

**MAUI PLANNING COMMISSION
REGULAR MINUTES
NOVEMBER 13, 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, November 13, 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: Good morning. Today is Tuesday, November 13th, and this is the Maui Planning Commission meeting. Good to see all these people from Maui attending our meeting. There is a sign up sheet to my right if you care to testify. At this time, I'll open the floor to public testimony regarding any agenda item. Is there anyone here that wishes to provide public testimony regarding any agenda item please come forward and limit your testimony to three minutes. You have the option of waiting till the public hearing is open for a particular agenda item. The first person signed up is Brent Christensen. Please come forward and state your name and please limit your testimony to three minutes.

The following individuals testified at the beginning of the meeting:

Mr. Brent Christensen - Item B-1, Inglesia Ni Cristo (Church of Christ), CUP and SMA
Mr. Jim Foster - Item B-1, Inglesia Ni Cristo (Church of Christ), CUP and SMA
Mr. Richard Sanchagrin - Item B-1, Inglesia Ni Cristo (Church of Christ), CUP and SMA
Mr. Manuel Portabes - Item B-1, Inglesia Ni Cristo (Church of Christ), CUP and SMA

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

Chair Hiranaga: Next individual is Albert Padua.

Unidentified Speaker: Can we have the testimony ...(inaudible-speaking from audience)...

Chair Hiranaga: Next individual is Pedro --

Unidentified Speaker: Mr. Chairman, I speak for the church members we defer to the ...(inaudible-speaking from the audience)...

Chair Hiranaga: Okay, I'll just ask, any individual that's currently signed up do they wish to speak at this time, if not, we'll assume they will be waiting for the public hearing. Okay, we'll assume that all individuals signed up will wait for the public hearing. So at this time, is it Senior Planning, Senior Planner?

Mr. Yoshida: Good morning, Mr. Chair. Clayton Yoshida, Planning Program Administrator, Current Division subbing for Director Will Spence who is attending a special Council meeting at 9 o'clock on the scheduling of the full Council's review of the Maui Island Plan. So he'll be joining you as soon as he gets out of the meeting. We have one public hearing this morning which is a request from Mr. Marcelino Raza, Jr. representing the Iglesia Ni Cristo Church of Christ requesting a County

Special Use Permit and a Special Management Area Use Permit for the demolition of the existing church facility and the construction of a new Iglesia Ni Cristo Church facility and related improvements at 1518 Malo Street, TMK: 4-5-014: 009, Lahaina, Island of Maui.

Related to that is a Petition to Intervene from Lance Collins, attorney on behalf of Wahikuli Neighborhood Community Association, Brian Carey, Sonya Sanchagrin and James Foster. We will suggest that you allow the Staff to present an overview of the project along with the applicant and conduct and close the public hearing and then we could deal with Mr. Collin's presentation on the petition to intervene and oral argument from the other parties.

Chair Hiranaga: All right, thank you for that. At this time, Staff?

Mr. Yoshida: And the Staff Planner is Anna Benesovska.

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

- 1. MR. MARCELINO RAZA, JR. representing the IGLESIA NI CRISTO (CHURCH OF CHRIST) requesting a County Special Use Permit and a Special Management Area (SMA) Use Permit for the demolition of the existing church facility and the construction of a new Iglesia Ni Cristo Church Facility and related improvements at 1518 Malo Street, TMK: 4-5-014: 009, Lahaina, Island of Maui. (CUP 2008/0006) (SM1 2008/0025) (A. Benesovska)**

Ms. Anna Benesovska: Good morning, Commissioners. My name is Anna Benesovska and I'm the planner presenting the project. This project is for a demolition of an existing church facility and construction of a new church and related improvements. This is to be located on 1518 Malo Street in Lahaina. Today we will hear from applicant, Mr. Marcelo Raza, and he will present the details of the proposed project. However, before that I would like to provide you with some brief background.

The church has been in this neighborhood since 1986, when it received a County Special Use Permit. In 1992, the Church has received a Special Management Area Major Permit, SM1 for demolition of existing church facility and construction of new church facility much like similar in scope to what you're going to be...what's in front of you today. However at that time, in the 90's due to the financial difficulties the new church was never constructed and the SM1 permit has expired. In 2007, the EPA shut down the facility due to inadequacies in the existing wastewater system and the congregation has been forced to worship in various alternate locations since that time. In 2008, the church applied for Special Management Area and County Special Use Permit and has been working extremely diligently with the Department through our permitting process.

In March of 2011, the project has received a height variance from the Board of Variances for eight steeples and as the applicant was at that time gearing towards the UDRB, Urban Design Review Board review, the Department advised the church to reduce the number of steeples to better fit the neighborhood. The applicant has agreed and went through several design iterations reducing the number of steeples from eight to two and also significantly reducing the number of materials and colors used in the church's design. And so the current design that you will be seeing today was approved by the Urban Review Design Board in September of 2011.

Further, in August of 2011, the applicant held a public meeting inviting the neighbors from within the 500-foot radius to give them information about the project, to receive feedback and at that time nobody expressed any opposition to the project. This project was scheduled for a public hearing in November of 2011, however due to a applicant's error in noticing of the public, the hearing was postponed. At that time, the Department has also received the Petition to Intervene from Mr. Lance Collins on behalf of Wahikuli Neighborhood Association and you will be hearing from those parties later on today. So that is hopefully a brief recap of the history and now without any further ado I will call on the applicant, Mr. Marcelo Raza representing the Iglesia Ni Cristo Church to start through his powerpoint and show you the deals of the project. Thank you.

Mr. Marcelino Raza: Thank you, Anna. Good morning, Mr. Chair, Members of the Commission. My name is Marcelino Raza. I am a member of the Church of Christ or Iglesia Ni Cristo, Filipino. I'm an architect, graduated from University of Hawaii, practicing on the island of Oahu, island of Oahu.

Chair Hiranaga: Pull it close.

Mr. Raza: Can you hear me now? Okay. I will be representing the congregation which are well-represented behind me today. Bear with me I had a few cups of coffee this morning, I'm trying to slow down my heartbeat. So if my English tongue gets confused with my Filipino tongue just raise your hand and tell me you didn't understand me and I'll repeat myself.

As Anna just said a few minutes ago in the summarization, we came a long way to get to this point. Today, we maintain our course to apply for the renovation and the demolition and building our new chapel on our existing site and to once again someday return to that site and have our worship services there.

I wanna highlight one word that's kinda like, it's not getting a lot of attention in our application is the word, "demolition." I mean, so far we've heard people testify they gonna build something new, they're gonna build this, they're gonna build new and it's intimidating, but we're gonna demolish first. And I'll tell you why we're gonna demolish. It's not so much because our chapel is so packed with members it's brimming at the seams and it's partly that. Since 1985 we've had 40 members and up to now we have 165 members. But in the last 10 years that 165 has fluctuated, you know, 160, 165, but we've remained that size and we designed the chapel occupancy for that size as well. But we're demolishing our existing chapel. If you haven't seen it already, you've seen photos of it on your report. It was a former residence. And we haven't done much to it at all. It's the size of a 1,600, 1,800 square foot house. Where we hold the service right now used to be the living room and we tear down the walls for the kitchen and all that. And we hold about 60 people in there now. And when you walk in there, you know, you've been to a old house before that's been built in the 50's to 60's, you have the canec ceiling, you have the single wall and you have the wooden floor. You can smell all of that history in that building. And we have termite problems. It's hot. It's...I'm sure there's hazardous materials in there, lead paint and canec there's, what is that...poisonous material in the canec material, arsenic. That's right. It has arsenic in the canec. We have...our elderly brethren have a hard time accessing it because it's raised. Our parking is partially dirt and you know...so it's time for an upgrade. And like Anna mentioned to your earlier we were ready to do that in 1992, and if we had done that in 1992, we wouldn't be here today because we'd already

met with your Class of 1992 Planning Commission. But like a lot of churches and at the time, we didn't have the resources to move forward so here we are today. I hope that introduced the church a little bit.

Okay, here's a Google map of the property. It has the A there. This is the Iglesia Ni Cristo or Church of Christ site. Orienting to the global compass we have the north up here, Kaanapali, Kapalua, the south is Lahaina. To your west is the park, Ainakea Park, and to the east is the highway and the Pacific Ocean. Okay, this is a real bird's eye view of the property now. Same orientation, north Kapalua, here's the Ainakea Park to the back to the west of the property. This is to the south is Lahaina, and of course, to the east is the highway and the Pacific Ocean. This is the existing house that I just mentioned. You see how small. It's typical. It's even smaller than our neighbor's Sangragins [sic] house. We changed your name. It's just such a hard name, sorry. And we have, we hold the worship service here try to imagine 65, Brother Wilson. how many people we used to have attending there was 60 people. Imagine 60 people in your living room. That's how it is. And in the summer like last October imagine sitting next to somebody in that heat. So this is where we park back here. We'll discuss a little bit later on on how we park and how we manage it because we do and we are very sensitive to our neighbors because this is not our first church that we built.

When we first started let me give you a little history on the church and hopefully it will illustrate how this church came to be in this location. In 1968, that's when I arrived from the Phillipines with my parents and we had our first chapel, congregation in Honolulu and we used to meet in the YMCA in Likelike Highway if you familiar with that place by the Bishop Museum. And we finally managed to get an existing Baptist Church up in Kalihi Valley and there we worshiped until our congregation got larger. And then once we got larger and we over loaded the...well, we got larger we opened up another chapel in Waipahu, Wahiawa, Ewa Beach, Pearl City, Pearl Harbor. So that's how the church operates. If we grow, we'll not build a church larger, we'll just build elsewhere and that's what the Mormon Church are doing at the Lahaina side. They purchased a new site up the hill. It's a huge church and I think that's gonna help Mr. Foster there and some of the neighbors. So when our brethren here in Maui got together they also asked for a chapel and they started the congregation in Wailuku. And it's there now. It's a small chapel too, but when you know that chapel got large and a lot of our brethren in Lahaina asked the church officials please give us a church in Lahaina because we many brethren there and that you know, the drive to Wailuku is very challenging and very difficult. So the church gave them this property and they started congregation there back in 1985. Like I had mentioned there were 40 members back then. And now it's...that's 1985, now it's 2012 and we've gone larger and so now we need to build a larger chapel.

This is the Lahaina view of the same bird's eye view. You have Ainakea. This is the minister's house. I wanna go back to this slide, I wanna illustrate to you in three dimensional imagery in your mind that although this looks flat in real topography if the church floor was zero, the floor at Brother Wilson's house here is 8 feet above that. So there's a slope going upwards Ainakea Park. And Ainakea Park here when they're playing baseball, this 20 feet, this will be 20 feet above the floor of the church. And if you stand here which I did many times and look over it, you'll be able to see through everything. The only, you know, in residential area we have a 30-foot height limit and that's why we went to the BVA Board to get the variance for the steeple, just for the steeple which is only...which is 13 feet above the 30-foot height limit. The building itself is within the 30-foot height limit. But this, I wanted to illustrate that this property here slopes up to the Ainakea Park at

approximately 20 feet above the floor of the church, proposed church.

This is a view, and a slide of the existing chapel as it is today. It hasn't changed. It's still this way. This is the house, the church, the chapel. This is the pastor's house here. This is our neighbor's house and to the south here towards Lahaina is another neighbor. I have another slide for that. And like Anna said, we did, we went for a permit back in 1992, and we did get that but we didn't build anything. But in 2007, we got a call that the EPA is mandating closing down all of its large capacity cesspool so with the threat of being fined thousands of dollars per day, we moved since 2007, this congregation has been moving to various location including Wailuku just to hold their services. At the currently, we have our worship services up in Lahaina Intermediate, but you know, as a public facility there are some limitations, like you know, this election day we had just recently we couldn't have our worship services there so they had to drive to Wailuku to do that.

This is a photograph of our driveway. This is our neighbors to the north. This is the pastor's house and you can see the sloping...(inaudible)...towards the pastor's house. This is the existing church right now and you see the motley of building materials that we've added on just to make our parking work for us.

This is our neighbor to the south. This slide is here to illustrate this 12-foot easement. This 12-foot easement this is part of our property is from this fence to this hedge. We placed this fence here to discourage any type of dumping in the area because there were people who are dumping and we'd like to maintain our surroundings neatly so we maintain this area and just to give you a kudos to the congregation that they're very diligent in maintaining their area and the surrounding the area and they also join community groups to clean up the shoreline and everything. And so we are very neat group of people so that's why I wanted to show you this slide to show you that although this is not...this is an easement being used by a resident, by a house behind our property, we still do maintain it. This is the pastor's house, I'm sorry, this is the pastor's house behind the property. There's the park there. You can see the baseball fence there so that Brother Wilson doesn't get hit by any baseball. This is looking towards, going to Kapalua on Malo Street. This slide is included to inform you that we are gonna give up seven feet of our property for the road widening on Malo Street for the County. So that's a little bit of a...This is our Brother Wilson's oceanfront view across the highway. This is a view of Malo Street, Lahaina bound. This is the plantation train tracks.

Like I said, we've come a long way, and this is to illustrate to you that we've gone through the process every step of the way, we've consulted with the Planning Department. We've deferred to their recommendations and to the County laws and regulations and obviously today is part of that process. We have this church group, although originally from the Philippines and we've taken on, we're now Americans, we've taken on, you know, our citizenship to America very seriously, but some of our culture obviously, and inevitably will follow us and one of that is our church and our religion.

And if you've had a chance to Google Iglesia Ni Cristo, our church you'll find that we have very magnificent churches in the Philippines as, you know, bigger and larger than this Disneyland castle, if I can say that. But we still adhered to the recommendation and the City and County Codes so that we can be part of your community, be part of the neighborhood. Therefore we went to the BVA, we asked can we please have a steeple. Okay, you ask for eight, but you can have two. All right, we'll take that. We went to the UDRB Board. They said, you know, you have too many colors,

you get too many materials, can you simplify? Yes, we'll do that. We simplified it. We took away rock walls. We minimized our colors to two or three at the most. So we've been diligent in following up with our due diligence and what we need to do to this point. Here's a site plan. It has a lot of information on there. If you see something you wanna, you want me to explain, just please raise your hand, but this slide is to give you a graphic illustration of the church footprint in cross hatch here. That's approximately 6,000 square foot. The lot is approximately 37,000 square foot. And if my math is right, that's about 15 to 17 percent, 16 percent of the lot. Parking will have 15 parking stalls here. We'll have about 21 parking stalls here. I can speak a little bit to the water runoff issue. But if you would like to get detailed information, I have Mr. Otomo here with me today. He's our civil engineer. We do have graded catch basins here to alleviate or mitigate some of the water runoff from our property. We've also depressed this area fronting the church here so that in the event of a storm runoff will collect here and become our water feature. Here is our existing pastoral house. We'll have in complying with the EPA rule now, we have a underground septic tank system. Here's our tank here. We'll have our leaching field here in this backyard. What's shown here in the hatching is that 12-foot easement that I had mentioned earlier. It will no longer be a dirt road. It will be paved now and improved. We will have a little bit of a courtyard here for gathering and meeting with our fellow members after our church worship services.

This is the proposed front elevation of the chapel that has gone through many iterations as Anna said. When I was sketching this out my daughter looked over my shoulder and she goes, wow, Daddy that looks retro, and I said, wow, retro. That's a good word. It's a good word of the day because it is kinda retro. I mean, we manage to implement the majestic features or elements of our church buildings and we also were sensitive to the Lahaina plantation style of architecture and we did that by bringing this porch element to the building so that, you now, although the church is 30-foot high, when you come into the church the scale is reduced as you enter because of that entry porch. The prominent, predominant materials will be the metal roof here and the exterior finish system which is that plaster like material now. And then that...those materials will be somewhat softened by ship lap inserts within some of the areas of the exterior. We'll have detailed wood trusses and timber just to give you that plantation feel. This is the typical side elevation. As you can see, we've introduced residential like proportion to the church so that you know, it's not gonna completely hide the size of the church but it visually it will help it integrate with the neighboring homes. I...(inaudible)... this slides because we will have an air-conditioning system and we do this because we are, like I said, we are very sensitive to our neighbors and when we have our worship services and choir practices we will close our church windows. We will contain the noise within the church. We'll have air-conditioning. And to further that sensitivity we're gonna maintain or enclose our AC units in this mechanical room here instead of it being on the side.

This is a slide to illustrate to you that the width of our property is a 150 feet long and the width of our church is approximately 40 feet wide which is not any different the existing house today. It's basically the same width. And we wanted not to crowd any of the--put the chapel towards this house or the chapel toward that house because we wanted to give a buffer zone between the residents and therefore we placed the parking if you remember the site plan, we put the parking on this side and we put the parking on this side. This is a computer rendering of the church from the highway. This is a view as you're driving by going to play golf in Kapalua. This is a view on your way back from golfing from Kapalua. And this is a view from Malanai Street, the street behind the Ainakea Park looking at the church in its proposed location and size. This is the illustration that I mentioned about, the building height. This is a 30-foot height limit here. As you can see the entire

church tucks neatly below that maximum height limit and what we got from the BVA approved for is this steeple right here, 13-foot, 8-inches.

This is the first floor plan. Like I mentioned, no I didn't mention it to this board, I mentioned it to somebody and explained to them that this sanctuary is a loft space, it's not a two-story space. The only two-story spaces are located in this left wing and in this right wing. We have the approximately a 120 members seating here. We have a dressing rooms, offices, a baptismal pool, and here we have, you know, Sunday school classrooms. The building in total length is about 154 feet in length right now and it's about 40 feet width. Second floor, you have more offices for treasurer, secretary, the minister and a lot of the department office will be located up here. And I just wanted to add that, you know, the office activity and the church worship service neither shall, neither the shall occur at the same time. So it's almost like an accessory space. When we're doing worship services no one should be working. So the offices and the sanctuary will not be occupied at the same time. This is the landscaping parking plan. We've kept our planting materials, followed the criteria of the City and County of Maui and we have parking, parking lot trees. We have hedges along the front and palm trees and we'll have a six-foot CMU wall perimeter wall around our property. We'll also introduce irrigation system that's eco-friendly. We wanted to include this slide to illustrate to the Commission that we did do our due diligence in getting the parking calculation right from the County. We, as it stands now, as our design propose, proposal would require us to provide 30.4 parking spaces. In our design we are providing 36 parking stalls. In an original design back in 2005 when compact stalls were allowed on Maui we had more, but that changed and we can only provide standard stalls and that reduced the amount of numbers of parking. But still we are within the required County Codes.

Now this is a very important slide because you know, as a normal person our perception of a church congregation is a chapel and you have uku million people coming en masse to attend the worship service. First of all, we only have a 165 members in this congregation and a lot of them work two jobs, mornings, evenings and it really helps us to have multiple church schedules so that they can attend at least before they go to work or after work. And it also illustrate that we don't attend our church en masse regularly. Yes, we can't deny that maybe once or twice of the year maybe Thanksgiving or something like that we'll get together. We'll still have two worship services but inevitably we'll have more brethren coming, but in a typical scenario we have a worship service 5:30 in the morning on Tuesdays and 7 o'clock in the evening on Tuesdays and here you can see in the morning we have 60 members, and with 60 members they have...they drive in with 15 cars. In the evening we have a 108 members and they drive in in 25 cars. On Saturday, we also have a worship service in the morning and a worship service in the evening with a 5 o'clock Sunday school in the afternoon. As you can tell, it's more evenly divided because obviously it's the weekend and people can attend either or, but the parking here you can see is way below the capacity of what we're providing.

I'd like to include this bit of information. You say 108 members arriving, 108 members let's say two people drive that's 50 cars where you're gonna park 50 cars? Well, that's deceiving that number because that 108 includes the entire family from 12-years-old, that's when they start to be registered as members when they're 12-years-old they're baptized. So they're members but they don't drive. So a 100 is deceiving because it includes members from 12-years-old to our elderly members who do not drive. And we'll have someone to testify who deals with our deals with our parking situation on a regular basis and he controls that and he does a really good job at that and

he'll speak in front of you later on.

Mr. Chair, this will be my last slide it's just to illustrate the type of lighting that we're, we're following the criteria of the County. Everything is down lighted, nothing shining into the neighbors windows. We're not signing lights into our sign, no lights into the building. We'll have bollards obviously just so that we can prevent any accidents at night. Other than that we want to thank you for your time and Anna or if you have any questions for me, I'll...

Chair Hiranaga: Okay, we're gonna reserve questions till after the public hearing.

Mr. Raza: Okay.

b) Public Hearing

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

Mr. Brent Christensen: Yes, we live on Malo Street.

Chair Hiranaga: Please state your name?

Mr. Christensen: Brent Christensen, 1500 Malo Street. We live one house away from the proposed remodeling and destruction of the church. Malo Street is a very narrow street. We're on the corner of Wahikuli right next to the Honoapiilani Highway and we're concerned about traffic and parking. If people park on the road it becomes a one-lane road. We've already had problems at the other end of Malo with the church, the LDS Church which I guess they're relocating now. Because when they have service it turns into like a freeway on Malo and almost no parking and it's very dangerous down at the end of the church and we're just worried about the same situation happening here, happening here. And also when people drive down Malo and try to go west on Wahikuli to get on the highway it will back up sometimes so we can't even get out of our driveway. The traffic can be so bad as it is right now, we can have maybe five or six cars and if they're trying to turn left they never can get across. You have railroad traffic, it's just...it's gonna be a disaster if you allow a large expansion of the use. That's all I have.

Chair Hiranaga: Thank you. Questions, Commissioners? Seeing none, next individual is Jim Foster.

Mr. Jim Foster: Hi, Jim Foster, address is 1582A Malo Street. And we've been a resident there since 2000, and the LDS Church is just like two houses over from us. They've been a good neighbor and the same for Iglesia Church Ni Cristo, St. Iglesia Church has also been a good neighbor. And it's not that we have any objections to having churches in the neighborhood, but although LDS as been a very good neighbor, they often have functions there on Friday nights and Saturday nights and they have, you know, various dances, they have drum practice, and although they're a good neighbor, it does disturb your peace and quiet and the sound comes right through the door.

And in terms of traffic congestion, when they have church services oftentimes they'll double park on Malo Street and they also double park on Kaniau and then down Ainakea and even though they

have a considerable amount of parking on site, there's always many, many cars that are parked on Malo Street. And if you're coming, and if you're coming on Honoapiilani Highway and you try and make a right-hand turn on Kaniau to come and then go south on Malo Street to come back to your home because the cars parked all the way down to the stop sign and this has been going on for a very long time, you actually can't make a turn and come south on Malo Street. If you're going south on Malo Street down to Wahikuli Road and oftentimes the cars make the right-hand turn and go to the sugar cane train tracks and then they try and go south on the highway or they'll go north on the highway and there's...when you're coming down Wahikuli Road towards the highway there's a stop sign before you get to Malo and then when you get to the sugar cane train tracks there's another stop sign. And the cars 90 percent of the time will blow through that stop sign and then the cars stack up going back up Wahikuli Road waiting to get out into the traffic lane. And the cars that are coming down Malo Street find it extremely difficult to try and make a left-hand turn on Wahikuli Road or to make a right-hand turn to get out on the highway. Then in the evening, the cars coming...that are coming north on the highway that are going home up into the Wahikuli neighborhood they make a right-hand turn to go up Wahikuli Road and then the cars that are trying to get off of Malo Street, they come and they make a turn very quickly and there's been several major accidents there at that intersection and it's uncontrolled and it's just going to continue to get a lot more serious than that. So we don't have any concerns whatsoever about having a church in our neighborhood, but in terms of the scope and size of that project and all the additional parking and so forth, it's gonna create a serious problem for the neighbors and also for those that actually live down on Malo Street with the increased traffic flow. Thank you very much.

Chair Hiranaga: Questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Mr. Foster, thank you for coming this morning. So you're anticipating that you say that there is a traffic problem now. You're anticipating that if the church is demolished and rebuilt that it will be an increase in the congregation?

Mr. Foster: I can't see that would be anything other than that. The LDS Church because their congregation continue to grow went up into the Lahaina Business Park and purchased another site and they're building a brand new beautiful church up in the Lahaina Business Park. I think they're gonna continue to operate the church that's there now at Malo Street and Kaniau as a social center but we're not certain of what use that church is gonna be turned into. But they are gonna be opening a new church up in the Lahaina Business Park for the expanded congregation. They have all of the infrastructure up there in place. They have all of the parking that they're going to need and it's not going to continue to create a problem down in the Wahikuli neighborhood.

Ms. Wakida: But getting back to the church in question. You're saying it now is part of the parking problem not the LDS.

Mr. Foster: Because I think the County issued them a notice for...I don't know what the reason is but they have not been having services as they were having before. When they were having services before they were parking out on Malo Street in addition to parking on site. So if that church as it exist is torn down and they went to the much larger church with the additional parking, because I cannot see the congregation not growing then it's going to continue to further exacerbate the parking problem and the traffic problems on Malo Street and Wahikuli and down on Kaniau.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: One more question, please. You stated earlier that when you taking up Wahikuli and you make your right-hand turn into Malo Street that sometimes it was difficult because the cars were overcrowded in that area. Do you know if this is from the Mormon Church, the LDS Church parking or is this from the Episcopal Church parking when this happens?

Mr. Foster: It's from, it's from the neighborhood. And if you add additional parking there and you have a larger congregation, you're gonna have more cars exiting off of Malo Street onto Wahikuli and also going north on Malo Street exiting there at Kaniau where there's a stop sign where you also and exit back onto the highway.

Mr. Lay: So both functions affect that roadway there?

Mr. Foster: That's correct. Yes, ma'am?

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: One last question. To clarify the Iglesia Ni Cristo is currently meeting offsite, right? They're meeting some place else?

Mr. Foster: I don't really know, but I assume so.

Chair Hiranaga: Commissioner Shibuya. One more question.

Mr. Shibuya: Follow up question.

Mr. Foster: Yes, sir.

Mr. Shibuya: I'm trying to piece the...put the pieces together here. I don't live in Lahaina, but I wanna understand what's happening here. I'm reading the report from the Police Sargent in the Lahaina patrol area and he says that Malo Street is a residential street which is not used as a thoroughfare.

Mr. Foster: It is.

Mr. Shibuya: Okay. The other part was that this construction that is recommended is not going to have an impact. So now I'm trying to balance between what is written here and what you're saying. I'm not saying that you're not giving correct information.

Mr. Foster: Yes, sir.

Mr. Shibuya: I'm trying to understand what you're saying and I follow what you're saying.

Mr. Foster: Okay, there, there is a traffic issue. There is a traffic problem. There's a

safety...there's a public safety issue because of when there's on--when they're parking on the street it narrows it down where it's if you have like a large pickup truck with the big mirrors, there are times when just one single car can't go down Malo Street because of the vehicles parked there. Any time that there is a backup on Honoapiilani Highway going north say if there's a traffic accident or right now they're doing construction what happens is the cars come off of the highway. They come down Malo Street because they get anxious about waiting in the traffic. They go down to Kaniau and then they turn right, go up Kaniau and go through the Hawaiian Homelands neighborhood and then exit back out down the post office. So you have it used to be, you could go out and walk Malo Street like Mr. and Mrs. Mau would go for a walk early in the morning and at night. Now trying to go out and walk on Malo Street, you have to keep dodging the cars, and it's not a very little used street, but it's actually used by the people from Hawaiian Homelands and the people that get stuck in traffic and there's a lot of traffic down on Malo Street.

Mr. Shibuya: Okay, thank you very much.

Mr. Foster: Yes sir.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, next individual is Richard Egrin [sic].

Mr. Richard Sanchagrin: Richard Sanchagrin and I live at 1526 Malo Street, right next door to the church and Jim pretty much covered everything especially the highway. That's what happens when there's something that's stopping the traffic on the highway, they pull off the highway and enter Malo Street, take Malo Street either back out to the highway or up through Hawaiian Homes and back out again. Coming down Wahikuli towards the highway there's a stop sign prior to another stop sign. There's a stop sign prior to Malo Street and one past, right past Malo Street and what happens is the cars get going, they don't stop at the one at Malo Street. They keep going to make a right onto the highway and that stop sign is pretty much useless. So that whole corner is congested most of the day, and there's been several accidents at that corner just due to all the signs and people coming off of the highway and then people trying to make a left onto Malo Street.

You know, just from the aesthetics of the neighborhood, I just don't know how something this large is gonna, gonna work in the neighborhood and I live right next door to it, so I'm likely to suffer more than anybody. So I'm worried about the views, I'm worried about the construction, and you know, we built a home there to have a home there. It's pretty much what it is. It's traffic and just the aesthetics of the neighborhood.

Chair Hiranaga: Thank you.

Mr. Sanchagrin: Thanks.

Chair Hiranaga: Questions, Commissioners? Seeing none, next individual signed to speak is Manuel Portabes.

Mr. Manuel Portabes: Hi, my name is Manuel Portabes and I live on the same street on the very far end, 1582B Malo Street. And I got nothing against church or the people, but it's what I'm concerned with like everybody else previous to me was saying that it has to do with traffic. I know,

because I got into an accident right there on that corner. What happened was I came down on...I wanted to get out onto the highway, I wanted to come to Lahaina. I was on the stop sign, over the tracks and what happened was somebody came behind me and they didn't stop at the stop sign coming down from Wahikuli Road. So what happened was he came right up underneath me and I had a truck. So to get 'em to the...to go back around to the traffic light, I backed up and I looked into my mirror, my mirror inside the truck, outside the truck I didn't see any car and the guy was right underneath my tailgate and I backed up and we had an accident right there just because of that. And a lot of times too, when I turning off the highway going home, I turn off the highway and try to make a left turn on Malo Street, a lot of times people just coming down they don't stop at that stop sign coming down Wahikuli Road and it's happened to me numerous of times.

The other thing is church wise I live right next to the Mormon Church on the back portion right next to the parking lot. And I put up with a lot of noises. Back when they first, when I first moved there 30 years ago now, it wasn't no problem because of the fact that the congregation was small with the Mormon Church, but in the 30 years that I've been there, it has grown quite a lot. And it's grown to the point like everybody else says that it's overflowing whatever parking they have allotted to them. So my concern is noise wise too because I have a problem with the Mormon Church and when they started having Tongans come in, they occupied the church at night and they make a lot of noise and sometimes it goes beyond 11 o'clock. And I put up with that all these years, and I don't wanna see that happening anywhere else. A residential area is residential. It should be residential. That's it. I don't know how the churches got by, the Mormon Church was already there when I first moved there and bought my property up in that area. But I don't know how this other church got in. I have never had any notices or anything. Maybe it doesn't concern me because I live on the other end of Malo Street. But I would advise you guys to as a Planning Commission to plan correctly and diligently, okay, and watch where you guys put churches.

Ms. Takayama-Corden: Three minutes.

Chair Hiranaga: Thank you.

Mr. Portabes: That's all I have to say.

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

Chair Hiranaga: At this time, I'll open the public hearing. Next individual signed up is Albert Padua.

Mr. Albert Padua: The Honorable Chairperson of the Maui Planning Commission,
Mr. Kent Hiranaga, Member of the Maui Planning --

Chair Hiranaga: Could you please state your name for the record?

Mr. Padua: The Honorable Chairperson of -- oh, I'm Albert C. Padua. Thank you very much. The Honorable Chairperson of the Maui Planning Commission, Mr. Kent Hiranaga, Member of the Maui Planning Commission, fellow residents of Maui, ladies and gentlemen, good morning. My name is Albert Padua, residence of Lahaina for the last 54 years and a member of the Iglesia Ni Cristo. I live at 115 Hiki Place, Lahaina, Hawaii in Wahikuli Subdivision. I am 88-years-old and full-time employee of the Ritz-Carlton Kapalua. I would like to thank you for giving me this opportunity to

speak before you. I have a very good...I am very old man. I am 88-years-old and counting. I am so blessed to have lived this long. Our Lord God, has guided and protected me. I can never repay him for his kindness. However, I have vowed to our Lord God that I will continue to return worship service to him until the very end of my life. I have been longing to worship God in a magnificent chapel close to my home and I take this opportunity to ask for your support for the construction of our little chapel. May God bless you. Thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, next individual is Pedro...I'm sorry, I can't read your last name. Please state your name for the record.

Mr. Pedro Lauricio: I am Pedro Lauricio residing at 5155A Kipulu Street, Kipulu Place, Lahaina. Honorable Chairman of the Maui Planning Commission, Mr. Kent Hiranaga, Members in Planning Commission, fellow residents of Maui, ladies and gentlemen, good morning. I am Pedro Lauricio, 78-years-old. With my daughter and son-in-law and two granddaughters who are active members of the Iglesia Ni Cristo ...(inaudible)...Lahaina. We have been yearning to have a magnificent house of worship for chapel where we could, where our congregation could conduct an orderly ...(inaudible)...worship services. At present, our congregation is renting at Lahaina Intermediate School Cafeteria to conduct worship services twice a week. The ...(inaudible)...of the hall does not lend a conducive place for proper way to observe ...(inaudible)... religious ceremony as desired by all members. Aside from this, there were times that we cannot avail the facility because the school administration needs it for different types of activities. We have no choice but to hold our services in the Wailuku chapel and some members cannot attend due to time constraint traveling plenty miles a ways. Sometimes ...(inaudible)... happens to the highway, then traffic is closed. We cannot reach Wailuku to attend worship services at the appointed time. With all our sense of ...(inaudible)... permit to build a house of worship, a big honorable body which ...(inaudible)... their favorable permission in this endeavor. I firmly believe that this will be constructed at Malo Street will not in any way portray any negative destruction. But instead, it will add an aesthetic view at the place will actually better. Thank you very much for the opportunity.

Chair Hiranaga: Questions, Commissioners? Seeing none, thank you. Arthur Tadena?

Mr. Arthur Tadena: Distinguished Members of the Maui Planning Commission, good morning. My name is Arthur Tadena, 24 years resident of Lahaina. A member of the Iglesia Ni Cristo in the town of Lahaina. I am currently employed at the Hyatt Regency Maui Landscaping Department. I stand before you today in regards to the construction of our house of worship in Lahaina. It is my firm conviction that every human being should take care of...should take of not only his physical well-being, but also he must fulfill his spiritual well-being as well. In order to fulfill this every human being must have a decent place of worship. By worshiping God in an orderly manner and hearing the words of God it will serve as a guidance to ...(inaudible)... his family or children to become a law-abiding citizen of this country. And we can only fulfill this with a place worthy to worship God. So I am humbly asking the Honorable body to allow us to build a house of prayer. Thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, next individual is Cristina Bolante.

Ms. Cristina Bolante: Aloha everyone, good morning. My name is Cristina Bolante. The Honorable Chairperson of the Maui Planning Commission, Mr. Kent Hiranaga, Members of the Maui Planning Commission, fellow residents of Maui, ladies and gentlemen, good morning. Again, my name is

Cristina Bolante, 31-years of age and a member of the Iglesia Ni Cristo or Church of Christ. I am married and have two children. My daughter is Destiny Bolante, she's seven-years-old and my son is Robert Daniel, he's four-years-old. Will live at 139 Hamau Place, Lahaina, Hawaii which is very close to the proposed new chapel location. My children are in the critical age of learning. It is me and my husband, Roberto, responsibility to provide them with all their needs in this life. Physical, material, emotional and most importantly their spiritual needs. We need a chapel that we can call our own, where we can gather our children to listen and learn the words of God. This is where the whole family will pray, worship and glorify God together. As it is written in Bible, a family that prays together stays together. With humility I plead this Commission to approve our permit application on behalf of the other church members like me, I humbly seek your understanding and grant us our request. Again, good morning. Thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, Charles Lauricio.

Mr. Charles Lauricio: Honorable Chairperson Hiranaga, distinguished Members of the Commission, ladies and gentlemen, good morning. My name is Charles Lauricio, 49-years of age and a member of Iglesia Ni Cristo. I presently reside at 5155A Kipulu Place in Napili, but all told lived in Lahaina for the past 35 years. Currently I work at the Royal Lahaina Resort in Kaanapali. Yesterday, our country commemorated Veteran's Day in honor of those who have served in the armed forces of this country and I'm happy to be one of them. Close to the end of the Cold War I was an active duty FCO in the Air Force. Every day we built bombs and ...(inaudible)... to defend our nation from attack. We trained hard and gruelingly held military exercises to sharpen our skills. We were always gearing up for the enemy that was supposed to come and take everything that America stands for. Today, I feel that one of those freedoms is at stake. You see there are those people may fear plague by worries that may arise from our proposed chapel. These are locational problem with street parking and traffic congestion. These are prevalent on Maui. ...(inaudible)... consider but resolve once we have our chapel. But I can assure you this is not the case in our church. We feel that if we...if one were to attend a worship services one will immediately notice how we do things differently. During the many years that we held our worship services on Malo Street or even at our present location at the Lahaina Intermediate School Cafeteria, we have been harmonious and at peace with everybody. The absence of any complaint against is as testimony of this fact.

In addition, allow me to mention some of the things we have done for the community. You see, over the years we have conducted clean up drives to beautify parks in various neighborhoods in Lahaina and more recently roadways and beaches. Last year the church established the ...(inaudible)... to giving a concerted effort by the church administration to give back to the community. Through this endeavor we have conducted teacher appreciation parties where we honor teachers for their efforts and distributed school supplies. We also sent care packages to our troops overseas to show our appreciation for their service to the homeland. We have done many, many wonderful feats too many to mention. You can see for yourself from the church's website, incmedia.org some of the accomplishments of the members to church. You see, what I'm trying to say is that the church doors are open. We do not just live in Lahaina. but we sincerely love our community as well. Now I extend my invitation to the Members of this Commission and the general public to come and join us in one of the worship services that way you may observe and scrutinize if you will, first hand, how we praise our mighty God with much solemnity and discipline. You may also appreciate the beautiful hymns we sing in church and I say this as a member of the choir. This

is all I had to say and I again, I wish to extend my gratitude for the opportunity to express my opinion. I implore this honorable Commission to grant us the permission to build our chapel. That way we may be able to exercise our freedom to worship our God. Thank you very much.

Chair Hiranaga: Thank you. Questions, Commissioners? Seeing none, next individual is Yna Villamar.

Ms. Yna Villamar: Good morning. My name is Yna Villamar. I am 16 and I'm a senior at Lahainaluna High School. Most importantly I am a member of The Church of Christ. I was born in the Philippines and I attended worship services in enormous beautiful chapels. The church has stood tall and even though great calamities happen everywhere in the Philippines the church stood as a beacon of hope for everyone who ...(inaudible)... it. I moved to the U.S. with my family when I was five years old, and I was surprised to see that our locale had a smaller and old house of worship. I prayed to God since then so that he would bless our congregation with a new house of worship. Now that I'm 16, I can finally see the answers to my prayers but its fulfillment is beyond my reach. That is why I am reaching out for your kind compassion Members of the Planning Committee to please grant us the approval for our proposed chapel so that we can have peace of mind knowing that we have our own house of worship worthy before our God. With your kind consideration I believe that my prayers are answered and will come to reality and that we can continue to do good deeds and encourage other people especially the youth to devote their time in school, family, and their spiritual lives creating a better community. Thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, Carla Foster.

Ms. Carla Foster: Good morning. My name is Carla Foster. I live at 1582A Malo Street. I, for me, there's nothing in question about the quality of this church. It seems like a fine group of people and with wonderful ideals. And for me, it's about the neighborhood and it's a neighborhood of single-family residential people. And the size and scope of the church they proposed here way out of ...the magnification of the church way out builds what there is in the rest of the neighborhood. I am concerned about the parking. I do not understand how 36 stalls can accommodate a congregation of 166 people and growing. I do not understand that the church is only gonna be used for the hours that they say when they build this great big facility that they need. I understand now that that's why the Seventh-Day Adventist Church moved, bought a new spot because they could not fulfill what they needed to do within the space that they had. I'm also aware of after living there for a long time that when we have rain, Wahikuli is built on the entire hillside and the water rushes down, Malo Street floods, the whole area floods down there. It's not just what the church can do for themselves but it's what's going to happen to the rest of us around them when they fulfill and currently almost all of their area is paved and the runoff is tremendous. I have noticed in the drawing they're going to have two driveways on either side coming in and out of the church I think that will further impact the parking problems there for us and I can't understand how they're gonna get that many people into church without parking on the street on both sides. So those are my main issues and that's really all I wanted to say for me. Thank you.

Chair Hiranaga: Thank you. Questions, Commissioners? Seeing none, next individual is Martin Castillo.

Mr. Martin Castillo: Hi, good morning, Commissioners. My name is Martin Castillo. I live first, I live

in Kahului. I attend the church at Lahaina. I have been given by the grace of God two offices in this church. One of them is being the President of the SCAN and also a deacon which is in charge of pretty much the orderliness of the church. SCAN stands for Society of Communicators and Networkers. It is enacted by our present executive minister Brother Eduardo V. Manalo. We are security officers for the church. We protect the church. We assign parking. We make sure people follow the rules that is set down from the church. My wife and I choose to go to this church in Lahaina because it's small, everybody's like family there, and basically we just take care of each other. Now the church has been there for 20 plus years as you've already heard from everybody else. We have not had one complaint. The other thing that we do as SCAN members is we, every night we guard our church. We make sure nothing happens to it, no property damage, no vandalism or ...(inaudible)... We can also help our neighbors not only being there for our church but being there for our neighbors. Some of our neighbors obviously don't live there full-time. But we can help them 'cause we're out there every night protecting our property. Now if somebody happens to go to their property, how long you think somebody would call 911? Because we're there we would know in seconds somebody doesn't belong there and we would call. If something happens, a fire, in seconds we would be making phone calls to help our neighbors not just stand there and do nothing. We are there for the community. Right there, you look at our church, it's as you've seen in the pictures it's really sad. All these fellow neighbors, how would it look if our church was beautiful, how would it look to your properties that are our church would be beautiful not only for God but for you guys. You guys would look outside your windows and see this beautiful church. ...(inaudible)... I just ask that, you know, we take everything into consideration and, you know, believe that we are god-fearing people and we going do what is right. Thank you very much.

Chair Hiranaga: Questions, Commissioners? Commissioner Freitas? Question, Mr. Castillo.

Mr. Freitas: Mr. Castillo?

Mr. Castillo: Yes.

Mr. Freitas: Do you have somebody there 24-hours through the night?

Mr. Castillo: The minister lives on property. We, as SCAN members arrive usually about 8, 9 o'clock at night and we stay there till about 4 or 5 in the morning.

Mr. Freitas: Thank you.

Chair Hiranaga: Any other questions? Commissioner Hedani?

Mr. Hedani: Mr. Castillo, I'm impressed by the fact that you provide security for the church like that. During the times when this church is in session, is it possible to or do you monitor or could you monitor the area to ensure that no on-street parking occurs on Malo Street?

Mr. Castillo: Currently we have two security officers, volunteer security officers per night watching the school make sure, you know, nothing happens to the school or while we're, you know, glorifying God. Our plan is to once we get this chapel, of course with your approval and of course, approval of our neighbors, we would at least enact at least six security officers to maintain orderliness of parking and of course, you know, no loud noises past a certain time of night of course.

Mr. Hedani: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: You just now mentioned school. Besides your children's Sunday school do you have other types of schools or kids at this?

Mr. Castillo: The school that I mentioned was where we are having our current worship service at the Lahaina Intermediate School. We do not have a school nor do we wish to have a type of school where you know, do Kindergarten through ninth grade or something. We do have Sunday school which is usually from 5 to 6 which is probably about 10 to 15 kids. That's pretty much it.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Thank you, Mr. Castillo for your testimony. I just wanted to find out from you why this need for security or a person to be there to observe and watch? Is there a threat, was there a threat? What is the ...(inaudible)... that prompted this action?

Mr. Castillo: Well, as you know in these trying times you've seen attacks on churches, not ours, you know in the mainland, people come in and just for some reason have disagreements with our religion and they, you know, hurt people. We just want to take preventative action to make sure that our congregation can praise God in safety. Also to pretty much keep everything in order which God wants us to, you know, parking, you know...

Mr. Shibuya: Okay. I was concerned that there might be some threat or some evidences of mischief that may have prompted this action?

Mr. Castillo: No, this action was done by our executive minister in the Philippines. He has enacted throughout all our churches throughout the United States, the Philippines, Europe, wherever we have churches we have security on hand. It is not because of a threat, it is I guess a preventative maintenance or preventative to having a threat.

Mr. Shibuya: Thank you.

Mr. Castillo: Thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you. Next individual is Lenna Lauricio.

Ms. Lenna Lauricio: Aloha, my name is Lenna Lauricio, 21-years-old and a member of the Iglesia ni Cristo since birth. I was reside 5155A Kipulu Place in Napili. I graduated from Lahainaluna Highschool in 2009, and I'm presently taking classes with Maui College and UH West Oahu's Distance Learning Program. I also work at New York Life Insurance Company as a college intern and I love volunteering at Lahaina Public Library which unfortunately is still undergoing renovations. Growing up in the church has not only granted me spiritual welfare but continuous guidance in all forms. With worship services alone, I have benefitted from lessons which gave me strength to do my best not only in serving God but in everything that I do. This guidance inspired me and other

youth in the church to take action. While studying and maintaining grades I and the youth in the church have worked, participated in sports, clubs and also performed duties in the church as choir members, kid services watchers, community service volunteers and so much more. There are many youth in Maui like this, our youth is one example. To this day, I, myself favor the concept of staying active in church and the community. If we were to look in the yearbook, we'd find the youth of this church actively participating in school activities along with their fellow classmates and friends. Activities include sports outside of school and also in the Maui Interscholastic League such as basketball, football and also track and field. The youth are also active in business, medical, Japanese and ...(inaudible)... clubs and even in student government, Kokua Crew and the National Honor Society. On top of it all, the youth performed their duties in church and also participate in numerous community service activities with a volunteer organization formed by the church in 2011 called the INC Giving. The INC Giving's mission is this, whenever you possibly can do good to those who need it. Proverbs 3:27, today's English Version. Services since 2011 include reading to children, making cards for terminally ill children, singing for the elderly, appreciation day for the teachers in our schools, cleaning up local parks and beaches and so much more to come in 2013 and thereafter. While maintaining such activities and balancing school, we've learned the importance of time management, arranging priorities, and goal setting. Learning and implementing such values I hope to give back to the community and I know the youth who are not with us today, many of them since they are in school, I know the youth strive to do the same. In a new chapel, myself and the youth hope to continue to perform our duties and finally so not to only help the congregation both spiritually but to also develop members that will better serve the community. Thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, next individual is Rod Bruno.

Mr. Rod Bruno: Good morning, Commission. Thank you for your time and for patiently listening to us all. I am Rod Bruno, I am the District Minister of the Hawaii Pacific Region of the church and Lahaina falls under my responsibility. And our major reason for wanting to build a house of worship like this is a verse in the Bible. I don't know if you believe in the Bible or if you know of the Bible, but it's Haggai 1:8 where it says, you earn wages to put them into a bag with holes, when you bring them home I blow them away because while my house lies in ruin each one of you runs to their houses that are ...(inaudible)... So it is our desire while we strive to have beautiful homes like our neighbors, we wanna have a beautiful house of worship.

And to everyone here, we are not aliens we are neighbors too. We've been there since 1984. Some of us have been there before you. For a long time we have been part of that community and we love that community and we don't just say it words. We love that community with deeds. A number of times since '94 we've been cleaning Malo Street up and down. We don't have the obligated responsibility. We choose to do that because when we say we love the community, we prove it by what we do. We clean parks. We read to the children in Barnes and Noble just to show them that reading can be fun and we're not talking about reading to just our members, we're talking about the community, everyone's invited. We have neighborhood appreciation day. We'd like to have one in Lahaina, but we don't have a house of worship. We're worshiping in a cafeteria for five years. Working with the Planning Commission, working with those who want us...we apply for variation, colors of the chapel scheme, working back and forth patiently trying to comply. Going through all the procedures that are laid forth by this government. And when we were just about to face you, well then we got the intervention. And you know, that's part of life and we're trying to

follow again now the procedures once more so that everyone is satisfied and we can get a house of worship because we wanna have a beautiful house for our God because we are a part of that community, we are their neighbors, they are our neighbors. We may live in different homes in these areas but that's, that's our place of worship and we been there for almost 30 years.

Chair Hiranaga: Please conclude your remarks.

Mr. Bruno: Was that you, sir?

Chair Hiranaga: Yes it was.

Mr. Bruno: Oh, ...(inaudible)... I want to say that our church is not a secluded church. Our doors are open. The community services that we have done from cleaning Malo Street several times--

Chair Hiranaga: Please conclude your remarks.

Mr. Bruno: I am.

Chair Hiranaga: Well, you're limited to three minutes and you're going beyond it now.

Mr. Bruno: I'm sorry. I just wanna say that we painted the old Boys, Girls Club, the Adult Daycare Center, we cleaned up Wahikuli Terrace Park, we picked up rubbish, this is throughout the years and we've been pleased to do so. We are neighbors, we are part of the community, we love the community and we hope that we can all get along peacefully and have a house of worship and the parking, Stan is there. They control the parking.

Chair Hiranaga: Thank you very much.

Mr. Bruno: And thank you.

Chair Hiranaga: Questions, Commissioners? Seeing none, the next individual is Brian Carey.

Mr. Brian Carey: Good morning, Commission. My name is Brian Carey. I live at 25 Kekai Road in Lahaina within the 500 mile...500-foot radius of the church. And the biggest...the main reason that we are opposed to the new building is the size. At its current size of 1,689 square feet to propose an 86...8,600 square foot it's almost five times larger and in the scope of that neighborhood, it's just, it's just too large. You know, I ask anybody in the Commission, anybody in this room to picture yourself at your house on your property and if your neighbor requested that they tear down their existing house and build something five times larger, I get the feeling many of you wouldn't want that. That's the main opposition. Earlier they mentioned, you know, the views from the ballpark looking down, but how large this building is going to be from the highway and when you're walking past their building looking mauka is going to be just...just gonna stand out and just be too large from the surrounding neighborhood.

And other people earlier mentioning the intersection. I know Manuel Portabes mentioned he was in an accident. I've almost been hit twice at the same intersection trying to get out Malo turning west onto...Wahikuli to get onto the highway and the street parking is going to be...you know, at the

peak of their services, they're I think on slide said 30 offsite parking spaces. I...with the LDS Church down the street I've seen 30 plus. It just clogs the street and to...I just picture if there was an emergency and the street is clogged and emergency vehicles trying to get in and out or even just general traffic, it's just...it's just gonna be too crowded in there if...I know that when...I grew Catholic and we outgrew our small 2,000 square foot building on a lot bigger than this we simply knew that with growth it was going to be bigger and I was a child but they decided okay, we just need to get a bigger lot, build a much bigger building elsewhere and that's what we did. I...am not, you know, I encourage and I'm glad that, you know, ...(inaudible).. they have a place to worship it just needs to be a...the scope of it this needs to be somewhere else. That's, yeah, what I need to say.

Chair Hiranaga: Questions? Commissioner Freitas?

Mr. Freitas: Yeah, how long have you lived in that neighborhood, sir?

Mr. Carey: I've lived in this neighborhood over three years.

Mr. Freitas: Thank you very much.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, thank you. Anyone else wishes to provide testimony regarding this agenda item, please come forward at this time. Seeing none, the public hearing is now closed and we will take a ten-minute recess and reconvene at 9:45...10:45.

A recess was called at 10:36 a.m. and the meeting was reconvened at 10:50 a.m.

Chair Hiranaga: Okay, at this time we'll open the floor to questions from the Commissioners to the applicant. No questions? Commissioner Wakida? Please use your microphone.

Ms. Wakida: What activity...good morning--

Mr. Raza: Good morning.

Ms. Wakida: --Mr. Raza. What activities have been taking place in the church that since 2007 you've been meeting offsite? So what has the building been used for since that time?

Mr. Raza: We have some departments like the finance where they, you know, do the financial duties for the church. We have an office there. We have our computer there and it's connected to the internet, we have our copiers there. So we have all of our office equipment there that we cannot bring to Lahaina Intermediate. And then we also have...are we having our leadership meetings there Bill? We have our leadership meeting which consists of deacons and deaconesses and they discuss what's ahead for the next worship service. And you know, church administration duties basically.

Ms. Wakida: Thank you. How does work with...you have a cesspool still, correct?

Mr. Raza: Yes, ma'am.

Ms. Wakida: But did you get the order from the County to cease activities there because of the cesspool?

Mr. Raza: We got orders from the EPA directly. I spoke to the San Francisco office themselves and they...because we were deemed large group, large...because we're over 20 people, we were told not to use it otherwise, big fines for using it. However, I called them and asked them can we hold meetings there less than 20 people and they informed me that it was acceptable. And actually they don't use the church proper restroom now. They go to the pastoral house, the minister's house bathroom to use it there.

Ms. Wakida: And is he on that house--

Mr. Raza: Yes.

Ms. Wakida: Is that house on the sewer system?

Mr. Raza: Yes it is as well.

Ms. Wakida: Or a septic system.

Mr. Raza: It's in the cesspool. But I wanna inform the board that, that the residents of Malo Street were given a letter from the city Engineering Department, the Wastewater Reclamation Division that they will be doing a study to connect the neighborhood to the public sewer system. So we've gotten that notice. And this is from the City and County of Maui, Department of Environment Management, Wastewater Reclamation Division. They'll be conducting an engineering study to determine whether it would be feasible to connect Wahikuli Subdivision to the county sewer system. So that's down the road. It started...their study started it says here in September of this year. So it's a possibility that we may not, well I can't say when it's gonna happen, but we may have a sewer system by the time we build our chapel.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Ball? Could you use your microphone please?

Mr. Ball: Do you currently have the funding secured for this project?

Mr. Raza: Brother Rod Bruno, do we have the funding for this project?

Chair Hiranaga: Please speak into the microphone it's being recorded.

Mr. Raza: Yes, according to Brother Bruno we have the resources available to start this project.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: And so there was some testimony about the Mormon Church down at the end and so they're not meeting there anymore or are they?

Mr. Raza: I do not have information on the Mormon Chapel.

Mr. Ball: They're planning on not moving yet.

Mr. Raza: That information was given by Mr. Foster.

Mr. Ball: Oh, okay. And this might be for Public Works about the road widening testimony and if you could let us know when and if there's gonna be parking for that improvement or if it's gonna be curb and gutter with no on street parking or...

Ms. Dagdag-Andaya: I believe currently that...

Chair Hiranaga: Please identify yourself.

Ms. Dagdag-Andaya: Rowena Dagdag, Department of Public Works. So that Malo Street is classified right now as a minor street, and we're requiring them to do a 44-foot right of way. There's no limitations to or restrictions to parking at this time. So on street parking is required. However, that 40-foot right of way would be...I mean, I guess it would be enough to provide for it. However, as right now I guess the applicant is saying that they can accommodate all of their parking on street or onsite. The...and if you are looking at enforcement, yeah, right now we don't have any ordinances that would restrict the parking on Malo Street.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I wasn't looking for enforcement, I was looking more of when that road widening was going to happen, if that was...if that's a time frame for that or if it was just...

Ms. Dagdag-Andaya: No, we don't have a time frame for that right now.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Related with the traffic aspect here. I understand that there's some mitigation. The members are actually shuttling members to these activities is it not true?

Mr. Raza: Yes, sir. According to our parking management plan, in the event that we do have a large contingency that's gonna attend, we make plans to have carpooling done. We admonish our members to park at the Civic Center or a public area and then we would pick them up and van them into the church proper.

Mr. Shibuya: That's a good mitigation. Thank you.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: On those same lines of mitigation for traffic maybe also too there could be some sort of mitigation on the exit of the congregation so it's not stacking up on the intersection that was talked about extensively.

Mr. Raza: Thank you for your question Mr. Ball, but you've exceeded my comfort level on traffic issues so I'm going to introduce you now to our traffic engineer. He's with us today. His name is Mr. Michael Packard of SSFM firm.

Mr. Michael Packard: My name is Mike Packard of SSFM International. With regards to your question about the Wahikuli-Malo Street intersection there's no proposed mitigation for this intersection. That intersection per se is actually operating at acceptable levels of service with regards to the proposed uses of the church as it conflicts with the traffic along Wahikuli, but the accidents and congestion being stated previously is largely due to the mauka traffic up Wahikuli which has nothing to do with existing church traffic. It would not be impacting traffic there. The intersection with Wahikuli and Honoapiilani it's a difficult turn but one intersection away is the signalized intersection with Fleming Street, and so therefore if there's problems entering or exiting off Wahikuli you can go a block away to that intersection.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Maybe you can help clarify this. The church has been meeting offsite since 2007, and traffic study appeared to have been done can you help me out when?

Mr. Packard: Sure. So the original counts for the study were done in 2005, not by myself by a predecessor consultant. Done for the reasoning of the SMA purpose and the previous attempt to get this church running. And so they did the traffic report then. They did an update in 2009, not doing any new counts but doing just to update to state when the uses of the church would be. I was recently brought on to take that information that was collected then and I used it to do a level of service analysis to bring it to traffic engineering standards that are by the County now. Also took those volumes and projected them up to the 2012 conditions using the growth rate along Honoapiilani to be able to address what conditions would be like today using the data collected then which includes the church attractions at that time when it was being fully used and occupied to do the level of service analysis of the significant intersections of the area.

Ms. Wakida: So your calculations have included the projected size or the current size of the congregation now, the 165?

Mr. Packard: INC projects not to increase the capacity of individual services while their congregation and the church has grown as Marcel spoke earlier the anticipated number of vehicles going to individual services and there are many services was no greater than 25 vehicles which is in line with previous uses of the church in 2005.

Ms. Wakida: Okay, thank you.

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

Mr. Hedani: What is the level of service on the two intersections on either side of Malo Street?

Mr. Packard: I don't know for the one on the north side where the LDS Church primarily uses. The one on the south side Wahikuli and Honoapiilani is level of service E and F for turning off of Wahikuli making a left onto Honoapiilani. The turns off of Honoapiilani and onto Wahikuli is

acceptable and all other intersections in the area are acceptable. But to give a caveat to the level of service E and F that's really from around 13 or 14 vehicles waiting to make those turns. And so the volume to capacity ratio is far lower than the limit of .85. It's somewhere around .5 which says, there's additional capacity for that turn. But as I stated, if the delay there is too long and it actually was brought up in the prior traffic report, the signalized intersection of Fleming upgrades at level of service A and B during these times of church usage and therefore, can go one block away and get through the signalized intersection without delay.

Mr. Hedani: Is Malo two-way right now?

Mr. Packard: Yes is it.

Mr. Hedani: Is there any consideration to making it one-way or something?

Mr. Packard: Can't speak to that, but there's a speed bump actually that was included in one of the photos, there's a speed bump along Malo Road which therefore would restrict it from being this thoroughway of heavy traffic.

Mr. Hedani: All right, thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I have a question, but not for our traffic expert. It would be for probably Mr. Raza. I don't know how easy it is for you to flip back to a site plan but I was wondering, I couldn't figure out where your light poles are going to be.

Mr. Raza: We'll have light poles in these areas here, this planting strip here, here, here, here and I think we'll have one here as well in this corner. Parking...to illuminate the parking area.

Ms. Wakida: Okay so that's four in the parking lot, right and one out close to the front you said?

Mr. Raza: And one out towards the front.

Ms. Wakida: Yes.

Mr. Raza: Basically these are here, here, here, here, there, there, there, there.

Ms. Wakida: Okay, well that's how many, seven?

Mr. Raza: Seven.

Ms. Wakida: Seven light poles. And they're 15 feet high and they will be down lit, down shielded?

Mr. Raza: Yes ma'am. This type here.

Ms. Wakida: Can you assure that there won't be any ...

Chair Hiranaga: Okay, I'd like to caution Commissioners that we do have a intervention on the agenda so at this point the questioning should be limited to clarity and not ask for judgement opinions from the applicant. You'll have an opportunity after we decide on the intervention to ask more in-depth questions. At this time, shouldn't maybe asking opinions of the applicant regarding will this, may this, can this, it's more just to understand the presentation as was presented 'cause we need to go into the...to address the intervention. You'll have an opportunity later depending on the outcome of the decision of the Commission regarding the intervention whether there would be a case officer assigned or it will come back to the Commission...at that time you can ask more in-depth questions about the application.

Ms. Wakida: Well, maybe I can refer back to one of your sketches, one of your drawings of the light pole and does it show the downward beam of that light pole, light illumination?

Mr. Raza: It may not show the downward beam ma'am, but it shows the lamp pointing down towards the ground.

Ms. Wakida: Okay.

Mr. Raza: This here, like this here.

Ms. Wakida: I'll move on.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: The easement that's next to the property I didn't get...what is that easement for?

Mr. Raza: We have a neighbor behind our chapel here. There's a house here and they use...they'll be using this easement to access that property.

Ms. Wakida: So it's just a--

Mr. Raza: Driveway.

Ms. Wakida: --driveway to a...it's not an easement for electrical or something?

Mr. Raza: No.

Ms. Wakida: Okay, just a driveway to the flag lot.

Mr. Raza: Just an access. Yes ma'am.

Ms. Wakida: That you've allowed. Thank you.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I have a question about your drainage of the property. With so much roof, concrete, pavement in that area I know Lahaina hardly rains, but when it does, it rains hard especially the

Kona wind season. I'm worried about that you won't have a big enough retention area for retaining the water that comes off of this property because there's so much slope on this property. And again, because of the concrete, your roof size, you're gonna have a large volume of water with no place to percolate the water down.

Mr. Raza: Very good question, sir, and we're prepared for that. We have Mr. Stacy Otomo, our civil engineer here today.

Mr. Stacy Otomo: Good morning, Chair Hiranaga, Members of the Planning Commission.

Chair Hiranaga: Excuse me, Stacy. We have to be very sensitive to the fact that we have an intervention that's been filed. Your questions need to be of not in-depth analysis of the application at this time. Okay, so if in their application Mr. Otomo states that all post development runoff will be captured onsite, and if that's correct, that's probably all you need to say.

Mr. Lay: I'll withdraw my question.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Just a clarification on the septic system. I understand that there may be a kitchen in a the new facility and if so, what accommodations and which septic are you using? Is it the existing septic with the pastor's home?

Chair Hiranaga: Let me interject again. There is no septic system on site. There's currently a cesspool.

Mr. Raza: Cesspool, yes.

Chair Hiranaga: So all we need to know is that it will meet DOH standards if it's approved, and I really want to caution you guys. You'll have an opportunity later to start asking in-depth questions about this application, but you need to be sensitive that we have an intervention that has been filed and we don't want to taint that process because then it will extend this process much, much longer.

Mr. Raza: Short answer, sir. We don't have a kitchen proposed within the chapel.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Any other questions? Commissioner Hedani?

Mr. Hedani: That being the case, should we move onto the question of intervention? Or we can continue to ask non-substantiative questions?

Chair Hiranaga: I'm going to allow each Commissioner to make that decision on their own. I guess you've expressed your opinion. Commissioners, any other questions?

Mr. Freitas: Move onto the intervention.

Chair Hiranaga: Okay at this time if there's no objection, we're gonna move onto the next agenda item C, which is the intervention. Director Spence?

Mr. Spence: Commissioners, Communications No. 1, Mr. Lance Collins, attorney on behalf of The Wahikuli Neighborhood Community Association, Brian Carey, et cetera, et cetera, 'cause I'm trying not to read through the whole thing. It's at this time we're gonna consider the--the Commission will consider the Petition to Intervention.

C. COMMUNICATIONS

1. **LANCE COLLINS, attorney on behalf of THE WAHIKULI NEIGHBORHOOD COMMUNITY ASSOCIATION, BRIAN CAREY, SONJA SANCHAGRIN, and JAMES FOSTER submitting a Petition to Intervene dated November 2, 2011 on the requests by MR. ALLAN A. VILLANUEVA, Acting Secretary of the IGLESIA NI CRISTO (CHURCH OF CHRIST) CHURCH for a County Special Use Permit and a Special Management Area Use Permit to demolish an existing church building and construct a new church building and related improvements in the R-3 Residential District at 1518 Malo Street, TMK: 4-5-014: 009, Lahaina, Island of Maui. (CUP 2008/0006) (SM1 2008/0025) (A. Benesovska)**
 - a. **Memorandum in Opposition to Petition to Intervene from MR. HENRY PAGBA, SR. on behalf of the IGLESIA NI CRISTO CHURCH dated November 7, 2011**
 - b. **Applicant's Opposition to Petition to Intervene from MR. MANUEL B. SANTOS, Corporate Officer of Applicant received on November 14, 2011.**
 - c. **Supplemental Motion in Opposition to Petition to Intervene filed on October 31, 2012 by B. MARTIN LUNA and ARSIMA A. MULLER of CARLSMITH BALL, LLP, attorneys on behalf of the Applicant IGLESIA NI CRISTO (CHURCH OF CHRIST) to the Petition to Intervene filed on November 2, 2011 by the Wahikuli Neighborhood Community Association, Brian Carey, Sonja Sanchagrín, and James Foster.**
 - d. **Memorandum in Opposition to Petition to Intervene filed on October 31, 2012 by PATRICK K. WONG (Corporation Counsel) and JANE E. LOVELL (Deputy Corporation Counsel) on behalf of the COUNTY DEPARTMENT OF PLANNING.**

Mr. Spence: Richelle, do you have comments on how we should proceed?

Chair Hiranaga: Yes she does. Corporation Counsel will orientate us with the process.

Ms. Thomson: Okay, thank you. So the petition to intervene is going to be taken up. First, we'll hear from the petitioner followed by the applicant, the County, and then the petitioner can conclude.

Chair Hiranaga: Go ahead, Lance.

Mr. Lance Collins: Good morning, Chair Hiranaga and Members of the Maui Planning Commission. My name is Lance Collins. I am the attorney for the Wahikuli Neighborhood Community Association. Brian Carey, Sonja Sanchagrin and Jim Foster. Last year, in November, these individuals filed a petition to intervene when the previous public hearing was noticed. As briefly as I possibly can and not take up too much time, I will summarize. All of the petitioners in this petition have standings to intervene in these proceedings as a matter of right. They all live in near proximity to the development. In *Mahuhiki v. the Kauai Planning Commission* the Hawaii Supreme Court indicated that adjacent property owners and nearby residents have standing as a right in this type of a proceeding. I list in the petition the various types of issues that Chapter 205A and values that Chapter 205A are intended to protect.

It is the petitioner's position that the application has not adequately addressed a number of issues. The first is the adverse traffic impacts. As we said a year ago, the original Traffic Impact Study was not done by a professional or an expert in the area of traffic. And in addition to methodology and analysis the petitioners also feel that the collection of data itself was problematic. The data was collected in 2005. There have been substantial changes to traffic flows in Lahaina since then. As you've heard, the LDS Church which is just down the block is changing their use from one that is primarily a church to auxiliary social purposes. We were told recently that a new traffic engineer had been retained and that we would be supplied with a copy of some updated report, but that copy was not been given to us yet. The off-street parking proposal violates the Off-Street Parking Ordinance. The count inappropriately counts the office space and...the office space and the business areas using the Business District zoning calculations. But in this district, the calculation for church or place of worship is one parking space for 100 square feet of floor area or building. That ordinance does not differentiate between how you calculate for a nave or choir area or nursery area or religious instruction or ...(inaudible)... administration. Under that ordinance there should be at least 86 stalls and two for the parsonage

The issues of wastewater are of a significant concern. As you've seen in the pictures, this site is located closer to the shore than any of the hotels I've ever...developments that have come before this Commission that I've ever been involved with. It's literally ocean, Honoapiilani Highway, Malo Street, church. It's very close to the ocean. The issues of wastewater and drainage are significant because the waters directly in front are Class AA waters, and Class AA waters require that they remain in the pristine or wilderness condition and any impact related to wastewater or drainage must be considered and have not been considered in the application.

The petitioners assert that the variance granted to the applicant did not comply with the standards for granting a variance and are therefore illegal. Putting a church of this size with spires it violates the zoning district height restrictions by almost 50 percent. Fails to protect, preserve, and where desirable restore, improve the quality of coastal scenic and open space resources which is a value and interest protected by Chapter 205A.

There are issues related to the aesthetic and regional planning impacts of the development that were not addressed in the application. The West Maui Community Plan requires as its goal an attractive and functionally integrated urban environment that enhances neighborhood character, defines a unified landscaping planting and beautification theme along major public roads and highways, water courses, and at major public facilities and recognizes the historical importance and traditions of the region.

As mentioned in the petition, Architecture Professor Gerald Lico refers to the style of Iglesia Ni Cristo kapilya as “stripped gothic” style. And although the application says that’s the aesthetics of the building are consistent with the regional areas, Lico describes the Iglesia Ni Cristo style as such. “The chapel”, this is referring to the first Iglesia Ni Cristo Chapel built in 1958, “the Chapel designed by Rufino Antonio was a castle-like concrete house of worship possessing precast tracery and rosette ornaments, lofty spires, and lancet arched windows--elements that lean toward the twentieth century interpretation of the Gothic style. In general, INC kapilyas are characterized by a facade composition that is dominated by triangular or tudor arch flanked by tall slender towers which taper and terminate in a spire. Sometimes a central spire rises between the two. At the rear elevation, two more towers flank the central mass. A cantilevered canopy defines the entrance. Decorative motifs, such as rosettes and interlocking trapezoids, provide textural appeal to the smooth and crisp external planes.” And that’s from Lico’s book, *Arkitekturang Filipino*.

Gothic architecture, neo-Gothic architecture and stripped Gothic architecture are not present in the Wahikuli residential community at all and petitioners are not aware of any Gothic, neo-Gothic or stripped Gothic architecture in the region presently or any examples in the historical record or minor historical record of Gothic, neo-Gothic or stripped Gothic architecture.

Petitioners also object to the applicant’s claim that buildings, the building’s design as classical in harmony with the surrounding architecture. As I mentioned, Gothic architecture and its newer variations are not in harmony with the surrounding architecture presently or historically with indigenous architecture, New England style architecture of the Kingdom period or territorial architectural which is drawn on Mediterranean and Mission revival styles which included large openings to catch tradewinds, wide eaves, broad lanais or porches, double-pitched hipped roofs, use of local materials, Asian design motifs and the maintenance of a loose relationship between indoor and outdoor spaces.

The General...The County-Wide General Plan of 2030, the Policy Plan states as an objective: “That the County will preserve and restore significant historical architecture, structures, cultural sites, cultural districts, and cultural landscapes,” And it later goes on to say, “That all developments should be designed in harmony with the environment to protect each community’s sense of place.” And as a policy, it requires the Commission to protect and enhance the unique architectural and landscape characteristics of each community plan area, small town, and neighborhood.

We discussed about the traffic impacts, I mean excuse me, the recreational impacts. This use of residential area will further burden the housing shortages in West Maui. There are significant impacts to cultural resources as described in more detail in the petition.

The proposed special use substantially exceeds the allowed use in a Residential District. The proposed project indicates that over 3,400 square feet of office space will be included which far exceeds the main use and it’s not customarily incident to a church to have an office that’s bigger than the church--as a church, the church almost becomes an accessory use to the office space.

Petitioners believe that a Community Plan Amendment and Environmental Assessment are required and does not exist. The application does not address the Countywide Policy Plan of the General Plan of 2030 which was adopted by Ordinance 3232 in March of 2010.

The application is not complete. When the application was filed based on the application, petitioners served Maria Isotov-Chang, who was the authorized agent. When she received it, she informed me that she was no longer working with the church. So out of an abundance of caution which the file should show, the petitioners did serve a copy on Allan Villanueva and he did not contact me, but a woman from the church in San Francisco did, and then I guess the...that part of the application was deemed...I guess he not longer an officer or was no longer involved. We did express to the applicant last year that the neighbors...you know, this isn't--not the...petitioners do not harbor any ill will towards the church or its members especially when the church, of course, moved offsite all of the parking issues related to the church completely went away, but in general the church has been generally a good neighbor. There have been no problems, you know, because sort of animosity or antagonism. This was mentioned briefly in the County's opposition, but the petitioners as a group they are not anti-religious. You know, they're not anti-this church or any church. They are not against the members of the church. And it's--I don't really, the County is sort of I guess there's somebody's in the general area that wrote a letter to the Board of Variance or the Urban Design Review Board expressing anti-Filipino sentiments as a reason to not allow the church to have its application granted. That is not the position of the petitioners. I, myself, my mother is an immigrant from the Philippines. I have a PhD ...(inaudible).. excuse me in Philippine Studies. You know, I've work with civil society groups in the Philippines about...with this freedom issues among others. And so I don't--I'm not exactly sure why the County put that in their Memorandum in Opposition.

But I think the neighbors that are petitioners here really want to find a solution to this that works for everybody, and that's why there has been, there had been several offers to do alternative dispute resolution and in fact, the church did take up the offer and petitioners did meet with church representatives on last Friday at their attorney's office. And so I think...I just I think that should be made very clear is that the neighbors feel that the application does not provide a complete record for the Commission to really make the best decision possible in terms of conditions and what the permit will actually allow and allowing the intervention will allow the neighbors who as a matter of right are permitted to be involved in this to help develop a complete record so that the Commission or hearings officer appointed by the Commission will have the--an opportunity to look at the complete record.

And I just wanted to in closing also address the applicant's Memorandum in...Supplemental Memorandum in Opposition about the third one--the fourth one. In the case of Robert Lee, etal v. the Maui Planning Commission, Civil No. 9-1-900 that was an appeal of a denial of intervention in the Planning Commission a couple of years ago. And in that case, the judge reversed the denial of intervention holding that quote, "a line of appellate decisions support the principle that adjoining or nearby property owners have standing entitling them to intervene as a matter of right and participate in formal contested case hearing". And although the law seems to be clear on this that these particular neighbors do have a right to participate in these proceedings as intervenors, I think it would be beneficial to long-term neighborhood harmony to allow them so that everybody feels like that they have been consulted, that the record is clear and the decision that is made by this body or the hearings officer on your behalf has included all of the views and is given the best and most information available. So that as a community this neighborhood can live together in peace for the long-term. Thank you.

Chair Hiranaga: Thank you. Just for clarity, we're gonna now allow the applicant's representative

to make a presentation and then the County's Corporation Counsel will make her presentation, and then at that time we'll open the floor to questions to all three parties, and then the petitioner will have an opportunity to provide closing remarks.

Mr. Steve Lim: Good morning, Mr. Chairman, Members of the Commission. I'm Steve Lim from Carlsmith. I am standing in for my partner, Martin Luna, and I'll be making the argument on behalf of the church. I'll spare you and not go into the full run through on our Memo. So we'd be resting on our briefs filed in this case and reserving all of our objections made in those briefs including an objection to the attempt to appeal the height variance that they've mentioned today. The test before you today is that the intervenors have to be all persons who have a property interest in the land subject to the action which I don't believe the community association has. Who lawfully reside on the said land which also they don't satisfy. So they have to come in under the third door which is to demonstrate that they will be so directly and immediately affected by the matter before the Commission their interest in the proceeding is clearly distinguishable from that of the general public. And I think that the as the pleading provide is that they do not...these issues that are different from those of the general public and so for the record, we would rest on our briefings filed in the case and I would like to also thank the members of the church who came out today to present their testimony. I thought that their testimony was very good. Thank you very much.

Chair Hiranaga: Thank you. Now we'll have the Corporation Counsel.

Ms. Jane Lovell: Good morning, Chair Hiranaga and Members of the Commission. My name is Jane Lovell. I'm a Deputy Corporation Counsel and I represent the Department of Planning in this matter. I would like to clear up the record in a couple of respects. Mr. Collins, I think did a very good job of arguing that what he would argue if his clients were allowed intervention. But really today in deciding whether to allow the intervention, this Commission must focus on the standards for intervention and as Mr. Lim pointed out because none of the proposed intervenors reside on the property therefore, you have to look at whether the interests of the proposed intervenors are different from those of the community-at-large. Certainly when you're dealing with issues such as wastewater, aesthetics, landscaping and the style of architecture, those are all issues which relate to the community-at-large. And we have not heard any evidence whatsoever regarding specific injuries to specific proposed intervenors. That is what the case law, and indeed the cases that Mr. Collins has cited to you requires a finding of a specific injury that will occur to a proposed intervenor if intervention is not allowed. There is no automatic right for neighbors or adjacent property owners to have standing in a matter under the Coastal Zone Management Act which is one of the acts that governs the proceedings that you are required to follow in deciding whether to grant an SMA approval. In fact, in the very seminal case of *Topliss v. Planning Commission*, the Intermediate Court of Appeals said that the question is the impact on the coastal environment not on the neighbors. And that is why I took the liberty of quoting from the entire Coastal Zone Management Act in my paper so that you could see that the CZMA does not focus on the neighbors, it focuses on the environment.

Likewise, I believe that Mr. Collins is mistaken about the parking that is required under the Maui County Code, Section 19.36A.010 is the part of the Maui County Code that applies here. And in that section it says that the number of off street parking spaces required shall not be less than the sum total of spaces of the number of required parking spaces for each component use of land, building or structure herein specified. And we attached as Exhibit A to our brief the land check from

the County Zoning Officials which shows that following that specific part of the Maui County Code, they did look at the various component parts of this proposal and they came up with 30.4 required parking spaces. Whereas the church is proposing to provide 36 onsite.

Finally, I would ask that if this body determines that the proposed intervenors have made enough of a case that they will be individually harmed in some way which I do not believe that they have made, but if you disagree and find that each of these proposed intervenors has actually suffered some injury or will suffer some discreet injury that is different from the injuries suffered by the public at large that the intervention be limited to two areas, one being parking, the other being traffic. You've certainly heard about traffic issues caused by highway construction. We've heard about traffic issues caused by neighbors from up the hill, you know, coming down the hill. We've heard about traffic it caused by the other church, the LDS Church. We've not really heard any indication of injury to these proposed intervenors by this particular church and it's congregation. So therefore, I ask you to keep all of these things in mind and that you use only the legal criteria in determining whether or not intervention is warranted. Thank you.

Chair Hiranaga: Thank you. I guess, I've been advised to allow the petitioner to provide his closing remarks before we open the floor to questions from Commissioners. So we'll have the petitioner provide his closing remarks.

Mr. Collins: Very briefly. First, the Maui County Code at 19.36A.010 uses the calculation for parking for off street parking for churches at one for every 100 square feet of the building. It doesn't say for the church components of the building or there's no definition about which parts of the church building are considered the church uses and which parts of the church are used for other uses and so I appreciate Ms. Lovell's explanation for how in this case parking was arrived at, but it is not consistent with what is in the Maui County Code.

Also, in *Mahuiki v. the Kauai Planning Commission*, the Hawaii Supreme Court found that adjacent landowners and residents of the owner had interests that were special and personal to an SMA proceeding and that a decision to permit construction of buildings on land in the Special Management Area could only have an adverse impact on their environment. All of the issues raised do affect the neighbors in a way that is different from the general public. Construction...neighborhood construction always affects property values, quality of life, getting in and out of your driveway is something that the neighbors absolutely have an interest that is not common, in common with the general public. They also use the shoreline trail that starts right makai of the church and is discussed in more detail in the Petition to Intervene.

And finally the Hawaii Supreme Court a few years ago stated that the law requires that governments give systematic consideration to the environmental, social, and economic consequences of proposed development projects prior to allowing construction to begin. The law also assures the public the right to participate in planning projects that may affect their community. That was in *Sierra Club v. the Department of Transportation*.

So in closing, I think that this in a sort of a common sense point of view it would be best for, you know, long-term neighborhood harmony to allow the neighbors to help the Commission develop a full record in this case to have all of their concerns addressed, to be able to look at what's this supplemental traffic report and that sort of thing either through mediation or through the hearings

officer process. And if you folks are inclined to grant the intervention, the applicant's and--attorney, Mr. Lim and I have discussed and have come to an agreement on who those people would be if you grant the intervention. Thank you.

Chair Hiranaga: Thank you very much. I'll open the floor to questions from Commissioners. Commissioner Ball?

Mr. Ball: I have a question for Ms. Lovell. You used the word, "injury" and can you define that as far as what we're talking about here today?

Ms. Lovell: Well, the couple of cases that Mr. Collins cited one was Mahuiki v. Planning Commission. The other was Akau v. Olomana Corporation. And in those cases, the Hawaii courts that considered them said that in...this is in Mahuiki, the Hawaii Supreme Court said that in considering whether an adjoining landowner has standing to appeal an administrative proceeding to a Circuit Court it's a little bit different procedural history. The court looks at whether the proposed intervenor is one whose legitimate interest is in fact injured by illegal action of a agency or officer. And then in Akau, the court said that a member of the public has standing to seek to enforce the rights of the public even if his injury was not ...(inaudible)... from the public generally if he can show that he has suffered an injury in fact. But I don't believe that they gave a real clear definition of what an injury is. Generally, the courts look at what is the interest being claimed and then whether a favorable decision will directly affect that injury. Here for instance, I think one of the questions you can ask yourself is with or without this church will there be traffic problems or parking problems? Because if what the people are asking for is, is not going to help...that you know, it's not going to take away the sort of injurious issues that they've raised then courts have said that the party doesn't have standing. In other words, the proceeding must, must actually address that particular injury and if it's going to ...(inaudible)... whether or not the project proceeds then that would be one reason on which you could base a finding of no effect. Kind of a long winded answer to a short question. I'm sorry.

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

Mr. Lay: Again, for Jane. The parking issue as far as we're figuring or determining how many parking stalls are required for this church, who's right?

Ms. Lovell: Well, obviously I say the County, right? But in all seriousness the Zoning folks who looked at this, who prepared the sheet that's attached as Exhibit A to our papers, they are the ones who interpret and enforce this particular provision of the parking ordinance on a daily basis. And so I think that they deserve a certain amount of difference in how they interpret their own statutes and while Mr. Collins asserts that a different number is required, he has not really made any kind of foundation of expertise on either his part or some expert that he has to show that his number is more correct than the number that was reached by the people who do this everyday.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Along this line, I had a similar concern as Commissioner Ball. When I'm looking at this zoning, I mean, parking calculations, it doesn't total up to the number of square feet that it has ...that it's considering. But it is sounded like Mr. Collins felt there was some areas left out of that

parking calculation.

Ms. Lovell: Well, maybe it would be best to address those questions to him, Commissioner Wakida, but just generally speaking, what the parking ordinance requires is that each component part of a proposed project be addressed and so for instance, the church sanctuary component requires one parking space for every 100, I believe it's 100 square feet. Whereas, business uses require one for every 500 square feet. The infant room or Sunday School, they look at one parking space per room and so forth, and so that is how the ZAED plan check was put together. And that's why you see these different particular uses calculated because they have a different...each one has a different parking requirement. And in a way that makes sense, right? Having one parking space per classroom use. You assume one teacher, one car. You assume that an office will have a different parking impact than say the church--as a church because most likely the offices will be occupied at a different time.

Ms. Wakida: Yeah, thank you. That clears it up.

Ms. Lovell: Thank you.

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

Ms. Wakida: I believe this question is for Mr. Raga?

Chair Hiranaga: One moment, please. Commissioner Wakida, you need to address your questions to either the petitioner, the applicant's legal representative or the Corporation Counsel. If they need to reference their own resources to answer your question, they can do so, but you should not address anyone, but the three legal representatives.

Ms. Wakida: All right, thank you. I won't ask the question at this time.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: This is more towards the counsel, Lance Collins, and this one is in terms of identifying and not so much speculating harm and damage or injury, but to identify any injury and cost or items that these individuals have already suffered.

Mr. Collins: Well, I understand that Ms. Lovell has tried to answer the injury and fact standard, but actually the test that she was using is not for an SMA intervention, but instead it's for landowners who were not permitted to intervene in, in intervention if they had standing time to go to the courts to challenge the lack of their intervention. And in those cases, what the court said is that adjacent and nearby property owners and residents just by the fact that they are adjacent and neighborhood residents, you have a special and particular interest that there's no requirement that they have to go and retain real estate experts to be able to prove some certainty that their property value is gonna change by placing a, you know, changing from a small church that's in a territorial style house, the Hussey home, and turning it into a very large, concrete, air-conditioned thing. I mean, it's at this point it's not necessary. And in terms of some of these issues about the right calculations for parking and that sort of thing, those are all things that...and because they involve legal standards are very likely most appropriately dealt with by either a mediator or hearings officer who

can sift through all of our different legal arguments about which parking ordinance applies and all that sort of thing, but I think if I had any questions especially in the recent case that County lost in denying Robert Lee and Dana Naone Hall and others...the Circuit Court here reversed the Planning Commission two years ago for denying them intervention because of these same similar arguments even though they were adjacent and neighboring landowners and residents and of course, Mrs. Hall also had Native Hawaiian cultural practitioner standing separate from the others. And so I think on that basis, I don't think it's speculation. It is the law that adjacent and neighboring residents do have standing to these proceedings on a legal level, but then also on a common sense level where they...where the neighbors are not in an adversarial relationship with the church why not complete...why not develop a complete and full record to make sure that everybody's concerns are heard and addressed and that there can be resolution, you know, hopefully in a way that everybody in the community feels good about going forward because if the church builds their church everybody's gonna have to build there and the church is gonna have to live with the neighbors forever and so why not do this in a right way where there can be an amicable, you know, hashing out of all of the issues, by the people who are gonna be affected by it most, the church members and the neighbors.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: A follow up. I believe that these individuals did meet with Mr. Luna, and at the outcome of that meeting what was the conclusion?

Mr. Collins: There wasn't a...it was only for an hour and a half and there ended up not being a resolution. I think part of the problem was that although they had made the offer to meet with the church members a year ago, it was sort of...everything was decided last week and the only day that everybody could do it was on Friday. And so I think that there just really wasn't enough time. And I personally also feel, and I've stated this to Mr. Luna, but I also think that having a mediator as opposed to direct sort of discussion would probably help facilitate I think ...(inaudible)... I think we are in agreement as to who we'd recommend to you as that person.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Commissioners? Commissioner Shibuya?

Mr. Shibuya: Before I wanna proceed with any motion, I guess you're asking for a motion.

Chair Hiranaga: No, I'm asking for questions.

Mr. Shibuya: No more questions for me.

Chair Hiranaga: Okay, thank you.

Mr. Shibuya: But I would like to--on a procedural matter have an executive session discussing with counsel certain alternatives later on.

Chair Hiranaga: Thank you for that. Any other questions? I have a question probably for the petitioner's counsel. Wahikuli Neighborhood Community Association, how many members are

there?

Mr. Collins: It is a non memberal organization. If it was memberal organization it has to be with the tax implications. It would have to be a 501(c)(4), but it is applying for a 501(c)(3) and the IRS disfavors community associations being membership organizations as 501(c)(3).

Chair Hiranaga: No members?

Mr. Collins: So I think it's a non member.

Chair Hiranaga: Are dues collected?

Mr. Collins: No dues are collected.

Chair Hiranaga: When was it incorporated?

Mr. Collins: It was incorporated just over a year ago. It had been a, you know, informal, unincorporated group for sometime, but under advise of counsel they were encouraged to do.

Chair Hiranaga: And the funds to finance this petition is that coming from the Wahikuli Neighborhood Community Association treasury or is that coming from personal funds from individuals to be named?

Mr. Collins: There's no secret. It's from the individuals that have testified and are here today and they're all people in the neighborhood.

Chair Hiranaga: Okay, I didn't think it was a secret, but I just wanted clarity.

Mr. Collins: Yeah, yeah, yeah, sure, sure. Oh I know there's some people come up here as potential intervenors and kinda go crazy and they're very secretive, but there's no secrets. It's just the folks in the neighborhood. They feel very strongly that they wanna have their, you know, their voices and input heard and their issues they have considered fully. So they have ...(inaudible)...

Chair Hiranaga: Yeah, okay, that's the only question I really had. Commissioner Shibuya?

Mr. Shibuya: Follow up on your question. Your incorporation, you mentioned that the association is incorporated. Is it with the State of Hawaii, DCCA?

Mr. Collins: Yes.

Mr. Shibuya: So when did they receive this incorporation?

Mr. Collins: That was a year ago, yeah. They incorporated a year ago. Just over a year ago.

Mr. Shibuya: And it's still current?

Mr. Collins: And it's still current. I think the--yeah, I just got the thing in the mail for the annual

report. It's due in the next month or so. So I'm sure that will be filed shortly, but yes, it is current and they're in the process of getting their tax exempt status permit by the IRS.

Mr. Shibuya: But they didn't have the IRS 501(c)(3), but did they receive a 501(c)(4)?

Mr. Collins: Well, it's a little bit complicated. They're in the process of trying to get the determination, but it can take the IRS up to a year and a half to make that determination. So they're in the process for that. If they were a memberal organization, yes, they would...they could automatically be a 501(c)(4) entity but I had advised them not to do that because of the kinds of issues that they're hoping when this is resolved that they would like to continue doing in the neighborhood are really more appropriate for a 501(c)(3) than is a 501(c)(4). So I had, that was my advice to them is to go that route because the kinds of things that they would like to do in the longer term are things that are more consistent with the 501(c)(3) than the 501(c)(4).

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, I think it's a good time to recess for lunch. We'll give the Commissioners a extra six minutes and reconvene at 1 o'clock.

A recess was called at 11:56 a.m., and the meeting was reconvened at 1:03 p.m.

Chair Hiranaga: Since we've concluded questions to the petitioner, applicant's legal counsel, and Corporation Counsel, I guess we'll open the floor for discussion? Motion, I guess. I need a motion first. Commissioner Shibuya?

Mr. Shibuya: At this point, I'd like to make a motion that we go into a short executive session. That we can discuss so matters here.

Mr. Freitas: Second.

Chair Hiranaga: Moved by Commissioner Shibuya, for a executive session. Seconded by Commissioner Freitas. Which means all of you need to now leave. Thank you for coming.

Unidentified Speaker: Do you happen to know the session might last ...(inaudible)...?

Chair Hiranaga: Not very long.

Unidentified Speaker: Twenty minutes, half hour?

Mr. Shibuya: Not that long.

Unidentified Speaker: And so will you send somebody outside to let us know?

Ms. Wakida: We need to vote on the motion?

Chair Hiranaga: Yeah, we need to vote on the motion. All in favor say, "aye".

Commission Members: Aye.

Chair Hiranaga: Opposed? Motion carries. Thank you

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

**VOTED: To Go into Executive Session.
(Assenting - W. Shibuya, J. Freitas, I. Lay, W. Hedani, K. Ball, P. Wakida)
(Excused - D. Domingo, M. Tsai)**

Commission went into executive session at 1:05 p.m. to approximately 1:17 p.m. The regular meeting was then reconvened at 1:20 p.m.

Chair Hiranaga: ...(inaudible)... still open to motions. Commissioner Freitas?

Mr. Freitas: I'd like to make a motion that we deny the intervention.

Chair Hiranaga: Is there a second?

Mr. Shibuya: Second.

Chair Hiranaga: Seconded by Commissioner Shibuya. Discussion? The maker of the motion you're supposed to give the findings of fact.

Mr. Freitas: Well, yeah ...

Chair Hiranaga: Well, you're supposed to go over the three tests.

Mr. Freitas: The, what you call, the reason for denying the motion is it does not have a impact on the what you call the neighbors, what you call. They agreed that the people that was building the church had, they had no problems with it. The people was good neighbors. They had no problems with the parking. They was an existing church and all that they're doing is opening up the same church.

Ms. Thomson: The Chair has asked that I restate the tests for the petition to intervene. This is in the Maui Commission--Planning Commission rules, 12-201-041. "All persons who have a property interest in the land subject to the Commission actions; No. 2, Who lawfully reside on said land; or No. 3, Who can demonstrate that they will be so directly and immediately effected by the matter before the Commission that their interest in the proceeding is clearly distinguishable from that of the general public." And those...either of...any of those three cases, those petitioners shall be admitted as parties upon timely application for intervention.

There's also a permissive intervention. All other parties that don't meet those three criteria. May apply to the Commission for a leave to intervene as parties.

Chair Hiranaga: Commissioner Shibuya, would you like to add anything?

Mr. Shibuya: Yes, I'd like to look at the evidence was provided.

Chair Hiranaga: Commissioner Shibuya could you address each test individually first?

Mr. Shibuya: Okay, first of all--

Chair Hiranaga: Make your statement after that.

Mr. Shibuya: Okay. The properties interest in terms of these intervenors, their property interest is actually no different than the general public and this board is a general public board made up of general public members. And so the information is no different. The property was actually designated as a church prior to this action. So it's merely developing the property so that it becomes a nicer, newer church would not decrease the value of the adjoining properties. That all of the intervenors have property interest only in the fact that they are residing in that area but this Commission taking action in terms of who have actual injuries and/or property damage. And we are not...we have...I have not seen any damage identified. And in so they have not demonstrated that they will be directly impacted and that it is clearly distinguishable from the general public. They're establishing a separate agency or a association does not make them any different than from the general public. They are just a private entity to express themselves and perhaps even say something about not in my backyard. This is the kind of invidiousness that I think this Commission is gonna be addressing and can address by ourselves. We don't need another party to deal with this. They did provide timely application for intervention so that's not a problem there. I leave it up to anybody else for other action.

Chair Hiranaga: Any other discussion? Commissioner Wakida?

Ms. Wakida: I concur with the statements so far. I feel that in the next process when the permit comes back to us for approval that some of the concerns would been addressed by the Wahikuli people can be dealt with, and at that time by this Commission so that those concerns are not just ignored should this intervention be denied. But they will be taken in, continue to be taken into consideration.

Chair Hiranaga: Any other discussion? Commissioner Hedani?

Mr. Hedani: Yes, I'd like to echo my fellow Commissioners in saying that I believe the petitioners do not have an interest in the land that is being considered over which we're gonna render a decision. That admitting them as a party would make the proceedings unwieldy and that they do not bring to the table additional information which cannot be found in the course of our normal deliberation with members of the general public.

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

Mr. Lay: I don't think they brought forth adequate facts to us that would deserve this intervention. Had facts been given to us which would apply to this and would make this substantial, you know, then. But at this point, I don't see anything that would bring that to us, bring that to our attention.

Chair Hiranaga: Any other discussion? Commissioner Shibuya?

Mr. Shibuya: I just wanted to say that this association, I applaud them for organizing themselves and yet unfortunately at this point, I see their arguments really speculative in nature because they lack as Commissioner Lay has mentioned that it has a lack of factual basis. I hope that we will not stop the community members from forming entities that can help us in other actions, related actions so that we can review and perhaps add to the facts that are presented to us.

Chair Hiranaga: Any other discussion?

Mr. Freitas: Question.

Chair Hiranaga: You have a question? Oh, if not, I'll call for the vote. All in favor of the motion to deny the intervention so indicate by raising your hand.

Mr. Spence: That's six ayes.

Chair Hiranaga: Motion carries.

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

**VOTED: To Deny the Petition to Intervene.
(Assenting - J. Freitas, W. Shibuya, I. Lay, W. Hedani, K. Ball, P. Wakida)
(Excused - D. Domingo, M. Tsai)**

Chair Hiranaga: We'll now return to the Item B-1 which is the...so returning to Item B-1 which is the County Special Use Permit and SMA Area Use Permit.

B. PUBLIC HEARING

- 1. MR. MARCELINO RAZA, JR. representing the IGLESIA NI CRISTO (CHURCH OF CHRIST) requesting a County Special Use Permit and a Special Management Area (SMA) Use Permit for the demolition of the existing church facility and the construction of a new Iglesia Ni Cristo Church Facility and related improvements at 1518 Malo Street, TMK: 4-5-014: 009, Lahaina, Island of Maui. (CUP 2008/0006) (SM1 2008/0025) (A. Benesovska)**

Chair Hiranaga: We now will open the floor to questions from Commissioners to the applicant or to the County Planning Department. Commissioner Wakida?

Ms. Wakida: Thank you. My question is for Mr. Raza. This was not brought up as a concern of the... of other people in the neighborhood, but it is a concern of mine. Because I was...finally figured out the site plan and I counted 16 light poles. And that's a lot of--if I read the plans correctly--is a lot of light. I guess what I'm looking for is if you could tell me a little bit about this lighting. I think it's good to have adequate lighting. I'm concerned about it spilling over into the neighbors and the neighborhood and that kind of thing. So you don't have this big--

Mr. Raza: That's a valid question.

Ms. Wakida: --stadium lighting that lights up the whole neighborhood.

Mr. Raza: The lights, 16 lights that includes bollards that are four feet high.

Ms. Wakida: Okay.

Mr. Raza: So it might be half for that is the pole type of lighting that has the pendant lighting that shines towards the ground and half of that of are bollards lighting for paths to illuminate the path and they're also focused downward.

Ms. Wakida: Okay, how many of the tall lights?

Mr. Raza: I think we have about seven.

Ms. Wakida: Okay, seven. All right. So, I mean, you can assure us that the lighting is gonna --

Mr. Raza: Yes, we have an electrical engineer with us, not today, but he'll be able to design it during our construction documentation for the appropriate candle light levels so that it doesn't--we stay within the criteria of the City and County.

Ms. Wakida: Right, and doesn't encroach on the neighborhood. Okay, thank you.

Mr. Raza: You're welcome.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: For sustainability, I'd like to see you people sustain yourself in terms of energy. And I commend you with your energy conservation area. Your mitigations for noise with the air conditioning, however air conditioning as you and I know, consumes a lot of energy. Like you to consider because HRS 269-92 stipulates the renewable portfolio standards for the State of Hawaii to be 40 percent...(inaudible)... at 2030. And to do part of this sustaining solution I would hope that you would be able to at least meet or exceed this by generating some electricity. You could do it in various ways, and you know, I'll just leave it at that and appreciate whatever you can because it will sustain your operation and your services.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: The question that I had was the, the wall that surrounds the property. Does the wall on the periphery or the boundary of the property block it on all sides? You mentioned a six-foot wall?

Mr. Raza: Yes.

Mr. Hedani: And it's...on three sides of the property?

Mr. Raza: On two sides because in the back of the property it a hill, it's a cliff. It's a--

Mr. Hedani: Oh, okay. But on either, either adjacent sides it runs the length of the property?

Mr. Raza: Yes, sir.

Mr. Hedani: Okay, so we're not gonna see lights from the cars going--invading the neighbor's property basically from that side?

Mr. Raza: And in front of that will be a hedge just to soften it visually.

Mr. Hedani: In front of it on the neighbor's side or on the church side?

Mr. Raza: Our church side.

Mr. Hedani: On the opposite side it's gonna be just a wall?

Mr. Raza: Yes.

Mr. Hedani: Okay, what kind of texture would that have?

Mr. Raza: Well, the building itself will be the exterior finish system. So we'll probably most likely apply that same finish on the wall.

Mr. Hedani: So it would be like plaster?

Mr. Raza: Yes.

Mr. Hedani: Okay, thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: The church owns this property, correct?

Mr. Raza: Yes, ma'am.

Ms. Wakida: This hasn't come up at all, but has the church ever considered selling the property and relocating?

Mr. Raza: Not officially I believe. First of all, it would require substantial resources just to do that, to consider that. And the brethren themselves have a connection to this site that they've owned since 1984. And the church administration themselves feel this is a historic property in their idea of locales in Hawaii. They've considered but it would be, first of all, challenging resource wise, and secondly, they have that connection already to that property.

Ms. Wakida: Okay, thank you.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: One of the primary concerns that the people that are petitioning to intervene had was over parking and traffic, you know, in the vicinity of the church. So what I would like to see the church do in and of itself is to come up with a plan to control traffic and parking within the property and its surroundings so that you do have a policy of ensuring that all of your members understand that they need to park within the property to carpool from areas to make sure that they get to church with sufficient transportation systems that would be able to accommodate all of their needs within the 36 stalls that's allowed. Personally, if the person you have in charge of security asked me not to park on the street, I would never park on the street. And also, personally from my perspective, I've seen the original submission that came in for this church about five years ago, and I see the current rendition of the project and I think it's vastly improved from an architectural standpoint. I actually like the project. I think it's attractive. I think the building is situated so that it doesn't obstruct views to the mauka-makai view plane to the mountains because it's narrow. And I think is well balanced and well, well presented architecturally and I do like the color scheme as well.

Mr. Raza: Thank you.

Mr. Hedani: Thank you.

Mr. Raza: For your information, we do have a parking operational plan in place that's included in the exhibit on the report.

Mr. Hedani: Thank you.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I did appreciate that parking operation plan because it helps mitigate the parking problem. Also in terms of drainage, I'd just like to change little bit more in terms of drainage because you are covering so much area for parking with impermeable type of material you may wanna consider something that's more permeable to minimize drainage overflow in the basin, the drainage capturing basin. I'm concerned in the sense that it may have some hydrocarbon pollution from residuals from the parking and somehow you can work that with your drainage engineer to mitigate that. I'm very concerned because one of our main charters here is to protect the shoreline ocean water quality and that is of utmost importance to us too. Thank you.

Mr. Raza: Thank you.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: One man's beauty is another man's beast and we all don't have the same tastes and I sensed with the neighbors that some of them don't have the same tastes in architecture as your community members and I'm looking at your...some of your renderings of the church and it shows some beautiful landscaping and I would like to just support your doing as much landscaping as you can afford to do specifically trees 'cause that will soften things and...so that, you know, everybody can be happy.

Mr. Raza: Yes ma'am. ...(inaudible)...

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Changing the subject again. Septic tanks, you're gonna replace that. You're replacing the cesspools with a septic tank.

Mr. Raza: Yes sir.

Mr. Shibuya: And that would be servicing, one septic tank servicing the pastor's home as well as the entire congregation or that facility?

Mr. Raza: I think the pastor's house is still an existing cesspool system.

Mr. Shibuya: Okay, so you'll continue with that?

Mr. Raza: We'll continue with that because it's within the acceptable limits of the EPA less than 20 people, but with the chapel itself, we will implement the septic system, 1,000 gallons...1,250 gallon system with a leaching field.

Mr. Shibuya: And the leach field you demonstrated by showing us on that map.

Mr. Raza: Yes sir.

Mr. Shibuya: And it does show that because of the slope of the land it actually...you have to pump it up would you not?

Mr. Raza: We'll probably have a sump pump to help.

Mr. Shibuya: Move it up.

Mr. Raza: Move it up, yes.

Mr. Shibuya: Yes, okay. I was just concerned on how you did that or you would have to dig your leach field much deeper than a normal so that you can have gravity feed.

Mr. Raza: Yes. We had our engineer scheduled to participate today, but he had conflict in his schedule.

Mr. Shibuya: Understand.

Mr. Raza: In his place, we are gonna take care of that difference in topography in the back.

Mr. Shibuya: Right, because sometimes the initial investment of placing that in a proper gravity feed mode could probably sustain you better than in the long run where you increase your vulnerability to loss of energy and cannot pump it up.

Mr. Raza: Well, the reclamation facility...the County Wastewater Reclamation Division will quick with their studies and find that it would be possible to install a sewer line in that area.

Mr. Shibuya: Okay, thank you.

Chair Hiranaga: Just a follow up question. Why not size the septic, the proposed new septic system to accommodate the existing dwelling thereby eliminating the cesspool because as you know a cesspool is just basically a hole in the ground.

Mr. Raza: Yes.

Chair Hiranaga: So would the applicant have any objection to sizing this --

Mr. Raza: No objection. No objection.

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: That's was my question also.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I think, you know, the one question that I had on this project as we were coming into it was how come we're on a septic system with a leach field? I was laboring under the assumption that everybody in Lahaina had tied into the Lahaina wastewater treatment facility, but since the entire subdivision is not hooked up to the system, I can understand, you know, what you've done. I think what the church should do in the future is prepare itself for hooking up to the system once that system becomes available through the County.

Chair Hiranaga: Is that a correct statement that the neighborhood is not being serviced by a County sewer? I'm looking at Staff?

Unidentified Speaker: That's correct.

Chair Hiranaga: Thank you.

Mr. Raza: We do have a very good civil engineer.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: It's my understanding too that the EPA, Environmental Protection Agency is looking to close up all cesspools, so it would probably behoove you to make that move now instead of...especially being so close proximity to the ocean.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: This is a question for Staff, just a clarification, the street that fronts the church is parking allowed on that street currently?

Mr. Raza: Can Public Works...

Chair Hiranaga: You can ask the Deputy Director of Public Works.

Ms. Dagdag-Andaya: Rowena Dagdag for Public Works. Right now like I had mentioned earlier there's no restrictions on parking on the street. I think residential...some of the residences have used that...the street for parking. And otherwise, because talking to Commissioner Wakida earlier, when we restrict parking there's an ordinance attached to it and there's no restriction right now that prevent people from parking.

Chair Hiranaga: So you're saying in order to post "no parking" signs it needs to be authorized by ordinance?

Ms. Dagdag-Andaya: That's correct.

Chair Hiranaga: Thank you.

Mr. Hedani: Okay, as a follow up to that, do we know what the width of the roadway is and the width of the right-of-way is right now?

Ms. Dagdag-Andaya: I think that's like a, I believe, 38...a 30-foot pavement width and then technically on this kinda minor street it's a 44-foot right-of-way and so we are requiring the applicant to provide us with a road widening lot. And I believe that's in the...one of the conditions for this project.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: To follow up on this Deputy Director, does it make a difference in how cars are parked if there's striping along the edge of the road or not?

Ms. Dagdag-Andaya: I'm sorry?

Ms. Wakida: Does it make a difference to where cars can park on the side of a road if there is striping along the edge of the road or not?

Ms. Dagdag-Andaya: You know, I don't know that right off the top of my head. Like as far as them parking in the opposite direction?

Ms. Wakida: No, as far as them...if you park on the side of the road and your wheels are on the road a little bit, when does it become illegal is it if you're over the white line, but if there's no white line what is the rule?

Ms. Dagdag-Andaya: Oh, I don't...I would refer that to traffic, a police officer. I don't --

Chair Hiranaga: Yeah, I think that's law enforcement question.

Ms. Wakida: Well, I'm wondering what difference the white line makes is all. Whether that would be something that would or would not be appropriate for this, for Malo Street?

Ms. Dagdag-Andaya: Yeah, I would defer that to a traffic officer. I mean, we put the pavement markings there and to delineate the pavement, the travel way. But in terms of enforcement, yeah, I would refer that to--

Chair Hiranaga: Would you like the Staff to call the Police Department for an answer?

Ms. Wakida: Well, parking is such a big issue here.

Chair Hiranaga: Well, I mean, hopefully we will get an answer before we take a vote. We can place a call.

Ms. Wakida: Yeah, I think so. I would like...my question is if the street has a white line along the edge of it, is that--let's see what's my question--if someone parks there and their wheels are over the white line does that automatically incurs a fine or a ticket. In other words, does that deter people from encroaching onto the street in parking?

Chair Hiranaga: On and over or just over? Kind of like tennis.

Ms. Wakida: On the line or not.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Maybe, Commissioner Wakida, maybe the better thing is figure out what your end goal would be with that question?

Ms. Wakida: My goal is the people that live adjacent to the church apparently one of their concerns is parking along the street and clogging the streets up. So obviously they're encroaching into the street and my interest is that little white line there would that prevent people from encroaching into the street when they park along there?

Chair Hiranaga: I think the applicant has made the representation that the parishioners will not park on the street. You know, I have a good sense that they will enforce that. So if other vehicles are on the street, they're obviously not parishioners. Any other questions? So you want them to make a call to the Police Department?

Ms. Wakida: Yes.

Chair Hiranaga: Any other questions? Commissioner Hedani?

Mr. Hedani: This is for Staff. The LDS Church has indicated that they're moving to a bigger facility up the hill somewhere and they're vacating their existing church. Do we know for certain when that's going to happen? 'Cause I think that's gonna take a lot of the problem with parking on the street away.

Ms. Benesovska: Thank you for the question. This is Anna Benesovska, Staff Planner. I actually have no knowledge of the LDS Church's plans for moving from the community. I guess it was introduced earlier in this morning in the testimonies and I have no further information on that topic.

I apologize. I was not aware.

Chair Hiranaga: No need to apologize. It's not in your scope of work at this time. Commissioner Wakida?

Ms. Wakida: Yeah, you know, I think I will withdraw my request for the phone call. I'm just trying to honor the people who came here to testify in opposition and you know, be sure that their concerns are addressed but perhaps I don't know that, I mean, I agree with Commissioner Hedani that I think the church has certainly gone above and beyond to try to control the parking problem. This is probably maybe matters that are beyond the church's scope.

Ms. Benesovska: Thank you, Commissioner.

Chair Hiranaga: Any other questions? I have a couple questions unless Commissioner Hedani has a question?

Mr. Hedani: I don't know that it's a question at this point, it's kind of like a statement but I'm impressed with this applicant, from the congregation in terms of how they function. Their ability to control what they do, how they do it, and improve the area that they operate in. No other school I don't think within the State of Hawaii has security provided by somebody that utilizes their facility from 8:00 p.m. to 5:00 a.m. in the morning just to protect the school because it's where they worship. I think that in and of itself is to me speaks volumes about how they do things and how they operate and that that will carry forward to this particular neighborhood to their benefit once this project moves forward and I really would like to see it move forward at this point. Thank you.

Chair Hiranaga: Questions? Commissioner Shibuya?

Mr. Shibuya: Just a comment and maybe it's a cultural thing. I served in Vietnam and during that six-month period during Operation Homecoming I served at Clark Air Force Base in Philippines and I got to ride my bicycle because I didn't have a car and did notice that many of these private homes did have private security and these security individuals either had bow and arrows or shot guns. I had no intention of testing them out, but their shot guns were sawed-off shot guns for short range type of activity and I hope that we're not doing the same thing here. You know, I would ask for maybe consideration for quality of life and appearances. Maybe security cameras might be good enough but then it's your call, but I do want to acknowledge that your security force, the SCAN is just an outstanding force too. I think that's a testament of your quality of the person for the integrity of trust and willingness to protect what you believe in and your property. Thank you.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Lay, you have a question?

Mr. Lay: Okay, earlier I asked about the drainage system. The reason I asked this question because I just wanna know how your system works if you could follow up on that I'd appreciate it. That is especially interested when you're gonna incorporate this into sort of a water feature thing.

Mr. Stacy Otomo: Good afternoon, Chair Hiranaga and Member of the Planning Commission. My name is Stacy Otomo. The drainage is gonna be handled by and it's a not a water feature. It just gonna be a retention basin that's gonna be dry most of the time. It's going to be landscaped in the

front of the church. We're very lucky in the sense that there is a fairly large area if you look at the left of the drawing where we can put that in and it's gonna be supplemented with perforated drains in the both of the parking aisles going up. So the sizing would depend on how much runoff we need to contain and Mr. Raza and I did have conversations because this is an older development in this particular area and if you notice there's no drainage system there. And you know, one of the comment was that Malo Street gets flooded and in the spirit of doing things correctly what Mr. Raza and I discussed and agreed upon is that the church is willing to install a drainage system that's gonna handle all of the 50-year, one-hour storm. So the bottom line is at the end of the day, when this development is completed there be less runoff coming off of this property onto Malo Street than there is today.

Mr. Lay: Thank you.

Chair Hiranaga: Any other questions, Commissioners? I have a couple of questions. One of the concerns I have is the, you have indicated you have services that commence at 5:30 in the morning and you illustrated how many cars may enter your facility at that time. Does the service commence at 5:30 or does the attendees start showing up at 5:30?

Mr. Raza: 5:30 is the prayer time, Brother? Yes.

Chair Hiranaga: So they start appearing before then?

Mr. Raza: Yes, we have two groups of members that arrive to every worship service. The officers meaning the deacons, deaconesses and the choir members, and they normally arrive there half an hour to 45 minutes earlier to set things up, put on their togas, put on their uniform, and they have a prayer before their worship service. And then general church members arrive before that time and then at 5:30 they close the door. So if you're late at 5:30, I'm sorry Brother, but you have to come tonight for the worship service. And then we start our formal worship service at that point. And then hour after that we, again leave in two groups of people, the general members leave and then officers stay behind to finish up setting and cleaning things up.

Chair Hiranaga: My concern is 5:30 a.m., today at 5:30 a.m., it's before sunrise. And my neighborhood if I hear cars before 5:30 in the morning either the surf's up or they're going, they're pulling their boats to Kahului Harbor to go fishing 'cause it's gonna be a good day for fishing. So if I was living next door to your facility and twice a week I hear cars coming in at 5 o'clock or 4:30 in the morning, I wouldn't be too appreciative of that type of noise. You say it's 15 cars, 20 cars. I mean hear one, my neighbor ...(inaudible)...surfing, so if the surf's up I can hear him tinkering around across the street at 4:30 in the morning. So is there any consideration as to starting your services a little later?

Mr. Raza: Brother Bruno?

Mr. Bruno: Absolutely...(inaudible-speaking from the audience)...

Chair Hiranaga: I'm sorry, if you're gonna address the Commission you need to come to microphone.

Mr. Bruno: Rob Bruno again. Yes, we can address the time, but it's only once a week because Saturday or Sunday it's later in the day maybe 8 or 7 o'clock, but the Thursday morning to accommodate the brethren who work, we try to have it at a time that allows them to worship and go to work which their work would take them to the evening so they wouldn't be able to worship at night. So we usually do that by survey with the brethren what is more applicable to them.

Chair Hiranaga: Can you understand my concern though?

Mr. Bruno: Yes I do.

Chair Hiranaga: About cars coming in at 5:00 in the morning.

Mr. Bruno: Yes I do. Well, 5:30 that's early and this would be one of two congregations in all of Hawaii Pacific that would have it that early. Usually it's 6:00, 6:30, but that's also a concern. But we will definitely look into that with surveys. In any situation we're always ...(inaudible)... with our neighbors in things like that. So if you're concerned, we're concerned too.

Chair Hiranaga: 'Cause when you look at your proposed facility you're gonna have the parking on either side of the building which neighbors your neighboring property line. So that's where the commotions are gonna be as they come in and out of their cars and you know, 5:00 in the morning it's very quiet and very still and you could hear cars coming in. So I'd like you guys to take a look at that if you could...and you could, you could adjust it based upon the season because in the summer, the sun rises, you know, about 5:30 and in the winter it rises around 6:00. So if you could maybe in the winter time adjust it so you start at 6:00 so at least at dawn, you know.

Mr. Bruno: We'll definitely. But I didn't know they had winter in Hawaii.

Chair Hiranaga: Pretty soon, I think maybe 30 more days we'll be in our winter. You should stick around.

Mr. Bruno: Thank you.

Chair Hiranaga: Thank you. And my other concern, this is more to Staff. The traffic report which was originally prepared by Land and Water Planning and Consultant, Consulting, 65 Lihwai Place, Haiku in 2005. I looked at the report, there's no principal. I mean, there's no person signing I am the civil, the traffic engineer that has signed this report. Is that a concern to the Department?

Ms. Benesovska: It has certainly been understood that this is the situation the Department understands and had...we had our own planners in the Department taking a look at the report, the ones that, you know, understand traffic implications. But you're correct, it has not been created by a licensed traffic engineer. We brought that to the attention of our applicant and asked him to have it reviewed by a licensed traffic specialist which they have done, and I believe that he is still here with us in the audience if you have further questions on the traffic report that he may be able to address.

Chair Hiranaga: Yeah, my concern is his statement is that he used the base data from the '05 survey. And he's assuming the integrity of that data is acceptable so my concern is, you know, how

creditable is that data from '05 from a company that we don't know who the principal is. I mean, should they have SSFM do a new traffic study?

Ms. Benesovska: We're not recommending for them to do a new traffic study.

Chair Hiranaga: Maybe the Director could comment?

Mr. Spence: Did you say count or comment?

Chair Hiranaga: Comment.

Mr. Spence: Okay. Well, since they hired a traffic engineer perhaps he could comment on what he reviewed with the report that was prepared and if he believes it's adequate or you know, any additional recommendations that he would make for this purpose.

Mr. Mike Packard: Mike Packard, SSFM. With regards to the integrity of the data taken, that is the basis for the re-analysis that I did. I do not know the people who put together the report previously done in '05. I cannot speak toward the data collected then. Although what I can say about the data collection, all it really constitutes is someone counting cars turning off of a road so the activity of data collection is not in itself a professional duty. While the oversight of the data collection is something that I would typically do if I were running the traffic report, the actual collection is not a high level activity. I very often use temps, use interns, you can use video cameras, other ways to not cause huge costs in doing these traffic counts. To project the traffic up to today's conditions we took DOT data along Honoapiilani to project as best we could to conditions today. Of course that does not, it's not an exact representation of conditions then but year to year the constant change, you're always gonna be chasing what the latest conditions are. Whether there's an economic downturn, high tourism, new developments, it's ever changing. And this what happens when these reports sit around for a while, yes, conditions today are different than they were then.

Chair Hiranaga: Yeah, I understand the methodology for collection...collecting the data. You either put a counter on the road or you're physically sitting on a stool and counting the cars coming in and out, but my concern is the basic source of this data is from a company that uses a residential address as their official address and there's no principal that says I so and so collected this data or prepared this prepared this report. It's just, it's a name of a company. And so you're saying your scope of work as you were retained by this applicant was to basically use the data provided and update it and your conclusions. But I understand you can't speak for the integrity of the data and that's my concern is, and it may not be a big deal, it may be, but it just seems if they're applying for a SMA Permit, and there's a requirement for a traffic study it should not just be an exercise, it should be reliable data. I'm not saying that SSFM is gonna vouch for the creditability of the data but I would think the Staff would say, who is, who made this report?

Ms. Benesovska: I can address that I guess to some extent. The report was prepared by Maria Isotov-Chang, who is a consultant on the island who has been preparing various other SMA Permits for other clients in the area and is very well known in the Department. I assume that she has been retained by the applicant back in 2005 to prepare their Special Management Area Permit and their County Special Use Permit and they have made a decision to go with her over other, you know, companies available at the time. The applicant may be able to as well say more about

Ms. Chang her expertise if you wish.

Chair Hiranaga: Actually I know who she is.

Ms. Benesovska: Okay.

Chair Hiranaga: Yeah, I think in the future it would be useful if she signed her report.

Ms. Benesovska: I agree. One thing that I may presented a little bit out of context is that I attached as an exhibit to simplify it. When she submitted the report it was part of her SMA application. So it was part of a larger booklet that actually contained her name on it. When I presented it to you, I took the traffic report part out and put it in as an exhibit, but nonetheless there should have been a name, I agree even on that front page.

Chair Hiranaga: Okay, thank you.

Ms. Benesovska: Thank you.

Mr. Shibuya: A follow up. So there is a signed sheet?

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Yes, so there is a signed sheet, Staff Planner? I'm looking for a R-square reliability factor.

Ms. Benesovska: Are you asking if there is a signed --

Mr. Shibuya: Sheet by Ms. ...

Ms. Benesovska: Ms. Chang. Let me take a look, I'm just scanning really quickly.

Mr. Shibuya: If you do have it then is this proper because you took portions of a previous report that you would be adding it to this.

Chair Hiranaga: I think my concern was who authored this traffic study and ...(inaudible)...

Ms. Benesovska: It's your Exhibit 66. This traffic study was included in her packet for the Special Management Area Permit which had her name on it and I took the portion relevant to the traffic study which unfortunately does not have her name on it. And it's dated, it says who prepared it, but there's no name on it. So I think that's why the confusion is.

Mr. Shibuya: Okay.

Chair Hiranaga: So that's the name of her company, Land and Water Planning Consulting?

Ms. Benesovska: Correct. That's correct.

Chair Hiranaga: Okay, thank you.

Mr. Shibuya: Okay.

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

Mr. Shibuya: I move that this Planning Commission adopt the Planning Department's Report and Recommendation of November 13th.

Chair Hiranaga: I'm sorry, I guess we need a recommendation from Staff. Sorry, it's been three weeks.

Mr. Shibuya: Okay, we'll have a recommendation first.

b) Action

Ms. Benesovska: Thank you, Commissioners. This is Anna Benesovska, Staff Planner. So I'm assuming you want to skip through the analysis and move to the recommendation or should I offer a brief analysis?

Chair Hiranaga: You can provide a brief analysis.

Ms. Benesovska: Okay, thank you. So for the Department's analysis under land use the proposed project is in conformance with the goals and objectives and policy of the Hawaii State Plan. The subject property is in the State Urban District. The proposed action is in keeping with the Countywide Policy Plan goals, objectives, policies and actions. The proposed action is in keeping with the community plan goals, objectives and policies. The County Zoning is designated as R-3, Residential and as such, churches are listed as a special use under the County Residential R-3 zoning designation, Chapter 19.8.030 allows for churches to be permitted in the residential area subject to Maui Planning Commission review and approval. As such, the Iglesia Ni Cristo Church is an allowable special use and is consistent with R-3 Zoning District provided that County Special Use Permit is obtained.

A height variance to allow the steeples to exceed the height limit by 13 feet, 8-inches was approved by the County of Maui, Board of Variances and Appeals in March 24, 2011. The subject property is located within the Special Management Area of the island of Maui and the proposed development meets the goals and objectives of Chapter 205A, Hawaii Revised Statutes.

With respect to agriculture, the proposed project is not located on lands zoned as Agricultural. With respect to archaeological, historic and cultural resources, in a letter dated August 24, 2009, the State Historic Preservation Division concludes that no historic properties will be affected and thus the proposed project may proceed. With respect to infrastructure and public facilities, the project is serviced by an existing 8-inch water line along Malo Street which will be adequate to serve the facility. An individual wastewater system, septic system is planned to replace the existing cesspool which will be pumped and backfilled with selected materials. With respect to drainage, the project site is situated in Flood Zone X. However, the proposed drainage system will be sized to

accommodate the entire post development runoff volume of 3.5 cubic feet per second from the project site for a 50-year, one-hour storm event utilizing the graded catch basins located within the paved driveway and parking areas and conveyed to an underground subsurface drainage system and onsite retention basin.

A traffic study was completed in October 2007 based on traffic data collected in 2005. The traffic study concluded that the proposed project would have only minimal impact on traffic in the area. The study was provided to the County of Maui, Police Department for comment in 2007. The officer providing the comments has been patrolling the community since 2001 and expressed no concerns and recalled no complaints associated with the church's operations in that 6-year time frame. With respect to electrical and telephone utilities, the site is currently adequately serviced by the existing overhead electric, electrical, telephone and cable utilities. With respect to parks, the nearest park facility is the Ainakea Park neighboring the proposed project site to the east. The project is not anticipate to result in increased in usage of the park facilities. In respect to solid waste, no adverse impacts on solid waste resources are anticipated. Further public services, no adverse impact on police and fire protection services and medical services are anticipated. Socio-economic impacts there are no socio-economic impacts associated with this project and with best management practices and mitigation measures the project will not produce significant environmental impact.

Now we move into the analysis for the County Special Use Permit. I've just now concluded the SMA analysis. The proposed development and use meets the required criteria for granting of a County Special Use Permit. This concludes my analysis today.

Chair Hiranaga: Thank you. I had a question with the recommendations from the Department. There's no mention of the parking plan that was recommended by Urban Design Review. Should that included as a project specific condition?

Ms. Benesovska: We can certainly include that. The parking plan was created and we have reviewed it and deemed it sufficient. However, we can condition it so that maybe it keeps being up to date and maintain and so on and so forth so that it's a living, more of a living document than just something that was submitted to us initially. I believe the applicant would be probably open to that.

Chair Hiranaga: I'll leave that to the maker of the motion. Open the floor to a motion. Commissioner Shibuya?

Mr. Shibuya: Recommend approval of the County Special Use Permit and the Special Management Area Permit as well as the project specific conditions. To include --

Chair Hiranaga: Commissioner Shibuya, let's take one at a time.

Mr. Shibuya: Okay.

Chair Hiranaga: So start with the County Special Use Permit.

County Special Use Permit

Mr. Shibuya: Okay, recommend that the Planning Commission approve the County Special Use

Permit.

Mr. Freitas: Second.

Chair Hiranaga: Moved by Commissioner Shibuya, seconded by Commissioner Freitas. As far as that condition regarding the parking plan should that be under the SMA Permit or under the County Special Use Permit?

Ms. Benesovska: That's a good question. Most likely under County Special Use Permit. Oh, I'm sorry...yes, County Special Use Permit because it is not a subject -- traffic...(inaudible)..., is not really subject to the CZMA review, so County Special Use Permit. If I may suggest wording of the condition? So, the Department request the applicant to maintain the operational and management parking plan as submitted to the Department for the November 13, 2012 hearing.

Mr. Shibuya: Accepted as a friendly amendment.

Chair Hiranaga: Accepted by the seconder?

Mr. Freitas: Yes, too.

Chair Hiranaga: Any discussion of the motion? No discussion. Director could you restate the motion?

Mr. Spence: The motion is to approve the County Special Use Permit with the conditions mentioned included one that they maintain the parking plan.

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

Mr. Spence: That's six ayes.

Chair Hiranaga: The motion carries.

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

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

Special Management Area Use Permit

Chair Hiranaga: The floor is now open to another motion for the Special Management Area Use Permit. Commissioner Shibuya?

Mr. Shibuya: Move to recommend approval, I mean, move to approve the standard conditions to include the consideration for photovoltaic systems to sustain their energy requirements as well as drainage systems as well as perhaps having consolidating their septic systems eliminating all of

their cesspools if possible and/or connecting to the available sewage system.

Chair Hiranaga: Okay, just for clarity you are recommending approval of the staff recommendations and you are adding a additional condition?

Mr. Shibuya: No, that's the conditions that we recommended to the applicant.

Chair Hiranaga: Okay.

Mr. Shibuya: To consider I guess implementing.

Chair Hiranaga: Yeah.

Mr. Shibuya: You wanna separate that?

Chair Hiranaga: You should just make a motion to accept the staff recommendation and during discussion if you want to make certain encouragements or confirmation of representations made by the applicant you can do so at that time, but what you just stated was sort of adding a condition was kind of convoluted.

Mr. Shibuya: Okay. I'll just recommend approval of the Special Management Area Use Permit with the standard conditions listed, there's 14 of them.

Chair Hiranaga: And the project specific conditions.

Mr. Shibuya: And the project specific conditions, there's 11 of them.

Chair Hiranaga: Right. Okay, is there a second? Seconded by Commissioner Hedani. Any discussion? Commissioner Shibuya?

Mr. Shibuya: Just like to have the applicant consider improving their sustainability, energy sustainability by considering including a photovoltaic system to generate renewable energy. Also that they can consider consolidating their...by eliminating all of their cesspool systems with a single septic system if the County sewer line is not available. Also the drainage that they will reconsider, relook at and possibility of increasing their capacity by increasing their permeability of some the parking areas.

Chair Hiranaga: Okay, just for clarity, I believe the applicant made the representation that they will size the septic system to eliminate all existing cesspools. So it's not a consideration, it was a representation that they would do so.

Ms. Benesovska: That's correct. Condition No. 21, under Project Specific Condition under the SMA Permit lends itself for amending potentially if you wanna include it could read, "that the applicant shall obtain approval from State of Hawaii, Department of Health, Maui District Office for the proposed wastewater system and will size it to also accommodate the parsonage structure on the property."

Mr. Shibuya: Okay. Sounds good.

Ms. Benesovska: Which the applicant has said today would...they would do. So I can just add that if you will to the conditon.

Chair Hiranaga: So the maker of the motion is in agreement?

Mr. Shibuya: Agreed.

Chair Hiranaga: And the seconder? Thank you. As far as permeability of hardened surfaces. I think, you know, the applicant has made the representation that they will contain all total post development surface runoff and so urging them to go beyond that. It may be cost-prohibitive so...

Mr. Shibuya: Okay, I'll withdraw.

Chair Hiranaga: Any other discussion?

Mr. Spence: Mr. Chairman?

Chair Hiranaga: Director?

Mr. Spence: So the additional condition would be for the consideration of photovoltaic?

Mr. Shibuya: That's correct.

Chair Hiranaga: And the amendment to the Condition 21 regarding septic systems. Commissioner Wakida?

Ms. Wakida: Isn't photovoltaic under Condition 12 that maybe the difficulty is it's in here it says, "conservation." Maybe in light of Mr. Shibuya's interest, not only conservation but--

Mr. Shibuya: Generating.

Ms. Wakida: --generation. Conservation and generation measures. Just include that word because photovoltaic system is in, is listed as one of the ...(inaudible)... perhaps that would be...would cover it. So conservation and generation maybe?

Chair Hiranaga: Well...

Ms. Benesovska: Yeah, I think that could be added. I believe this is one of our standard conditions. So just so you know, this would be amending a standard condition. I don't know if you guys wanna go there.

Chair Hiranaga: Yeah, I want to caution against that.

Ms. Wakida: We can't do that?

Chair Hiranaga: You can, but we caution against it.

Mr. Spence: At some point we want to, Mr. Chairman,--

Chair Hiranaga: Director?

Mr. Spence: At some point, we wanna take your standard conditions and put them into your rules so that, you know, that when you go through the public hearing process and all that, and then if, then everybody will know that's what's gonna be applied to standard conditions and then anything above those will be your special conditions. So instead of modifying standard conditions all the time, we'll just add something ...(inaudible)...

Chair Hiranaga: And since we're looking at Condition No. 12, isn't that kind of a...it's kind of a muddled statement. "Appropriate energy conservation measures shall be incorporated into the project which may include..." Yeah, you may wanna take a closer look at the language on that particular condition.

Ms. Benesovska: Thank you, Commissioner.

Chair Hiranaga: Any other discussion? Seeing none, I'll have the Director restate the motion.

Mr. Spence: Motion is to approve the SMA Permit as recommended by Staff with the addition of the parsonage, including the parsonage in Condition 21 regarding wastewater and the addition of another condition to consider photovoltaic.

Chair Hiranaga: I don't think it was a condition. It was just part of discussion. It's not a condition. It was an urging.

Mr. Spence: Okay, it's not a condition.

Chair Hiranaga: It was an urging.

Mr. Spence: Okay, so then the only modification of conditions would be to include the parsonage in the wastewater treatment system.

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

Mr. Spence: That's six ayes.

Chair Hiranaga: Motion carries.

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

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

Chair Hiranaga: Congratulations.

Mr. Raza: On behalf of the church, thank you very much.

Chair Hiranaga: Yeah, let's take a ten-minute recess.

A recess was called at 2:27 p.m., and the meeting was reconvened at 2:38 p.m.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE OCTOBER 23, 2012 MEETING AND REGULAR MINUTES OF THE OCTOBER 9, 2012 MEETING

Chair Hiranaga: Item D, Acceptance of Action Minutes of the October 23, 2012 meeting and the Regular Minutes of the October 9, 2012 meetings. Motion is open or floor is open for a motion.

Ms. Wakida: So move.

Mr. Ball: Second.

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

Commission Members: Aye.

Chair Hiranaga: Motion carries.

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

**VOTED: To Accept the Action Minutes of the October 23, 2012 Meeting and Regular Minutes of the October 9, 2012 Meeting.
(Assenting - P. Wakida, K. Ball, J. Freitas, I. Lay, W. Hedani, W. Shibuya)
(Excused - D. Domingo, M. Tsai)**

Chair Hiranaga: Moving onto Director's Report E-1a. Director?

Mr. Spence: Thank you, Mr. Chairman. The first item is Mr. Roderick Fong, General Partner of Maui Waiohuli Partners requesting a two-year time extension on an SMA Permit. This is one of those ones where you can either acknowledge receipt of the request and waive review or decide you wanna review, and our Staff Planner this afternoon is Mr. Jim Buika.

E. DIRECTOR'S REPORT

- 1. 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 requests administratively:**

- a. **MR. RODERICK FONG, General Partner of MAUI WAIOHULI PARTNERS requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Hoonani Subdivision, a 27-residential lot subdivision at Hoonani Street, TMK: 3-9-001: 007, Kihei, Island of Maui. (SM1 2008/0024) (J. Buika)**

Mr. Jim Buika: Thank you. Good afternoon, Commissioners, Chair, Planning Director, Corporation Counsel, Deputy Public Works Director. My name is Jim Buika, Planner with the Planning Department and I'm the Planner on reviewing this SMA time extension request for the subject Hoonani Subdivision affordable housing development of 27 lots located in Kihei. I did this project, I brought this project before approximately three years ago. Some of you, a few of you may remember it. This item is a request from the applicant, the Maui Waiohuli Partners for a two-year time extension for this SMA Use Permit, SM1 2008/0024 under the SMA Rules for the Maui Planning Commission, Section 17, Amendments to and Determinations of Permit Terms, Conditions, Time Stipulations. With us is one of the partners and the owner, Roderick Fong, who can answer any questions you may have about the project. I have provided you a summary packet. It begins with an Exhibit 1. It contains the request letter. There's a five-slide presentation that shows the aerial map, the site maps and then several slides there that show you all of the various mitigation actions that have been incorporated into the project.

Summary of the reviewing agency comments from the Planning Commission in 2009, and the preliminary engineering report and the preliminary drainage and soil erosion control report, September 2008. There are also comments from Public Works and the Department of Housing and Human Concerns. As far as the time extension request, the applicant has met the time extension criteria listed in Section 12-202-17(e). The Department has determined that the proposed project will not have a substantial adverse environmental or ecological effect and that there are not any existing changes to the SMA area that will cause the permit holder's development to adversely effect the capacity or condition of the infrastructure in the area.

The reason for the SMA time extension request is that the applicant could not proceed in a timely manner after receiving the SMA permit at the end of 2009 because of the original Show Me the Water Bill. It was just too onerous to move forward with this affordable housing project which required their own water source. However, in 2010, the Maui County Council amended the bill to allow available water to be used for projects that are 100 percent affordable. With the amended bill the subject subdivision has received a 100 percent affordable housing agreement signed by the County and recorded on January 30, 2012, and that is in your packet as Exhibit 2. With this agreement the applicant has proceeded to complete the plans and the plans have been submitted and several of the plans are gonna be submitted next week for departmental approval. Once the plans are approved, the project is ready to proceed. So from the above determinations, the Department recommends waiver of the time extension review by the Maui Planning Commission in order for the Department to administratively review the request for the two-year time extension. This concludes my remarks. The Department and applicant are available if you have any further questions regarding the two-year time extension.

Chair Hiranaga: This bullet point exhibit was that prepared by you or by the applicant?

Mr. Buika: That was prepared by the Department in conjunction with the applicant and that was

part of the proceedings in July and August of 2009.

Chair Hiranaga: Thank you. Questions? Commissioner Wakida?

Ms. Wakida: My question either to Jim or the Director, this workforce housing agreement is this fairly typical of workforce housing, residential workforce housing agreements this the one that's here. Pretty standard stuff or is this tailored pretty much to this development?

Mr. Spence: All workforce housing agreements are specially tailored with the Department of Housing and Human Concerns. They are legal agreements that the County steps into together as partners with the applicant. However, you asked if this was pretty standard. Well, it's standard to do that to enter into these kinds of agreements. I think what's unusual is that this is 100 percent affordable project. So that's, I think that's a commendable thing.

Ms. Wakida: Well, one of my questions has to do with the affordable sales period. If I read this right, the sales period begins the day they announce they're gonna do the project to the public. And then they have 90 days and they may not even have broke the ground yet and if nobody...people don't come forth to by the units then they can put 'em up for the next higher category. It doesn't seem like that affordable criteria lasts very long to give the people a chance. But I didn't know if this was pretty typical. It says there's three affordable income groups and if after 90 days nobody steps up then they go onto the next group and so on. So--

Mr. Shibuya: ...(inaudible)...

Ms. Wakida: Right. So what I'm saying is, is this really gets out of the affordable category pretty darn quickly.

Unidentified Speaker: ...(inaudible)...

Chair Hiranaga: Order. You're looking at Page 6?

Ms. Wakida: Well, I'm on Page 2 at the moment, but Page 6, yes.

Chair Hiranaga: Your question arises from what page?

Ms. Wakida: Well, Page 2, Page 3, well...

Chair Hiranaga: You're talking about when sales commence?

Ms. Wakida: Yes. Yeah, I just wanna understand how, how this works and how much time people have to, you know, to come forth, and not be shut out of the affordable.

Chair Hiranaga: Well, if you look at Page 6, Section C, sales of residential workforce housing units, it says the developer shall deliver to the Department of Housing and Human Concerns not less than 15 days,...(inaudible)... calendar days prior to the commencement of the affordable sales period. So it's not when they announce these are for sale. There's a process.

Ms. Wakida: I don't...say that again?

Chair Hiranaga: Or you could read it here, Page 6.

Ms. Wakida: Yeah, but I mean what were you...

Chair Hiranaga: Section C. The developer has to give 15 days notice to the Department of Housing and Human Concerns that they're gonna start their sales period.

Ms. Wakida: Yes.

Chair Hiranaga: But, it doesn't mean the sales period starts in 15 days. It could start 90 days from date of notice. You just have to provide them--

Ms. Wakida: Yes, no. That's correct. What I'm was just curious about was when it's announced to the public that we're gonna start sales the public has 90 days to jump into say the first category and I'm wondering if that's pretty standard or just in this short period of time before they lose the option of having that price range.

Mr. Spence: I believe, and perhaps some time in-- Mr. Chairman?

Chair Hiranaga: Director?

Mr. Spence: Perhaps at some point in the future we can get Jo-Ann Ridao to come down and discuss some of these contracts with developers so we understand, you know, pretty much what's standard and what's not. I understand the standard wording in these agreements and I should point out that this is already a binding agreement with the County. This is not subject to negotiations with the time extension for an SMA permit.

Ms. Wakida: I understand that.

Mr. Spence: But my understanding is this is a pretty standard contract with a developer.

Ms. Wakida: Okay.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: I think for a 100 percent affordable project a lot of times you'll have a wait list of people that are interested in projects like that. So 90 days is actually a very long period of time for them to act on it if you have a line of people waiting for the word, go. It could go in 24-hours.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: However, my understanding of affordable there's about six categories and this one starts with the families earning 81 to 100 percent or less of annual median family income. If that were today's figure, Jim, do you have any idea or anyone else, what the County annual median family income would be?

Mr. Buika: I have no idea, but I'm sure Department of Housing and Human Concerns tracks that and all of this is in compliance with the existing ordinance. This is all, looks like typical categories that they require.

Ms. Wakida: Okay Yeah.

Mr. Buika: So I think...

Ms. Wakida: Okay.

Mr. Buika: I don't know what it is.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Is this a stand alone project or is this a tie in with something else? Maybe the affordable component of another project or is it...

Mr. Buika: Yeah, this is a stand alone from owners of the property, kamaaina who have owned the property for 30 years and are just developing it now.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: One last question just about how this works. It says in here under this agreement that the developer will make a good faith effort to ensure that all affordable buyers comply with the provisions in here. How long does the developer stay involved in this project after everything's sold? Can you...well look in your crystal ball.

Mr. Buika: I can have Roderick. I'd like to introduce you to Roderick Fong, who is a partner in the project to say a few words.

Ms. Wakida: Thank you.

Mr. Roderick Fong: Mr. Chairman and other Members of the Commission and of the County Officials that are here. My name is Roderick Fong representing the Maui Waiohuli Partners. And I wanna go back and answer you about the affordable agreement. I just had Martin Luna work with the ordinance that he came out with this binder of the ordinance and he said he had other similar agreements that we worked with the Housing Department with and so they worked it out. They worked out all the different categories and the amount of homes from the 27, how many were going to be in the 100 to 160 percent and how many would be on the lower end. And I think it was pretty standard what they were agreeing to. I didn't feel that it was anything we deviated from that was in the agreement. We had to have the Corporation Counsel review it before all the agreements was made and then signed and then approved. So going back to the affordable units also too, I think it was...it's between 50 to 60 the medium income is between fifty to sixty thousand dollars a year so 160 percent of that is maybe 100, 100,000 or something for a family. Your last question on the-- was pertaining to, what was your last?

Ms. Wakida: You want me to repeat it?

Mr. Fong: Yes.

Ms. Wakida: I just was looking at a purchase agreement where you have to require a period of 25 years after purchase by an affordable and so on--and it says, the developer will make a good faith effort to ensure that all affordable buyers comply with this provision by requiring the affordable buyer to cooperate fully with the developer over this 25-year occupancy, owner-occupancy requirement. How long and honestly what, does a developer stay involved in a project once it's all sold out?

Mr. Fong: Yeah, the way I look at it, because we're doing only half of the project we will be, we would still own the remaining drainage and remaining property other than the individual homes. So I know we're gonna be personally adjacent to the project. I don't know how tied into agreements a developer is in being there. I mean, I don't know what's difficult. I'm not really developer. I'm more a contractor. So we'll be doing the groundwork and so forth. And then we have a vertical contractor doing the buildings, Armstrong Builders. But, and I'm relying on Armstrong Builders, who are familiar with affordable housing being built here in Hawaii and here on Maui. I'm working with them to work out the agreements with the homeowners and we're gonna develop that list that they talked about and they're gonna be handling the qualifications of these homeowners. But I just don't know how it ties us in. We'll be physically there. I know I'll be still here on this island and probably we'll still own our adjacent property to this project.

Ms. Wakida: Follow up? I ask this of the Director. Does the County continue to be involved in the resales of these homes? As far as what these requirements are. Do these...they flag out somehow where they wanna sell and the new owner needs to also be an affordable buyer. I mean, does the County ...(inaudible)...

Chair Hiranaga: Corporation Counsel would like to answer that question.

Ms. Thomson: The County Code requires deed restrictions and in the deed restrictions there are notification provisions so the new owner, the new owner of an affordable unit would have to notify the County if they intended to sell within that restricted period.

Chair Hiranaga: Yeah, if you look at Page 7, about the middle of the page, the County of Maui has the right to exercise its buy back option. So they're the enforcing agency.

Ms. Wakida: Yes. However, it says that the units here shall require that for a period of 25 years after purchase by an affordable buyer, the units shall at all times be owned and occupied by an affordable buyer. So I'm just interested to know how anybody controls that. How do you know that the new owner--

Chair Hiranaga: There's a deed restriction and so during the sale in the preliminary title report it will say that the County has to be notified of the sale. At that time, the County will decide if that meets the criteria. And if not, they can exercise their buyback option. Rarely does the County have ever exercised that buyback option.

Mr. Fong: Yeah, I believe there have been several projects not only County owned but privately owned that know about their years of how many...how many years they need to hold onto the

project before they can sell it on the market. And if they do sell it, they have to sell it to someone who qualifies for the same lot.

Chair Hiranaga: They should.

Mr. Fong: Yes. I don't know how it ,how it works.

Ms. Wakida: Well, that's my...for the record, that's my concern is keep affordable housing affordable as long as, as legally required.

Chair Hiranaga: I believe that when it goes into escrow the County is notified of the pending sale. Then the County has to decide if that new buyer is in compliance. If it's not, they have the buyback option. Rarely does the County ever exercise that option. Commissioner Ball?

Mr. Ball: It also needs to be something from the County saying they won't exercise their right to the buyback before that deal could close.

Chair Hiranaga: Yeah.

Ms. Wakida: But that reason would be because they have an affordable buyer, correct?

Chair Hiranaga: The County is notified of the pending sale.

Mr. Ball: Because they have the option to purchase.

Chair Hiranaga: Corporation Counsel would like to add something.

Ms. Thomson: So in addition to the County having a right to repurchase the unit, the Code, I'll just read it, it's easier. The Code...sorry, if the County doesn't exercise its right to purchase the unit, the units may be offered at an affordable price set by the Director with the same deed restrictions and that will be offered to another affordable buyer and then affordability determined at date.

Chair Hiranaga: Any other questions? Commissioner Freitas?

Mr. Freitas: So as I just heard, the Director will, would set the price for the affordable house?

Chair Hiranaga: I believe it's the Director of Housing and Human Concerns.

Mr. Freitas: Oh, Housing and not the Director of Planning, okay, thank you.

Mr. Fong: I think...(inaudible)...so many months there's a list that comes out that everyone follows.

Chair Hiranaga: Any other questions? So in this bullet point there's a representation that all post development runoff will be retained onsite and I kinda perused the report and see that statement so I just wanna confirm that that's the agreement with the developer, the applicant?

Mr. Buika: Yes, that's the correct.

Chair Hiranaga: Okay, thank you. Commissioner Hedani?

Mr. Hedani: I move that we acknowledge request...receipt of the request and waive review.

Mr. Freitas: Second.

Chair Hiranaga: Any other questions? Any discussion? I'll have the Director repeat, restate the motion.

Mr. Spence: The motion is to acknowledge receipt of the request, but to waive review.

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

Mr. Spence: That's six ayes.

Chair Hiranaga: Motion carries.

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

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

Mr. Buika: Thank you.

Mr. Fong: Thank you.

Chair Hiranaga: Moving onto Director E-1b. Director?

Mr. Spence: Ms. Wendy Fujinaka, AIA of Riecke Sunnland Kono on behalf of the Nisei Veterans Memorial Center requesting a two-year time extension on SMA Permit to complete construction of the Nisei Veterans Center and our Staff Planner this afternoon is Candace Thackerson.

b. MS. WENDY A. FUJINAKA, AIA of RIECKE SUNNLAND KONO ARCHITECTS, LTD. on behalf of the NISEI VETERANS MEMORIAL CENTER requesting a two (2)-year time extension on the Special Management Area Use Permit condition to complete construction of the Nisei Veterans Memorial Center project at TMK: 3-8-007: 123, Wailuku, Island of Maui. (SM1 93/0023) (C. Thackerson)

Chair Hiranaga: Okay, at this point I'd just like to make a disclosure that my father is a member of the AJA Veterans Association, but I do not plan to recuse myself. Commissioner Ball?

Mr. Ball: And I'd also like to make a disclosure that my grandfather was a veteran of the Nisei and my mom is also a participant in the Nisei Veterans Society.

Chair Hiranaga: But you're not planning to recuse yourself.

Mr. Ball: But I'm not planning to recuse myself unless it gets another five minutes and I'm gonna have to leave.

Chair Hiranaga: Please proceed Candace. Oh, Commissioner Shibuya wishes to say something.

Mr. Shibuya: I wanna disclose that I donated to this fund and I'm not recusing myself.

Chair Hiranaga: Any other disclosures? Moving on.

Ms. Thackerson: So this will be the fourth time extension request for this project. The first was granted by the Maui Planning Commission at its regular meeting on May 27, 2003 extending Condition No. 2 till June 30, 2008. The second time extension was granted by the Maui Planning Commission at its regular meeting on October 14, 2008, extending Condition No. 2 till June 30, 2010. And at its third, and the third time extension was granted by the Maui Planning Commission at its regular meeting on February 8, 2011 extending Condition No. 2 till June 30, 2012. And the reason behind most of this delay has been issues with the Burial Council which we brought up last time. However, since then it's all been cleared and they've gotten their permits to do all the grading on the neighboring parcel and they're almost done with the project, they really are. They've already filed for their Certificate of Occupancy. It's now just extending the condition for two more years so that construction of the project will be completed by June 30, 2014 just to give them enough time to finish their construction and wrap everything up. Wendy is here if you guys have any questions about how it's going or anything like that, and if not, I'll turn it back to you.

Chair Hiranaga: Questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Not a question.

Chair Hiranaga: No questions? Open the floor to a motion. Commissioner Hedani?

Mr. Hedani: Move to acknowledge receipt of the request and to waive review.

Mr. Lay: Second.

Chair Hiranaga: Seconded by Commissioner Lay. Any discussion? Seeing none, we'll have the-- discussion, Commissioner Hedani?

Mr. Hedani: In honor of Veteran's Day yesterday and moving forward, I think I've seen tremendous progress at the site with the improvements that they've already completed and we wish them the best.

Chair Hiranaga: Any other discussion? Seeing none, we'll have the Director restate the motion.

Mr. Spence: The motion is to acknowledge receipt of the request, but to waive review.

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

Mr. Spence: That's six ayes.

Chair Hiranaga: Motion carries.

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

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

Ms. Thackerson: Thank you.

Chair Hiranaga: Moving onto E-2, Director?

2. Planning Commission Projects/Issues

a. Amending the SMA Boundaries

Mr. Spence: Item 2, we have nothing to report to the Commission about amending the SMA Boundaries. Perhaps as we go forward with...now that the Maui Island Plan is going to first reading, there's like some time left over for other things. So we might be able to move into that direction.

Chair Hiranaga: Moving onto 3, 4, and 5.

3. EA/EIS Report

Mr. Spence: No. 3, in front of the Commissioners you have a copy of the Final Environmental Assessment for the Community Plan Amendment, District Boundary Amendment, Change in Zoning for the Puunene Heavy Industrial Subdivision located on Mokulele Highway. It's actually back a little bit from Mokulele Highway, mauka of the drag strip there. And the proper term we've been informed time and time again is, it's Pulehunui, it's not Puunene. So anyways, I'm ... I guess this is coming up on your November 27th agenda. It's a issuance of a FONSI or whatever the Commission's decision is.

4. SMA Minor Permit Report

5. SMA Exemptions Report

Chair Hiranaga: Commissioner Shibuya, you had a couple of questions? Did you get your answer or not?

Mr. Shibuya: Yes, I did. And in fact, one of the questions was Paia Commercial Building and I did get my answer and it's a half-million dollar type project. And second one was the...related with the Maui Medical Plaza. It should have been taken off the list because we had already heard that issue.

Chair Hiranaga: Okay, moving on. Discussion of future Maui Planning Commission Agendas. Director?

6. Discussion of Future Maui Planning Commission Agendas

a. November 27, 2012 meeting agenda items

Mr. Spence: So the memo dated November 9th from Planning Program Administrator, Clayton Yoshida for the November 27th meeting you have three public hearings for bed and breakfasts and the aforementioned New Business of EA Determination for the Pulehunui Heavy Industrial Project. We have...I don't know about the scheduling of Item C, the Communication from Chris Hart and Partners on behalf of the Family Life Center requesting a 10-year time extension of a Special Use Permit. I assume that's going to go on. And then last Item D, Director's Report, for a time extension of an SMA Permit for the Royal Lahaina Development Group. So that's what's coming up.

Mr. Ball: Is this gonna be brought up at some point?

Mr. Spence: I'm not sure what that is?

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Sorry. Referring to the letter that was put on packets for the Stable Road seawall groin project.

Chair Hiranaga: You can bring that up as a Planning Commission issue for the next meeting.

Mr. Spence: Certainly.

Mr. Ball: Okay. I'll just save this then.

Chair Hiranaga: That way the Staff will be prepared.

Mr. Ball: You looked puzzled. So this was put on our desks from Tara Owens. I'm pointing at you Will.

Mr. Spence: Okay, I'm emailing Clayton be prepared.

Chair Hiranaga: Our next regular meeting is November 27, 2012, if there's -- Commissioner Hedani?

Mr. Hedani: Just for the record, before we adjourn I'd like to recognize the passing of Chris Hart. He was a former Planning Director for the County of Maui and made numerous appearances before the Commission and acknowledge the good work that he did on behalf of the County.

Chair Hiranaga: Thank you for that. My parents have known Chris Hart for over 50 years and I have known Chris Hart for over 30 years and he was a good man and made many valuable

contributions to the County of Maui.

The Commission Members concurred.

Chair Hiranaga: If there's no objection, this meeting is adjourned.

F. NEXT REGULAR MEETING DATE: NOVEMBER 27, 2012

G. ADJOURNMENT

The meeting was adjourned at 3:10 p.m.

Submitted by,

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

RECORD OF ATTENDANCE

Present

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

Excused

Donna Domingo
Max Tsai

Others

Will Spence, Director, Planning Department (in attendance at 10:50 a.m.)
Clayton Yoshida, Current Planning Division Administrator, Planning Department
(9:00 a.m.-11:56 a.m.)
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works