

**MAUI PLANNING COMMISSION
REGULAR MINUTES
AUGUST 28, 2012**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:04 a.m., Tuesday, August 28, 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 meeting to order. This is the Maui Planning Commission. Today is August 28, 2012. At this time, I will open the floor to public testimony regarding any agenda item. You may testify at this time or wait till the agenda item comes up. First person signed up is Kalei Kauhane. Do you wish to speak now or to wait till the agenda item comes up? Please come forward, identify yourself, and please limit your testimony to three minutes.

The following individuals testified at the beginning of the meeting:

Mr. Kalei Kauhane - Item D-2c, Maui Land & Pineapple, Kapalua Site 6-0, SMA Time Extension
Mr. George Lavenson: - Testified regarding West Maui in General.
Ms. Tamara Paltin - Item D-2c, Maui Land & Pineapple, Kapalua Site 6-0, SMA Time Extension
Mr. Leonard Nakoa, Jr. - Item D-2c, Maui Land & Pineapple, Kapalua Site 6-0, SMA Time Extension

Their testimony can be found the item on which they testified on. Mr. Lavenson's testimony immediately follows:

Chair Hiranaga: George Lavenson.

Mr. George Lavenson: Lavenson. Hi everybody, I'm Doc Lavenson, Mr. Chairman, ladies and gentlemen. I'm gonna talk briefly about...(inaudible)... and it may not be under your purview with a broad brush. Try to paint why many of us on the west side are very concerned about the loss of our unique charm and what makes Lahaina, Honolua, and the west side so great. It's kinda like Carmel and Santa Barbara in California where they didn't let it happen. Didn't let the developers ruin it and I was in Carmel in June and I asked somebody, I said, "how did you keep it from happening?" And they said, it was the people, the people wouldn't let it happen. What we're concerned about is starting it like Honolua and Lipoa Point and to me it's not a question of it, but when that will be cashed in for the developer. And then there's Lahaina with approval of over 11,000 units, 20,000 cars and already our cars are backed up at red lights past the previous intersections or two. Do we really want that or do we wanna preserve this great Maui? And then there's Olowalu and putting a town that really doesn't need to be there right in the middle of the corridor to Lahaina with 1,500 units and 3,000 cars for the mainly for the benefit of the developer.

And then the thing I'm particularly interested in is the movement of the State highway of the shoreline drive I like to call it from the shore mauka still two lanes and up in the fire area and primarily taking it away from the people. Now the people can drive along that pristine coast, stop wherever they want, surf, fish, beach and to put some...say you're gonna put some parks down with vertical access road, it'll end up being like Lahaina to Kapalua. This is the only way we can preserve that is keep it with the State. Unfortunately, I hate to say it, if it's turned over to the

County, we've seen how the County can cave. So it's a plea from all of us or a lot of us anyway, to not--we have a golden moment not to throw away this great Lahaina and all. We could be like Carmel where the previous mayor, Clint Eastwood, you know, and everybody kept that from happening and they didn't sell out as the title for one of his movies says, "For a Few Dollars More." So thank you for hearing me.

Chair Hiranaga: Just for clarity which agenda item are you addressing?

Mr. Lavenson: This was kind of a broad brush on the whole west side just for your consideration. I appreciate your letting me say it.

Chair Hiranaga: Commissioners, any questions? Seeing none, thank you.

Mr. Lavenson: Okay, thank you.

Chair Hiranaga: Anyone else here wishes to provide testimony on any agenda item at this time please come forward? Seeing none, public testimony is now closed. We'll move onto the agenda. First agenda item is...

Mr. Shibuya: Mr. Chair? I'd like to if it's possible--

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Thank you. I'd like to take it out of order. One of them is the Open SMA Assessments for Maui. I just have one that perhaps I can give to the Staff that they can start researching.

Chair Hiranaga: Yeah, why don't you hand it to them?

Mr. Shibuya: Okay.

Chair Hiranaga: Don't think you need to read it out loud.

Mr. Shibuya: Okay.

Chair Hiranaga: Moving onto agenda item B-1. Deputy Director?

Ms. McLean: Thank you, Chair. The Commission has one public hearing item on its agenda today that's a request from Mr. Jay Hiraide requesting a Conditional permit for an office to covert 1,212 square feet of an existing 3,087 square-foot single-family residence into a real estate office with a separate entrance in the R-3 District at 295 Waiehu Beach Road, TMK: 3-4-043: 007 in Wailuku. Joe Prutch is the Staff Planner.

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

- 1. MR. JAY HIRAIDE requesting a Conditional Permit for the Jay Hiraide Office in order to convert 1,212 square feet of an existing 3,087 square foot single-family residence into a sealed-off real estate office with a separate entrance in the R-3 Residential District at 295 Waiehu Beach Road, TMK: 3-4-043: 007, Wailuku, Island of Maui. (CP 2011/0001) (J. Prutch)**

Mr. Joe Prutch: Thank you and good morning, Commissioners. This Conditional Permit arises from an application filed back in February of 2011 filed by Chris Hart and Partners, Brett Davis is here on behalf of Mr. Jay Hiraide basically to allow business office use in an existing single-family home, his existing single-family home. He's asking to convert 1,012 square feet of his just over 3,000 square-foot single-family residence into office space to be used mainly by him for now and possibly up to three employees for a real estate business, well, for a real estate business and possibly up to three more employees in the future if his business expands as he's shooting for. It's zoned R-3. It is zoned for residential purposes. The applicant essentially would live in the rear portion of the house. The front portion, it's kind of an L-shaped unit, the front portion closest to the street would be converted for office use. Actually are separated from one and other. There's a breezeway that connects them but essentially can be separated. So the office space would have its own entrance, its own bathroom and, you know, essentially be separated from the residential unit that Mr. Hiraide will live in. His proposed hours of operation, he's proposing Monday through Friday business office building 9:00 a.m. to 5:30 p.m. Like I said, it would be himself in the beginning and then if the business progresses and things get better and move up anticipates having maybe two or three employees working with him in a real estate office. Also, he wants to put up a 4x2, 4-foot by 2-foot sign at the front of the building to identify his business.

One of the things I want to talk about is the surrounding uses. I mean, he's asking for office use in a Residential District and the reason the...one of the reasons the Planning Department is recommending approval is because of a lot of different uses in the surrounding area and I've got a map up on the screen there. You'll see Mr. Hiraide's site right there in the middle, the dark, the black. That's his property on Waiehu Beach Road. Just up the street from...well, let me show you. Okay, to the north of, this is his property, to the north of his property, residence, residence, residence when you get up to the end there's a McDonalds on the corner. So they're all residences to the north of his property. To the south of his property right adjacent there's a place called Maui Clay. My understanding is that they make clay, porcelain type products, but my understanding is they don't actually sell them there, but they do make them there. And then the applicant just told me this morning that this one I thought was a residence is actually now is a, running as daycare. So that's a daycare use. Then you've got a residence and then another house here that is turned into an office for Bowman Termite and then of course, Jack in the Box on the corner. Behind him, directly behind him is a humongous, a large Allied Machinery Corporation. So you've got a big warehouse building right here and a bunch of equipment, construction equipment sitting out directly behind his property. And then of course, across the street from him you all know where the Shell gas station is pretty much across the street from him. He's got two residences across the street from him, a small store. This lot is vacant but I think it's also being used by the realty office on this corner for additional parking. So there's also a realty office right across the street as well. So in light of the idea that there's quite a bit of commercial uses, residential uses, and of course, this all back here is all industrial, kind of lent itself to our recommendation for approval.

Now the one thing I want to talk about as well. The County does have a home occupation possibility and why not a home occupation for this one? Well, there's like ten criteria for approving a home occupation. There's a couple of them. I'll go over that essentially he doesn't qualify. So the idea of having a home occupation does not work for him therefore, the idea of applying for a Conditional Permit to have the office space that he wants. The main reason is his office space is too large for a home occupation. A home occupation only allows you to use 25 percent of your home for home occupation purposes. He's at about I think 38, 39 percent. So his would be too large for home occupation. Also, with a home occupation it says that no person other than a member of the family residing on the premises can be employed by the home occupation. Right now, he would qualify but in the future as I said, he does plan on expanding and bringing in a couple people to work the real estate business and those may not be family members. So just a couple of reasons why he doesn't qualify for the home occupation ...(inaudible)... the Conditional Permit for this process.

Lastly, I'll say that we got the County and State agency response letters. Everything is in your staff report including all the responses from the applicant. The Fire Department did have a couple of conditions for a fire extinguishers and for biannual inspections and a inspection of the office prior to opening. When we get to the recommendation report, I'll ask that we add those conditions into the recommendations. They're not in there now so we have to add those in. Zoning had asked for the parking to be pushed back and so did the State Department of Transportation. His original parking lot, his original parking spaces were proposed much closer to the street. Because of the State Department of Transportation and Zoning as well, the applicant has pushed the parking spaces back I think ten feet further so that there's room for the cars actually drive out forward rather than back out onto that street. So the applicant's done that already.

I think what I want to do now is I want to bring up Brett Davis and he's gonna show you some photos of the property and photos of the surrounding property and just give you a little background information on the property. And then of course, the applicant, Mr. Hiraide is behind here so if there's any questions we can't answer, he'll be available to answer them for you. Thank you.

Mr. Brett Davis: Good morning, Commissioners. My name is Brett Davis. I'm a planner at Chris Hart and Partners. We prepared a short presentation for you mostly photographs of the surrounding area. Just a reminder, the proposed project is to allow 1,212 square feet of an existing single-family residence to be used as professional office space by the property owner for his real estate business.

These are the existing land use designations which I think Joe already went over. Here's an aerial photograph of the site. You can see it in red there. The industrial area Joe is talking about is right there. Waiehu Beach Road. Here's a photograph of the project site. It's a single story home which has an L-shape. Mr. Hiraide lives in the rear of the property. You have the two-car covered garage back there. These are--a picture of the landscape improvements that were conducted on the property. Here's a photograph of the project site and the adjacent single-family residence. There's the Maui Clay building and the project site is over here. These are a few of the properties down Waiehu Beach Road. This is the Bowman Termite building and Jack in the Box as Joe described earlier. And then if you're coming back, you can see the Shell Station, single-family residence, the store and then across the street is another real estate office there. This is the site plan and it shows

five straight parking stalls that's in addition to Jay's two in the garage so he's got seven which is surplus of parking. Here's a rendering of the proposed signage just show you location and size. And that is the end of the presentation. If you have any questions for us or the owner of the property we are here. Thank you.

Mr. Prutch: Any questions for myself? I'll go into the recommendation report later.

Chair Hiranaga: I'm going to hold questions till after the public hearing.

Mr. Prutch: Sure.

a) Public Hearing

Chair Hiranaga: At this time, I'd like to open the public hearing. Is there anyone here that wishes to speak on this agenda item, please come forward and identify yourself. Seeing none, the public hearing is now closed. Open the question to...open the floor to questions from the Commissioners? Commissioner Wakida?

Ms. Wakida: Just for a little background. What are the signage rules in an R-3?

Mr. Prutch: I don't know the signage rules off the top of my head.

Ms. Wakida: As far as size?

Mr. Prutch: I'm sorry, I don't know the signage rules. I'm sorry. Do you have an idea what the signage rules are in R-3?

Ms. McLean: They wouldn't be any different for R-3 than any other property. You can have specific signs in the commercial--the Commercial Sign Ordinance would apply to the property, the same as it would any other.

Ms. Wakida: But the size, is the size of the sign legal with the size limitations are?

Ms. McLean: Not off the top of my head but we can find out if you need to know.

Chair Hiranaga: Corporation Counsel?

Mr. Hopper: Just a quick look and this could be subject to further detail but it does appear, 16.13.080 is part of the Commercial Sign Ordinance. It says, signs authorized in the Single-Family and Duplex Residential Districts and it says, maximum size is 32 square feet, But it says, one per subdivision or planned development located at the primary entrance. And it says, shall only identify the subdivision or planned development. And again, it also says, must be, Oh, I'm sorry, that's ground signs allowed. A building identification, business identification, ground information or promotional sign is permitted and there's actually a separate permitting requirement section for that and that all basically depends on the type of sign. There's building identification which is allowed at 16 square feet. There's a business identification 16 square feet of projecting or hanging, but again, Michele was correct that it does have to be a lawfully permitted but basically it has a

reference to the general sign size section which all depends on the type of sign it actually is. If it's a business identification, promotional sign, window sign, et cetera.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Just clarification. I believe they have a signage plan application, would you not or are you planning to have that because I believe it's part of the requirement?

Mr. Prutch: Yeah, before they can put the sign up, they'll have to go...I'm sorry I don't process sign permits so, I'm sorry, but they will have to apply for a sign permit and go through I believe it's the Zoning Department I think it is.

Mr. Shibuya: That's correct.

Mr. Prutch: Essentially they'll have to get a permit before they put the sign up. And of course, at that point they'll have to adhere to whatever the standards are for size it's usually based on the ...(inaudible)... So that will be a requirement before they put the sign up.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Were the neighbors informed of this change?

Mr. Prutch: Well, I don't know if the applicant met with the neighbors beforehand. I believe, actually, no they did, I'm sorry. They did. It was a while ago. They did actually meet with the neighbors prior to making an application and my recollection is it was really...there was nothing negative about it that came out of it that came to me. Also, of course, there's the public hearing notification of the 500-foot list. And since that time, I have received nothing on my desk or no phone calls either. So I haven't heard anything from any neighbors at all. I don't know if they have. They can respond. Do you have a...I think Chris Hart actually did the first community meeting way back in the beginning stages. So maybe he can enlighten you a little bit on that meeting.

Mr. Chris Hart: Thanks, Joe. Mr. Chair, Members of the Commission, Chris Hart, Chris Hart and Partners. The area, the neighborhood is in transition and Waiehu Beach Road is a very busy road and essentially, I believe that in the context of the update of the community plan there probably should be a consideration that in this particular area that perhaps the opportunity to do Service Business Residential, in other words, a mix of residential and business could be a possible consideration for this area. We felt that the Conditional Permit was definitely justified in the context of the transition and there has been dialogue with the neighbors throughout the process. We made the application back in February of 2011, and so the process has been ongoing and there have been additional uses that have actually been developed in terms of nonresidential type uses in terms of the daycare and so on. So, you know, that definitely has been part of the process, the communication with the neighbors.

Chair Hiranaga: I have a follow up question since you're up there, Chris.

Mr. Hart: Yes.

Chair Hiranaga: What's your thought about this erosion into the residential inventory with Conditional Permits when at this point there's an abundance of business space for lease?

Mr. Hart: First of all, I really understand what you're saying, but there are certain places that exist, you know, on Maui where because of issues of traffic, this is pretty much a main street and, you know, so the residential, the ambiance, the character of a quiet residential street does not exist in this area. And the issue here is that this individual bought the property and wants to do a business that, you know, is in some ways similar to a normal occupation of the home, but because of the fact that, you know, the area is larger, he can't qualify necessarily as a home occupation. So I believe, you know, that there are situations, Mr. Chairman, where, you know, because of circumstances that residential neighborhoods basically become an area of transition from residential to business. I do agree that it definitely is important to try to preserve the integrity of a residential neighborhood and certainly if it was different type of circumstance in terms of less traffic and a more quiet neighborhood, this, this—I think your point would be well taken. But in this particular case, I just feel that given the businesses that have already developed around it and that there is transition going on and you know, that the issue of residential neighborhood is important and I think the fact that our applicant, our client is going to live there is also important.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: This is in concern of the traffic in that area. It's a heavy traffic area and I know that you said there's a possibility of ten clients being there at a time, you've got your employees and people living there. Is there adequate room for the cars to turn around and come out in a forward motion from that area?

Mr. Hart: Yes, there is. That's one of the important considerations about this particular property from the point of view that a lot of times residences, you know, do not have sufficient area for parking and therefore, the scale or the size of the business, you know, is very limited. But in this particular case because of the size of the property, the parcel, there is room to maneuver on site and to basically move out into the street. And the State Department of Transportation in their comments as Joe Prutch indicated to you asked us to move the, basically the parking back from the street so we did.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: Joe, can we have Chris back up?

Mr. Prutch: Sure.

Mr. Hedani: Hi, Chris.

Mr. Hart: Hi.

Mr. Hedani: You know, when I look at the building it reads--it doesn't read residential. It reads commercial. It almost read industrial. And I'm wondering is there anything that can be done from a landscaping perspective that would soften the appearance of that visual impact and also address softening the use to the neighbors to the north?

Mr. Hart: Mr. Hiraide has been very interested in our suggestions about landscape planting and he already has as you can see implemented the landscape planting. So I'm sure that he'd be open to suggestions that we could make to try to enhance the elevation and to basically soften the exterior of the building. Certainly we could work with him on that. But in this case, you know, we were basically providing the landscape planting in order to comply with the Off-Street Parking and Loading Ordinance.

Mr. Hedani: I think it needs help and I think you're just the person that could provide him with that help.

Mr. Hart: Okay. Thank you very much.

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

Mr. Shibuya: In line with Commissioner Hedani's question in terms of visual appeal. I believe there is a regulation or some kind of a stipulation here relating to fences. Maybe Staff can help us with this. There is some fence requirements in terms of height and where it's placed, and yet we need a balance of having it look like a residence from the road street side. Can somebody help me with the fences?

Mr. Prutch: The only thing I do know is that there--I'm trying to remember if there's--there's fencing along the side between this property and the Maui Clay. I don't remember how tall it is. Maybe I'll ask the applicant to come up and describe the fences that are existing because I don't remember how tall. The front wall is a block wall that you can see there along the street. That's about three feet tall if I remember right at least two and a half, three-feet tall. That's already existing. They put the landscaping in behind it and striped the parking spaces. So there is that at the front and I believe there's a fence between his property and the residence to the north, but I once again, I don't know, I don't remember how tall they are. You want me to get the applicant to describe the fences?

Mr. Shibuya: No, no, I'll give you the citation here, 19.36A.070 and it's probably gonna be related with the Certificate of Occupancy, Public Works, Miscellaneous Inspection.

Chair Hiranaga: I'm sorry, could you repeat your question?

Mr. Shibuya: My question was can you clarify the issue on fences, and I believe there is some requirement by Public Works, and Public Works is suggesting that they have some kind of Miscellaneous Inspection or a permit and that would suffice and probably take care of this fence issue.

Chair Hiranaga: Actually, why don't we have Public Works address that. I don't believe Miscellaneous Inspections relate to boundary fences, but perhaps Lance can clarify.

Mr. Lance Nakamura: Lance Nakamura of Public Works. What I can say is that they will be required to obtain a Certificate of Occupancy and they will at that point be required to go through the normal process of having review by all the various agencies. I don't know if any agency through the C.O. process has a requirement regarding fences of making them mandatory or a certain size being required for this project, but they would have to go through that process. If there were any requirements as it relate to fences they would to comply before they got their C.O.

Chair Hiranaga: Does that answer your question, Commissioner?

Mr. Shibuya: Yes, thank you.

Chair Hiranaga: Any other questions? Commissioner Hedani?

Mr. Hedani: Joe, as a follow up to what Warren just said, when you're exiting the property, you know, as a single family residence the owner would understand the traffic condition, sight distances and things like that, yeah. As a business that's operating from that perspective you would have people coming into the project and leaving the project that are not familiar with those conditions on a regular basis. So I think it's important that we check like the walls that are next to the exit driveway which are very close to the street itself whether adequate sight distance to oncoming traffic is available from both sides, yeah. It looks a little high to me.

Mr. Prutch: Well, I remember driving out of there and I was able to see over the fence pretty easily but I don't--do you know how tall that fence is, Mr. Hiraide?

Mr. Hiraide: Three feet tall.

Mr. Prutch: Oh, it's three feet tall. I thought like the sight distance, I thought like a hedge and all that kind of stuff the maximum was three or three and a half. I can't recall. Three feet?

Mr. Hedani: If it's three feet, then I think it's okay. I thought it looked more like four.

Mr. Prutch: I think...it's short. Mr. Hiraide said it was three feet.

Mr. Hedani: Okay.

Mr. Prutch: I mean, I've seen it. You can look at the picture with the cars too, and you'll see the wall there is kind of up to the bottom of the window. So it's not too tall.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: This question is related with public safety and facility protection in terms of fire protection. What separates the residence from the proposed office? Is there a CMU wall or is that...what separates it?

Mr. Prutch: Well, the house itself is block, correct? The house is block and between, sorry I can't seem to get the...the house is L-shape, but the back of the L and the long part of L there's actually

a space between the two probably I wanna say about ten feet. So the back of the house here is the residence and the garage and a storage area, this part. This part up here in the front is the office space. What connects them is essentially a breezeway probably about ten feet long I'm guessing between the two homes or between the home and the office building. So block wall, block wall of the construction of the unit and then about ten feet separation. And then I think there--I wanna say there's a standpipe or fire hydrant somewhere down the street, I can't remember how close it was.

Unidentified Speaker: Across the street.

Mr. Prutch: Across the street. It was somewhere in the staff report. I can't recall. See if I can find that for you. But essentially yeah, there's definitely a separation between the two buildings and they are, it is, it is a block construction.

Mr. Shibuya: And they also mention in terms of treating with fire extinguishers and a specific type of fire extinguishers.

Mr. Prutch: Yes, and that will have to be, and like I say in the recommendation report, I'll make that a condition of approval.

Mr. Shibuya: Right.

Mr. Prutch: And the applicant, of course, is fine with that. I've already talked to him about it.

Mr. Shibuya: Okay. If there are no other questions, I have one more.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Electrical upgrade. What is the current breaker service rating and what are you bringing it up to?

Mr. Prutch: I will have to ask the applicant about that.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Let me interject. Isn't this all...let me ask Public Works. Isn't this all part of the Certificate of Occupancy inspection requirements?

Mr. Nakamura: Yes, it would be. You know, again, they would need a C.O. and go through the normal process and if there were any requirements as it related to the electrical system they would need to --

Chair Hiranaga: Or Fire.

Mr. Nakamura: --need to address or Fire or building or whatever it may be.

Chair Hiranaga: Thank you.

Mr. Shibuya: Thank you.

Chair Hiranaga: Any other questions, Commissioners? I have a question. When the individual purchased this property was the front yard paved over at that time?

Mr. Prutch: He's nodding yes. And I've been out to the property. It's pretty much. The whole front yard is paved.

Chair Hiranaga: Yeah, my concern is the, I guess, what is the assumption for acceptable surface water runoff off of a residential property versus this proposed use where the entire front yard is a black top and I'm assuming at this point your drainage is all going onto the street. If you look at the picture of Bowman Pest Control, Bowman's Pest Control, their front yard is all grasscrete. So it reduces the surface runoff onto the street and so my concern is what type of drainage, how you gonna address the increase in surface runoff from that blacktop? By possibly you could put gutters on the building and direct the water towards the backyard if the backyard is not hardened. Is the backyard is hardened?

Mr. Prutch: The backyard I believe is grass isn't it? Yes.

Chair Hiranaga: So possibly those types of things might be considered to...versus just allowing all the water to come off of the roof onto that blacktop. None of its gonna get absorbed into the ground it's all gonna end up on Waiehu Beach Road.

Mr. Hart: Mr. Chair, Chris Hart. We'll work together with the applicant and do two things. Number one, we'll look at the proposal to basically soften the character of the building and perhaps add some landscape planting. And also, we'll get a preliminary, kind of an analysis from a civil engineer to understand how the water, you know, and maybe perhaps how much water and if it's, you know, we can certainly, I'm sure retain a substantial amount at least in the context of the requirements of the Flood Hazard District Ordinance onsite.

Chair Hiranaga: Yeah, so if you're gonna have landscaping diverting flow to the landscape areas and also guttering the buildings to try and direct the flow to permeable surfaces such as the backyard.

Mr. Hart: Yes. We'll work on that for sure. Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: On Exhibit 2, it does show, I know it's very fine print here. I had to use a magnifying glass at home, but this one is a storm drain inlet. It's located right at the edge of the driveway to the property.

Chair Hiranaga: So your point being?

Mr. Shibuya: Being that apparently they have made some accommodations earlier but I'm not sure, but they can check on that.

Chair Hiranaga: Yeah, my concern is when they're designing storm drainage on streets at that time this was all residential use and typically you do not have your entire front yard hardened. And so by hardening your entire front yard you increase the amount of runoff coming off of that property and if in the future we have this transition where all the homes on that street slowly become commercial and they all hardened their front yards, how much increase in surface runoff are you now dumping onto Waiehu Beach Road and are those facilities designed to handle that type of volume?

Mr. Shibuya: And the condition would be that this property owner would probably contribute or those that are commercialized business would contribute somewhat to the expansion or the improvement of the storm drainage? Is that the implication here?

Chair Hiranaga: I'm not making any implication.

Mr. Shibuya: Oh, okay, thank you.

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

b) Action

Mr. Prutch: Okay. As you know, of course, this goes up to Council for final action. You guys are the recommending body for this permit. The Planning Department's recommending that the Maui Planning Commission recommend approval of this Conditional Permit to the County Council subject to the six conditions that are listed in your recommendation report along with I believe it will be two, I'm sorry, three additional conditions as spelled out in Exhibit 7 which is the Fire Department's response letter, comment letter. Condition No. 1, from the additional Condition No. 1 would be, "that office space shall be provided with a portable fire extinguisher minimum rating of 2A 10BC mounted at the entrance and inspected annually." Condition No. 2, additional Condition No. 2 would be, "that the office space shall be available for biannual fire inspection after its initial inspection and that essentially there shall be a fire inspection prior to operation of the office building." So they will have to get somebody out there to review the place before they can open. And thirdly, "that should future expansion of this office may be requested the whole structure shall be treated as B occupancy office use and not a R-3 occupancy residential use." Which would have different requirements for Fire Department access and water supply. The applicant knows of these three conditions. I had mentioned to him at the beginning. He is amenable to these additional conditions. So I'm asking that we add those three conditions to the report along with the standard six conditions.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I would like to echo Commissioner Hedani's concern about the very commercial and almost industrial look at this building, and I'm wondering although Mr. Hart has said they would

work with the applicant, I'm wonder if we should have a little...a condition in here about landscaping or something to bring this into a more residential view of this building. It's a very cold, stark from the curb view right now. It does not have any residential aspect to speak to. So I don't know quite how to add that as a condition. But I'd like something stronger in here than just work, you know, and to the vaguely work with the client. Maybe you can help me on that?

Chair Hiranaga: Let me ask either Planning or Public Works, for property that has a business zoning that's outside of the SMA area is there a landscaping requirement?

Ms. McLean: The landscaping would be tied to the parking requirement.

Chair Hiranaga: So there is criteria for landscaping?

Ms. McLean: In Chapter 19.36 of the County Code is the Off-Street Parking requirements that specifies the types of uses and the parking requirements and then there's also landscaping that goes along with the required parking.

Chair Hiranaga: So possibly we could just require that they adhere to that landscaping requirement that's part of the ...

Ms. McLean: They would have to anyway as part of the Certificate of Occupancy. They'd have to demonstrate that they've complied with the parking and landscaping requirements.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: That, that would be fine. However, I would like to see something more than just commercial landscaping. Something that brings this property back into a more residential looking look about it. Like the termite place across the street has grass in his front yard. You know, it looks residential. That's all.

Chair Hiranaga: Why don't you address the Staff Planner or applicant with the statement you just made because I don't think they were listening.

Mr. Prutch: I'm sorry. We were discussing the landscaping. I'm sorry, let me just reiterate that there is some--the photo itself is an older photo, so it shows pretty much building and dried grass and pavement. But essentially it sounds like the applicant has recently already put in some landscaping. I think they've put in some palm trees along...a few in front in the front of the building and I think he just said seven along that side stretch. So they've already started to do some landscaping. I don't know if there's any groundcover or not, but you know, we might be able to craft some kind of condition just to have them add some landscaping at least in front of the office portion of it just to soften the view from the street of the office itself since that's the use in question. Sorry, I missed what you said that, this is what they were telling me.

Ms. Wakida: It was suggested that there's a landscaping requirements for the parking lots that could be brought into this, but I also would like something a little more than that because this is a residential area and I'd like to see that it maintain some of that residential character. Right now it

has none as far as I can see from this photo. So that it does...it contributes to the neighborhood rather than distracts from it. And maybe what you have in the works will answer that.

Mr. Prutch: Like I say, at least the one thing they have done which I saw was the landscaping at the front. I mean, right now it's behind the block wall, but eventually it will grow up and could be taller, but essentially they have done the landscaping at the front which is part of the parking lot requirement, parking spaces requirement. So they have done that part. I don't know if the landscape, the landscape plan, the permit for the landscaping for the parking requires landscaping around the front of the house. So I think that would be something we would have to craft here as an additional condition to have them supply some kind--I'm not sure how you want to word it--some kind of additional landscaping fronting the office portion of the house to soften the, the look of the place. But I wanted to show you that they have some landscaping. It's not completely devoid, but yeah, there's...and this picture's not adequate because there is some new landscaping now, some trees, at least some palms, small palm trees are there. So there's a little bit to break up the cement look.

Chair Hiranaga: So Joe, this before and next picture after, that wall is that new?

Mr. Prutch: No, the wall has been there. Did you do anything to it? The wall's been there. No, the wall has been there. The landscaping is new and obviously the striping is new.

Chair Hiranaga: Is he currently operating a business out of the property?

Mr. Prutch: No, not yet.

Chair Hiranaga: Just decided to stripe the parking lot?

Mr. Prutch: Getting prepared, I guess.

Chair Hiranaga: Separation for the Council's approval and obtaining the Certificate of Occupancy from Public Works?

Mr. Prutch: I guess, yes.

Chair Hiranaga: Commissioner Hedani, you had a question?

Mr. Hedani: Joe, is the applicant agreeable to adding a condition to add screening landscaping between the residential property and, you know, just to, just to address the question of buffering their use?

Mr. Prutch: It sounds like he is, but why don't I get him up here to just kinda tell you guys what he may plan to do or maybe he doesn't know yet, but ...

Chair Hiranaga: Looks like some palms have been planted there.

Mr. Jay Hiraide: Good morning, my name is Jay Hiraide. I'm the property owner of 295 Waiehu

Beach Road.

Chair Hiranaga: Speak into the mic please?

Mr. Hiraide: Oh, I'm sorry. My name is Jay Hiraide, property owner of 295 Waiehu Beach Road. Yeah, I'm more than open to that, you know, planting some screening, that whatever the thing is between my, you know, me and my next door neighbor. And just ...(inaudible)... that next door neighbor I just let you know that maybe you know you guys are maybe too young to remember that my next door neighbor, Iwao Sato, used to run Sato's Fishery in his backyard. He's a businessman. He's real open-minded and he's more than happy to get my, you know, place going with business. I just let you know that. And another thing, the roof, back to that drainage thing, there is a rain gutter back of the house, and also the photo doesn't show that but the roof tilt this way. It's not facing to that the parking space. So all the water goes to there and I got big, that little field growing now with all kind of vegetable back there. So they're feeding all the water from the rainwater right now. I just let you know that.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Good morning, sir.

Mr. Hiraide: Good morning.

Ms. Wakida: How long do you own this property?

Mr. Hiraide: I purchase this property, lets see, the closing date was December 23, 2009, almost two years.

Chair Hiranaga: Just for your information. I was a tropical fish collector in my youth, and I did visit Mr. Sato's fishery. I did recognize that house.

Mr. Hiraide: He be 91 years old, but he's got less gray hair than me.

Chair Hiranaga: Thank you.

Mr. Hiraide: You're welcome.

Chair Hiranaga: Any other questions, Commissioners? Thank you. Seeing none, I'll open the floor to a motion.

Mr. Hedani: Move to approve as recommended by Staff.

Chair Hiranaga: Motion by Commissioner Hedani.

Mr. Freitas: Second.

Chair Hiranaga: Seconded by Commissioner Freitas. So did you add additional conditions that

were not printed.

Mr. Prutch: I added the three conditions for the Fire conditions. We didn't come up with a landscape condition yet.

Chair Hiranaga: No, was that-- your Fire conditions is that printed here.

Mr. Prutch: No, I'm adding them because they didn't make it into the recommendation report, but they are in Exhibit 7 as a comment letter from the Fire Department. So I wanted to add those three comments from Fire into the recommendation report. So they're not shown now, but I will add the three conditions if you approve it.

Chair Hiranaga: Any discussion? Commissioner Wakida?

Ms. Wakida: Yes, I'd like to...let's see I'm not sure on protocol of this but we talked about a condition about upgrading the landscaping to give more curb appeal, increase the residential beautification of the project.

Chair Hiranaga: I guess the Deputy Director wants to say something?

Ms. McLean: Just suggested language for the Commission's and applicant's consideration. That the site shall be landscaped and improved to enhance its residential character beyond the requirements of Chapter 19.36. Is that...

Chair Hiranaga: Or you could say, the landscaping plan shall be prepared by a certified landscape architect. Commissioner Hedani?

Mr. Hedani: Move to amend to add the Deputy Director's language.

Chair Hiranaga: Secunder agrees?

Mr. Freitas: Yes.

Chair Hiranaga: So for clarity could you repeat that? So is that a friendly amendment?

Ms. McLean: That the site shall be landscaped and improved to enhance its residential character beyond the requirements of Chapter 19.36, Maui County Code.

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

Ms. McLean: Eight ayes.

Chair Hiranaga: Opposed? The motion carries.

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

**VOTED: To Accept the Recommendation to Recommend Approval of the Conditional Permit to the County Council with Recommended Conditions.
(Assenting - W. Hedani, J. Freitas, D. Domingo, I. Lay, M. Tsai, K. Ball, P. Wakida, W. Shibuya)**

Chair Hiranaga: Why don't we do the next one first? Moving onto Unfinished Business, C-1. Deputy Director?

Ms. McLean: Thank you, Chair. The next item under Unfinished Business relates to a stipulation for dismissal of an appeal filed by Thomas Welch of Mancini, Welch & Geiger on behalf of Douglas and Donna Anne Poseley and Pete and Janet Ugrinich. That was an appeal of the former Planning Director's decision to refuse to process an SMA Assessment application for property in Olowalu, TMK: 4-8-003: 047. Again, what's before the Commission today is a Stipulation for Dismissal. The action for the commission would be to acknowledge receipt and file the appeal.

C. UNFINISHED BUSINESS

1. **THOMAS WELCH, Esq. of MANCINI, WELCH, & GEIGER, attorney for DOUGLAS POSELEY, DONNA ANNE POSELEY, PETE UGRINICH, and JANET UGRINICH appealing the Planning Director's decision dated September 8, 2008 for refusing to process the Special Management Area Assessment Application (SMX 2008/0118) for the construction of a single-family residence and related improvements in the Olowalu Makai-Hikina Subdivision located off of Honoapiilani Highway, TMK: 4-8-003: 047 (Lot 47-A), Olowalu, Lahaina, Island of Maui. (APPL 2008/0002) (T. Kapuaala)**
 - a. **THOMAS WELCH, JR. and JAMES GEIGER, attorneys for Appellants DOUGLAS POSELEY, DONNA ANNE POSELEY, PETE UGRINICH, and JANET UGRINICH submitting a Stipulation for Dismissal of the Appeal date stamped on June 18, 2012 of the Planning Director's Letter dated September 8, 2008 due to the issuance of the SMA exemption for the proposed action. (APPL 2008/0002) (T. Kapuaala)**

The Stipulation for Dismissal was also signed by MARY BLAINE JOHNSTON, attorney for Appellee County of Maui. The Stipulation for Dismissal was approved and so ordered by KENT HIRANAGA, Chairman, MAUI PLANNING COMMISSION.

Ms. McLean: Here representing the County is Deputy Corporation Counsel, Thomas Kolbe.

Mr. James Geiger: James Geiger on behalf of the Appellants.

Chair Hiranaga: I guess we'll let the appellant speak first if you so wish?

Mr. Geiger: We have nothing to add. We're just asking that this matter be dismissed.

Chair Hiranaga: Thank you. Corporation Counsel?

Mr. Thomas Kolbe: I'll just make my appearance. Tom Kolbe on behalf of the County. I'm making a special appearance for Mimi Johnston. We've signed off on the Stipulation ...(inaudible)...

Chair Hiranaga: Okay, is there any discussion regarding this matter? Seeing none, if there's no objection by consensus--

Mr. Ball: Do we know what the matter?

Chair Hiranaga: It's on the agenda.

Mr. Ball: Details?

Chair Hiranaga: You can ask either the Appellant or Corporation Counsel if you wish a question.

Mr. Ball: Not if it's not necessary.

Chair Hiranaga: Certainly you have the right to ask. Commissioner Wakida?

Ms. Wakida: Just for clarification, is this the project that came before us for a Environmental Assessment about two years ago and then since then the Director issued approval because it wasn't a development? Is this the same property?

Chair Hiranaga: Pretty much. Maybe Deputy Director wants to give us a brief recap, brief recap?

Ms. McLean: Yes, that is the same property.

Chair Hiranaga: For those that weren't present maybe you could just do a real quick what was the issue and how it was resolved?

Ms. McLean: The SMA Rules allow the Planning Director to not process a permit application and the current Planning Director would prefer not to invoke that option. Instead processing applications if for example, the Department feels that a Community Plan Amendment or other entitlements are needed in order for the application to be processed, the Department won't reject the application as was done previously. The Department will keep the application, but indicate to the applicant that additional applications are required. In this particular case, the Planning Director actually considered a revised assessment application and felt that an SMA Exemption was appropriate and issued the SMA Exemption.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: If this is indeed the same property that we saw the Environmental Assessment on I just want to say for the record my grave concern for this process because I had a number of concerns with this property when it came up and we were assured that it would come back to us. So when it came time for a permit and that never happened. So I'm not going to stand in the way of this Unfinished Business, but I just wanna state for the record that am very concerned about how this process played out and that this didn't come back to us.

Chair Hiranaga: Commissioner Wakida, I welcome your comments such as those and when it comes time to vote you can vote against the motion to show your objection because basically this is the call of the current Planning Director. The previous Planning Directors had a different interpretation and so handled the application differently. So it is a judgement call by the Director. Not saying it's right or wrong. Any other discussion? I guess we should go through a formal process of a motion since we've had some concerns raised. So at this time, I'll open the floor to a motion. Commissioner Hedani?

Mr. Hedani: Move to acknowledge receipt of the Stipulation of Dismissal.

Chair Hiranaga: Is there a second?

Ms. Domingo: Second.

Chair Hiranaga: Seconded by Commissioner Domingo. Any discussion? No discussion. All in favor so indicated by raising your hand.

Ms. McLean: Eight ayes.

Chair Hiranaga: The motion carries. Thank you.

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

**VOTED: To Acknowledge Receipt of the Stipulation of Dismissal and File the Appeal.
(Assenting - W. Hedani, D. Domingo, J. Freitas, I. Lay, M. Tsai, K. Ball, P. Wakida, W. Shibuya)**

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

Ms. McLean: Thank you, Chair. The next item is for information purposes only. This is a notification of transfer on an SMA Use Permit from Matthew Norton Company to NGN Hawaii Land for Keawakapu Beach Lot Subdivision at TMK: 2-1-010: 031 in Kihei. Jim Buika is the Staff Planner.

2. Notification of the transfer of the following Special Management Area Use Permit per the Special Management Area Rules of the Maui Planning Commission:

Transfer of the Special Management Area Use Permit from the MATTHEW G. NORTON COMPANY, a Washington Corporation to MGN HAWAII LAND INVESTMENTS LLC, a Washington limited liability company for the undeveloped lot of the Keawakapu Beach Lots Subdivision, a 2-lot subdivision with a single-family dwelling on each lot and related improvements at 3180 and 3190 South Kihei Road, TMK: 2-1-010: 031, Keawakapu, Kihei, Island of Maui. (SM1 2008/0002) (SSA 2007/0031) (EA 2008/0001) (SSV 2008/0001) (SSD 2007/0017) Residence 1, Parcel 11 only. (J. Buika) (Deferred at the August 14, 2012 meeting.)

Chair Hiranaga: Glad you could join us today. I understand you were on a field trip or site inspection at the previous meeting.

Mr. Jim Buika: Yes, I was not present the last time since it was just for information only. However, there was an evidently an outstanding question from the Commissioners that the Planning Department did further research on. And this was from the August 14th meeting, and the question still unanswered from the last meeting is if there is a condition in the existing SMA Use Permit allowing transfer of ownership? And yes, there is. The applicant did follow the procedures and the SMA Condition No. 5 allows for transformation of ownership as long as there was no contested case on the project and there was no contested case on the project. Thus, Condition No. 5 legally allows for ownership of the transfer. If you would like me to read Condition No. 5 from the SMA? So Chairman is nodding no. If there are any other questions?

Chair Hiranaga: Corporation Counsel wishes to say something.

Mr. Giroux: I think the only question was whether or not it was by the Director, allowed by the Director versus having to be reviewed by the Commission. Does the condition refer to any?

Mr. Buika: Yes. Condition No. 5, just read the beginning of it that is relevant. "That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with Section 12-202 of the Special Management Area Rules for the Maui Planning Commission." And those rules do stipulate that the Director can approve the transfer of ownership.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: This then would be th, I guess confirming the last meeting, the August 14th minutes where we...I moved and it was seconded that we defer the matter to confirm whether the permit transfer could be authorized by the Director and you are giving the answer to the affirmative that it can be done by the Director.

Mr. Buika: Yes, sir.

Mr. Shibuya: Okay. I'm just closing the loop. Thank you.

Chair Hiranaga: So no action is required by the Commission. Thank you.

Mr. Buika: Yes. Okay, thank you.

Chair Hiranaga: Moving onto the minutes. Do I have a motion to accept the Minutes of August 14th, May 8th, and June 26th?

C. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 14, 2012 MEETING AND REGULAR MINUTES OF THE MAY 8, 2012 AND JUNE 26, 2012 MEETINGS

Mr. Hedani: So move.

Mr. Ball: Second.

Chair Hiranaga: Moved by Commissioner Hedani to accept, seconded by Commissioner Ball. Any discussion? Seeing none, all in favor say, "aye." The motion carries.

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

**VOTED: To Accept the Action Minutes of August 14, 2012 and Regular Minutes of the May 8, 2012 and June 26, 2012 Meetings.
(Assenting - W. Hedani, K. Ball, D. Domingo, J. Freitas, I. Lay, M. Tsai, P. Wakida, W. Shibuya)**

Chair Hiranaga: Moving onto Director's Report, Item 1. Deputy Director?

Ms. McLean: Thank you, Chair. This is another notification of a transfer of a SMA Use Permit. This is a permit from Central Pacific Bank to GKT @ Lipoa LLC for the proposed Pacific Plaza office building at 99 Lipoa Street, TMK: 3-9-002: 215 in Kihei. Again, this is also for information purposes and Anna Benesovska is the Staff Planner available for questions.

D. DIRECTOR'S REPORT

- 1. Notification of the transfer of the following Special Management Area Use Permit per the Special Management Area Rules of the Maui Planning Commission:**

Transfer of the Special Management Area Use Permit from CENTRAL PACIFIC BANK to GKT @ LIPOA LLC for the proposed Pacific Plaza office building and related improvements at 99 Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (A. Benesovska)

Ms. Anna Benesovska: Good morning, Commissioners. This is Anna Benesovska.

Chair Hiranaga: Good morning. Any questions, Commissioners? Seeing none, thank you very much.

Ms. Benesovska: You're welcome. I will remain here as the next item is also related to this if that's okay with you?

Chair Hiranaga: Moving onto Item 2a. Deputy Director?

Ms. McLean: Thank you, Chair. There are three SMA time extension requests where the Planning Director is asking for the Commission to waive its review.

Chair Hiranaga: Let's take it one at a time, so just 2a.

Ms. McLean: The first one is the project that we just mentioned with the transfer. GKT @ Lipoa LLC requesting a two-year time extension for the construction of the Pacific Plaza office building.

2. MR. WILLIAM SPENCE, 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 following time extension request administratively:

- a. GKT @ LIPOA LLC requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Pacific Plaza office building and related improvements at 99 Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (A. Benesovska)**

Ms. Anna Benesovska: Good morning, Commissioners. My name is Anna Benesovska. I'm the Staff Planner assigned to reviewing this SMA time extension. This is for the Pacific Plaza and related improvements proposed in Kihei on Lipoa Street. We have Mr. Chris Hart representing as well as Mr. Tamura of the GKT Lipoa LLC, who are the new owners of the parcel here in the audience. And the reason for the time extension is that the new owner has purchased the property back in January and was not aware that the initiation of the project needs to happen as soon as it does, but he's ready to initiate the work. So he's asking for a two-year time extension to cover his SMA Permit, but he is ready to start and he can speak to that if you have more questions. This is the second time extension for the project. The first one was requested by the previous owner, the bank, Central Pacific Bank. And the length of the time extension is two years and no changes have occurred within the SMA area that would cause this project to have a substantial adverse environmental or ecological effect or would adversely impact capacity or condition of the infrastructure. So the Department respectfully request that the Commission waives its review of this project and allows the Director to process this two-year time extension administratively.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: I have a question, what do we know about the wetlands adjacent? Can you give us any information on that?

Ms. Benesovska: I can. I'm gonna actually call Chris Hart to speak to the wetlands in the adjacent

area.

Mr. Chris Hart: Chris Hart of Chris Hart and Partners. I'd just like as a background, our firm handled the original Special Management Area Permit for the project and Stacy Otomo was our civil engineer. And just as, again, background, the original developer basically because of the recession essentially had experienced the building going into foreclosure and Central Pacific Bank was the holder of the mortgage. So in the context of that period of the foreclosure, we assisted Central Pacific Bank in getting a time extension, the original time extension. And then subsequently the sale was made to Mr. Tamura. And in the context again of the sale and the purchase, he wasn't aware of some of the details of actually needing to come in and get a time extension. So that's why we're here at this time to do that.

In the context of the wetlands, obviously the original Special Management Area Permit considered the wetlands and I would like to ask Stacy Otomo who is our civil engineer to come up and discuss that with you. Thank you.

Mr. Stacy Otomo: Good morning, Chair Hiranaga and Members of the Planning Commission. My name is Stacy Otomo. Regarding the wetland, the original plan called for a retaining wall along where the wetland is. The ground slopes naturally actually from the wetland back toward Lipoa Street. So there was--the runoff basically headed back toward Lipoa Street and not toward the wetland. The drainage scheme for the project maintained that drainage pattern. So there was not gonna be any impact to the wetlands in the back of the property.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Just a change in subject here and it's a procedural thing. It's a question again. Was there a contested case hearing conducted preceding the issuance of the SMA time extension?

Ms. Benesovska: I can answer that. The answer is no.

Mr. Shibuya: Perfect. Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I just want a little bit more education on the wetland topic. Is it like have a some kind of protective status? Can you give me a little more information? I'm just not familiar with that, that area.

Mr. Otomo: My recollection, Commissioner Wakida is that when the Longs Drugs area in the Azeka II I believe it was called, if I'm not mistaken was a manmade wetland in the back there which kind of touched the back portion of this particular property.

Mr. Hart: Going back a little bit in history, I was in the Planning Department at that time and as part of the survey that was done, there was basically essentially the area near the ocean, you know, essentially had a sandy, more dune type of geologic configuration and then the basic natural slope of Haleakala coming down created essentially an area that where water would pond during rainy

storm events. And right at that period, President Bush, this was the father, basically established in the context of a national policy that there would be no net loss of wetlands and so therefore, the United States Corp of Engineers and United States Department of Fish and Wildlife had the responsibility of administering that and as part of the process of obtaining essentially approval of the project for an application for a Special Management Area Permit it was a requirement of both projects as Stacy indicated to actually create a manmade wetland. And so there was an excavation that occurred. And I'm not sure of all of the requirements that were established at that time, but it's fenced and you know, essentially it has to be protected and it is a habitat for wildlife. I've gone by it and you know, just stopped and looked at it a few times. But in the context of this project, of course, you know, we're not impacting those wetlands, but that's a little bit of history of how that actually came about in the context of Azekas and the Longs project and both of them, you know, were abutting this area that was a natural because of the character of the, of the plant material qualified as a wetland area and so they essentially were required to excavate and create a permanent wetland.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I have a question on construction itself. It's a twofold one. The construction was initially supposed to start in July 31, 2010. Was there any disclosure to the new owners that this had to be initiated? And also at this point, where are we at on that as far as the get go, you know, starting up?

Ms. Benesovska: Thank you for the question. I'm gonna let the new owner answer this question.

Mr. Glen Tamura: Hi, my name is Glen Tamura. I'm with Tamura Enterprises on Oahu. When I bought the property I was engaged in another venture on Oahu building a warehouse. I was told about the SMA, but I weren't familiar with all the parameters of the SMA. So when I contacted one of my architects, I said, you know, I bought this property in January on Maui. I believe it was like late June, said well, how do I go about, you know, looking for if I gotta do any environmentals or stuff like that? Then he told me to talk to Chris Hart and Associates. They'd be one of the better I guess planning people on Maui. I wanted to use, you know, the Maui people they're more familiar with the project. That's when I became aware that, you know, I needed to get this SMA extension because my birthday is on July 30th and I looked at it and said, wow, it's the end of the month I need to get an extension on this. So I contacted Jordan and said, how do I go about doing this. So with about ten working days, I think we filled out all the paperwork and we got everything done.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: So what point are we at right now as far as do we have any permits or anything ongoing with this?

Mr. Tamura: No. I need to get an extension on this SMA first from what I understand. I have the financing ready to go. I'm more or less kinda know what I wanna do. I wanna retain Chris Hart and Associates because, you know, they've--a lot of people have done work on the project already so

I'm planning to use more or less the same people so we don't go through everything again.

Mr. Lay: Thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: My birthday too is on July 30th, so I'll be voting in favor because of that. I do have a question. So do you have the capital then to make this project happen?

Mr. Tamura: Yes.

Mr. Ball: And what's your time frame?

Mr. Tamura: I'm looking for a couple of other properties here on Maui. I'm here this week to negotiate another property. I already have the financing. That was part of the equation. I used to deal with American Savings Bank. I told CPB, I said, well, you know, if I buy this property from you, if I get it at a good price, I'll be willing to maybe go and you know, secure the loan with you if I get a preferable rate. So we are ready to go.

Chair Hiranaga: Questions, Commissioners? Commissioner Freitas?

Mr. Freitas: You're ready to go. How long would you think it would be before you break ground? Now Maui is a hard place to do business. It's not like Oahu. It's a little harder to get the permits. Do you have any time frame, six months, eight months, none at all?

Mr. Tamura: I'm ready to go as fast as the Commission will let me go.

Mr. Freitas: No, I'm talking about you're acquiring your permits and stuff. So as soon as you get the approval, you'll start applying for permits and ...

Mr. Tamura: Yes, 'cause I already secured Mr. Hart and Associates and Stacy Otomo. So I'm looking to have them, you know, kinda spearhead, but Jordan told me that we need to get this done first before we move forward.

Mr. Freitas: Well, you're in good hands. Okay, good. Thank you.

Chair Hiranaga: Questions, Commissioners? I have a question for Stacy Otomo. Stacy, I can't recall, I know that in the drainage report it states you're gonna capture or treat the post development, but I don't see it in the report. Did the previous applicant concur to also capture the predevelopment?

Mr. Otomo: What the original SMA permit was issued on was the drainage system being capable of--sized to take the increase in runoff plus an additional 15 percent of the original runoff. And part of the reason why the 15 percent came about was if you look at the lay of the land, the back area is at about elevation 8. So in terms of having an opportunity to put in larger diameter subsurface type of drains. You know, we're fairly close to the water table. So that's what the original permit

was issued on.

Chair Hiranaga: As evidenced by the nearby wetland?

Mr. Otomo: Yes. And again, the back portion is higher and as you get toward Lipoa Street it comes down to like elevation 6 ½, so the pipe sizes we used, you know, weren't what we would normally want to use.

Chair Hiranaga: Thank you. Any other questions, Commissioners? Seeing none, I'll open the floor to a motion. Commissioner Wakida?

Ms. Wakida: I move to waive review.

Mr. Hedani: Second.

Chair Hiranaga: Moved by Commissioner Wakida, seconded by Commissioner Hedani to waive review. Any discussion? Seeing none all in favor so indicate by raising your hand.

Ms. McLean: Eight ayes.

Chair Hiranaga: Motion carries. Thank you.

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

**VOTED: To Waive Review of the Time Extension Request.
(Assenting - P. Wakida, W. Hedani, D. Domingo, J. Freitas, I. Lay,
M. Tsai, K. Ball, W. Shibuya)**

Chair Hiranaga: Let's take a short recess and reconvene at 10:45.

A recess was called at 10:33 a.m., and the meeting was reconvened at 10:48 a.m.

Chair Hiranaga: Moving onto Agenda Item 2b. Deputy Director?

Ms. McLean: Thank you, Chair. This is second SMA time extension. It's a request by Mr. Tae Murphy with a request to initiate--a two-year time extension to initiate construction of an office building at 40 Halekuai Street in Kihei. TMK: 3-9-051: 019. Anna Benesovska once again is your Staff Planner.

- b. MR. TAE MURPHY requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of an office building and related improvements at 40 Halekuai Street, TMK: 3-9-051: 019, Kihei, Island of Maui. (SM1 2005/0040) (A. Benesovska)**

Ms. Anna Benesovska: Thank you. Good morning, Commissioners. This is the time extension for the Tae Murphy office building. I'm the planner assigned to reviewing this project. It's located at 40 Halekuai Street in Kihei. We have Mr. August Percha here, the project's architect available to answer any potential questions that you may have. The reason...this is the first time extension, the first for this project. And the reason has been stated as poor economic conditions. The length of the time extension requested is two years. The owner is ready to at this point initiate the permitting process. He has retained Mr. Percha to start drawing the architectural plans and so on and so forth. No changes have occurred within the SMA area that would cause this project to have substantial adverse environmental or ecological effect or would adversely impact capacity or condition of the infrastructure. So the Department respectfully request that the Commission waives its review of this project and allow the Director to process this two-year time extension administratively.

Chair Hiranaga: Questions, Commissioners? Commissioner Freitas?

Mr. Freitas: Yes, you just stated that he is ready to start the architectural plans? He's had two years. He hasn't done nothing?

Ms. Benesovska: That's correct. Nothing has been done since granting of the SMA which I believe was in October 27, 2009. The stated reason for the inactivity is just the general economic downturn. Now it looks like things are starting to look better for the business. It has been stated in the letter as such--in the letter that's requesting this two-year time extension. And the owner is ready to start applying for building permits and moving forward with the project at this point.

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

Mr. Lay: What kind of business will be carried out here?

Ms. Benesovska: Can I actually have this being answered by Mr. Percha? Thank you.

Mr. August Percha: My name's August Percha. I'm the project architect. And excuse me, I'm a little sick, what was the question?

Mr. Lay: What kind of business will be operating here at this building?

Mr. Percha: My customer is a builder. So this would be his general accounting and business office. It's a small 10,001 square foot site. The building is about 2,500 square feet the floor. But we feel pretty comfortable with going forward with it. The reason, I heard...I know time is a big issue because we're asking for a time extension. I should mention that our application for the SMA was made in 2005, and we finally in 2009, obtained, yeah. So there was a lot of time that we didn't really have any control over.

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

Mr. Shibuya: Mr. Percha, maybe you can tell me this, on one of the conditions, No. 12, you mentioned...it's mentioned as a condition is appropriate energy conservation measures and maybe

even the state-of-the-art air-conditioning, photovoltaic systems. What is actually being planned right now?

Mr. Percha: We still must do all the engineering and working drawings. So we will implement these conditions in the process of designing of the rest of the building, design develop is the phase it's called. These are preliminaries. But we intend to implement every bit of this.

Mr. Shibuya: And that you'll have some kind of estimate in terms of the total energy required for this facility.

Mr. Percha: Yeah, I could do a quick calc right now if you wanted.

Mr. Shibuya: Okay. No, it's --

Mr. Percha: But I didn't bring my calculator.

Mr. Shibuya: No, no, it's more like a ...(inaudible)... right now. I can understand that.

Mr. Percha: Yeah, it's a small project.

Mr. Shibuya: Yes.

Mr. Percha: And we'll do whatever we can.

Mr. Shibuya: Okay.

Mr. Percha: And I think that's what this, this...

Mr. Shibuya: Yeah, I just want to add some baseline and calculations and from there the net change, if you will.

Mr. Percha: Right. These little office buildings end up not using much energy.

Mr. Shibuya: Understand.

Mr. Percha: Not like a home.

Mr. Shibuya: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, I'll open the floor to a motion? Commissioner Shibuya?

Mr. Shibuya: I make a motion to grant the two-year extension.

Mr. Freitas: Second.

Chair Hiranaga: Commissioner Shibuya...

Mr. Shibuya: Oh, I guess, waive our review, right? Waive our review of this time extension.

Chair Hiranaga: Thank you, Commissioner.

Mr. Shibuya: Thank you for the correction.

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

Ms. McLean: Eight ayes.

Chair Hiranaga: Motion carried. Thank you.

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

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W. Hedani, K. Ball, P. Wakida)**

Chair Hiranaga: Moving onto 2c. Deputy Director?

Ms. McLean: Thank you, Chair. This is your third request for a two-year time extension for an SMA Use Permit. This is on behalf of Ryan Churchill of Maui Land and Pineapple Company for the Kapalua Site 6-0 project consisting of approximately 42 workforce housing units, the community center, light industrial buildings, landscaping and other improvements at TMK: 4-2-004: 048 in Kapalua. Kathleen Aoki is the Staff Planner.

- c. MR. RYAN CHURCHILL, President and COO of MAUI LAND & PINEAPPLE COMPANY, INC. requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Kapalua Site 6-0 Project consisting of approximately 42 workforce housing apartment units with a community center, three (3) new light industrial buildings for warehousing, offices, utilities and resort maintenance with accessory storage buildings, parking, landscaping and other related infrastructure improvements as well as demolition of existing storage and maintenance buildings at TMK: 4-2-004: 048, Kapalua, Lahaina, Island of Maui. (SM1 2006/0022) (PD1 2006/0002) (PD2 2006/0002) (K. Aoki)**

Ms. Kathleen Aoki: Good morning, Commissioners. Kathleen Aoki, West Maui Planner. I'm here before you today for the applicant, Maui Land and Pine, who is requesting a two-year time extension on the SMA approval and Step 1, Step 2 Planned Development Approvals. This is for Site 6-0 which is their workforce housing, apartment unit complex. It also includes a community

center and three new light industrial buildings. The project sits on about 6.37 acres on the makai side of the Lower Honoapiilani Road.

The intent of the applicant is to use these units to satisfy the affordable housing requirements for their Central Resort Project which I came before you back in May for a time extension on that project. So this project is pretty much tied to that project. There was a petition to intervene. Commissioner Shibuya, just for information, back when the original project was reviewed, there was a settlement agreement that was done on June 11, 2007, which required us to come back before you for an amended plan.

And the settlement agreement included things such as reducing the building heights of three to four stories down to two and I apologize because in my packet to you I included a rendering of a drawing that's four stories tall and that's not going to happen. So all the drawings should have been reduced, but I don't have it. It also included a reduction because the stories, two stories were taken off. The units went down from 58 units to 42 units. Other heights of the buildings were reduced. Three bedroom units were deleted. So we have one and two bedroom units and more landscaping along the roadway to shield the view and possible lights from cars over to the Golf Villas has been implemented. It's already growing in there. A landscape planting and irrigation plan has been approved by the Department on May 16, 2008. There have been no changes in the area that would adversely affect capacity or conditions of infrastructure nor have there been any adverse environmental or ecological effects on the property. We respectfully ask the Commission to waive its review of the extension and allow the Director to process a two-year time extension. I do have Ryan Churchill here today as well as Leilani Pulmano of Munekiyo and Hiraga. There were a couple of items that I can either share with the Commission as far as the testimony that was provided earlier to make clarifications on information that was given. Or I can wait if you would like to ask them as questions?

Chair Hiranaga: You can go ahead.

Ms. Aoki: Okay, some of the things that were mentioned this morning by some of the testifiers, one statement was made that a 173 affordable units were approved but this was specifically for the Kapalua Mauka project. So this particular project at Site 6.0 with the 42 units is not affiliated with Kapalua Mauka. So if and when Kapalua Mauka when you start to build it that 173 units will be triggered. Secondly, these are rentals. There was a comment about different kind...offering housing. The applicant is doing a gamut of different types of units. So for this particular project it's rentals which as a planner, you know, we wanna be able to provide a variety of units for affordables. Not everybody can afford a home. Some people can afford one-bedrooms, two-bedrooms and then they can move their way up. The affordable ordinance, housing ordinance you cannot restrict the use of these affordables to just employees. So the question became well, they have very little employees, who's going to use these? Anybody can apply for an affordable housing unit. So this will provide an opportunity for people to live right there at Kapalua and walk to the Ritz-Carlton or wherever that they work at. Haliimaile was included in the Maui Island Plan recently as an urban growth boundary, but that should not reflect that it got entitlements. It would still need to go through all the entitlement processes ...(inaudible)... Ag. Secondly, Lipoa Point it's also right now in Conservation and Ag. It has no entitlement potential other than Ag. It's also in the SMA. So if it were to go through any kind of project it would have to come before the Maui Planning

Commission for approval. So those were just some of the things that caught my ear that I thought I would share with you. Again, either I can answer questions or we have Ryan Churchill here.

Chair Hiranaga: Thank you. At this time, I'll open the floor to public testimony. We one individual signed up. Glen Kamaka? Please come forward and identify yourself and please limit your testimony to three minutes.

Mr. Glen Kamaka: Aloha and good morning. Mahalo for allowing me to speak. Evidently the issue we were looking at is different from what we were talking about as far as Kapalua Mauka. This is totally a different project. So I'd like to just kind of waive my right to speak at the moment until I can confer with the rest of our group.

Chair Hiranaga: Alright, thank you.

Mr. Kamaka: But mahalo for your time.

Chair Hiranaga: Questions? Seeing none, thank you.

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

Mr. Kalei Kauhane: Aloha everybody I'm Kalei Kauhane from Lahaina. I'm here today to ask you not to grant a two-year extension to Maui Land and Pine's SMA Permit to building 42 apartments,(inaudible)...houses in Kapalua. In 2006, Maui Land and Pine got entitlements from Maui County Council to build Kapalua Mauka with the condition that they build 173 affordable units which these 42 are a part. We needed workforce housing when Maui Land and Pine actually had a workforce. We needed this six years ago when the Council approved the development not two years from now. If Maui Land and Pine does not plan to build this now, I request you let their permits lapse. This is a company beholden to off island shareholders that's planned for making profit to get more and more entitlements from the County. Their goal is to make the most money possible for their shareholders by selling off Maui's resources. That doesn't have to be your goal. They recently got even more entitlements for Haliimaile when they haven't built anything of the 173 affordable units they agreed to at the time they got their entitlements for Kapalua Mauka. Why are they being given even more entitlements? It all boils down to greed. When they had the resources to develop, instead of building housing for the working families, they tore down the beloved Kapalua Bay Hotel and put up the six-tower Bay Residences and the Ritz-Carlton Club which has since been shut down for only selling 20 percent and defaulting on a \$280 million loan. That is a lot of empty apartments. Why didn't they build the housing for the working families? I don't know. They would have to been ahead of the game by now, but they were greedy. If they can't build now, we don't have to help them in any ways. In 2010, they cut medical benefits to all their pensioners. In 2010, they reported 16.6 million in gains from terminated pensions. They represent their shareholders. You present the people of Maui. Thank you.

Chair Hiranaga: Questions? Commissioner Wakida?

Ms. Wakida: Good morning, Kalei.

Mr. Kauhane: Eh, Ms. Wakida, howzit? How you?

Ms. Wakida: Thank you for coming. I just want to go back to one of your first statistics right in the beginning. You said, because I didn't quite catch it, they originally were granted permission to build a 143 affordable units?

Mr. Kauhane: 173.

Ms. Wakida: 173 affordable units?

Mr. Kauhane: Yeah.

Ms. Wakida: Okay. That's it. Thank you.

Mr. Kauhane: Who else?

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

Mr. Kauhane: Thank you.

Chair Hiranaga: Anyone else wishes to testify at this time on any agenda item? Please come forward and identify yourself. Seeing none, public testimony is now closed. Oh, please come forward and identify yourself.

Ms. Tamara Paltin: Hi, My name's Tamara Paltin and I wanted to testify on not allowing for an SMA exemption, extension for Maui Land and Pine's 42 affordable apartment housing units. What I'm concerned with is how many more entitlements and entitlements that they're getting without ever building their affordable housing units? And I think that the permit should be let to lapse and these affordables which is part of the 173 original should be built as houses in Pulelehua, they're newly entitled development. From what we seen it seems a little bit like they're dangling the affordable units in front of people who make decisions noses. I mean, they had the opportunity to do this within the last six years and instead of building this, they built things that would make profit and now...I work near Flemings Beach in Honokohua Bay and we see Mahana Ridge or Phase 3 of the Plantation Estates being built right now, but it's not being built by Maui Land and Pine. They sell these entitlements to a development company that makes the development and makes the profit. So I mean, construction costs are at all-time low right now and if they're not willing to build the affordable housing, I don't think it's one of those projects that can be sold off like Mahana Ridge or Kapalua Mauka to somebody else to develop because there's not much profit in developing affordable housing. This area, I mean, from what I understand about the SMA Permit one of the things to consider is the cumulative impacts. And within the last six years there's been a lot of cumulative impacts and who knows how much more there will be two years from now. So I think as representing the County that you should consider granting an SMA Permit when they're actually ready to build. And if you don't grant the SMA Permit they're gonna have to build these 42 affordable units. Let them build it at Pulelehua. We have a lot of affordable apartments. It's not like six years ago when it was much needed when they got the entitlements. I mean, if you look on Craig's List, there's plenty. Honokowai Kauhale is almost empty. You got Maui Breakers. You

got that Opukea. So it's not a much needed item and if they're not ready to build now, what kind of thinking makes them believe that they will ever be ready? They're not a development company and I just think, you know, this corporation when it was run under Colin Cameron it was a much different feel and now it's, it's...it hardly has a workforce.

Ms. Takayama-Corden: Three minutes.

Ms. Paltin: It's main shareholder is a billionaire, and it feels like they're holding Lipoa Point hostage, you know, for their pensioners obligations when the majority's person has a lot of money and can just make the decision to put it in preservation. Instead they're manipulating the County, the Commission.

Chair Hiranaga: Okay, thank you very much. Questions? Commissioner Wakida?

Ms. Wakida: Thank you, Tamara. What did you mean when you said they hardly have a workforce? Do you mean, are you suggesting that they don't have the employees they used to have is that what you meant?

Ms. Paltin: Pretty much. At the time, when the current leadership or it went from Colin Cameron run to Steve Case, Dave Cole and like that, and I don't know if you remember reading in the newspaper every so often that they layoff 25 percent of their workforce, another 100 percent. Part of the reason why they need to put up collateral for their pensioner fund is because there's no longer the contributing workforce to sustain the fund and they closed down the golf course, they closed the pineapple. I mean, at one time I think they had an excess of seven to eight hundred workforce which is a workforce and I'm not sure of the exact numbers but I know, I mean, Kalani Ho is a workforce, Ryan Churchill is a workforce and to my understanding they live in houses so are they gonna be the ones living in these apartment housing? I don't know the details but maybe you can ask the landowner who their workforce is and how much people. 'Cause I mean, I know affordable buildings for the workforce usually goes to the employees of the company and I'm not sure like back in the day, you knew all the people that worked for Maui Land and Pine like Junior used to and like that. But I don't know--the only ones I know of right now is like Ryan Churchill employed by them maybe Warren Haruki, I don't know, and I would assume they all have houses already and they wouldn't wanna live in this apartments. I mean, I don't even understand really what affordable apartments is if it's like they own the apartment, is it a condominium? Because majority of people nowadays would like to live in a house for affordable. If it's gonna satisfy a requirement of the affordable units why not give 'em a house? I mean, a lot has been taken by this company and it seems like back when Colin Cameron was in charge it was a more balance of giving back like you know, you have Napili Hau Subdivision, you have Kapua Village.

Chair Hiranaga: Okay, Commissioner Wakida, was your question answered?

Ms. Wakida: Yes, but--it was. Thank you very much, Tamara.

Ms. Paltin: Sure thing. No problem.

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

Anyone else wishes to provide testimony at this time, please come forward and identify yourself and please limit your testimony to three minutes.

Mr. Leonard Nakoa, Jr.: I going try. My name Leonard Nakoa, Jr. You know all this kind developers they come over here to the County they ask for build their project and whatnot. They say going build affordable housing. Nothing been built affordable. The whole Kaanapali 2020, I see million-dollar houses going up over there and not one affordable houses have been going up. Now these guys over here Maui Land and Pine, you know, they had redo the Ritz, they when redo the Ritz Residence, they just when take Honolua Bay out of preservation. Okay, they like, they like kiss okole. Okay, they like all kind stuffs. But now, they get over here. They should be building this right now. You know, what I mean? I used to work for that company. Let me talk about this company too. They full of it, you know what I mean? They promise us all this kind stuff, but we no get 'em. They lay all us guys off. They fire everybody. The CEO get one eight point something million dollar bonus after everybody get fired. And then you know this workforce housing, yeah, Maui Land and Pine as we speak right now they're try to use their pensioners as one excuse for get Honolua Bay out of preservation. They like get Pulelehua passed so they can go ahead and take care the pensioners. But maybe this 42 houses should be given to this pensioners you know what I mean? If they really like take care their pensioners and then they really like build this houses that they say like, give 'em to this guys. Take care the guys. We get couples guys that wanted for be here but they no can. One when just when go to one surgery Friday so he couldn't make 'em over here. That's one true retiree. We get one other Uncle he can come, but he get good and bad days. Sometimes he can get out of his house, sometimes he cannot, but he cannot. Us guys over here going come make noise, just going let you guys know, Planning Commission, the County of Maui, yeah, County Council, we going let everybody know, the Mayor's Office, everybody, Maui Land and Pine know that I right now, I am one mobilizer, organizer. I'm going to mobilize all these pensioners, I going mobilize all the Hawaiians in Lahaina, Maui, Molokai, Lanai to stand up and no let all these corporate guys come over here and do whatever they like do. 'Cause say if I going make one loan and I know make 'em, oh, I get scoldings you know what I mean? If I promise I going do something like I going build these 42 homes and then I no build 'em, I get lickens. These guys should be getting their lickens. They should be taking the blunt of the force. Take some punishment. We get, us local people, us normal people, medium class people we get lickens wide by this so-called government of United States, by the County, by the State, we get lickens. But now this kind corporate kind guys they like come over here and ask for favors and oh, okay, we going give into them. So what if I when go to the bank, braddah I never pay my \$10,000, I can have one extension on my loan with no penalty?

Ms. Takayama-Corden: Three minutes.

Mr. Nakoa: You know what I mean? So if you guys really like make this thing pono, make these guys do something, build their houses, make 'em real houses. No need all this building for warehouse, offices. They get nuff offices, they get nuff warehousing. I don't know why they need parking. They get plenty place for make parking. Landscaping, I don't know why they like one landscaping building 'cause they no more one landscaping company anymore it's contracted out.

Chair Hiranaga: Okay, please conclude your comments.

Mr. Nakoia: All this infrastructure stuff get 'em already, you know what I mean? So make these guys, give this guys lickens and make 'em do what they gotta do.

Chair Hiranaga: Thank you very much. Questions, Commissioners? Seeing none, thank you.

Mr. Nakoia: Mahalo.

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

Chair Hiranaga: At this time, I'll open the floor to questions from the Commissioners. Commissioner Wakida?

Ms. Wakida: This question is for Kathleen. When this, this Central Resort Project was originally created which was what year about?

Ms. Aoki: 2006 and I believe, yeah. 2006 was the original permit.

Ms. Wakida: And this project went along with this affordable housing. In the original project what was the--let me see what my question is--who was this affordable housing directed to? How is it worked into the original?

Ms. Aoki: Well, there's the affordable housing requirement for the County.

Ms. Wakida: Okay.

Ms. Aoki: That if so many types of units are built it triggers so many affordable units. So that's the trigger for Central Resort. It's going to trigger "x" amount of affordable housing required. So they will use this to meet that requirement.

Ms. Wakida: So in this trigger, it doesn't differentiate between rental units and for sale units?

Ms. Aoki: I don't know what the affordable housing requirement is specifically if they have to be rental or if they have to be for sale. I know with this particular one they are going to gear it towards the lower income because they have to meet so, the median income a 180 percent, a 160 percent, a 120 percent. There's a gamut. There's a range that they're required to meet as far as the ordinance is concerned. And these ones are geared towards the very lower of median, like 50 percent. So a lot of times when you're going to do that, you don't...you won't be able to sell them. You know what I mean? It's a rental in order to get that low of a median.

Chair Hiranaga: Perhaps the applicant could answer your question?

Ms. Wakida: Actually I think Kathleen has answered it. I have other questions, but I'll let somebody else talk.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I have a question. There's been a lot of concern about affordable housing and starting it up in that area. With these projects, Kapalua Mauka and this affordable housing, are we looking at starting one before the other or are they going to be going at the same time and how do the funds look?

Ms. Aoki: I'll have the applicant...

Mr. Ryan Churchill: Thank you. Ryan Churchill with Maui Land and Pineapple Company. Kapalua Mauka is as mentioned is separate from this project. Kapalua Mauka just to point out, the 173 units I think that Kathleen mentioned and some testifiers earlier was a condition of zoning. However, the zoning condition also had before the current Code. The current Code is actually 50 percent and so, and Kapalua Mauka is around 690 units. So it would be probably 173 number is kind of out of context now, now that there's a law and Code in place just to clarify that. Kapalua Mauka will have its own affordable requirements that will be built in other areas. In West Maui we have a project called West Maui Village. You've heard, you guys have in the past looked at Pulelehua and other areas...(inaudible)... Kapalua Mauka. As Kathleen mentioned, this project was tied to our Central Resort project and because it's adjacent to the resort we felt that rental would be an appropriate use there rather than for sale. They're a little smaller units. They're one and two-bedrooms. We have some three-bedrooms that were going to be at some higher points, but those were reduced after the intervention. And so we feel there's a good rental market. This would be to the younger individuals or families likely working in the resort or the Napili area would be the target market for that.

Chair Hiranaga: So Ryan, is there a potential for these rental apartments to be condominiumized and sold for fee?

Mr. Churchill: There technically I guess there could be.

Chair Hiranaga: Is there some type of a mandate that would prevent you from doing that or is that the option of the owner?

Mr. Churchill: I don't know what the Codes require or not. We're not looking at that. But I guess, technically there could be some option to do that. I don't know if you have to come back and change...you know, I think, yeah, I don't know. Would have to look at the Planning Code on the Apartment use within this zoning.

Chair Hiranaga: Thank you. Commissioner Wakida?

Ms. Wakida: I have a concern about the fact that you've deleted the three-bedroom. I know personally for a fact that there is a real need for three-bedroom affordable housing in West Maui. If you have a family that has two children, you need, you need additional bedrooms. You need three bedrooms, not two bedrooms, if you have growing children. So I'm concerned about the fact that you've deleted the three bedrooms. Can you elaborate on that?

Mr. Churchill: Yeah, I think that's a, that's a good question. Our original plans had the three bedrooms. However, as part of the contested case they were deleted from our plans as part of

negotiations with the, I guess you call them plaintiffs or those that contested the project. So we'd rather have them in, we'd have the additional units in. Originally it was 58 units and the neighboring, Kapalua Golf Villa owners didn't like the number of units and then they didn't like height of the buildings so it was all reduced. But in some of our other projects we do have three-bedroom. We have a project called West Maui Village that have three-bedroom units and then Pulelehua will have a whole variety of three-bedroom units also. And Pulelehua we have programmed in there a 125 rentals there also. So there'll be other projects within the West Maui community that we're planning, have already designed and drawn up construction drawings for that have the three-bedroom component and we've left this a one and two-bedroom component.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: However, you are assuming that there will be families in this particular complex? And maybe you're not just looking at single people?

Mr. Churchill: Correct, we do have a two-bedrooms and we do if you look on the plans have a multipurpose building to accommodate some of the activities you'd see someone with kids having a facility area, a little tot lot area and so there could be families there in this area.

Ms. Wakida: Yeah, I'd like a little more information on this tot lot. It's almost microscopic on the map, but then the map is hard to read. You've got a little place here called recreation area. How big is that?

Mr. Churchill: It's about a 2,500 square foot building.

Ms. Wakida: I'm talking about outdoor area.

Mr. Churchill: Oh, I'm not sure of the exact area we have there, but if you look at the scale that building's 2,500 square feet. So looks like it's maybe another couple thousand square feet.

Ms. Wakida: Well, I'm more interested in where kids could play outdoors.

Mr. Churchill: Well, that's an area that's been designated for that.

Ms. Wakida: But you don't know how big it is?

Mr. Churchill: I don't know how big that additional area is. Kathleen sounds like she may have it.

Ms. Aoki: It's in the report that was originally done. It says that an open recreation area of approximately 4,000 square feet will also be provided and will include a tot lot, barbeque grills and landscaping plantings.

Ms. Wakida: So that spot there is 4,000 square feet that's designated on this map?

Mr. Churchill: That's what the report says. Yeah, I mean, when you see it grassed in, and again, the scale of that one, I'm not sure if you got colored, the scale of that one building is around 2,500

square feet. So it could possibly be that.

Ms. Wakida: Excuse me, maybe I misheard Kathleen. Did you say the outdoor area was 4,000 square feet?

Mr. Churchill: I mean, in our report it says an open recreation area be approximately 4,000 square feet.

Ms. Wakida: So that's outdoor?

Mr. Churchill: Yes.

Ms. Wakida: I would like to see that on these plans. I don't see it on these plans.

Mr. Churchill: Well, that's the area right there.

Ms. Wakida: I'm questioning that's 4,000 square feet if the building next to it is 2,500.

Mr. Churchill: Okay. I don't have an answer, the question I don't have the ability to do take offs right now of the exact square feet, so I apologize for that. There is, you know, Napili Park up the road here that's available and a lot of other, you know, the beach is down here. So there's other areas here.

Ms. Wakida: Well--

Chair Hiranaga: Commissioner Wakida, I think written statements within the report carry more weight than a artist rendering. So if they're stating they're gonna have 4,000 square feet of open recreation area there will be 4,000 square feet of open recreation whether it's rendered properly by scale on the drawing or not. So if you wanna read the exact language?

Ms. Aoki: For this section it reads, "Recreational opportunities will be provided onsite for residents. A community center consisting of 2,700 square feet will be located next to the workforce housing units. This building will be constructed of wood and will have a metal roof. An open recreation area of approximately 4,000 square feet will also be provided and will include a tot lot, barbeque grills and landscape planting." And this is from the original report that was done in 2006.

Ms. Wakida: So part of that open area could just be the landscaping around the property?

Ms. Aoki: I can't answer that without looking ...(inaudible)...

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

Mr. Shibuya: Just request a clarification. Can you tell me a little bit more about the amenities building size and what's the purpose of function?

Mr. Churchill: The amenities building is primary the laundry facilities.

Mr. Shibuya: Oh, okay.

Mr. Churchill: Yeah, and so we connected them to the building here and you have a area where you can go and have the laundry. It's a central laundromat.

Mr. Shibuya: Oh, okay. Thank you. Are there considerations for energy conservation and renewable energy generation?

Mr. Churchill: Yeah, this entire project has been designed for LEED rating and we've gone after the LEED sort of campus grading and have had our LEED consultants work on that. And all the apartment buildings have been fully designed, construction drawings built, we went and we did all that work, submitted it to the Planning or to DSA, and then that was processed and then it's been stalled since the economy has forced us to stall this. But so it has been designed to LEED grading. We intend to go forward with the LEED grading and then also, the hot water is all going to be solar hot water and so that's all been designed on our properly facing roofs and integrated into the buildings with individual water tanks per unit all piped into the roof to individual solar panels. We have not...because the hot water solar is taking up most of the roof space, we have integrated in PV into this project.

Mr. Shibuya: Thank you.

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

Mr. Hedani: Ryan, what is the workforce of Maui Land and Pine and Kapalua Land Company?

Mr. Churchill: Approximately 20.

Mr. Hedani: Twenty people.

Mr. Churchill: Yeah.

Mr. Hedani: For combined Maui Land and Pine and Kapalua?

Mr. Churchill: Basically, yes.

Mr. Hedani: So if you built 42 units for workforce housing, you could fill all of your workforce in 20 units instead of 42 units?

Mr. Churchill: You could, yes.

Mr. Hedani: The concern that I have is that a lot of the representations that were made to the Commission in the past were for development of large projects intended to address the workforce of what at that time was a company that was the largest company on Maui with a thousand employees. And what I see now is, and the testimony that I heard this morning is very distressing from the standpoint of it appears that the company has no conscience in terms of its people, you know, who have worked for them for 40 years, and no conscience in terms of meeting the

obligations with the representations that they made to this Commission at the time they were seeking a billion dollars worth of value on Kapalua Mauka. You have any response to that?

Mr. Churchill: Yeah, first to address the employee issue. The Kapalua employees are still there and working. They're just not working for us. For example, our Kapalua Villas program there's roughly 150, 200 employees there. They now work for Outrigger to manage that. The security company is now Star Security. The shuttle company is now SpeediShuttle. Essentially, the strategy that was done is we had best in class operators come in to operate specific components of the resort. Ritz-Carlton manages the hotel. It's their employees now, it's not our employees. Landscaping is done by a landscaping company. And in most of those transitions, they picked up pretty much all our employees and laborers working in those. Golf is managed by Troon Golf now. They picked up every employee and hired more. So the employees are still there. The employee base is still there. The demand for affordable housing is still there, but just not technically our employees, the Kapalua Land Company's employees and Maui Land and Pine employees. And so, the demand is there, the demand for affordable housing is there, it will continue to be there and it just may not be our employees specifically living there. I know of no misrepresentations on Kapalua Mauka to this board that we haven't lived up to. If you know any, let me know, I'll be happy to respond to those. But those allegations I don't have any response to a broad allegation like that.

Chair Hiranaga: Yeah, Kapalua Mauka is not really on the agenda. So perhaps Commissioners could refrain from addressing Kapalua Mauka. We're talking about this workforce housing project. Any other questions, Commissioners? Commissioner Tsai?

Mr. Tsai: Yeah, kinda wanna echo Commissioner Hedani's remark. You know, I'm looking at the packet you guys here, you have a two-year extension and you know, financially I'm questioning also the strength of Maui Land and Pine. I mean, you guys, of course, broken off different departments, divisions, whatever and you have 20 employees. Is it really viable for your guys to pursue a, you know, this construction? Is it financially sound enough for your guys?

Mr. Churchill: Good question. We are a development company now, and that's our focus. We're a leasing real estate and development company and master developer of Kapalua Resort and so that's our focus in continuing that. We are...have had our financial difficulties. We have been working to turn that around. I think you had the same question, the Central Resort Project, we've made significant progress in reducing our debt, over a \$100 million. The last three years have continued to make progress towards that. But our future is in the real estate business and, you know, this is an important project as part of that in meeting our affordable housing requirements.

Chair Hiranaga: I mean, just for clarity, if you are to move forward with your Central Resort Project, you need to build this workforce housing project because it's mandated by the Council?

Mr. Churchill: Yes, we need to meet our requirements and agreement with Council for Central Resort Project.

Chair Hiranaga: Right. Commissioner Shibuya?

Mr. Shibuya: On this workforce housing project, are you planning to manage this property or is it

gonna be outsourced to the best available agent?

Mr. Churchill: We'd have a third party. We're not in the affordable housing rental management business. There's some good companies out there. We've talked to some in the past. But we'd have like a third party come and operate that.

Mr. Shibuya: Are the occupants, do they have any representation in terms of this, the committee or this property management firm? Normally you have the firm managing it and the rental agent persons, the homeowner or not homeowner but the rental persons have no input and so then you have a little pilikia between the rental person and the person who's collecting the fees and I was just trying to minimize that kind of a pilikia. Is there consideration for something like that?

Mr. Churchill: Well, I think typically the rental company is set up before in terms of a homeowner's group of that. Yeah, I don't have the experience for a affordable rental program like this of how that could be set up, but, you know, we're open to looking at that because those paying the bills should have a say in what's done with the bills they're paying.

Mr. Shibuya: That's correct. Usually it's a perception and education or lack of education that that creates this dissension and tension if you will.

Mr. Churchill: Yeah.

Mr. Shibuya: Thank you.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: Ryan, this is no longer workforce housing. This is affordable housing to meet your obligations, am I right? And it is open to everybody? Am I right?

Mr. Churchill: It's open to everyone pursuant to, as Kathleen mentioned, the Code now and so it's gonna follow the County process. I think there's a...you gotta post it in the newspaper and then collect them all, and if there's overflow there's some type of lottery system that the County requires.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Coming back to energy conservation and PV. You are aware that on PV if the solar panels or modules are facing directly southward they capture the maximum amount of energy from the sun. If you have a solar heating collectors, it does not have to be pointing directly towards the south. So some of those non-south directing surfaces could be kapu'd or reserved for PV, if you will. Knowing that, you can consider putting more of the water heating ones probably on the east west type of orientation rather than having it on the south orientation. I'm just giving you a suggestion.

Mr. Churchill: That's a good point. We'll mention it to our consultants and our LEED consultant on this to see how that can be configured. There's basically two facing roofs, there's much on the ends the way the buildings are so the I'll mention it to them. We'd love to do some PV in there, and

it's so cost effective today, it would be nice to be able to put some in.

Mr. Shibuya: In that intense sunlight environment there it really shields the home or the ceiling. I have several on my home and it is colder and of course, you know, I live in Kula, I like warmth too. And so it's kinda counterproductive for me, but in Lahaina or Kapalua it would be perfect because it shields the actual heat infrared from heating up that ceiling and living space.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Mr. Churchill, are you committed to this overall site plan? Is this your final, basically a final site plan?

Mr. Churchill: Yes. It is what was approved by the Commission. We've gone through BDs on the warehouse buildings and the apartment buildings are 100 percent designed. Construction drawings are completed.

Ms. Wakida: My major concern is for projects like these to be family friendly. And I see projects going up all over Maui that look like they're basically warehousing people with very little open space, very little places for kids to go outside, right outside their door and play because maximum use is made of the property for units and I think this is a huge disservice to families. So I'm a little concerned that over half of this property is industrial use and yes, you have a community center, but it's the, it's outside area for families that I'm concerned about.

Mr. Churchill: I take that point, and you know, we'll look to see where we can get additional green, greenscape areas in. Do wanna note that if you've been out to the site, the second floor and partial first floor views from these units are spectacular and Kathleen could talk about that. She was out there a couple weeks ago, I mean, you're looking right out to Pailolo Channel there and it's great, spectacular views from the property and although you can't really go and play there, a significant open space to the north with the golf course running by there. So I know the site plan is a little centric on the property, but there is a lot of open space around the project.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'd like to consider...have you consider PV over the parking spaces and that would provide shade for the parking there so you have shaded parking as well as generate electricity.

Mr. Churchill: We looked at on trellises.

Mr. Shibuya: Yeah, so it's a consideration.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Is this the third extension? Is this the third request?

Ms. Aoki: No, it's their second. They requested one in 2010.

Mr. Ball: And so what prevents a third I guess would be my question?

Chair Hiranaga: Commission vote.

Mr. Ball: No, as far as if we do vote --

Ms. Aoki: I actually agree with the Chair. It's up to the Commission to not grant the extension. So if they were to come in for a third extension it would be--

Mr. Ball: No, but I wanna hear from the applicant that they're ready or not ready or yes, we might come back in for a third?

Mr. Churchill: Well, the intent is not to come back. Again, our construction drawings are completed. We'll be resubmitting those to DSA and going through that process. Hopefully it will go quick since they've reviewed it once already, and queuing this up to go with our Central Resort Project. We hope not to be here in two years and we'd be under active construction. And I think once we get started we have three years to complete. So I don't want to come back here and face you again on this.

Chair Hiranaga: Any other questions? I have a question. Could you just provide more detail on the drainage? I know that your resort has ample drainage storage areas, but in this report it doesn't say where the...if you're storing all pre and post development or you're just storing the increase in runoff?

Mr. Churchill: We'll be as previously explained, capturing pre and post. As you mentioned, we do have ample storage capability in the resort primarily through design of the golf course and Kathleen's handing out Stacy Otomo's drainage plan which basically right now you have water flowing down this hill. It's a hilled site and it kind of ...(inaudible)... into the golf course now. Some actually into the homes below and then on the south side, the Lahaina side there's golf course there and another large retention basin that's county owned. Rather than having it go into the retention basin on the south side, we're gonna divert the water and bring it into the retention basin on the north side and slightly build up the headwall there to capture that. But we're gonna be capturing enough runoff for a 100-year storm so more than a 50-year storm requirement here.

Chair Hiranaga: So for clarity, you're capturing both pre and post?

Mr. Churchill: Correct.

Chair Hiranaga: Surface runoff, thank you. Any other questions, Commissioners? The one comment I wanted to make for those Commissioner that weren't here for the original SMA permit is the intervenors were private condominium owners of Kapalua Bay Villas who live two fairways mauka of this project. And the reason they intervened was they were concerned that the fourth floor would impact their ocean views. And so Maui Land and Pine agreed to remove that fourth floor. That reduces the density which means that the cost of the project is spread over less rentable area which makes it less feasible, but that's what they did. And they took away these units which could have been rented to families or individuals for affordable uses. That is why that fourth floor

was removed. In commercial real estate, you have common area expenses, security, landscaping, electricity, outdoor lighting. Those are typically prorated to the various unit owners and by taking that floor off, you have now increased the common area charges to these tenants. So just one comment about reduction of density on a project. Commissioner Tsai?

Mr. Tsai: Yeah, just on that, how many units were originally planned for it, do you know, remember?

Chair Hiranaga: I think it says on the front page of the report.

Ms. Aoki: It was 58.

Mr. Tsai: I'm sorry?

Ms. Aoki: Fifty-eight. So it was reduced by 16 down to 42.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, I'll open the floor to a motion? Commissioner Freitas?

Mr. Freitas: I'd like to move that we waive the two-year extension review.

Mr. Lay: Second.

Chair Hiranaga: Moved by Commissioner Freitas, seconded by Commissioner Lay. I guess, I forgot to do this on the other motions. We'll have the Deputy Director restate the motion.

Ms. McLean: The motion was to waive review and allow the Director to approve the two-year time extension administratively.

Chair Hiranaga: Any discussion? Commissioner Wakida?

Ms. Wakida: I'm gonna vote against the motion. I'm not against the affordable housing, but I am against what I perceive as a design. We've got a number of projects in Honokowai and West Maui where it's just rows of apartment buildings and no effort made or not much effort made for open areas for families and children and this is just another project that looks like that to me as far as...and so my objection comes from the design of it.

Chair Hiranaga: Thank you. Commissioner Lay?

Mr. Lay: Well, I seconded the motion, but I do have concerns where we have a lot of these projects being extended. I'd like to see these projects move forward and get some affordable housing out there.

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

Ms. McLean: Six ayes.

Chair Hiranaga: Opposed?

Ms. McLean: Two noes.

Chair Hiranaga: Motion carries.

Ms. Aoki: Thank you.

It was moved by Mr. Freitas, seconded by Mr. Lay, then

**VOTED: To Waive Review of the Time Extension Request.
(Assenting - J. Freitas, I. Lay, D. Domingo, M. Tsai, K. Ball, W. Shibuya)
(Dissenting - W. Hedani, P. Wakida)**

Chair Hiranaga: Moving onto Agenda Item 3a. Deputy Director?

3. Planning Commission Projects/Issues

a. Amending the SMA Boundaries

Ms. McLean: We have nothing to report on amending the SMA boundaries.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I have a suggestion for not so much a project, but it's something I would request of the Planning Department for the Commission. In the, I can't ever get the name... call it the Wailea 670 project. In the end of the first volume was a chart from the County website that showed all the committed planned projects for Kihei. And I couldn't pull it off the County website because I couldn't get a big enough picture of it. It was just a little tiny thing I couldn't read. I would like from the Planning Department that chart for West Maui...for all the other areas on Maui. West Maui, Wailuku and so on. Do you know what I'm talking about? 'Cause I can... I made a copy of what was in that EIS.

Ms. McLean: These are entitled projects that have ...

Ms. Wakida: Entitled land and projected and it had single-family and multi-family.

Ms. McLean: Okay.

Ms. Wakida: So that we could see as a Commission what's on the table.

Ms. McLean: Okay.

Mr. Shibuya: The big picture. Thank you.

Ms. McLean: Okay.

Ms. Wakida: Thank you very much.

Chair Hiranaga: Any other discussion on Agenda Item 3a? Seeing none, we'll move onto Item 4, and 5, and 6.

- 4. EA/EIS Report**
- 5. SMA Minor Permit Report**
- 6. SMA Exemptions Report**

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I got my answer. I got my answer for my question. It was not a question of the project but it was more curiosity of what the project was like.

Chair Hiranaga: Any other discussion? If not, agenda Item 7a?

- 7. Discussion of Future Maui Planning Commission Agendas**
 - a. September 11, 2012 meeting agenda items**

Ms. McLean: Thank you, Chair. Commissioners you were given a memorandum dated August 27th from Clayton Yoshida listing a number of items that should be scheduled for the next meeting on September 11th. You were also given a draft Environmental Assessment that will be one of those agenda items for the Commission to offer comments.

Chair Hiranaga: Next scheduled meeting is September 11, 2012. If there's no objection, this meeting is adjourned.

E. NEXT REGULAR MEETING DATE: SEPTEMBER 11, 2012

F. ADJOURNMENT

The meeting was adjourned at 11:35 a.m.

Submitted by,

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

RECORD OF ATTENDANCE

Present

Keone Ball
Donna Domingo
Jack Freitas
Wayne Hedani
Kent Hiranaga, Chairperson
Ivan Lay, Vice-Chair
Warren Shibuya
Max Tsai
Penny Wakida

Others

Michele McLean, Deputy Director, Planning Department
Michael Hopper, Deputy Corporation Counsel, Dept. of the Corporation Counsel (9:00-9:43a.m.)
James Giroux, Deputy Corporation Counsel, Dept. of the Corporation Counsel (in at 9:43 a.m.)
Lance Nakamura, Department of Public Works