installed on all your drainage outlets leaving the site?

Ms. Van Ammers: Currently it's shown on primarily most of them, but not all of them. So of the system would connect directly to the County system.

Chair Hiranaga: I know the A&B project on Vevau Street, I'm pretty sure they agreed to retain 100 percent pre and post development surface runoff onsite. And I'm looking for maybe a little bit more effort for this project beyond just the minimum Code requirement. So, again, we're not placing a condition, but I would like to see the developer take a hard look at that since the ocean is, you know, across Kaahumanu Avenue and there's Kahului Harbor which needs all the help it can get.

Mr. Endo: If I may?

Chair Hiranaga: Yes.

Mr. Endo: I think Fiona mentioned it but it was kinda lost in the discussion that we're actually going above the County requirements because we're adding a water quality units as part of our subterranean chambers. So in other words, all of the runoff that we are not detaining and then letting back go--and then putting into the County system will actually go through a system to take out oils and it will also be filtered and that's all above and beyond what's currently required. And I think the concept is that it's not so much whether or not we wanna to keep all the water onsite. It's rather that we want only, you know, relatively clean water to go forward and go into the ocean. And so this would be like a, essentially like a large grease trap basically skims the oil off the top and it has filtration and it will be maintained and that will be in place and that's above the current standards.

Chair Hiranaga: So to make it simple you're gonna treat all surface runoff that leaves the site?

Mr. Endo: We're gonna treat approximately 80 percent or so of the water because the subterranean system that we are putting in doesn't catch every single drop that comes onto the system. There is a certain amount that might actually sheetflow on--directly into the County system. But everything that goes into our system, into our detention chambers, all of that 100 percent will be filtered.

Chair Hiranaga: Is that by lack of design that you're having some sheet runoff leave the site or is that a physical condition that you cannot address?

Ms. Endo: I'll let Fiona talk about that, Mr. Chairman.

Ms. Von Ammers: So it's not exactly that it would sheetflow offsite, but just the layout of the site. Some of the inlets wouldn't drain into the detention system, but might--they would go directly to the County drainline.

Chair Hiranaga: Why?

Ms. Von Ammers: Because according to the rules we only have to retain or detain, sorry, the net increase. So --

Chair Hiranaga: But if you were directed by the applicant to do so, you could engineer something?

Ms. Von Ammers: Yeah, I could engineer something.

Chair Hiranaga: Questions? Commissioner Wakida?

Ms. Wakida: Yes, Randy, you mentioned a, briefly a maintenance, so A&B takes responsibility for the maintenance of these filters is that how that works?

Mr. Endo: That's correct because those would be onsite. So it's onsite system that we would be maintaining.

Ms. Wakida: So you would have a regular maintenance schedule for those because those filters are obviously only as good as they are maintained.

Mr. Endo: That's correct.

Ms. Wakida: Yeah. Okay.

Mr. Endo: Exactly. On the record, you know what periodic maintenance would be?

Ms. Von Ammers: I would have to get back to you on that? ...(inaudible)...

Chair Hiranaga: Please speak into the microphone and identify yourself?

Ms. Von Ammers: I would need to get back to you on that one. It's specific to which type of filtration system you use. So I would need to look at the specifications.

Ms. Wakida: Okay, but there is a schedule that you've got as part of the plan?

Ms. Von Ammers: Yeah, typically we would provide the owner an operation and maintenance plan.

Ms. Flammer: What I just requested of the applicant if they could include more information on their final compliance report about maintenance schedule. I don't know if you remember the Maui Palms Hotel, we learned a lot about maintenance and we got it all right in their approval as to what that schedule will be.

Ms. Wakida: Right. Thank you.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, this filter system is this offsite and then would it be dedicated only for this property or it's shared with anything else?

Ms. Von Ammers: No, it would be only--it's onsite and it's connected to the detention system. No offsite or adjacent properties would runoff to it.

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

Mr. Shibuya: On the Standard Condition No. 12, they're talking about energy conservation and I

applaud that. And at the same time, they're talking about photo voltaic systems. I know that you're gonna be trying to do this, but it's not conservation. Photo voltaic is actually a renewable energy power generating system not a conservation system. You know the difference?

Ms. Von Ammers: I think I'll leave that to Randy.

Mr. Endo: Yeah, that's probably just a poor word choice.

Mr. Shibuya: Yes, the other part here is that beginning of January 1, 2015, electrical energy savings shall not count towards renewable energy portfolio standards and this is in Hawaii Revised Statutes 269-92, Renewable Portfolio Standards. In this particular case, up to now we've been taking credit for whatever energy that we save and conserve that's added towards our renewable energy that we generate through either wind turbines or geothermal or bio fuels. Whatever we add towards it, we get credit for it. After January 1st, according to the State law, we don't get credit for conservation. It's only from putting in photo voltaics or wind turbines or geo thermal. Just a clarification.

Chair Hiranaga: Any other questions, Commissioners? I have a question on your site map that you've provided, so the orange sidewalk that is depicted on the perimeter of the property along Kaahumanu Avenue, Puunene Avenue and Lono Avenue, the orange sidewalk, is that the County sidewalk or is that something you're proposing to construct?

Mr. Summers: Yeah, I'm not exactly sure. But it's, you know, this is an illustrative map, and I, you know, I don't know if that's the County sidewalk, but in any event it's a sidewalk.

Chair Hiranaga: Okay, my second question is, the proposed number of stories along Kaahumanu Avenue those buildings abutting the sidewalk, how many stories is proposed?

Mr. Endo: I'm sorry, which frontage again did you say?

Chair Hiranaga: Kaahumanu Avenue. I believe the answer is six but that's based on my recollection from five years ago.

Mr. Summers: Mr. Chairman, the building heights in the project range from two stories to six stories and along Kaahumanu Avenue the elevation show five.

Chair Hiranaga: Six stories would be on Wakea or Kamehameha?

Mr. Summers: Within the interior of the project.

Chair Hiranaga: Oh, interior. Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Yeah, I didn't quite get the answer to that question. So along Kaahumanu, along the perimeter of the project what are the heights?

Mr. Summers: The building heights on the elevations that we are looking at appear to be five

stories.

Ms. Wakida: And that would be what, along Kaahumanu and Puunene -- is that what we're looking at?

Mr. Summers: Well, you know the project itself, I mean, you have a variety of different building heights.

Ms. Wakida: Correct.

Mr. Summers: You know, ranging from two stories, you know, to six stories.

Ms. Wakida: Right.

Mr. Summers: From what I recall, you know, and it's been some time, the higher building heights are typically within the interior of the property, but we do have five-story buildings along Kaahumanu Avenue. I'd just like to remind the Commission as well, I mean, these are very good questions, but the project was reviewed by the Urban Design Review Board on two occasions. So I mean, there has been a lot of review of the architecture. You know, so just to remind you.

Chair Hiranaga: Thank you for that reminder.

Mr. Summers: Yeah. We don't have our architect with us.

Chair Hiranaga: Any other questions, Commissioners?

Mr. Endo: Just for the record though, if you want to look at some of these elevations, you know, free to show them to you now or afterwards. It is a varied height, you know, to get the varied architecture. So it's hard to just say exactly what the height will be in the one particular spot.

Chair Hiranaga: I'm gonna make a comment. This was one of the first projects that came before me when I came on the Commission. Might have been my first or second meeting. Commissioner Hedani was on this Commission. This is a very, very large project. My recollection is, they're proposing five-story buildings abutting the sidewalk on Kaahumanu Avenue with no setbacks. So if you look at Burger King on the corner of Puunene and Kaahumanu, right there where that County side walk ends and abuts A&B's property they're proposing five-story buildings to run along that frontage. I had concerns about the massing because the Kahului Building which is existing behind CPB is four stories but it's setback from the property line, but it was approved by the Planning Commission. So my statement is, you know, of the nine sitting Commissioners only two of us have really seen the plans for this project. So that's my comment. Commissioner Hedani?

Mr. Hedani: Well, I remember reviewing this particular project. One of the areas of discussion that we had back then was over synchronization of the lights along Kaahumanu Avenue. You know, it drives me crazy that when you drive down Kaahumanu Avenue and you go from one light to the next and one is green and one is red. In the case of Lahaina, I think it was the North Beach

development at Kaanapali that one of the conditions that they are required to do is synchronize the lights in Lahaina which is three miles away. I think they worked with a local engineering firm and they did a synchronization project that cost about \$250,000 and they synchronized all eight lights in Lahaina and that's one of things that I suggested for this particular project when it went through its first review. I think when the time is appropriate, I don't know when that would be and I would leave that to the Department to come up with a recommendation. But if it's a case of reviewing extensions after extensions, I think we should consider attaching something like that to it at some point whenever it's appropriate.

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

Ms. Wakida: Well, I'm glad originally back when you reviewed this that you had this concern massing these structures on the periphery. I know that we've been into this discussion before on another specific project about having a six-story building, in this case, five stories on the exterior of an area. And so I'm just surprised to see that this would be five stories on the perimeter rather than pushed further back into the project. I don't know where I can go with this comment other than that there's a concern. I am not asking to go back to the drawing board on this, but I'm glad the concern did come up previously.

Chair Hiranaga: Any other? Commissioner Hedani?

Mr. Hedani: I was wondering if the applicant can give us a status of any of the agreements that are tied to this particular SMA Permit whether or not progress have been made? There was a workforce housing requirement, there was a parks requirement, you know, what's the progress on those?

Mr. Endo: Sure. Randy Endo. Thanks, Commissioner Hedani. Yeah, the DOT has approved our traffic study which we redid recently. So they only approved it within the recent past, but we still have not executed a fair share agreement to actually contribute to the improvements that we needed in the State Highway in that area. But we are making progress albeit a little bit slowly on there. The affordable housing agreement has been executed. We have--in fact, we recently modified and amended it and had that also fully signed. Essentially we will be putting in 25 percent of the units would be affordable less a certain amount of credits that we had from other prior affordable projects. But there'll still be a significant number of affordable units onsite. And again, I think I might have mentioned previously that we do already have a parks dedication agreement. We are in the process of amending it to allow for a earlier dedication. So even though we're not actually moving forward with this project we're gonna move forward and just dedicate that old swap meet site to the County so that you folks can move forward, the County can move forward with the aquatic center project. I think that's the major, the major agreements that we've made headway on.

Chair Hiranaga: Any other questions, Commissioners? If not, I will open the floor to a motion. The question before you is whether to waive review or to request that the project come back to the Planning Commission. Commissioner Shibuya?

Mr. Shibuya: Question to Gina maybe, or maybe the Director. What's the difference in case of

preparation of documents if we were to waive it and allow the Planning Director to review and allow the extension or have this Commission review? Is there a difference in the amount of paperwork that A&B and this developer has to provide us?

Ms. Flammer: In the case of a review, and if you were to decide not to waive, but to come back, and we've had that, we've done that before, our Staff prepares a staff report for you. We've also had cases where you've asked for very limited information and we've come back and provided just that information. We've also--another route that you've taken before is to defer and then have the applicant come back with more detailed information. And then the third, today with this particular project if you were to go ahead and waive, what would change about the project is that they've represented that they were going to treat all water that's going into their project system, so--and that it would be a filtered system and there would be a maintenance schedule. We would ask for that probably in the preliminary compliance report for information on that. If you felt like you needed more than that, you would have the first two options.

Mr. Shibuya: It's just that I just didn't want to spin more wheels and get more involved in preparing and demonstrating, you know, their will at this point. I just don't wanna do more work than necessary.

Ms. Flammer: Were there other concerns that you wanted to see addressed if there was further review?

Mr. Shibuya: The only other one was renewable energy generation if possible, that they may have some proposals. They may have had an opportunity to work with MECO. They may be setting up a separate circuit for themselves. I don't know. Okay, that kind of thing.

Chair Hiranaga: My recollection is on the Maui Beach Hotel redevelopment didn't we ask them to come back just to answer specific questions and so we did not really put the question to vote whether to waive or bring it back for full review but we said, we'll defer this matter and you know, they'll come back with specific answers because we had drainage issues and they prepared additional retention. So that's another option is to make a motion to defer and have specific requests for additional information.

Mr. Shibuya: I like that.

Chair Hiranaga: Well, the floor is open to a motion. Commissioner Shibuya?

Mr. Shibuya: I make a motion to defer and ask for additional drainage information as well as renewable energy initiatives.

Chair Hiranaga: There's a motion on the floor to defer. Is there a second? Seeing none, motion dies. Floor is open to another motion. Motion, Keone Ball, Commissioner Ball?

Mr. Ball: This is just a disclosure item that A&B Company, my company is a tenant of A&B Properties, so I just wanna put it out there.

Chair Hiranaga: Thank you for that. Floor is still open to a motion. Commissioner Hedani?

Mr. Hedani: Because most of the Members of the Commission haven't had the benefit of reviewing the entire project from the get go, maybe what we should do is request a review of this particular project so that everybody can be brought up to speed on the entire project?

Chair Hiranaga: So you're making a motion not to waive review and to request that the application come back to the Planning Commission. Is that your motion?

Mr. Hedani: Yes.

Chair Hiranaga: Is there a second?

Mr. Shibuya: I'll second it.

Chair Hiranaga: It's been moved by Commissioner Hedani, seconded by Commissioner Shibuya not to waive review of the extension request. Discussion? Commissioner Ball?

Mr. Ball: So that means this basically opens back up again in a sense?

Chair Hiranaga: My understanding is they would have to do a full-blown presentation in order to --and then the Commission would vote whether to extend or not. And you could add conditions because it is--

Mr. Ball: At that point?

Chair Hiranaga: Yeah. Again, Commissioner Hedani and I were the only ones that really reviewed this and I'm not sure if I was actually at the initial presentation because it came back several times. So I may have only caught the last or second to the last presentation. It is a very large project. I really didn't have much problems with the project except for the massing along Kaahumanu Avenue and Puunene Avenue. So the option is to give specific requests for information to the applicant and defer the matter or at this time which is the motion on the floor is to just bring it back for a full presentation. So it's really it's the call of the Commission.

Mr. Summers: May I make a comment?

Chair Hiranaga: Sure.

Mr. Summers: I'd just like to remind the Commission that we went through a long ...(inaudible), a very lengthy time consuming process in the context of preparing a Final Environmental Assessment. We got a FONSI determination. We got a Special Management Area Permit for this project. We presented the project to the Planning Commission on four separate occasions. We also presented the project to the Urban Design Review Board on two occasions. Now those presentations included the entire project team, the planning consultant, the traffic engineer, the engineering firm that was involved, you know, designing the civil engineering components of the project. The project was reviewed by you know, all State and County agencies. I mean, it got a

very thorough review and we also go a lot of very positive comments on this project. So, you know, I'd just like to throw that out there that you know, many of these issues have been discussed. It's been thoroughly vetted. As Randy had indicated, the reason, you know, why the project hasn't been implemented is because of the, you know, market conditions that we have right now. And until we have the market issues, you know, we were pushing this project extremely hard to meet the deadlines, and to move forward in an expeditious manner. So you know, we're hoping that we can just get the time extension, move forward. You know, we can give you folks, you know, if Randy, you know, a status report, you know in 13 months. But to present the project in its entirety again, is I think pretty significant.

Chair Hiranaga: Thank you for that. None of the EAs or comments from the agencies--you would not have to send it back for recomment if it was brought back to us because we're just reviewing the time extension. We're not denying yet, and we could deny the extension then you'd have to start over again, but at this point we're just asking for --the motion on the floor is to bring it back for review.

Ms. Flammer: It would require a staff report and quite some work to review the project again. It's a little different than some of the ways you've handled other projects. You don't have specific concerns that you'd like to see addressed. Asking to have it come up just for general would require a lot of preparation on many people's parts, probably be quite expensive for the applicant and in terms of staff planning time.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I would vote against that motion just because we've had previous discussions where we're second guessing the Commissions of the past after they've reviewed this project on many occasions according to the testimony given. And two sitting members of it are still here. We could potentially open this thing up if we started changing things like pushing buildings back and that sort of thing. I mean, that would throw a wrench in the thing where this thing is ready to go. I would vote no on it. I would vote to waive the review.

Chair Hiranaga: Any other discussion? Commissioner Domingo?

Ms. Domingo: Thank you. And I'm gonna agree in voting against this motion. I did not review this project, but I did sit in the 2010 extension and I truly believe, you know, I've reviewed what the past Commissioners has voted on. So I will be voting against that.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: It's interesting because I'm trying to streamline the process here. I came up with a suggestion for a recommendation just a letter just describing where the progress is and allowing the extension, but we do have at midpoint some kind of review of what's happening so far. That did not pass. I ask for a deferral that we can just review just a couple items and that did not pass. And so now we're at a full-blown type of and I'm disappointed. You know, even though I seconded it, I may have to vote against it.

Chair Hiranaga: Any other discussion? Commissioner Hedani?

Mr. Hedani: Based on the comments that I've heard, I withdraw the motion.

Chair Hiranaga: Does the seconder in agreement?

Mr. Shibuya: I agree. Thank you very much Commissioner Hedani.

Chair Hiranaga: The Chair's preference is to defer and ask specific questions to be addressed so that they can come back say in two weeks or four weeks and address specific questions. Personally, I would ask for a more detailed drainage explanation and also I think just the elevations along the perimeter roadways as far as what this project looks like from Puunene, Kaahumanu, Kamehameha and Lono. Those would be my two specific questions. So I don't really need a full-blown review of the entire project because one of the concerns I had was the five stories and I suggested well, can't you take one story off because the Kahului Building is four stories? Well, Randy wasn't part of the company at that time, they said well, it's not gonna make the project economically feasible. So don't really have to move buildings back, they could take a floor off. I mean, it gives them time to reanalyze their project. So that would be the Chair's preference is to defer and ask specific requests for information they can address. Commissioner Wakida?

Ms. Wakida: Yes, I agree. I would like to make a motion to defer this with specific--requests for specific information to come back to us.

Chair Hiranaga: Motion to defer is there a second?

Mr. Shibuya: I'll second it.

Chair Hiranaga: Seconded by Commissioner Shibuya? Discussion? Just another comment, I think we did this for the Maui Beach Hotel. So they just came back to answer specific questions and then the extension was granted. For me, I think, like I said, there's only two of us that went through this presentation before, and I'm not sure on the extension did they give a more detailed presentation? They may have, I think. I can't recall. On your first extension, did you make a more detailed presentation in 2009?

Mr. Shibuya: I think it was extensive because I was here.

Ms. Domingo: Mr. Chair?

Chair Hiranaga: Commissioner Domingo?

Ms. Domingo: So my question is that, if we defer they come back with specific answers to our questions. So what would be the process beyond that? We just review and what?

Chair Hiranaga: Well, then you can put the question to the floor whether to waive or to bring it back.

Ms. Domingo: Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just--I like that and I support this motion. I also would like to add in the concern for renewable energy and how they plan to address this.

Chair Hiranaga: Any other discussion on the motion to defer? Commissioner Hedani?

Mr. Hedani: I'd like to request additional information on traffic mitigation plan for the project and specifically on the feasibility of synchronization of traffic lights on Kaahumanu Avenue.

Chair Hiranaga: Yes, Randy?

Mr. Endo: Chair Hiranaga, I was wondering if it will be possible if we could just submit all of those things that you ask for in writing without the need for bringing in experts and having an actual meeting and then you could review it, and if you have any more questions after review it, of course, then you could have follow up?

Chair Hiranaga: I think if it's deferred it needs to come back on the agenda which means it will be noticed and it will be a agenda item. Whether you bring in your experts or not, that's really your call. For my personal request for, you know, perimeter elevations, I don't necessarily need your architect to be here because I think whoever the project manager for A&B would be knowledgeable enough to answer questions, and then you'd probably wanna bring your engineering consultant again. So, as far as traffic I don't know if you need to bring your traffic consultant in. As long as someone within your team can explain the report. So before I call for the vote maybe you could just repeat the request for information?

Ms. Flammer: Sure, and please let me know what else you have. So the first one is, you'd like a more detailed drainage information. I'm sure there's been a supplemental drainage report that we could get to you as well as a letter. You would like elevations along the perimeter roadways. You'd like more information on renewable energy and then you'd like to see the current traffic report which would outline traffic mitigation and in addition to that you'd like some information on the feasibility of light synchronization along Kaahumanu Avenue. Would you like information from the Urban Design Review Board? That is your reviewing agency for architectural design. They did spend quite a bit of time looking at this project and they're very familiar with smart growth concepts.

Chair Hiranaga: So they prepared a report or?

Ms. Flammer: We have comments from them that would be in our paperwork probably in the original staff report would have a letter or some information about that report.

Chair Hiranaga: Yeah, that may be useful. Any other request for information? Seeing none, I'll call for the vote. All in favor to defer please so indicate by raising your hand.

Mr. Spence: I see five eyes.

Chair Hiranaga: Opposed?

Mr. Spence: One nay.

Chair Hiranaga: Motion carries.

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

**VOTED: To Defer the Matter in Order for the Applicant to Provide Information on the Commissioner's Requests of More Detailed Drainage Information, Elevations Along the Perimeter Roadways, Renewable Energy, the Current Traffic Report Which Outlines Traffic Mitigation and the Feasibility of Light Synchronization Along Kaahumanu Avenue, and the Comments from the Urban Design Review Board.
(Assenting - P. Wakida, W. Shibuya, D. Domingo, M. Tsai, W. Hedani)
(Dissenting - K. Ball)
(Excused - I. Lay, J. Freitas)**

Chair Hiranaga: So I guess the applicant will notify Staff when they're ready to come back.

Mr. Spence: And we'll send them a letter, we'll send the applicant a letter.

Mr. Endo: Thank you.

Chair Hiranaga: Moving on, Item E-2. Director?

2. Planning Commission Projects/Issues

a. Revising the SMA Boundaries

Mr. Spence: Okay, Planning Commission Projects/Issues. We have Revising the SMA Boundaries. We have nothing to report specifically on that. We hope to soon be bringing some proposals to change your rules with regards to Certified Shoreline Surveys, we hope within the near future.

3. EA/EIS Report

Mr. Spence: Clayton's not here for EA/EIS Report.

4. SMA Minor Permit Report

5. SMA Exemptions Report

Mr. Spence: You do have the SMA Minor Permit and Exemption Permits in front of you.

Chair Hiranaga: Any discussion on the Director's Report? If not, you wanna go over E-6, the next agenda?

6. Discussion of Future Maui Planning Commission Agendas

a. May 8, 2012 meeting agenda items

Mr. Spence: Okay, scheduled for the May 8th meeting is Communication from Ms. Linda Berry, AIA on behalf of the At Home Animal Hospital requesting Special Accessory Use Approval for a vets clinic in the B-2 District. Item B-1 is Unfinished Business with Towne Development requesting a five-year time extension on their SMA Permit in Kihei, and we're gonna have a workshop on the Preliminary Drainage Plan Reviews conducted by the Department of Public Works.

Chair Hiranaga: Very timely.

Mr. Spence: Yes, very timely. We'll be primed by the time that A&B comes back with their Kahului project. And then the last one will be Director's Report, Hawaii Fueling Facilities Corporation requesting a two-year time extension on an SMA Permit to initiate construction on a facility in Kahului. Any specific questions regarding those?

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Just a question in general, you know, the agendas seem very light for the Commission's review. Is that a function of just no activity happening and no applications pending or are we kinda like stacked up?

Mr. Spence: We have quite a few applications, it's just finalizing things so things are complete to bring before the Commission. I mean, in all fairness too, I would say that your agendas are reflective of the economy at the moment.

Mr. Hedani: My only comment is that, you know, I know there's a lot of people that have applications that have been held in abeyance for a very long time, they're waiting to get, you know, an audience before the Planning Commission and I'm just wondering why we can't queue them up a little bit faster?

Mr. Spence: I'll talk to Staff about that.

Chair Hiranaga: At least get us through lunch?

Mr. Spence: We can work on that.

Mr. Hedani: I think the other point is that, you know, the reviews end up being twice as long for the applicants that are before us because there's no other items on the agenda.

Mr. Ball: Right.

Mr. Spence: That's true.

Chair Hiranaga: Okay. So if there's no objection, this meeting is adjourned. Thank you.

F. NEXT REGULAR MEETING DATE: MAY 8, 2012

G. ADJOURNMENT

The meeting was adjourned at 11:41 a.m.

Submitted by,

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

RECORD OF ATTENDANCE

Present

Keone Ball
Donna Domingo,
Wayne Hedani
Kent Hiranaga, Chairperson
Warren Shibuya
Max Tsai
Penny Wakida

Excused

Ivan Lay, Vice-Chair
Jack Freitas

Others

Will Spence, Director, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
David Goode, Director, Department of Public Works