

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

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:03 a.m., Tuesday, November 27, 2012, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Mr. Kent Hiranaga: This is the Maui Planning Commission meeting, November 27<sup>th</sup> 2012. I'd like to call the meeting to order. At this time, I'd like to open the floor to public testimony regarding any agenda item. Is there anyone here that wishes to speak at this time? Please come forward. Seeing none, public testimony is now closed. Moving on to agenda item B-1. Deputy Director?

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

- 1. MS. COLLEEN BRADY requesting a State Land Use Commission Special Use Permit for the Lilikoi Lani Farm Bed and Breakfast, a five (5)-bedroom bed and breakfast located in the State Agricultural District at 2460 Kaupakalua Road, TMK: 2-7-002: 061, Haiku, Island of Maui. (SUP2 2012/0008) (J. Prutch)**

Ms. Michele McLean: Thank you, Chair. Good morning. The first public hearing item was an application from Ms. Colleen Brady requesting a State Land Use Commission Special Use Permit for the Lilikoi Lani Farm Bed and Breakfast in Haiku. As noted on the agenda, this item will be rescheduled and renoticed. Joe Prutch is the staff planner so he may have additional comments, but it appears that this item . . . testimony can be taken on it, but that it will not be considered by the Commission today.

Mr. Joseph Prutch: Yeah, we're rescheduling it for the January 8<sup>th</sup> Planning, so first one of the year. They'll be back for Planning Commission then. Did we notice everything? Yes. We wanted to be sure that if the public is gonna speak, they had a chance to speak, but it doesn't look like there's gonna be any. So you'll see it in January.

Mr. Hiranaga: Thank you. So at this time, I'll open the floor to public testimony regarding agenda item B-1. Is there anyone here that wishes to speak? Seeing none, public testimony is now closed. Moving on to B-2, Deputy Director.

- 2. MS. JENNIFER ELY requesting a State Land Use Commission Special Use Permit in order to operate the Haiku Anuenue Bed and Breakfast, a bed and breakfast operation using the two (2) bedroom second dwelling for bed and breakfast purposes in the State Agricultural District at 544 Kaiapa Place, TMK: 2-8-005: 099, Haiku, Island of Maui. (SUP2 2012/0023) (K. Wollenhaupt)**

Ms. McLean read the agenda item into the record.

Mr. Kurt Wollenhaupt: Good morning, Members of the Maui Planning Commission. This is a request to operate a bed and breakfast at 544 Kaiapa Place in Haiku. The Commission has seen numerous requests of this kind in the Ag District as this operation is located in the State agricultural zone. It's a requirement that the Maui Planning Commission review this for a State Land Use Commission Special Use Permit.

Just to give some background, the applicant did, as required, notify all of her neighbors within 500 feet for the submission of the bed and breakfast in Paia, Haiku, under the No. T20120006. In response to that, there were no objections. Therefore, the bed and breakfast may be approved administratively by the Department should this Commission today, find the State Land Use Commission Special Use Permit to be held up for recommendation. The name of the proposed bed and breakfast is Haiku Anuene. And the discussion today is for a State Land Use Commission Type 2, 20120023. Type 2 referencing that this project area is less than 15 acres, so this Body has the authority for approval.

The land use zoning is agricultural as mentioned from the State perspective. It's also from a County perspective, zoned agricultural. Within the Paia-Haiku Community Plan, it is also considered for agriculture. This project is located outside of the special management area; therefore, no special management area assessment is required. And it is located in rural Haiku.

The request by the applicant, Ms. Jennifer Ely, is to operate a two-bedroom bed and breakfast. There are two dwellings on the property: the main dwelling which Ms. Ely lives in; and also, a second dwelling located on her lot which is just over one acre. I know that in the past, the Commissioners have requested what's going on in the area. There are no permitted B&Bs within 500 feet. Therefore, there's not a requirement to have a public hearing on the bed and breakfast under that provision of the law. I took it out to one mile which does cover a considerable range. There's only one permitted B&B within one mile. And of course, there are no short term rental homes permitted in that area yet, because this Commission hasn't seen any short term rentals. However, you'll be seeing them in great abundance starting in January.

Part of the requirements that were promulgated by the Council in looking at these farming operations, is there a farm plan, and has it been approved and implemented? Ms. Ely does have a farm plan, 20120037, which has been approved and implemented. And her farm plan focuses on sheep grazing, raising, and crop production. Interestingly enough in looking at the State of Hawaii's land classification, this land is classified as C-9 whose use is for primarily, grazing and pineapple production. So Ms. Ely is in conformance with some of the uses of this area, traditionally, in the sense that she does have sheep on her property.

The big arrow there points to where this property is. It's mauka of the Hana Highway just off of Kaiapa Road, not too far from the intersection of where the Hana Highway reduces in width, and as you're on your way to Hana.

Here's a detailed version. This was taken on a dry period. I was just out there last week. And her triangular lot, the rear area is used for grazing. It's all lush and green now. This picture, either because of Bing photography or the time of the year was drier. However, that is being used as the pasture land of the sheep.

This drawing is showing the two-bedroom dwelling to be used. It's the two-bedroom cottage which is on the left side of the screen. There's plenty of parking area. In fact, there's a large enough parking area for a turnaround. Her main house is on the right side of the screen. They're definitely . . . It's down a road and then it ends at this property. So parking has been compliant with the requirements of the Bed and Breakfast Ordinance.

This shows the implemented farm plan. The pasture for the sheep is in the triangular portion. I can attest to the fact that there are sheep because there was steaming divots as I was walking around, so there definitely are sheep out there. And they were actually being taken by Ms. Ely for getting . . . for breeding purposes. And I guess there'll be some baby sheep coming up in the future. There was a chicken coop. I did see the chickens. And she has a variety of fruit trees. The fruits are used by the community. I think there's a lot of like, bartering that goes back and forth with neighbors.

This is an example of the sheep that were evidenced on the farm, some of the fruits that were there. Again, some of the different types of crops mostly used for the family's purposes.

Here's a look at the bed and breakfast house being used for the B&B. Again, I just wanted to remind the Members that the B&B itself, this is for the State Land Use Commission Special Use Permit and the agricultural operations. However, the B&B is compliant with the requirements. I did go out. They do have the smoke detectors, the fire extinguishers, so it would be compliant from the requirements of the B&B Ordinance.

This is an interior shot. As indicated, there are two bedrooms, only one cooking area which is, of course, a requirement. This is just another shot.

So Jennifer thanks you. She is in the audience today and be happy to answer any questions that you have. I think the power point does cover the presentation in sufficient depth to answer most of the questions; however, I'm happy to answer questions. And the applicant's here in case you have some questions on her farming operation.

Mr. Hiranaga: Thank you. Does the applicant wish to speak?

Ms. Jennifer Ely: My name is Jennifer Ely, and I don't have anything prepared, but I've been doing the farming for about two and a half years now. I've had sheep on the property and very much enjoyed it. It's been a wonderful treat for my children to experience raising of animals other than cats and dogs. So we also have chickens. Currently, we have five, but we've had up to 12. It just depends on the activity in the area at the time. I'm looking forward to having a bed and breakfast. It will help me financially. It's a little tough here on the islands. So, I don't really have anything else unless there's specific questions that you'd like me to cover.

Mr. Hiranaga: OK. We're gonna reserve questions for later. Thank you.

**a. Public Hearing**

Mr. Hiranaga: At this time, I'll open the public hearing. Is there anyone here that wishes to speak regarding this agenda item? Please come forward. Seeing now . . . seeing none, the public

hearing is now closed, and I'll open the floor to questions from Commissioners. Commissioner Freitas?

Mr. Jack Freitas: This is for the applicant. Your property taxes, are you paying ag rate or . . . ?

Ms. Ely: Yes.

Mr. Freitas: You're paying ag rate on your property tax?

Ms. Ely: Yes. Currently, we are. We've . . . I'm not sure what all the terms are, so maybe I have it incorrect, but I did submit . . . yes, I did submit my farm plan ag I believe a couple years ago. And I do pay a lower rate. I recognize that there are some changes if I'm approved for a bed and breakfast that would occur. I don't know exactly what they are, but I believe I lose my home exemption, and my rates change, and I'm prepared for that. Is that correct? I mean, I'm assuming you know the answer to that.

Mr. Freitas: No, I don't. That's why I asked the question. If I did . . . (inaudible) . . .

Ms. Ely: Yeah, I do pay a reduced rate for my ag operations on the property.

Mr. Freitas: Have you ever generated any income from your ag produce . . . ag or . . . and do you have what they call a resale license?

Ms. Ely: I do not have a resale license. I do not currently try to resale my crop production. My . . . I have a lot of ag neighbors. And I . . . What we do is we trade. And so I have an endless supply of avocados, and citrus, etc., coming in. And I offer my eggs, and my tangerines, and my oranges in return. In terms of the sheep, the sheep frankly, have been a very expensive proposition for me, and not something I'm making money on yet, but I'm looking at . . . There's some . . . It's very difficult on one acre to make money with ag. I am doing my best to figure that out.

Mr. Freitas: How big is your herd of sheep?

Ms. Ely: Currently, it's two. That's all I can support on one acre, but I'm looking . . . actually, I just met with my neighbor who's renting the EMI land in front of me to see if I can rent that land so I can expand. I'd like to get a male sheep, which is one of the problems that I have is that I have to pay breeding fees every time I need to breed them. And it gets very expensive to trailer them and to pay the stud fees. So we're looking at bringing in a male sheep that will actually make a step towards us being . . . I don't wanna say profitable. That's grossly overstating it, but at least breaking even.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Ball?

Mr. John "Keone" Ball: I'm not sure who can answer this, but what's the access to the property? I see Kaiapa Road kinda ends, and the property seems a little . . .

Ms. Ely: Yeah, there's an easement that we have that goes across EMI District.

Mr. Ball: OK.

Ms. Ely: And that was . . . I actually didn't know that until our building permit to build the second structure. And that was our engineering group needed to understand that. So I learned that recently.

Mr. Ball: OK. And is that . . . does that run with the property?

Ms. Ely: Yes.

Mr. Ball: Or is that a lease?

Ms. Ely: No. I did not have to do anything addition . . .

Mr. Ball: Is it recorded?

Ms. Ely: Yes, it's recorded. I did not have to do anything additional to get that.

Mr. Ball: OK. Great. I have one more. There was a photo there of the cottage, and I noticed there wasn't a railing on there. Is that a requirement?

Ms. Ely: On the front, the height of it is only I believe 26 inches. Not a requirement until it gets to, I believe, it's 30 inches. And Jeff Johnson from Planning have looked at it. There is on the back which is over 30 inches on the back.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Wakida?

Ms. Penny Wakida: Actually, well, actually this question . . . if there's another . . . other questions for the applicant, I'll defer. My question's for the planner, for the . . . Kurt.

Mr. Hiranaga: For the Kurt? Commissioner Shibuya?

Mr. Warren Shibuya: I just wanted to confirm that you do have a fee simple ownership of the property.

Ms. Ely: I do.

Mr. Shibuya: And the next one is the water supply. The size of the water meter that you have?

Ms. Ely: Five-eighths.

Mr. Shibuya: Five-eighths inch. And that's only one water meter and it does both ag and domestic?

Ms. Ely: I do not need any water for the ag operations. So, yes, yeah. The sheep are remarkably . . . they don't need water. I have a trough that's full and the never use it. They get all of their water from the grass that they eat.

Mr. Shibuya: OK. No, no problem. And then the fire hydrant, which is the closest fire hydrant and what size fire hydrant?

Ms. Ely: I have no idea of the size.

Mr. Shibuya: Maybe the staff member can respond to that.

Ms. Ely: OK. I don't know the size of it. I don't know how to measure them. I have it visually in my head, but it's . . . Do you mind if I go up there . . . (inaudible) . . . ? . . . (inaudible) . . .

Mr. Shibuya: If you were to go on the map?

Ms. Ely: . . . (inaudible) . . .

Mr. Shibuya: And how far is that to your property?

Ms. Ely: . . . (inaudible) . . . I don't know if it's in here or not. It's under 500 feet . . . (inaudible) . . .

Mr. Hiranaga: Ma'am. Yeah, we can't hear you or record you without speaking into the microphone.

Ms. Ely: I can't remember. It's close to 500 feet because it's right there at the edge of my 500-foot marker that I had to notify. Other than that, I'm not very good at distances.

Mr. Shibuya: Yeah. The question is related to public safety because now you have other lives involved.

Ms. Ely: Perfect. Yeah, it's right at the 500-foot mark. Thank you.

Mr. Shibuya: OK. Thank you.

Mr. Hiranaga: Other questions? Commissioner Wakida?

Ms. Wakida: Yes, this is for Kurt. I'm looking at an old B&B application. And our . . . does this B&B . . . I don't know if this has been amended. Under 19.64.030, is that the ordinance that the B&B still fall under?

Mr. Wollenhaupt: 64, yeah, it is 64.

Ms. Wakida: The reason I'm asking is I'm looking through the one that I . . . this old one, and there's nothing in there about fire extinguishers, that kinda thing, in this particular ordinance. And I didn't see it in this application. And I'm wondering where it shows up.

Mr. Wollenhaupt: Now that's what can be interesting here. The B&B Ordinance is approved administratively by the Director and is reviewed by the Department for things such as fire extinguishers and all that. The only reason it would come to you would be if there is another B&B within 500 feet, if we have protests. I believe it's 40% of the people protest. Then you would be

looking at both the SUP2, which is looking at just the ag and you'd be looking at the B&B. And then you would be putting all of those recommendations into your approval, which would include fire extinguishers, and all of the 20 or 30 regulations and requirements that the Department would put in on the B&B permit. You're just looking, because there were no protests on the B&B application, the State Land Use Commission's use of agricultural land. So that really doesn't get into all of the issues about fire extinguishers and the specifics of the bed and breakfast operation. So they'll be getting a permit, a B&B permit, that will have all of the regulations: fire extinguishers, compliance reports, quiet times, house rules, hosting. And then you'll be giving them a permit that will have the conditions, if you approve it, and specifically to the SUP2. So that's why some reports, if you're approving both the B&B and the SUP are gonna have all of those conditions in 'cause you're the approving Body.

Ms. Wakida: No, I understand we're only one area of approval. That . . . and you've answered my question, which was is there in the permit process beyond what we're doing, a category that involves all the things that you said, and you answered that sufficiently.

Mr. Wollenhaupt: Oh, OK.

Ms. Wakida: That covers the fire extinguisher and that . . . those sorts of things. It's part of a . . . I was really asking is it part of the standard conditions that are part of the application process? Not our kuleana, but other . . . the other part of it.

Mr. Wollenhaupt: It's part of the requirements. It's part of the final permit that they will be given. And it's also part of the requirements that when I go out there, I look to see if there's a fire extinguisher, an ABC type; is it within 75 feet of the different sleeping rooms? And in fact, in Ms. Ely's case, she has two sleeping rooms, but I was concerned that if one of them was locked off that even though it is within 75 feet, I asked her to put two fire extinguishers in, and she agreed to that. So it was a higher level of safety.

Ms. Wakida: Thank you.

Mr. Wollenhaupt: OK.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: While we're on the safety, let's go back to the railing there. And my concern is that it's on the cottage, right? It could potentially be rented out. Or is that on the main house?

Ms. Ely: No, this is on the . . .

Mr. Hiranaga: Please speak into the microphone. Thank you.

Ms. Ely: That is on the front of the cottage, yes, that one. Who's question? Oh, there you are. OK. Yes, it's . . . that one is on the front and this is the back of the ohana.

Mr. Ball: That's on the one that could potentially be rented out, right?

Ms. Ely: Yes.

Mr. Ball: My concern is that I lived in Haiku and it's very dark at night. And if somebody's coming home late at night and there's no railing there, that's my concern that people are not gonna be familiar because they've just visited the place so . . .

Ms. Ely: The actual primary entrance to the house is along . . . is under the carport. And it's got the automatic lights that come on as you approach. So it's very well lit. And it's . . . you can't quite see it, but it's in the carport, and that's the actual entrance to the house, and it is quite well lit. I understand your concern, but we went back and forth. And if that's a requirement, we'll figure it out, but it would be quite an undertaking because it's a long span of space.

Mr. Ball: Right, yeah, I don't want it to be a financial . . . (inaudible) . . .

Ms. Ely: We can . . . we wouldn't . . . actually, have just planted along there because this was something that's just finished. Because my idea is we'd have a full hedge along there more for aesthetics than safety, but still, I think it would help address that concern. The primary area is automatically lit when people approach, and it's . . . you know, it's under the carport. No water. No slippery. No water. Yeah.

Mr. Ball: And maybe it would be just as simple as putting a railing on the building itself, you know, 'cause there's . . . I mean, right there that's . . .

Ms. Ely: Or you're talking about the stairs?

Mr. Ball: No. Yeah. I mean, the stairs and . . .

Ms. Ely: Yeah, that would be easy.

Mr. Ball: Just so there's something there. Right now, there's none. People are stupid so . . .

Ms. Ely: I did not say that.

Mr. Ball: Especially at night.

Mr. Hiranaga: Commissioner Lay?

Mr. Ivan Lay: Isn't it per code that over two steps and public use would have to have a handrail?

Ms. Ely: That's not what they told me.

Mr. Lay: Is that right?

Ms. Ely: Yeah. I mean, Jeff had come out and looked at it several . . . twice, actually, because I wanted to make sure so . . .

Mr. Hiranaga: You could direct that question to the Deputy Director of Public Works.



Ms. Ely: I don't know. They said 30 inches was my magic number but . . .

Ms. Rowena Dagdag-Andaya: Yeah, I don't . . . I'm not too familiar with that either. Jeff Johnson is actually with our Department and he works with DSA. So maybe that's a followup item that we can take a look at.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Question—on your water, are you paying ag rates or domestic rates?

Ms. Ely: Domestic.

Mr. Freitas: And you say you use the water only for your animals?

Ms. Ely: I actually don't use really any water at all for my ag use.

Mr. Freitas: So how do you irrigate your trees? It's just . . .

Ms. Ely: It's Haiku. It's wet. Yeah, it's wet. We've had . . . even after, I think we had in October, almost no rain at all, it was . . . everything was completely unaffected.

Mr. Freitas: Thank you.

Ms. Ely: Yeah. We had such a wet summer. It would take a long time . . . (inaudible) . . .

Mr. Hiranaga: Commissioner Hedani?

Mr. Wayne Hedani: This is actually for Kurt. So, you know, when I was looking at the map of the location, I had difficulty in trying to determine the 500-foot radius. And it'll be helpful in future applications, anyway, if you could just circle it with that 500-foot radius so it's easier to identify.

Mr. Wollenhaupt: Sounds good.

Mr. Hedani: Yeah. Thank you.

Mr. Wollenhaupt: I have a copy of one, if you wanted to look at it now. Actually, the 500-foot radius . . . (inaudible) . . . So it's actually at the beginning of Kaiapa Drive where it intersects Kaupakalua.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Just a question on the septic system. Do you have a septic system? I assume not a cesspool.

Ms. Ely: I have a septic system that's authorized for up to five bedrooms that was done by Wendell Taylor, designed by Wendell Taylor, and approved.

Mr. Shibuya: Oh, five bedrooms. OK. Thank you.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: Energy conservation initiatives as well as renewable power generating capacities, have you entertained any of these, or have you implemented any of these?

Ms. Ely: Yes and yes. We use to have several gas water tanks on the property. We've replaced everything with two on-demand water heaters, gas propane water heaters, which have saved an enormous amount of propane. I can't even tell you. We had an extraordinarily large Albizia tree that needed to be removed before we could consider photovoltaic on the roof. And the roof of the new cottage is very, very well situated for that, but it was just completed, and the tree was just removed so that we could get a better idea. And I would love to put photovoltaic on the property. I mean, that's . . . I would love that. I've done a lot of work with the hui on getting photovoltaic up there. It's a big personal issue for me.

Mr. Shibuya: Yes. Just more concerned in terms of insuring your sustainability for energy, as well as your cost related to this operation.

Ms. Ely: I agree, yes.

Mr. Shibuya: Thank you.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: This is related to . . . maybe Public Works can help me. I believe this property is sharing the road of Kaiapa Road and with about eight different parcels. What is the standard for such a road? And is this a safe type of road operation here? Because now you're having commercial operation in a rural area, and I don't know what the standards are for this road.

Ms. Dagdag-Andaya; I'm assuming this is an ag road so let's see what the standards are. I'll check in the . . . my standards here and I'll get back to you.

Mr. Shibuya: OK. As long as there's some safety features such as, you know, turnout, or some easement that even though the pavement does not allow for two cars to pass, there's some space so that you don't have to break down rails or fences to pass.

Mr. Hiranaga: Any other questions, Commissioners? Seeing none . . .

Ms. Ely: Real quick—two cars can pass on that road. Just . . . we do it all the time. I don't know if there's a center lane. I don't remember, but they do.

Mr. Shibuya: Oh, thank you very much. I just wanted to be sure that you don't have head-ons or people getting irate at each other. Thank you.

Mr. Hiranaga: Any more questions, Commissioners? Seeing none, we're ready for the Department's recommendation.

Mr. Wollenhaupt: The recommendation of the Maui Planning Department would be to recommend

of the State Land Use Commission Special Use Permit, Type 2, 20120023 with the six conditions of approval that are noted in the recommendation report. And that this Land Use Commission SUPPORT would be valid until December 1<sup>st</sup>, 2015. That would correlate with the three-year planned bed and breakfast permit. That would be a recommendation because there have been no complaints or letters of objection that have been offered either in the B&B public hearing notice . . . or in the B&B public application notice, or in this noted public hearing.

Mr. Hiranaga: Thank you for that. I open the floor to a motion. Commissioner Shibuya?

**b. Action**

Mr. Shibuya: I'd like to make a motion that we adopt . . . this Planning Commission adopt the Planning Department's report, recommendation, prepared for this meeting as the findings of fact, conclusions of law, and decision and order, and authorize the Director of Planning to transmit the decision and order on behalf of our Planning Commission.

Mr. Ball: Second.

Mr. Hiranaga: Thank you for that very complete motion. Seconded by Commissioner Ball. Any discussion? Commissioner Wakida?

Ms. Wakida: Yes. I'm gonna vote in favor of this recommendation. I do wanna say, however . . . well, two things. One is I would say 90% of the single family houses on Maui have fruit trees. And just because you have fruit trees and share 'em with your neighbors doesn't make it a farm. I have fruit trees on my property and I live in a subdivision. However, this is an acre and Ms. Ely has . . . I mean, the sheep are a nice touch. That's certainly is in her favor even though she is finding that they're not very economically feasible. But I do have great reservations about just B&Bs and a bunch of fruit trees. However, I think Ms. Ely has made her case, so I'll support the recommendation.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Yeah, I'd like to make a comment. This is not an ag operation, as far as I'm concerned. Bed and breakfast, I have no problem. I'll support the bed and breakfast, but I think when these people are coming to us presenting their application, they should have a true ag presentation, not couple sheep and four chickens. That is not an ag operation.

Mr. Hiranaga: Any other discussion? Seeing none, we'll have the Deputy Director repeat the motion.

Ms. McLean: The motion was to approve the request for the State Land Use Commission Special Use Permit as noted in the staff recommendation.

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

Ms. McLean: Eight ayes.

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

**VOTED: To Accept the Recommendation of Approval of the State Land Use Commission Special Use Permit by the Department of Planning.  
(Assenting - W. Shibuya, K. Ball, D. Domingo, J. Freitas, I. Lay, M. Tsai, W. Hedani, P. Wakida)**

Mr. Hiranaga: Motion carries. Congratulations and good luck. OK. Moving on to Item B-3. Deputy Director?

- 3. MR. PAUL GOTEL requesting a State Land Use Commission Special Use Permit in order to operate the Dragonfly Cottage Bed and Breakfast, a two (2) bedroom bed and breakfast home with both guest rooms located in the accessory farm dwelling in the State Agricultural District at 1075 Nanihoku Place, TMK: 2-7-029: 015, Haiku, Island of Maui. (SUP2 2010/0002) (J. Prutch)**

Ms. McLean read the agenda item into the record.

Ms. McLean: Chair, if I could, for disclosure purposes, my husband and I have been friends with the applicant for probably ten years. More than five years ago, my husband did some work for the applicant. That was more than five years ago. They have just maintained a personal friendship since then, not any sort of professional relationship since then nor in the foreseeable future. And Joe Prutch is the staff planner.

Mr. Prutch: Thank you, Michele. Yeah, as Michele mentioned, this is Mr. Paul Gotel. He's applying for a bed and breakfast called the Dragonfly Cottage B&B.

His application was first submitted back in March of 2010. The reason for the couple years in getting to the Planning Commission is the applicant took some time to actually work to respond to agency comments including, cesspool inspection and some final inspection for a pool permit. Things just take time. And he got everything finished, a cesspool. This is back in . . . and was found to be fine. He got a final inspection for his pool. And everything's in order which is why we're today.

The property is two acres. It's located at Nanihoku Place, directly off Kauhikoa Road up in Haiku. His land use designations are ag, ag, ag, all the way across. And he's not located within SMA. The surrounding land uses of the area as well are all agricultural land with farm dwellings on all sides.

The subject parcel is relatively flat although it does slope to the rear of the property. The majority of the two acres is covered with large trees, Eucalyptus trees, except for areas where they were cleared for the two farm dwellings. On his property, he does have various fruit trees scattered throughout the lot outside of the conservation areas. He has a bunch of different fruit trees, avocado, lemon, lime, tangerine, bananas, and various trees. He uses all this . . . he does have a farm plan, which was approved in 2005, which he had to receive because he was getting the second unit built in 2006, which is the B&B. It's a two-bedroom, bamboo structure.

As I mentioned, the reviewing agencies were the Department of Water Supply, the Police

Department, Department of Public Works, and Department of Health. And the applicant has adequately responded to all of these departments' responses or agency comment letters.

As I mentioned, he does have a farm plan. And on the farm plan, the majority of the land is devoted to agricultural conservation, which is the large Eucalyptus trees. So since those are in ag conservation, those cannot be removed and cleared. And as I mentioned, the rest of the property, he's got growing avocado, orange, lemon, lime, citrus. He uses this for himself. He uses it for the guests. And same as the other person, they share with other neighbors and do that technique.

This was routed to the adjacent and across-the-street neighbors. There were no opposition letters from this. Since this application has been . . . the public hearing has been announced, I still have not received any testimony in opposition to this. The applicant, Mr. Paul Gotel, is in the audience, and of course, he'll be able to answer all the questions you have. And I think I'll leave my recommendation report till the end, of course. And I'll be happy to answer any questions.

Mr. Hiranaga: Thank you for that. At this time, does the applicant wish to say anything?

Mr. Paul Gotel: Good morning. My name's Paul Gotel and I'm here to answer any questions that you might have.

Mr. Hiranaga: All right. Thank you.

**a. Public Hearing**

Mr. Hiranaga: At this time, I'll open the public hearing. Is there anyone here that wishes to testify regarding this agenda item? Please come forward. Seeing none, the public hearing is now closed. I'll open the floor to Commissioners for questions. Commissioner Wakida?

Ms. Wakida: OK. I'll start. Paul . . . no, I mean . . .

Mr. Hiranaga: Joe.

Ms. Wakida: Joe. Sorry. Excuse. In this application, it says that a majority of the property is in ag conservation. Is that a legal designation? Has that been . . . ? How do you end up calling it ag conservation?

Mr. Prutch: Well, if you look at Exhibit 11, the farm plan map is in the staff report. Sorry I didn't have a power point today. I was out sick yesterday, so didn't get a chance to get to it. But essentially, the farm plan is approved and I don't know exactly all the rules of the farm plan. Our Zoning Department handles that. But all I know is that this map was approved so that the farm plan must allow some kind of ag conservation as a form of farm plan because of the large Eucalyptus. I've been out to the site. Those trees are quite large. He's got quite a grove of Eucalyptus trees, and to tear those down would've been I think . . . I think it would've been horrible to tear all those down. So he decided to keep 'em. They're in ag conservation and he cannot tear 'em down now.

Ms. Wakida: I have a followup.

Mr. Hiranaga: The Deputy Director wishes to comment.

Ms. McLean: Thank you, Chair. In the County ag district, agricultural land conservation is an outright permitted use. And that's defined in the County Code. Essentially, it's not active agriculture where you have animals grazing, where you're cultivating crops, but it's where the land is maintained in a fashion that it can remain productive in the event that active agriculture might be pursued in the future. So it is defined in the County Code as a permitted use in the agricultural district.

Ms. Wakida: Thank you.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Ball?

Mr. Ball: One of the pictures is a whale showing. Is that just an artistic feature or is that a . . . ?

Mr. Prutch: Oh, the small whale? Yeah, that's more of just a decorative feature for the bed and breakfast. It's got a small, little creek that runs out of that well and goes down to a little koi pond. It's more just decorative for the B&B itself.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: And this may be for Public Works on the septic system and the cesspool. I thought they were trying to . . . "them" being the EPA were trying to close all these . . .

Mr. Hiranaga: Could you please speak into the microphone?

Mr. Ball: Were trying to close all these cesspools. And what's the County's take on the cesspool?

Ms. Dagdag-Andaya: I think that would be directed more towards Environmental Management, but I believe that . . . or Department of Health . . . I believe letters have gone out closing out the cesspools, and then replacing them with septic tanks. So I'm not sure what's happening with this particular cesspool so . . . but I would direct it to the Department of Health.

Mr. Prutch: And the only thing I can add to that is in one of the exhibits, Exhibit 9, is from the Department of Health, and they did originally comment saying that they did not have a cesspool inspection on file. The applicant went ahead and did that, satisfied that. And then the subsequent letter was from the Department of Health as well, and they just simply said that "We have no further comments to offer." The Department of Health recommends approval of this B&B. So the Department of Health did look at the cesspool, found out it was adequate. And he does have a septic tank on the bed and breakfast because that was built more recently.

Mr. Ball: And is that . . . is the capacity of the septic tank able to take on the main dwelling?

Mr. Prutch: I'd have to ask the applicant that. I know it was built for the two-bedroom bed and breakfast, because the main house is on the cesspool, which got the inspection and the Department of Health approval. The septic tank was put in later for the second unit specifically, for the B&B. So the septic tank, I'm assuming, unless you can tell me differently, was built specifically,

for the two-bedroom B&B. So I would think it doesn't have the capacity for the main house. He's shaking his head no, so it's not large enough for both.

Mr. Ball: OK. We haven't talked about the EPA at all in this so . . . It's actually an EPA law. It's been in effect since '05. It actually has to deal with . . . The septic, it may quell that concern of the Environmental Protection Agency, but they may still have concerns with the cesspool.

Mr. Prutch: Yeah, and that, I'm sorry, I don't have that information. It's routed to the Department of Health is where we go through for septic and cesspool for comments.

Mr. Hiranaga: Any other . . . ? Commissioner Wakida?

Ms. Wakida: In the application, there's a reference to a swimming pool. Where is this? I don't see it on the site plan.

Mr. Prutch: The swimming pool was . . . Hold on. Yeah, sorry, it wasn't shown on the plan, but it is at the back of the lot behind the main house.

Ms. Wakida: So the main house. I'm looking at Exhibit 11.

Mr. Prutch: Oh, sorry, OK. So that little, round circle at the front on Nanihoku Place, that's the bed and breakfast. It's a round building. That's the two-bedroom B&B. The larger rectangle at the . . . kinda two-thirds towards the rear, that is the main dwelling. And the pool is just directly behind that triangular shape of the main dwelling. So the pool's at the rear of the lot.

Mr. Hiranaga: Commissioner Ball, if you want further explanation regarding the cesspool/septic issue, Corporation Counsel will comment.

Mr. Ball: I'd love a comment.

Ms. Richelle Thomson: I believe what you're referring to is the EPA's requirement for closure of large capacity cesspools and that went into effect in 2005. Large capacity cesspools, the first thing that you would look at is whether there are two or more structures connected to one cesspool, which doesn't appear to be the case in this particular property.

Mr. Ball: And so single . . .

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: And so single cesspools are fine?

Ms. Thomson: I believe that the trigger would be a major change to that dwelling. And, you know, if they expand it, you know, went into a major renovation or expanded the size of that unit, then he may be required to upgrade to a septic.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Joe, back to the swimming pool, in Exhibit 4, there were some from the Department . . . no, I don't know. There was a question about final inspection, about calculation of water usage. Do those things satisfy?

Mr. Prutch: The pool, there was a final inspection done on that. When was that? In March of 2012. That passed from, I guess, J. Johnson. And that was the only thing that . . . farm dwelling, for the second farm dwelling, I'm sorry. So the pool was the only outstanding issue and the applicant had that taken care of in March.

Ms. Wakida: Thank you.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Joe, can you tell us within 500 feet, how many existing B&Bs, and also, how many B&Bs within this Haiku area?

Mr. Prutch: OK. Within 500 feet, zero. This would be the only one. There is another B&B. It's on Exhibit 1. It's probably about . . . I wanna say eight or 900 feet away on a completely different street, but there is one there. In Haiku, boy, I don't remember off the top of my head how many B&Bs in Haiku. Michele, you have any . . . ? If I'm gonna take a guess, I'm gonna say there's a good 20 of them or so, but I don't know adequately how many B&Bs. I can find that, but I don't have that.

Mr. Shibuya: No, I'm just concerned how close we are to the total limit that the Council has given.

Mr. Prutch: Oh, I don't think we're anywhere close. I think it's 88 for Haiku. We're nowhere near that yet.

Mr. Shibuya: OK. I'm just more concerned in that.

Mr. Prutch: OK.

Mr. Shibuya: OK. Thank you.

Mr. Prutch: Maybe a quarter of the way there.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: This question may be related to the Planning Department or Environmental Management is when . . . is there a sewer system being considered for the Haiku area, because it seems to be more populated?

Mr. Prutch: I don't know. And Michele and Rowena are both shaking their heads so . . .

Ms. McLean: No.

Mr. Shibuya: OK. No, it's being considered? OK. Thank you.



Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: This question maybe for the applicant. Is this cottage currently being rented?

Mr. Gotel: Yes. It's a long term rental. And so when the end of that term, that's when . . . if this gets approved, that's when this will go into effect.

Ms. Wakida: A long term. For how long how has it been rented?

Mr. Gotel: For how long has it been rented?

Ms. Wakida: Yeah.

Mr. Gotel: Well, since it was built, basically.

Ms. Wakida: By the same people?

Mr. Gotel: Oh, no, no. They were a year lease.

Ms. Wakida: So you've been renting it out on a yearly basis?

Mr. Gotel: Yeah, yeah. And doing all my taxes. I have a GET and those . . . (inaudible) . . . Yeah, so in that context, it would be as far as the use, you know, the amount of people there, it would be a similar amount of people. And it wouldn't be any more impact than what it is at the time.

Ms. Wakida: So your minimum lease so far has been a year?

Mr. Gotel: No, I think I . . . the recent one I did was six months just because I knew this was happening.

Ms. Wakida: I see.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: On this Nanihoku Place, that roadway, is there adequate width to it and where it's conditioned that it allows for expanded uses?

Mr. Gotel: Yeah. Nanihoku is actually a proper street. It's a paved, wide street with ample . . . like beyond . . . you know, it's a double lane? Double lane?

Mr. Shibuya: Double lane?

Mr. Gotel: And then it's got . . . it's a very wide easement as well either side so it's actually a very wide street.

Mr. Shibuya: Oh, OK. Thank you for that information.

Mr. Gotel: And the cottage is right there and it has its own entrance parking . . . (inaudible) . . .

Mr. Shibuya: OK, good. And it is like a dead-end street so it is a cul-de-sac, so to speak. And so you have ample turnaround area at the end? Or does it dead-end and stop?

Mr. Gotel: No, it's a big circle.

Mr. Shibuya: It's a big circle that allows for the fire trucks to turn around?

Mr. Gotel: Yeah.

Mr. Shibuya: OK, thank you. How many parcels? I mean, how many parcels are serviced by this one Nanihoku Place? I'm guessing 25.

Mr. Prutch: From the map on Exhibit 1, it looks to be about 22 is what my count was.

Mr. Shibuya: OK. OK, thank you.

Ms. Dagdag-Andaya: Chair? Public Works.

Mr. Hiranaga: Oh, Deputy Director?

Ms. Dagdag-Andaya: You know for . . . just for Commissioner Shibuya's information, for these roads in agricultural rural districts, there are about, in pavement width, about 20 feet to 22 feet. So that's just for your information.

Mr. Shibuya: Thank you.

Mr. Hiranaga: Any other questions, Commissioners? Seeing none, we'll have the department's recommendation.

Mr. Prutch: Yes, you will. OK. This application for a State Land Use Commission Special Permit complies with the applicable standards for an unusual and reasonable use within the State agricultural district as stated in the recommendation report itself and in the staff report. The Maui Planning Department is recommending to the Maui Planning Commission approval of the State Land Use Commission's Special Use Permit subject to the seven standard conditions including, a three-year time period for the permit with a possibility to extend by the Director. For Mr. Shibuya, I'll go ahead and do this, in consideration of the foregoing, the Maui Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for today's date, November 27, 2012, and authorize the Director of Planning to transmit said findings of fact, conclusions of law, and decision and order on behalf of the Planning Commission.

Mr. Hiranaga: At this time, I'll open the floor to a motion. Commissioner Shibuya?

**b. Action**

Mr. Shibuya: Move to accept.

Mr. Max Tsai: Second.

Mr. Hiranaga: Thank you for that abbreviated motion.

Mr. Shibuya: You're welcome. It was stated before, that's why.

Mr. Hiranaga: Seconded by Commissioner Tsai, Tsai, Commissioner Tsai. All in favor, so . . . oh, we'll have the Deputy Director . . . oh, I'm sorry. Discussion? Commissioner Wakida?

Ms. Wakida: Yes, I would like to make the same concern that I expressed with the previous applicant, and that is that having a bunch of trees to me does not constitute a farm. However, the applicant is following, I suppose, the letter of the law. He does have a farm plan that says they can be in ag conservation. This permit is for three years. So I strongly urge the applicant to maintain a rural character of his property and not turn it into some kind of garden that lacks any rural ambience because I think that's one of the things that we wanna preserve in our Upcountry area.

Mr. Hiranaga: Any other discussion? Seeing . . . Commissioner Hedani?

Mr. Hedani: It's probably for the Deputy Director. At one time, farm plans had a threshold. I heard the number \$35,000 per year and things like that. What happened to the income criteria?

Ms. McLean: That criteria relates to when additional farm dwellings can be approved for the property that you need to show the generation of income in order to get additional farm dwellings. So that was never a requirement that ag zoned property all by itself has to generate income. It would be you'd have to show income generation to justify additional dwellings on the property. That's one of the criteria that you need to meet.

Mr. Hedani: So nowhere in the Bed and Breakfast Ordinance is there a requirement that the farm produce income?

Ms. McLean: No.

Mr. Hiranaga: My recollection is if the parcel is larger than five acres, there is an income requirement? We heard a "yes" from somewhere?

Mr. Prutch: Yeah, my understanding as well is if it's over five acres, then there's that income requirement. Majority of these we end up getting are under five acres and then there's no income requirement. There's just a farm plan requirement.

Mr. Hiranaga: And I challenge anyone that can make \$35,000 annually on five acres. Commissioner Freitas, do you have a comment?

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

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

Ms. McLean: The motion is to approve the State Land Use Commission Special Use Permit as recommended in the staff report.

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

Ms. McLean: Seven ayes.

Mr. Hiranaga: Opposed? One abstention.

**It was moved by Mr. Shibuya, seconded by Mr. Tsai, then**

**VOTED: To Accept the Recommendation of Approval of the State Land Use Commission Special Use Permit by the Department of Planning.  
(Assenting - W. Shibuya, M. Tsai, K. Ball, D. Domingo, I. Lay, W. Hedani,  
K. Ball, P. Wakida, Abstained - J. Freitas)**

Mr. Hiranaga: The motion carries. Congratulations.

Unidentified Speaker: Are we taking a quick break?

Mr. Hiranaga: OK. We'll have a ten-minute recess. Reconvene at ten after 5:00.

Ms. Wakida: Ten after 5:00?

Mr. Hiranaga: Five after 10:00.

(A recess was taken at 9:57 a.m., and the meeting reconvened at 10:05 a.m.)

Mr. Hiranaga: . . . on New Business. Deputy Director?

### **C. NEW BUSINESS**

- 1. CMBY 2011 INVESTMENT, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment from Agricultural District to the Heavy Industrial District for the proposed Puunene Heavy Industrial Subdivision located on approximately 86 acres approximately 1 mile southeast of the intersection of Mokulele Highway, Mehameha Loop, and Kamaaina Road, TMK: 3-8-008: 019, Puunene, Island of Maui. (EA 2012/0001) (CPA 2012/0002) (CIZ 2012/0005) (K. Wollenhaupt) (The Draft EA was reviewed at the June 26, 2012 Maui Planning Commission meeting.)**

**The accepting agency of the Final Environmental Assessment is the Maui Planning Commission.**

**The EA triggers are the Community Plan Amendment and the use of State lands(proposed access easements across State property).**

**The project needs a Community Plan Amendment (CPA) and a Change in Zoning (CIZ) from the Maui County Council. The applicant will also have to file for a district boundary amendment to the State Urban District with the State Land Use Commission. The public hearing on the CPA and CIZ applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.**

**The Commission may act to accept the Final EA as a Findings of No Significant Impact (FONSI) or take some other action.**

Ms. McLean read the agenda item into the record.

Mr. Wollenhaupt: Good morning, Members of the Maui Planning Commission. The issue before you today is the final environmental assessment considered for review with three action alternatives for this Commission. That would be to accept the final environmental assessment, and to issue a FONSI, otherwise known as a finding of no significant impact; to defer today's review of the final EA for additional information; or to request that the Commission . . . to determine that it needs to be bumped up to an environmental impact statement.

Since the meeting on June 26, 2012, at which this Commission saw the draft environmental assessment, the applicant has been diligently working to provide you with a redlined edition of the changes that have occurred. This Commission did have three questions that they wanted to have illuminated further. The applicant from Chris Hart & Partners, Mr. Glenn Tadaki, will be discussing those in depth. In addition, there has been one change since the original draft EA. And that was the adoption by the County of the new zoning district called M-3 Restricted Industrial. So many of the number of changes in the final EA would reference this new zoning category adopted by the Council for an M-3 zoning.

Just to provide a quick overview before the extensive presentation, the request is for a district boundary amendment, a change in zoning, and a community plan amendment. Should this Commission determine that the FONSI is complete and send this to the Office of Environmental Quality Control after the period of review at the OEQC, the final environmental assessment would then be used in deliberation by the State Land Use Commission as this property is over 15 acres for their review of the district boundary amendment to go from agriculture to urban. Should that process prove to be successfully completed, then this project will come back to this Commission for review of the community plan amendment and the change in zoning for your recommendations to be sent to the Maui County Council. Mr. Tadaki has an extensive power point presentation that will update the Commission on what's happening and as a number of experts and Ms. Blanca Lafolette with CMBY is in the audience also.

Mr. Glenn Tadaki: Thank you, Kurt. Good morning, Chairman Hiranaga, Members of the Maui Planning Commission. My name is Glenn Tadaki with Chris Hart & Partners, landscape architecture and planning firm. With me today representing the applicant, CMBY 2011 Investment LLC, is Blanca Lafolette. Also joining us are some of our consultants: Amy Mathis of Malama

Environmental, Mike Dega of Scientific Consultant Services, Shane Fukuda of ACM Consultants, Tom Nance of Tom Nance Water Resource Engineering, Stacy Otomo of Otomo Engineering, and Phil Rowell of Phillip Rowell & Associates.

The proposed action involves the creation of a heavy industrial subdivision on approximately, 86 acres of land that is currently vacant and undeveloped. Preliminary, 66 acres of the subdivision will be set aside for approximately, 28 developable lots ranging from between one-half to 20 acres in size. In addition, 11 acres will be set aside for internal roadways, and nine acres set aside for drainage retention basins. The approximate construction cost for the subdivision is estimated to be 20 million dollars while the projected timeframe for subdivision construction is expected to be about 30 months.

The subject parcel is located about four miles south of Kahului and three miles north of Kihei. It's designated for agricultural uses by the State Land Use Commission, the Kihei-Makena Community Plan, and Maui County zoning. The property also lies within the urban growth boundaries of the draft Maui Island Plan and is part of the Pulehunui planned growth area, which is established by the plan. The subject property is bordered by agricultural uses such as sugarcane fields, cane haul roads, an irrigation reservoir, as well as public/quasi-public district use such as Project District 10. The Hawaii National Guard Armory, Maui Raceway Park, and other motor sport recreational facilities are located in PD10. Close . . . a nearby existing heavy industrial uses include the Hawaiian Cement Quarry and Central Maui Baseyard, which are all within a one-mile radius of the subject property.

This is the location of the subject parcel in relation to the proposed urban growth boundaries for the draft Maui Island Plan. This is an aerial photograph again showing the subject property, its relation to the proposed urban growth boundaries; the location of the Hawaiian Cement Quarry; and the Hawaii National Guard Armory.

Access to the subject property is provided by Mokulele Highway, Kamaaina Road, South Fire Break Road, and Lower Kihei Road, which are private roads.

This is the directed growth map which delineates the limits of the urban growth boundaries of the draft Maui Island Plan. It shows the location of the subject parcel as well as the location of the urban growth boundaries which encompass the Pulehunui planned growth area.

These photographs were taken of the subject parcel and surrounding vicinity. This photo is a view facing eastward taken at the intersection of Mokulele Highway and Kamaaina Road. The subject property is in the background in this area. This next photograph was taken from the top of the irrigation reservoir which is across the street from the subject property and taken in a southeast-facing direction. This photograph is a typical onsite scene on the property with the camera towards the southeast. This is an east-facing view of the sugarcane fields and the Hawaiian Cement Quarry which lies in the background. This photograph shows the HC&S irrigation reservoir which is to the north and across the street from the subject property. There's a closer up photo of the Hawaiian Cement Quarry which is to the east of the subject property. And finally, a view of Project District 10 which is the old Puunene Airport. The Maui Raceway Park is in the background. You can see the light poles in the distance.

The environmental assessment was prepared since the proposed action involves a community plan

amendment from agriculture to heavy industrial and the use of State land for an access easement. The availability of the draft EA was published in Environmental Notice on June 8<sup>th</sup> of this year. Copies of the DEA were distributed to about 40 agencies including, the Maui Planning Commission. During the review of the draft EA, a total of 28 comment letters were received copies of which have been included in Appendix S of the final EA as well as all response letters. At its meeting on June 26<sup>th</sup> of this year, the Maui Planning Commission commented on the draft EA and provided the following comments.

The first comment was to review potential security measures to prevent crime and nuisance behavior such as theft, vandalism and loitering during and after construction. The applicant's response is to say that appropriate lighting and existing security measures such as perimeter fencing and locked entry gates at access roads to the property will be utilized to deter and prevent crime prevention during and after construction, as well as to insure safe vehicular traffic.

Another comment provided by the Commission was to review potential fiscal mechanisms such as a surety bond, insurance policy, which would enable the developer or lot owners' association to take corrective action should the subdivision's private water system experience a catastrophic failure. The fiscal measures would absolve the County of the financial responsibility of providing water to the project site. In response, the applicant notes that Section 11-20-29.5 of the State Department of Health's Administrative Rules pertaining to capacity demonstration and evaluation requires that all new private water systems demonstrate appropriate technical, managerial, and financial capacity in order to receive DOH approval for construction and operation. Fiscal management by a professional, financial, management company and maintenance of adequate reserve funds to address emergencies and replacements would insure that financial requirements can be met. Recorded covenants on each parcel serviced by this system provide the water association with the ability to levy assessments to meet operational needs so that the system remains within regulatory requirements. Ultimately, the water association has the ability to lien properties served by the system in order to provide the resources to maintain the system in compliance with all applicable regulatory requirements.

And finally, the Commission mentioned that we would need to review how potential lot and business owners can be encouraged to promote energy generation and conservation on their sites. In response, the applicant notes that guidelines for sustainable building design including, efficient energy and water use would be provided to future lot and business owners during sale transactions, in other words, during lot closing procedures. Information could also be disseminated by the subdivision's lot owners' association or a property management company.

As Kurt mentioned, in order to implement the project the applicant will need the following land use entitlements, and therefore, is requesting a State land use district boundary amendment from agricultural to urban, community plan amendment from agriculture to heavy industrial, and a change in zoning from agriculture to the new M-3 restricted industrial zoning.

The State Land Use Commission will accept and process the district boundary amendment after the publication of the final EA. Applications for the community plan amendment and change in zoning were filed earlier this year on April 16<sup>th</sup>. The CIZ request was prepared on the basis of seeking the M-2 heavy industrial zoning that was in effect at the time. However, due to the recent adoption of M-3 restricted industrial zoning, the CIZ request was revised to seek M-3 zoning and

was submitted to the Planning Department on October 29<sup>th</sup> of this year. The Maui Planning Commission meeting to review and comment on the CP and CIZ request will be scheduled after the DBA has been approved by the State Land Use Commission.

The M-3 restricted industrial zoning went into effect on September 24<sup>th</sup> and is codified in Chapter 19.25 of the Maui County Code. The purpose and intent of M-3 zoning is to provide for manufacturing and nuisance industries which may be obnoxious or offensive. In other words, activities that generate odor, create dust, or gas, noise, vibration, etc., and those types of manufacturing, nuisance-type industries that are not allowed in any other zoning district. Generally, uses which involve the manufacturer, processing, storage or treatment of goods from raw materials are allowed under M-3 zoning. General retail and office-type uses are not permitted unless it's an accessory use supporting the primary use.

The following are some of the permitted uses allowed by M-3 zoning. These include uses such as energy systems; power plants; substations; heavy equipment storage, servicing, and sales; landfill; solid waste processing/disposal; petroleum or bio-fuel product manufacturing; recycling processing facilities, or material recycling and recovery facilities.

The subject parcel lies within the proposed urban growth boundaries of the draft Maui Island Plan and is part of the Pulehunui planned growth area. The PPGA encompasses 354 acres and is designated for heavy industrial, public/quasi-public, and recreational uses. The Pulehunui planned growth area represents a logical expansion of heavy industrial uses in the area. And its location, midway between Kihei and Kahului, makes it an ideal site for serving Maui's long term heavy industrial needs. The Maui Construction and Demolition Landfill near Maalaea has about two years of remaining capacity. Meetings between the landowner and the Department of Environmental Management have been held to discuss the possibility of establishing a new C&D landfill within the proposed subdivision. Should plans for this C&D landfill proceed, the design, construction, operation, and maintenance of the facility will comply with all applicable regulatory requirements.

The following improvements will be constructed by the applicant. The ownership and maintenance of these improvements shall rest with the subdivision's lot owners' association. Water system improvements include a dual water system which would be privately-owned and maintained, which would provide for domestic irrigation and fireflow use, and include wells, booster pumps, purification system, water lines, manholes, and laterals. The drainage system for the subdivision would include improvements such as retention basins, drain lines, manholes, and laterals. The internal roadway system and utilities would be under ground and would include the utility lines and laterals. The common area landscaping and irrigation would include underground irrigation lines and laterals. It's important to note that the lot owners will be responsible for all improvements on and to their lots including, the installation of individual wastewater systems. In effect, aerobic treatment unit and leach field, which is approved by the State Department of Health for use on their drinking wells.

This is a conceptual site landscape plan showing the . . . oh, excuse me . . . showing the subdivision. The subdivision's large lots are this darker green color. And the smaller lots are kind of in this beige color. The drainage retention basins are located along the western boundary of the property, and it's shown here, while the subdivision roadway system is essentially, a loop system with the interconnecting section about midway through the subdivision. As I mentioned before, the applicant is seeking an access easement from the State in order to enable access to the subject



property. The access easement that they are seeking is for the use of a 56-foot wide right-of-way with a total area of approximately, half an acre. This would enable the applicant to access the subject property through this portion of Lower Kihei Road. The applicant already has a 30-foot wide access easement along Kamaaina Road and South Fire Break Road.

This is a diagram showing the location of the major water system components for the subdivision. These improvements include three wells with one on standby; three reverse osmosis trains, also one on standby; one 250,000-gallon . . . I'm sorry, million-gallon potable storage tank; one . . . it should be a 400,000 million-gallon non potable storage tank; booster pumps; a background generator for fire protection. The wells are located . . . Let's see. There's one well here, another well there, and another well there. There's the reverse osmosis trains, and the 400,000-gallon storage tank, and the 250,000-gallon storage tank.

This exhibit shows the preliminary grading and drainage plan for the subdivision. As lots are developed, lot owners will install their own onsite drainage systems and connect to the subdivision's master system, which will include catch basins, manholes, drain lines within roadways. Laterals will be extended to each lot, and runoff from each lot will then be conveyed to the retention basins along the western edge of the subdivision.

This exhibit shows the off-site traffic improvements to the intersection of Mokulele Highway and Kamaaina Road. Essentially, these improvements would provide the necessary upgrade to accommodate the proposed project, and would include modification of the westbound approach to provide a separate right-turn lane. That would be this approach here as you head down Kamaaina Road in a westbound direction doing a right turn onto Mokulele Highway. Other improvements would be to provide an acceleration for west to northbound right turns. Again from Kamaaina Road in a westbound direction and northbound direction, you'd have an acceleration lane along Mokulele Highway. And finally, lengthening the southbound left-turn acceleration lane from 60 feet to 350 feet. So that would involve extending this acceleration lane quite a bit.

In evaluating the project, we have determined that there are no wetlands, streams, or other water bodies on the subject property, nor will the HC&S irrigation reservoir, which is across the street and to the north of the subject property, be affected by the proposed project.

No U.S. Department of the Army permits will be required such as Section 10 or Section 404 permits. The proposed project will not involve any navigable waters of the U.S. or involve the placement of any dredged or fill material into U.S. waters. The biological and botanical surveys that were done for the project indicates that there are no threatened or endangered species of plant, insect, or animal life on the subject property. In addition, no noise impacts are anticipated that are adverse because of the project's distance from Mokulele Highway and residential areas in Kahului and Kihei, which are separated by geographic space.

Because of some heavy industrial uses allowed by County zoning, air pollution could be created. As such, an application for any use involving a potential pollution source must comply with State Department of Health regulations and will be subject to review and approval by their Clean Air Branch.

The archaeological inventory survey and archaeological monitoring plan that was prepared for the

project were approved by the State Historic Preservation Division in June and August of this year. The cultural impact assessment indicates that the project area has not been used for traditional or historic cultural purposes.

Previously, an un-permitted solid waste facility occupied part of the site when it was subleased by a former landowner. The DOH Solid Waste . . . sorry, the DOH Solid and Hazardous Waste Branch has confirmed that the solid waste has been removed and that impacts were adequately addressed.

An average of 65 direct and indirect Maui jobs is forecasted for the project's 30-month construction period while 142 direct and indirect jobs are projected for the ten-year lot build out period.

The subject parcel is not classified as an agricultural land of importance to the State of Hawaii. It has a Land Study Bureau rating of "E" which is of the lowest productivity, and represents only two ten-thousandth of a percent of lands in the State agricultural district.

The proposed project will not affect surface water sources. It's not expected to have an adverse effect on groundwater resources, marine waters, or downstream properties. The design and operation of the private water system for this subdivision will comply with DOH regulations, and will be subject to review and approval by the DOH's Safe Drinking Water Branch. Similarly, the design and installation of individual wastewater systems, in effect, aerobic treatment unit and leach fields for each lot must comply with DOH regulations and be subject to review and approval by their Wastewater Branch. The proposed project is not expected to have an adverse effect to adjacent and downstream properties. The private drainage system for the subdivision will comply with State and County requirements including, rules for the design of storm management drainage facilities in the County of Maui. With the proposed improvements to the intersection of Mokulele Highway and Kamaaina Road, the proposed project is not expected to have an adverse impact upon traffic. New electrical and phone lines will be extended from existing overhead facilities and installed underground. Exterior lighting will be shielded or downward-directed to minimize seabird fallout. Lot owners will be encouraged to use sustainability building design guidelines, and energy and water conservation measures when developing their lots in the future.

The reclassification of the subject parcel will not have an adverse effect on neighboring land uses as the existing character of the surrounding area will be maintained. The reclassification will also not have an adverse effect on agriculture, nor will it negatively impact the inventory of agricultural lands that are available for large scale or diversified agricultural use.

The proposed project is not expected to result in any adverse, environmental, and socioeconomic impacts, nor is it expected to have an adverse effect upon existing public services or service area limits. Water, wastewater, drainage and roadway systems will be privately owned and maintained, and will not affect public systems.

Due to the limited availability of heavy industrial land that's currently available, the project is expected to alleviate the pent up demand for heavy industrial land that is to be used for purely those purposes. The use of the subject parcel for heavy industrial purposes is consistent with existing heavy industrial uses in the area, and is compatible with the planned uses set forth for Project District 10, which is intended to provide a master planned recreational and expansion area to meet future recreational needs, and to provide areas for industrial activities including,

government facilities whose locations are better situated away from urban areas. The subject parcel lies within the proposed urban growth boundaries, and is part of the approximately, 354-acre Pulehunui planned growth area which is designated for heavy industrial, public/quasi-public, and recreational uses. As previously mentioned, this Pulehunui planned growth area represents a logical expansion of heavy industrial uses in the area. And its centralized location midway between Kihei and Kahului makes it ideal for serving the island's long term heavy industrial needs. Thank you.

Mr. Hiranaga: OK. Thank you for that presentation. Any questions, Commissioners? Mr. Shibuya?

Mr. Shibuya: I noticed on some of the exhibits especially, done by the surveyors, they mention the term, "Pulehunui." And in this particular subdivision, I don't know whether it's a description or the name of the subdivision being Puunene, but Puunene is not really in this area. Pulehunui is the district, I believe. Is there some clarification on this?

Mr. Tadaki: Thank you, Commissioner Shibuya. The selection of Puunene as opposed to Pulehunui for the name of the heavy industrial subdivision is that in the past, this area has been known as the old Puunene Naval Air Station and the old Puunene Airport. And as such, it was more commonly and more well known in that respect. So in selecting a working name for the project, we opted to call it the Puunene Heavy Industrial Subdivision. Although, you are correct, the area is technically known as Pulehunui, but as I mentioned, it's well known historically, as the old Puunene Naval Air Station or old Puunene Airport.

Mr. Shibuya: OK. Thank you. I just want to point out that in the General Plan that is right now draft, this area is designated as Pulehunui growth area.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes. I would like someone, you perhaps, or some . . . one of your experts to tell me how an aerobic treatment unit and leach field works. I don't really understand that.

Mr. Tadaki: Our project civil engineer, Stacy Otomo, is here to respond to your question.

Ms. Wakida: Oh, Stacy would be wonderful.

Mr. Stacy Otomo: Good morning, Chair Hiranaga and Members of the Planning Commission. My name is Stacy Otomo. I wanna make a statement that I'm not a septic designer. I know a little bit about it. First of all, on your normal septic system basically, you have a unit where the raw sewage from the dwelling gets into the unit and basically, separates the solids and the liquids. The liquids get out into the leach field. In the aerobic system, in the unit itself, there's a little bit of treatment that goes on so the release of the liquids is actually cleaner than a normal septic system.

Ms. Wakida: OK. So, yeah, I've got it. Thank you.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just wanna clarify certain parts. When you say "aerobic," it's using the air and the

sunlight, possibly, to destroy some of the bacteria. In the anaerobic, anaerobic is in the material, the solid material, which is lack of oxygen, lack of atmosphere. That is in the bottom part of the liquid solution. That is where the bacteria operates on the solid materials. The same thing happens in anaerobic action is in your landfill. And that's where you can speed up the process of decay by injecting steam, and thereby extracting methane which is one of the most hazardous materials for our atmosphere. And that's one of the concerns for the EPA.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Yes, for the applicant. Do you have any perspective tenants?

Mr. Tadaki: The applicant's representative, Blanca Lafolette, will respond to your question. Thank you.

Ms. Blanca Lafolette: Good morning, Commissioners. I represent the owners as the project coordinator. At this stage . . .

Mr. Hiranaga: Please state your name.

Ms. Lafolette: Blanca Lafolette, project coordinator. At this stage, we do not have any perspective tenants. We are going through the process of our entitlements. Then we will go for our subdivision plan and approval. And at that time, I believe we'll market the subdivision.

Ms. Wakida: Thank you.

Mr. Hiranaga: Any other questions? Commissioner Wakida?

Ms. Wakida: I don't know who this question is, but in the presentation, excuse me, it came up that the roads are private and that you will maintain the roads. Who is the "you?" Who is the body that down the road will do this? Will be on top of this to maintain this?

Mr. Tadaki: Glenn Tadaki responding to Commissioner Wakida's question. It's my understanding that initially, the landowner will be responsible for maintaining the private subdivision improvements until there is such a point in time that there is sufficient lot owners on board to form a lot owners' association at which point the lot owners' association will be responsible for maintaining all of the subdivision improvements. So initially, it'll be the landowners' responsibility and then subsequently, the subdivision lot owners' association.

Ms. Wakida: Along the road line, you said that Lower Kihei Road is a private road?

Mr. Tadaki: That is my understanding.

Ms. Wakida: And that borders . . . well, does that border your property in question on one side?

Mr. Tadaki: Lot Kihei Road is right around the irrigation reservoir.

Ms. Wakida: But does it go along one side of your property?

Mr. Tadaki: Yes, it does. It borders the subject property to the north.

Ms. Wakida: And who owns that road?

Mr. Tadaki: I believe it's Hawaiian Commercial & Sugar Company.

Ms. Wakida: And so you have some sort of an agreement with them that you can use that road?

Mr. Tadaki: The landowner has a right-of-access or an access easement along the portions of Kamaaina Road, South Fire Break Road, and along the portion of Lower Kihei Road that is not owned by the State.

Ms. Wakida: OK. I just wanted clarification on that.

Mr. Tadaki: The applicant's request for easement involves only a . . . approximately, a half-acre portion of Lower Kihei Road which is owned by the State. The remainder, I believe, is all under control of HC&S.

Ms. Wakida: Do you happen to know where that road ends? Is it all owned by HC&S?

Mr. Tadaki: I don't know where it ends. I tried to follow it on Google Maps, but those roads are so connected and, you know, interconnected, and after a while, I just got lost.

Ms. Wakida: So it doesn't connect, then, to Kihei?

Mr. Tadaki: Who knows? I mean, with a name like "Lower Kihei Road," you know, your guess would be as good as mine, Commissioner Wakida.

Ms. Wakida: Thank you.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Yeah, Glenn, good morning. This M-3 zoning, this is in lieu of the enterprise zones that they proposed years ago for a . . . proposed an enterprise zone for offensive businesses? This has replaced it? Now we have M-3 zoning in place?

Mr. Tadaki: Well, I believe the enterprise zones are something that are separately and distinct from M-3 zoning. And I believe the Deputy Director may be able to provide, you know, a brief description or clarify that, but I believe it's . . . it is totally separate from M-3 zoning.

Mr. Hiranaga: Deputy Director, would you like to comment?

Ms. McLean: As Commissioner Freitas indicated, enterprise zones are an economic development tool. And even though it's called a zone, it's different from County zoning, as the applicant indicated. The M-3 zoning district, is a new County zoning district, because we had M-1 light industrial and M-2 heavy industrial, but neither of those allowed the intensive industrial uses that we see like power plants, sugar mills, some of the uses that might be conducted here. So that's

just a new zoning district that was created. It's part of our zoning code. And apparently, the applicant will be applying for that.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Lastly, I . . . for me, I would like to commend the applicant on two things. One is that they have put the new information in red. That is so extremely helpful. When we go back to . . . we've used these. And I just hope that all future final EAs and EISes will follow suit, because this is very, very helpful for us. And secondly, I commend the applicant on doing underground utilities. I . . . the less visual impact for poles all around . . . (inaudible) . . . So two things that I . . . for.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: I remember . . . I think we had this discussion the last time you were here about the Department of Hawaiian Home Lands' land south of your project. Did we have communication from them on what their future plans were there?

Mr. Tadaki: Before I get started, I'd like to thank Commissioner Wakida for her generous comments. Let's see. You are correct, Commissioner Ball. This subject did come up during our appearance before you for the draft EA. In preparing the final EA, we did follow up again with the State Department of Hawaiian Home Lands to find out what was going on with the State lands in that area. Let's see. On page 20 of the draft EA, there is new information regarding the Pulehunui Master Plan, which encompasses 939 acres of land surrounding the subject parcel, and involves a cooperative land use and infrastructure development venture by several State agencies including, the Department of Hawaiian Home Lands, and the Department of Land and Natural Resources, and the State Department of Public Safety. The master plan envisions land uses that support commercial and industrial uses alongside public/quasi-public and open space areas. There is a 646-acre parcel owned by DHHL that lies to the south of the subject property. One hundred acres of this 646 acres has been set aside by DHHL for a future wastewater treatment plant which would serve the State and County lands in the vicinity. The County has been working with the State agencies to master plan this area. And as far as I know their efforts are ongoing. And the Deputy Director may have further information to add, but at this point of the game, they're still working cooperatively to prepare their master plan. They anticipate it'll take maybe 20 years or so and involve three development phases to see this project materialize.

Mr. Ball: I guess what I want the public to know is that this has never been set aside for homes because of the nature of where it's located. And it states right in that document.

Mr. Tadaki: Right. That is correct, because those lands are basically, agricultural homestead lands. And those . . . the use of those lands for residential purposes is not appropriate given the existing physical condition of the area and its exposure to wind and dust. So if anything, DHHL is looking at doing ag lots for lessees to grow crops and perhaps do some truck farming, small scale, agricultural activities.

Mr. Hiranaga: Any other questions, Commissioners? So at this time, I guess . . . Commissioner Hedani?

Mr. Hedani: This is a question for Glenn. First of all, I wanted to compliment you on the thoroughness of the environmental assessment. I think it was well done. I did have a question in your Appendix G. This is on the noise study. On page 19 where you talk about the discussion of project-related noise impacts and possible mitigation measures, at the bottom of page 19, it states that:

Noise mitigation measures which limit noise from fixed mechanical equipment to those allowed by the State Department of Health (Reference 5) should be required of all tenants within the industrial subdivision.

My question is because . . . well, there's light industrial, there's heavy industrial, and there's super bad ass industrial, which is what this is. Can you insure that the CC&Rs for the subdivision include references to noise mitigation measures, which your future tenants might be able to incorporate into their projects through best management practices?

Mr. Tadaki: Glenn Tadaki. Thank you for your comment, Commissioner Hedani. In response to your query, the applicant definitely will consider including in their CC&Rs, provisions for appropriate noise mitigation measures to minimize any adverse noise impacts above and beyond what is typical for heavy industrial activities.

Mr. Hedani: Thank you.

Mr. Hiranaga: I just have a question maybe for the Deputy Director. The request that Commissioner Hedani made to the applicant regarding noise mitigation, is that appropriate at this stage with an environmental assessment, or is that more appropriate when it comes back to the Commission when it's requesting the change in zoning?

Ms. McLean: If it's something that the Commission wishes to see as a project condition, then it would be more appropriate for that to be done at the time of zoning. The action today before the Commission is a determination on the final EA. So it's not an opportunity to make changes or conditions.

Mr. Hiranaga: Yeah, because I noted the applicant's answer was they would consider it. Strongly consider? Lightly consider?

Mr. Hedani: That's good enough for me at this point.

Mr. Hiranaga: OK. Just for clarity. Any other questions, Commissioners? At this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide testimony regarding this agenda item? Please come forward. Seeing none, public testimony is now closed. I'll hand the floor over to the staff. You can explain what's before us.

Mr. Wollenhaupt: The deliberation today concern the requirements that a final environmental assessment is deemed complete by the Maui Planning Commission. There are three action alternatives.

One would be to accept today's final environmental assessment and for this Body to issue a FONSI,

a finding of no significant impact. And to have the Department send the final environmental assessment to the Office of Environmental Quality Control, which will initiate a 30-day legal challenge period. If the determination remains undisputed during those 30 days, the Department will continue processing this permit and send it to the State Land Use Commission for their deliberations. Should the State Land Use Commission complete their deliberations, then this Body will then see the community plan amendment and the change in zoning at some time in the probably, distant future.

The second alternative would be that the Commission could find that they need additional information, and they would defer action on today's final environmental assessment, speak to the applicant and to the Department as to what information they would like to see for the future, and that we will re-transmit this document to this Body for further review.

The third alternative would be that the Commission could determine that the proposed action would require the preparation of a more detailed environmental impact statement through additional research, discussion, and review.

The conclusion the Department has made is that the final EA, as submitted, does meet various criteria for the acceptance of an EA. That if the Commission today did issue a FONSI, it does not preclude this Commission from requiring additional information and/or mitigative measures when they look at the change in zoning and community plan amendment. And the Department would recommend the Commission accept the final environmental assessment and issue a FONSI determination.

Mr. Hiranaga: Open the floor to a motion. Commissioner Freitas?

Mr. Freitas: I move to accept the . . .

Mr. Hedani: Second.

Mr. Hiranaga: Move to accept . . . ?

Mr. Freitas: Environmental impact statement and issue a FONSI.

Mr. Hiranaga: The recommendation?

Mr. Freitas: The recommendation.

Mr. Hiranaga: To accept the environmental assessment, FONSI. Is there a second? Commissioner Hedani. Discussion? Commissioner Shibuya?

Mr. Shibuya: I find this EA to be well prepared and I applaud. And like Commissioner Hedani and Commissioner Wakida, I echo their comments and commendations. I do have some concerns. The only concern that I have right now is the recycling or recharging of the aquifer because you're pulling the water out of the ground aquifers. And if you're using that, then somehow we need to put back. And if we continue to just have more straws into this reservoir, underground reservoir, of Maui, then it is a concern to me. And if there's some way to mitigate it or some way to recharge



it, perhaps even having forests capturing some moisture in the mountain areas, and hopefully, they will be bringing some recharge in for the next generation, that is a positive sustaining model that I'd like to see.

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

Ms. McLean: The motion is to accept the final environmental assessment and to issue a finding of no significant impact.

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

Ms. McLean: Eight ayes.

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

**VOTED: To Accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI).  
(Assenting - J. Freitas, W. Hedani, D. Domingo, I. Lay, M. Tsai, K. Ball, P. Wakida, W. Shibuya)**

Mr. Hiranaga: Motion carries. We'll take a short recess and reconvene at 11:10.

Mr. Tadaki: Thank you very much, Commissioners.

(A recess was then taken at 11:00 a.m., and the meeting reconvened at 11:10 a.m.)

Mr. Hiranaga: The next agenda item is Communication D-1. Deputy Director?

#### **D. COMMUNICATIONS**

- 1. CHRIS HART & PARTNERS on behalf of THE FAMILY LIFE CENTER requesting a ten (10)-year time extension of the County Special Use Permit to continue to operate an overnight shelter for up to fifty (50) individuals at the Family Life Center located in R-3 Residential District at 95 Kane Street, TMK: 3-7-005: 015, Kahului, Island of Maui. (CUP 2007/0003) (C. Thackerson)**

Ms. McLean read the agenda item into the record.

Ms. Candance Thackerson: I would first like to state for the record that we have representatives from the Family Life Center here, the applicant. However, the consultant is not here at this time. He's at the burial services for Chris Hart.

This matter arises from an application for an amendment to a County special use permit filed on August 16<sup>th</sup> 2012. The application was filed pursuant to Section 19.510.070, Maui County Code, by Christopher L. Hart of Chris Hart & Partners on behalf of the Family Life Center on approximately, .95 acres of land in the urban district, situated at Kahului. The tax map key number is (2) 3-7-005:015.

The applicant is requesting an amendment to a County special use permit to extend the time of the County special use permit for the homeless shelter in the Family Life Center for a period of ten years. At its regular meeting on September 9<sup>th</sup>, 2008, the Maui Planning Commission granted approval of the County special use permit for a homeless shelter to house up to fifty individuals in the existing Family Life Center.

Since then, the applicant has received all their building permits. They were issued their certificate of occupancy this past June in 2012. So they have been operating. And they would like to now come in and extend their CUP for ten years. So it'll be valid until September 30<sup>th</sup> 2019. They met all the . . . Let's see. I believe there was originally about 27 conditions, and they met all of those, and were granted their CO. The agencies have had no comments or anything coming back from them. I had a request to go over the existing parking slightly, and as you see in your exhibits, I believe it's 7 and 8. Some of the parking is on-street. Not all of it is off-street parking. However, that was originally approved by this Body in 2008. So they're just showing compliance with that. It's not painted or designated for it, but it is available there for overspill parking.

Mr. Hiranaga: Are you done?

Ms. Thackerson: Yeah, pretty much.

Mr. Hiranaga: Does the applicant wish to speak?

Ms. Thackerson: If you have any questions, but they don't have anything further to add.

Mr. Hiranaga: All right, thank you. I'll open the floor to public testimony. Is there anyone here that wishes to provide public testimony at this time? Please come forward. Seeing none, public testimony is now closed. I'll open the floor to questions from Commissioners. Commissioner Freitas?

Mr. Freitas: What are you doing for security? Because there's a lot of . . . I'm doing a job across the street, and there's a lot of loitering on the outside of the building.

Ms. Thackerson: I can let the applicant address that.

Ms. Maude Cummings: Maude Cummings, executive director of Family Life Center. Are you referring to people . . . individuals on our property or off-site?

Mr. Freitas: Right in front of the church on the grass over there sitting there. We've had a lot of break-ins across the street, and there have been . . . we've seen a lot of loitering. On the Maui Pine Cannery property, there's been a lot of break-ins. I think six in the last month or so. And I noticed a lot of loitering there during the day and in the evening.

Ms. Cummings: During the day we have, besides our emergency shelter, we have about ten programs that are primarily supported by government contracts, housing contracts, so sometimes people are waiting for appointments. Part of what we do is we're an emergency shelter, so our goal is to move people on that they can stay there for six weeks, and then we hope to move them on. So during the day, we're doing a lot of taking people to appointments, getting them hooked up with services. Our shelter is open in the evening. So at 2:30, women and children and allowed to come

onto the property. And they are allowed access into the shelter at 4:30. And then they have to leave by 7:00 in the morning. Once women and children are in and they are . . . the women and children stay upstairs. We have a capacity of 35 upstairs. And then at six o'clock, men are allowed to come in and we try to keep them separate. So at five o'clock, men are allowed to come onto the property to wait because it is a first-come, first-serve. There is no guaranty of a bed. Every day you have to come and every day you have to leave. And that's part of the design that we don't want people to get comfortable 'cause. It's not a permanent residence. Our goal is to move people on. So at five o'clock, you will see people start to gather. At six o'clock . . . for the men. At six o'clock, if there are more than 25 individuals, we have to pull names 'cause we can only accommodate 25 males. So that's probably what you're seeing in the evenings. We are trying to move that situation so they're not hanging out in the front. We want to be good neighbors. We have a policy that . . . that people cannot loiter within 200 feet of the property if they wanna come into the shelter because we want to be good neighbors. And if they do, then they are not allowed into the shelter. We've addressed that. We have to address it over and over. But we are trying to move . . . people, so they're not waiting in the front 'cause visually, it just doesn't look good. Sometimes I'll go out there and people are lying on the grass, but . . . and so we ask them not to do that. We ask them not to sleep on the neighbor's property. If we do find that they are, I just talk . . . a police officer last week. I told him just e-mail me the names anybody you see, because we will speak to them, and they won't be allowed in. We do have two . . . for our emergency shelter, in the evening, we have a male monitor and a female monitor that's there all night. And somebody's on all the time. Yes?

Mr. Hiranaga: Commissioner Lay?

Mr. Ivan Lay: First of all, I like to applaud you on the services that you're giving for these homeless people. And how many people do you have there staying? I know you said there's a capacity that you have, but you are looking at . . . you're seeing 50 people there every night, or does it fluctuate?

Ms. Cummings: It fluctuates, but really, in the last three months since we got our CO and increased the capacity with 50, it used to be 15, we're pretty much operating at capacity, the occupancy right now. Out of the 50 people, there are seven children. We have two individuals that are over 70. We have another five that are over 62. We get a lot of referrals from the emergency room. Anybody can come in. They just have to be peaceable.

Mr. Lay: Do you see the situation getting worse or is it getting stable, at least?

Ms. Cummings: You know, we . . . I don't think it's getting worse, but it's not getting . . . it's not decreasing. And we really put a lot of work. Our other programs support the moving of people out of the shelter because we do have housing placement programs that can pay for security deposits, first month's rent, utility deposits. We have a certified substance abuse counselor that works with people to get them into treatment. We do . . . we make referrals for mental health services. We will help them get their basic identification, their birth certificates, their social security cards, anything that we can do to move people forward. So unfortunately, we are at full capacity which means that there's still a need.

Mr. Hiranaga: Commissioner Lay?

Mr. Lay: One more. The children that are staying there, is there education available to them, I

mean, with you helping them out to get to school or anything like that?

Ms. Cummings: The law, the State law, allows them to receive bus service from any point where they're at to the bus stops at our location. Any time we have a child, we make sure that they're hooked up with the bus system, and then the bus picks them up and drops them off right there.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Just for clarification, you said that . . . I don't know if this is everybody, mothers and children, and the men, they all have to leave by 7:00 in the morning?

Ms. Cummings: Yes.

Ms. Wakida: In other words, they have to leave . . . as in, they can't leave their own personal belongings there? They have to take everything with them?

Ms. Cummings: We have small lockers that are the size of lockers you see in YMCA.

Ms. Wakida: In an ordinary . . . well, these are extraordinary situations, but if a mother and child come in, and then they stay overnight, and have to leave at 7:00 in the morning, the child may go to school, what typically does the mother do?

Ms. Cummings: Well, one of the things we hope that they'll do is once we get the basic services is look for work. Some of them are working. Probably about 25% of our residents are working. And so they have jobs, or some of them are in school, or they're looking for work.

Ms. Wakida: So do you have many that come back night after night?

Ms. Cummings: Yes.

Ms. Wakida: Do they come back and stand in line to get admitted?

Ms. Cummings: Yes.

Mr. Hiranaga: Questions, Commissioners? Commissioner Ball?

Mr. Ball: How is your agency funded?

Ms. Cummings: We have a budget of about a million dollars. And about 90% of it is State, County, and Federal contracts. The rest are foundations and money that we raise from private individuals.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: And how many people you have on staff to help?

Ms. Cummings: We have a staff of 20—four are part-time . . . (inaudible) . . .

Mr. Wakida: Say that . . . I'm sorry?

Ms. Cummings: We have a staff of 20—four are part-time and the rest are full-time.

Ms. Wakida: OK. And how many live in the facility?

Ms. Cummings: Staff?

Ms. Wakida: Uh-huh.

Ms. Cummings: Nobody lives there, but we have somebody on pretty much 24 hours.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: Really as a side note on this, with the children, is there any help for them as far as like they bring home forms for parents to sign, and maybe the parents are not capable of signing those forms because they can't read 'em, or things like that? Or is there homework help or anything like that? Or is it just housing?

Ms. Cummings: Any issues that any of the clients have, we ask that they let us know. And so, they'll generally let the monitor know that they're having difficulty with something. And either the monitor that's on duty or a case manager during the day will assist them. We assist them with a lot of different applications.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Do you feed the people? And if so, how many meals do you feed?

Ms. Cummings: We provide a hot meal and a hot bath every night. So every night we prepare food for 50 people. Most of our food is from donations or from what we get from the Food Bank. We have volunteers that cook the food. We have several . . . like Kahului Union Church will do one night. We have different volunteers that will make the meal. Either they purchase the items, or they'll come and see what we have and make it out of there, as well as we have a regular volunteer that prepares for them.

Mr. Shibuya: OK. Thank you.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: My understanding is that it's first-come, first-serve. Now, you have a mother with a child, would she have priority or no?

Ms. Cummings: The priority is . . . according to the funding source, the priority are those who are . . . who, when they originally came were unsheltered. And so that means those are living places not intending for human habitation. The second priority would be those who say we're in a doubled-up situation and they just had to leave. They weren't in a . . . but there is no priority just for . . .

Mr. Freitas: A mother with a two-year-old-child?

Ms. Cummings: Yes.

Mr. Freitas: She stands in line, and I'm sorry, you sleep out in the street tonight?

Ms. Cummings: Very rarely does it happen that they don't get a bed because the other women, single women, will usually give up their space. That's what's happened.

Mr. Freitas: Commissioner Tsai?

Mr. Tsai: Yeah, do you have any security personnel onsite to deal with disturbance and such on your facility, in your facility?

Ms. Cummings: Not a person designated specifically for security, but all of the staff does security. We do have training, nonviolent crisis intervention. And a lot of the staff has prior experience in other situations, not . . . one of my case managers was an ACO. Some have military background, but we don't have any specific person for security.

Mr. Tsai: So it's a pretty safe place for . . . ?

Ms. Cummings: Our goal is that we wanna offer a safe place so individuals can get stabilized, and so that they can look for work, if they are able to work. Or that they can access other kinds of housing, but they need that period to be safe. And most of the people that come have expressed that that's their primary concern is just to be safe. And they feel safe in our shelter.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I just wanted to find out if you have some kind of camera system located at certain areas where you can identify the behaviors of individuals.

Ms. Cummings: No, we don't, but the monitors on duty make regular rounds, and make sure they survey the entire property a couple times a night on the edge of the property. And we have . . . (inaudible) . . . people there but . . . as well as the residents themselves. They monitor their behavior.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: It's an observation here. And I'm not faulting your area because it's a magnet for those who are less able and less fortunate. I see them socializing outside the Ah Fook Market. I see 'em under the Monkeypod trees as well as the kiawe trees in front of the library. They're in the supermarket area as well as in the Kaahumanu Shopping Center. And some of 'em are actually panhandling. And has there been any effort to minimize that effort or that behavior, I would say.

Ms. Cummings: We advise anyone that asks us never to give anybody any money. In fact, we did at one time develop cards that . . . to say if somebody panhandles, you can give them this and ask them to come. I've also instructed the staff. We have outreach workers. They go out to the beaches, wherever. And I've instructed my entire staff whether or not they're outreach workers, any time you see anybody holding up a sign, stop, give 'em our card, tell them to come in for services, invite them for a meal, for a food bag or clothes. Generally, we know all of the people that are

doing that. We've stopped a number of times. What we found is sometimes if we don't know who they are . . . And there was a time where there were people that I believe came from the Mainland and were actually teaching others how to do this. So we would actually stop and they would get upset because they did not want services. They just wanted money. And so we advise people never to give money because there are services available. We're generally aware of everybody that's doing that. For some reason or other, they won't come in, or come in sporadically. We hope that everybody will come in at some point. And that's why we are an emergency shelter because we want people to move on. And so we have to make room for people that are out there. What we find is . . . say for example, if someone needs substance abuse treatment, they will not get there from the streets. It's just too difficult. The process . . . So we will accompany them. In fact, in the last three months, we have assisted six people that actually got into Aloha House. And that meant a case manager working with them intensely to get them there. There's doctors' papers. There's assessments. There's all kinds of things. So we want everybody to come in because they will not get the services they need generally just by being out there. Even if we encounter them, when we get them in a place where we see them pretty much every day, we can observe their behavior. We can get the mental health assessment. We can move them on. But if they don't come in, it's very difficult. There are still people out there that we hope will come in.

Mr. Shibuya: Thank you.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Who owns the property?

Ms. Cummings: The property is owned by King's Cathedral, First Assembly. We lease it. We lease half of the property for a dollar a year.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Your . . . the people that are staying overnight are asked to leave by 7:00 in the morning and then can't check until late afternoon. So during the daytime, is that when you do your counseling? Or you have people come in and try to find services for them?

Ms. Cummings: Yes, that's when we set up our appointments for them. We have people either come onto the property and do assessments, or we set up appointments with them off property. Our outreach workers will actually transport them there, if we need to. We try to get them to get there on their own. But if they can't, we will assist them in getting that. We actually set that 2:30 time for women and children because we were concerned about the children once they got off of school. And some of them are dropped off there. So the mother has to be there.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Just for clarification, in the general description of the property, it says that the first floor houses a food pantry, storage, so on in an area capable of sheltering up to 15 homeless women and children overnight. And that's all it says.

Ms. Cummings: Initially . . .

Ms. Wakida: And then it says the second floor is used almost exclusively for storage.

Ms. Cummings: I think when the initial application was made, we were in the process of renovation and a special use permit was required for those renovations. We've since completed it, the renovations, I'm sorry.

Ms. Wakida: So now you have an area capable of sheltering up to 50 people?

Ms. Cummings: Yes.

Ms. Wakida: Is that including the second floor?

Ms. Cummings: Yes.

Mr. Hiranaga: Any more questions, Commissioners? Commissioner Hedani?

Mr. Hedani: This is more a comment than a question. My secretary just came back from Honolulu. And one of the things that she remembered most of all on her trip was an image of an individual lying on the sidewalk covered with sores on his body that everyone seemed to have ignored. Although what you do is not glamorous and it doesn't probably get the recognition that it deserves from time to time, I'd like to express to you our appreciation for what you do in showing that the people of Maui and the people of your organization care enough to do outreach, and to help people that are the weakest and the most vulnerable in the community. So I just wanted to say thank you for what you're doing.

Ms. Cummings: Thank you.

Mr. Hiranaga: Any more questions, Commissioners? Commissioner Wakida?

Ms. Wakida: The number . . . several people have said to me, and they get this from reliable sources, that places on the Mainland give certain homeless people a plane ticket and a backpack, and send them to Maui. Have you had any evidenced of this in your dealings with people?

Ms. Cummings: No, and we make it a point to ask because I've heard that same concern. And we do get people from the Mainland, and I ask, if I'm the one interviewing them, I will ask them specifically, "How did you get here? How did you get the money?" I have not found a single person yet. What I have found is that families will often send . . . say they live in Chicago, and they know they're gonna freeze in the streets of Chicago, so they will send them. And . . . just so that . . . 'cause they know whatever situation may not change, so they will send them. But I haven't heard of any State because I am . . . when I find out, I'll certainly make a call somewhere.

Ms. Wakida: Yeah, my sources have all claimed that it was State agencies that are doing this. I have no evidence if that's true. You're certainly on the front line of this so . . .

Ms. Cummings: One of the requirements is that because we also receive HUD funds is that we be listed on the HUD website. So anybody across the nation can look it up.



Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: And this is more for staff. There's a discussion in terms of extension and in terms of when this permit . . .

Mr. Hiranaga: You should reserve that when we have a motion on the floor because you're talking about conditions?

Mr. Shibuya: Well, no, I'd just like to have it clarified. I believe it expired in 2009. And why are we getting it now and then all of a sudden don't . . . is it normally just five years at the max? And now all of a sudden, it's ten years?

Ms. McLean: I can answer part of that question. When we have time limits on permits, the applicant needs to submit a request for a time extension before the permit expires. And in this case, the applicant did do that. We did receive that time extension request in a timely manner. We requested more information. There was some back and forth, and then quite honestly, we didn't follow up on it. And so there was also some transition with a consultant and some of the organizational leadership with the organization, so it just never got followed up on. We were contacted many months ago by the organization saying, "Where are we with this?" And we had to do a little bit of research to find this old correspondence and we realized that, no, actually, we still can pick up where it was left off because they did submit that initial request in a timely manner.

Mr. Shibuya: So the ten-year extension would be starting the clock way back in 2009?

Ms. McLean: From when the original permit . . . original expiration date, correct.

Mr. Shibuya: Oh, OK. So this would be an exception, would it not?

Ms. McLean: The length of time is unusual. Sometimes you will see by the time something will come to the Commission that permit might have expired a few months prior and we allow it to continue. For this much time to have transpired is unusual. But it isn't unusual that we have some follow-ups to do with the applicant that for that original date to have passed by the time the Commission considers it. That has happened on occasion.

Mr. Shibuya: Because I'm considering, OK, it expired three years, I'll give you five. So a total year or extension would be eight years, you know, rather than ten years.

Ms. McLean: That's the Commission's prerogative.

Mr. Shibuya: Because I hate to . . . I know the mission is a wonderful mission. It's just that the extent of the extension is ten years. I go, whoa. That's more than what I had expected. And that's a surprise for me.

Mr. Hiranaga: Effectively, it's really a seven-year extension.

Mr. Shibuya: Seven. OK.

Mr. Hiranaga: Any other questions, Commissioners? I have a question for the applicant. You made a statement that the individuals that use your service are not allowed to loiter within 250 feet during the day of your facilities. And like Commissioner Shibuya, I periodically visit the Kahului Library and I notice that there are a group of adult males that loiter either across the street from the library, or sometimes they're on the sidewalk fronting the library . . . or younger people, you know, to visiting the Kahului Library when there's . . . And I'm not saying that these people utilize your facilities. I'm just making a comment that there are . . . every time I go there, I don't go there that often, there's always a group either across the street about maybe eight, or 10, or 12 adult males. They're loitering or sometimes they're on the sidewalk. So if there's some way that you could approach your . . . the individuals that use your facility, and ask them if they are loitering in front of the Kahului Library or near the Kahului Library, not to do that.

Ms. Cummings: Yes. We know who they are. We have been there many times. Our hope is that they will come into the shelter. Most of them do not come into the shelter. We have thought different things we could do that maybe . . . Our only rule is you have to be peaceable. That's our only rule—you have to be peaceable. But still some people feel like the constraints of . . . well, we do have other rules like you have to practice good hygiene, so you have to take a shower. You have to listen to the monitor. You have to eat when it's time to eat. So some individuals still find that restrictive or constrictive and choose not to come in. So our goal is . . . this is one model that in the future, we hope to develop other models that will encourage people who aren't coming and accessing the services right now to come in. And our goal is to find out what are the reasons why they're not coming in, and just loitering around, and not moving on. So this is just one model. There's still other things that we have to do, but we're constantly out there. And I know who you're speaking of. And so we do continue to speak to them as well.

Mr. Hiranaga: Thank you. Any other questions, Commissioners? If not, we'll have the . . . we'll go have the Department's recommendation.

Ms. Thackerson: The Maui Department recommends approval of the applicant's request to amend Condition No. 1 of the County special use permit time extension as follows:

That the County special use permit shall be valid until September 30, 2019, subject to extension by the Planning Director upon a timely request for extension filed at least ninety 90 days prior to its expiration. The Planning Director may forward the time extension request to the Planning Commission for review and approval, and may require a public hearing on the time extension by the Planning Commission.

In consideration of the foregoing, the Planning Department recommends the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the November 27, 2012 meeting as its findings of fact, conclusions of law, decision and order on behalf of the Planning Commission, and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Mr. Hiranaga: The floor's open to a motion. Commissioner Hedani?

Mr. Hedani: Move to approve as recommended

Mr. Freitas: Second.

Mr. Hiranaga: Seconded by Commissioner Freitas. Any discussion? Commissioner Shibuya?

Mr. Shibuya: I'm, you know, quite surprised about this ten-year extension. I wouldn't mind doing it. I think the circumstances, I would say that it be at least, I'll give you a benefit of the doubt, to 2017. I would support this extension up to that point. Anything beyond that, I'd have to not go along with it. So I'll be voting against it.

Mr. Hiranaga: Are you proposing an amendment or you're just making a comment?

Mr. Shibuya: I'm making a comment at this time that I would not be voting for the 2019 extension. I would go for a 2017 extension limit.

Mr. Hiranaga: May I suggest you make a motion to amend to see if there's support?

Mr. Shibuya: OK. Well, I'll make a friendly amendment to change the expiration date from September 30<sup>th</sup> 2019 to September 30<sup>th</sup> 2017. This allows for eight years extension rather than the 17 . . . I mean, seven years extension—the five years plus the two years that has already expired.

Mr. Hiranaga: The maker for the motion, are you willing to accept this as a friendly amendment?

Mr. Hedani: I'd like to see a second.

Mr. Hiranaga: OK. Is there a second to the friendly amendment? Well, actually, a friendly amendment, do you need a second because it's just a consent of the maker of the motion? If you're willing to accept it as a friendly amendment, then the seconder of your motion would also have to agree. But if you don't agree to the friendly amendment, then we would . . . then the maker would have to decide if he just wants to make a regular asking . . . making a friendly amendment.

Mr. Hedani: I'd like to have it as a formal amendment because I oppose the motion.

Mr. Hiranaga: OK. So the maker of the motion will not accept your friendly amendment.

Mr. Shibuya: OK. Thank you.

Mr. Hiranaga: Do you wish to make a formal amendment?

Mr. Shibuya: No, I think the amendment is . . . I mean, the formal amendment would be that I would have the approval to September 30<sup>th</sup> 2017.

Mr. Hiranaga: You can make a formal amendment to see if there is a second.

Mr. Shibuya: OK. I so make the motion to make this a valid condition for September . . . expiring after September 30<sup>th</sup> 2017.

Mr. Hiranaga: Is there a second?

Ms. Wakida: I'm gonna second because I wanna have discussion.

Mr. Hiranaga: Seconded by Commissioner Wakida. Discussion?

Ms. Wakida: I want clarification on this. The permit expired in '09, is that correct? So ten years from '09. Right, which would make it . . .

Ms. Thackerson: 2019.

Ms. Wakida: 2019, right. So it's just a seven-year from now. So actually we're looking at a seven-year extension?

Ms. Thackerson: Yes.

Ms. Wakida: OK.

Mr. Hiranaga: Commissioner Lay?

Mr. Lay: For me, if it was up to me, I would extend it further for the services that they're providing for these individuals. I mean, you don't see that too often nowadays, and when that hand is reached out there, take that hand and hold onto it. Let's go.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: I agree with Commissioner Lay. From the standpoint of the homeless problem on Maui, I think they're making a valiant effort to address the problem. I think 50 people are probably the tip of the iceberg. There's probably a lot more people that are living out in the woods, you know, that don't have shelter that they're providing. I don't think ten years is an unusual length of time. It's abbreviated in this case because of their oversight or the Department's oversight. I think further, you know, that this Commission to some degree, should accept responsibility for the problem of homelessness itself because the difficulty of people going through the process in order to produce affordable housing, and to produce housing and shelter for everyone in the community is so difficult at times because of what we do that we, in part, bear the responsibility for the problem that exists.

Mr. Hiranaga: Any other discussion? I have a question. Looking at the analysis, page 5, Condition 3, "The standard County special use permit conditions now provide for extensions to be approved by the Planning Director." Is that something we voted on and I forgot, or is that something the Council approved, or where did that statement come from?

Ms. Thackerson: Which page?

Mr. Hiranaga: Page 5, no. 3, analysis.

Ms. Thackerson: Oh, yeah. That's been approved . . . You didn't vote on it . . . well, you do vote on it. You're voting on it right now by me amending the condition to state for future reference that the Planning Director will have the authority to process future time extensions. So when people

come in and they do . . . when Planners come in and process the CUPs, and you see those brackets that they're removing those words, and the underlined words are the words that we're adding. So when they read this back to you, some of the times, the Planners . . . because it's something that's come in once and it's gotten a year approval, then it's come in and it's gotten a three-year approval, and a five-year approval, they'll change the words to then say, you know what? We're not gonna send it to Commission again. We're gonna make the Director make that call and make it an administrative permit. And therefore, they change the words, and you vote on it. And if you approve the time extension request and the words as said here, then the next time extension in ten years, when they file for it, it will come to us, and we will approve it administratively. We'll go to the Director, the Director will look at it, he will make a judgement call. If there's been no complaints on the parcel and nothing going on, he can then grant an extension. If there's been a need or anything in the public, then he may then forward the time extension to the Commission. And that's how I believe the past three CUPs have been processed.

Mr. Hiranaga: So looking at this statement, "The standard County special use permit conditions now provide for extensions to be approved by the Planning Director, " it's only if the language is inserted.

Ms. Thackerson: Yes, yes.

Mr. Hiranaga: I don't think . . . I think that statement is not totally true. If . . . you should say, "If provided within the project specific conditions."

Ms. Thackerson: Would you like me to amend the report? I don't even know if we can even amend the report.

Mr. Hiranaga: It's a concern. It's like now it's standard operating procedure. That's the interpretation I receive when I read that statement. It's standard operating procedure that the Director can extend all special use permits.

Ms. Thackerson: Only as stated in their conditions.

Mr. Hiranaga: It doesn't say that here.

Ms. Thackerson: Well, if their condition states in their . . . on Condition 1 if it says . . . like this one, I could not send to the Director to have him approve it. It says in their previous condition it has to come to the Commission. And so when someone turns in a letter requesting a time extension request, we have to follow the original conditions as stated in their permit.

Mr. Hiranaga: Personally, I have an issue with the Director doing extensions, and not specifically for this special use permit, but my pet peeve has always been there's no requirement for public notice so how would people know that their permit is coming up for renewal? And if there are people with issues, how would they know that they come and attend the meeting to express their concerns?

Ms. Thackerson: For conditional use permits?

Mr. Hiranaga: Extensions.

Ms. Thackerson: We would . . . oh, we would hope that they would complain. They would file an RFS, if they have an ongoing complaint on the parcel, but we don't hold . . . (inaudible) . . .

Mr. Hiranaga: That's . . . I don't think that's an accurate assumption to be making because a lot of people don't complain. They're not happy about situations. They say, oh, look, their extension's coming up for the Maui Planning Commission, I'll write a letter. So that's always been my pet peeve with special use permits is no public notice within the 500-foot radius. And now we're going to not even coming before the Planning Commission. It's gonna let the Director extend it. I think you can do it similar to SMA extensions where the Planning Commission can waive the right to review.

Ms. Thackerson: OK. We would need to then hold . . . you guys would need to come up with a process and vote on that. I mean, that's how all CUPs are processed right now, according to our ordinances. If you'd like to change that, you could then . . . (inaudible) . . .

Mr. Hiranaga: You'd have to have public notice.

Ms. Thackerson: Yeah.

Mr. Hiranaga: But this new added language is . . . that's in the prerogative of the Department.

Ms. Thackerson: Yes.

Mr. Hiranaga: Right. So we could say . . .

Ms. Thackerson: You could choose to not . . . you could strike the former part of the language and . . . (inaudible) . . .

Mr. Hiranaga: We would have the right to waive review. We could add that language.

Ms. Thackerson: No, we, right now don't have a process in place for CUPs to have a review waived. We have one for SM1 time extensions, but we had to create that process and you voted on it. And we created that process and the information that comes to you.

Mr. Hiranaga: You're coming before us now for an extension.

Ms. Thackerson: Yes, yes. Some time extensions come before you for a waiver of request of extension, and therefore, you're not supposed to discuss the merits of the project. Only speak on whether or not you will grant the waiver or we will come back and then do this. That's why you don't get a staff report with SM1 time extensions, but CUPs skipped that. We assume that you want to see them. So we don't ask you to waive review. We just come before you with a staff report and ask for your approval.

Mr. Hiranaga: Well, what I'm saying is instead of this last sentence in your recommendation where there is no review by the Planning Commission, it's up to the Director if he wants to send it to the Planning Commission or he will extend it. I would prefer for it to say the Planning Commission has the right to waive review. It still has to come before us, but we have the right to waive review and allow the Director to extend it.

Ms. Thackerson: Yeah, that's what we're doing right now.

Mr. Hiranaga: No, it's not what you're doing. We're doing that right now, but not what this sentence is saying for the future.

Ms. Thackerson: Yeah. Oh, no, but I mean, we can do this again in ten years.

Mr. Hiranaga: Seven.

Ms. Thackerson: Yeah, seven. So I can leave it as the original line so the bracketed spaces would then be left in, the words, "The Commission may require a public hearing on time extensions." We would remove the underlined portions saying "The Planning Director may forward time extension requests."

Mr. Hiranaga: Well, that's up to the maker of the motion, but that's my . . . I have an objection to that.

Ms. Thackerson: Yeah, we can leave it the same. If the maker of the motion approves of that, we can . . . the only amendment then would just be the date, the time of the extension.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: I think we should vote on the amendment on the floor first, and then, you know, we can lead up to additional amendments if you wanna have another amendment. We haven't voted on Warren's motion.

Mr. Hiranaga: As a Chair, I can't make amendments, right? So I wasn't making an amendment. I was stating my objection to the Department's recommendation.

Mr. Hedani: I see.

Mr. Hiranaga: So it would be up to you if you wish to amend your motion, but the amendment is on the floor. So we can . . . if there are no further discussion on the proposed amendment, we can call for the vote. We'll have the Deputy Director restate the proposed amendment.

Ms. McLean: The proposed amendment is for the time extension to last until September 30<sup>th</sup> 2017.

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

Ms. McLean: One aye.

Mr. Hiranaga: Opposed?

Ms. McLean: Seven.

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

**VOTED: To Amend the Time Extension to September 30, 2017.  
(Assenting - W. Shibuya)  
(Dissenting - W. Hedani, J. Freitas, D. Domingo, I. Lay, M. Tsai, K. Ball,  
P. Wakida)**

Mr. Hiranaga: Motion fails. Commissioner Shibuya?

Mr. Shibuya: Another amendment. And that would be that the document be corrected, or modified, or revised to include that the Planning Commission has the authority to review all of the time extensions for this particular project, as well as have the right to defer to the Planning Director, or allow the Planning Director to make that decision.

Mr. Hedani: Second.

Mr. Hiranaga: Seconded by Commissioner Hedani. So would it be adequate to strike the proposed new language, which is underlined, and to reinsert the language that's in brackets?

Mr. Shibuya: That's correct.

Mr. Hiranaga: Discussion? Commissioner Wakida?

Ms. Wakida: Well, it seems like we should strike no. 3 then, on page 5, that whole thing because that's in conflict to what we're talking about.

Ms. Thackerson: That's part of the analysis. That's not a formal recommendation.

Ms. Wakida: OK.

Ms. Thackerson: Yeah, that's what's been done in the past—that part of the analysis.

Mr. Hiranaga: On occasion.

Ms. Thackerson: Yeah, but it would then read:

That the County special use permit shall be valid until September 30, 2019, subject to extension by the Maui Planning Commission upon a timely request for extension filed at least ninety 90 days prior to its expiration. The Commission may require a public hearing on the time extension.

That's how it read, then, verbatim.

Mr. Hiranaga: Right, because for this particular . . . well, you'd still have to have a Planning Commission meeting to waive review because you'd have to take action to waive review. But the public hearing is significant because there's more of a notice requirement that you're gonna have a public hearing, whereas this type of communication did not require notice. Correct?



Ms. Thackerson: You would retain the right to require a public hearing on the time . . . when it comes to you, you could then say, upon analysis of this, we'd like to require to then, send out a public hearing, and we would come back. We would then to do that and then it bring back again so the public would be notified.

Mr. Hiranaga: Yeah. Deputy Director?

Ms. McLean: Chair, if I may? What Candance was explaining is that to use the waive review, the difference from the Department's side is either preparing a staff report or not preparing a staff report. And right now, we don't prepare staff reports for . . . when you have time extensions for SMA majors. It's just the applicant's letter and a few exhibits. That process was established by your rules. And so when the request comes in, we know what to do. To do that by making it a condition of a permit procedurally, make . . . isn't something that we would be able to follow. It's cleaner to just leave the language as Candance just read it so that it will come to you for time extension with a staff report as a communication item, not as a waive review because we don't have that process codified at this time. So I just want to make that clear. It won't be a waive review. It'll come to you for approval. Your options at that time will be to approve it or to require a public hearing. Is that clear? OK.

Mr. Hiranaga: Any more discussion?

Mr. Shibuya: Will you repeat the motion?

Mr. Hiranaga: The amendment?

Ms. McLean: OK. The current amendment is for the permit to be valid until September 30<sup>th</sup> 2019 subject to time extension by the Commission, and the Commission may require a public hearing.

Mr. Hiranaga: Did you make that change to your main motion or was someone else made an amendment?

Ms. McLean: Commissioner Shibuya made the motion.

Mr. Hiranaga: OK. All right. Thank you. So let's all vote on the amendment. All in favor, so indicate by raising your hand.

Ms. McLean: Eight ayes.

**It was moved by Mr. Shibuya, seconded by Mr. Hedani, then**

**VOTED: To Amend it so that the County Special Use Permit will be Valid Until September 30, 2019, Subject to a Time Extension by the Commission, and the Commission May Require a Public Hearing.  
(Assenting - W. Hedani, J. Freitas, D. Domingo, I. Lay, M. Tsai, K. Ball, P. Wakida, W. Shibuya)**

Mr. Hiranaga: Motion carries. Any further discussion on the main motion? Seeing none, we'll ask

the Deputy Director to restate the main motion.

Ms. McLean: Main motion, as amended, is to approve the County special use permit until September 30, 2019 subject to extension by the Planning Director upon a timely request and the Commission may require a public hearing on the time extension.

Ms. Thackerson: Actually, it should be subject to extension by the Commission.

Ms. McLean: Oh, excuse me, I'm sorry, if I stated that, yes.

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

Ms. McLean: Eight ayes.

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

**VOTED: To Approve the County Special Use Permit Until September 30, 2019, Subject to Time Extension by the Commission and the Commission May Require a Public Hearing on the Time Extension as amended. (Assenting - W. Hedani, J. Freitas, D. Domingo, I. Lay, M. Tsai, K. Ball, P. Wakida, W. Shibuya)**

Mr. Hiranaga: Motion carries. Congratulations. We'll break for lunch and reconvene at one o'clock.

(A lunch recess was then taken at 12:00 p.m., and the meeting reconvened at 1:00 p.m.)

Mr. Hiranaga: The next agenda item is E. Deputy Director?

**E. ACCEPTANCE OF THE ACTION MINUTES OF THE NOVEMBER 13, 2012 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 25, 2012 MEETING**

Ms. McLean read the agenda item into the record.

Mr. Hiranaga: A motion to accept?

Mr. Ball: So moved.

Mr. Hiranaga: Seconded by . . . ?

Mr. Hedani: Second.

Mr. Hiranaga: Seconded by Commissioner Hedani, moved by Commissioner Ball. Any discussion? Oh, yeah, I'm sorry. Corporation Counsel would like to comment.

Ms. Thomson: I wanted to recommend just reordering the action minutes for November 13<sup>th</sup> to include the intervention on the . . . it's listed as Item C-1, and move that directly below Item B-1, so that it followed the sequence of the meeting, so that the decision on the intervention is prior to the

decision on the County special use permit and SMA permit.

Mr. Ball: I will allow it.

Mr. Hiranaga: Any other discussion? Seeing none, all in favor say aye. Opposed?

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

**VOTED: To Accept the Action minutes of the November 13, 2012 meeting, as Amended, and the Regular Minutes of the September 25, 2012 meeting, as Circulated.  
(Assenting - K. Ball, W. Hedani, D. Domingo, J. Freitas, I. Lay, M. Tsai, P. Wakida, W. Shibuya)**

Mr. Hiranaga: Motion carries. Next agenda item, F, Director's Report. Deputy Director?

**F. 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 request administratively:**
  - a. ROYAL LAHAINA DEVELOPMENT GROUP, LLC (RLDG) requesting a two (2)-year time extension on the Special Management Area Use Permit condition to complete construction of the Royal Lahaina Revitalization project at TMK: 4-4-008: 007 and 013, Kaanapali, Lahaina, Island of Maui. (SM1 2005/0038) (SSV 2005/0005) (K. Aoki)**

Ms. McLean read the agenda item into the record.

Ms. Kathleen Aoki: Good afternoon, Chair Hiranaga and Commission Members.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: Yes, Mr. Chairman, I wanted to advise the Commission that I will be recusing myself on voting on this particular item. The applicant is a member of Kaanapali Operations Association and one of my directors is Tom Bell who's before you today.

Mr. Hiranaga: Proceed.

Ms. Aoki: Thank you. I thought I'd give all of you a little bit of history on the project and the site. None of you were here except for Mr. Hedani when the original approval was done and he recused himself at that time as well.

A little bit of history, the Royal Lahaina Resort is a 26.87-acre property that was originally built around 1962 and was one of the first properties built in the master plan Kaanapali Resort area. The

current owners have owned the property since about 1982. Mr. Gary Hogan, the owner and CEO is here today, along with Mr. Tom Bell, president of Hawaiian Hotels and Resorts. Leilani Pulmano of Munekiyo and Hiraga is here as a consultant. And we have Mike Fujita, engineer, from Wilson Okamoto is here.

The resort currently exists of a 12-story hotel with 330 units, a three-story hotel tower with 65 units, 29 one and two-story cottages for a total of 174 units, various retail and restaurant buildings, the ballroom, the luau grounds, and 11 tennis courts. In total there are . . . or there were 583 hotel units. The new proposal decreases that unit count to 456. The applicant's proposal is to demolish within the shoreline setback area which at the time a shoreline variance was granted by the Commission to do these demolitions: six two-story oceanfront cottages, a one-story restaurant which is Don the Beachcomber, and a three-story hotel structure, and a one-story retail complex, and a portion of the Alii Ballroom that is used for banquets and meeting space. Also within the setback will be a pool which was the main . . . kinda the main focus at the original hearing. They had proposed to have it stay in the setback, and throughout the discussions, it was agreed that it would be removed. A concrete path, two stages on the luau grounds, lanais, walls, a shuffle board court, concrete slabs, so various amenities. Outside the setback, demolition will include 24 of the one to two-story cottages; a one-story restaurant which is Basil Tomatoes; and the tennis courts and ranch building. Four courts will be part of the project, though, new one, and the maintenance and ground-keeping buildings. The revitalization which actually began in 2007 and it was on this day, November 27, 2007, included the renovation of the existing 12-story hotel building. This remodeling decreased the number of units in the tower from 344 down to 330 which was done by combining some of the rooms together. The applicant spent approximately, \$35 million on this part of the project which also included the demolition of managers' homes that were provided on the property. The project will include the new construction of 126 condominium hotel units and eight buildings, retail building, activity center, a new lobby, a keiki center, a new spa and activity center, new back-of-the-house facilities, water features, roads, paths, parking, a parking garage, maintenance facilities, public beach parking, access, trolley stops, four tennis courts, golf-driving cages, owners' services building, and related improvements.

A traffic impact assessment report was prepared for the project at the time. And the report found that traffic will actually decrease because the project is going down from 583 units to 456. The parking is a total of about 608. There are some revisions that were made and it could possibly go up by about 28 or so parking spaces. If we go on the original report, though, 542 spaces in the underground parking structure, 20 spaces in detached condo garages, 20 spaces in under-covered parking. For beach parking, the property currently has no designated public beach parking. As a result of the project, we are going to have 26 public beach parking spaces, 16 of which will be in uncovered stalls, ten of which will be provided by free valet. So that's something new, which I would wanna take advantage of that.

The zoning of the property contains a mixed designation of HM, H-2 Hotel, and A-2 Apartment. This property is essentially split with HM zoning on the mauka portion of the property and H-2 on the makai side, and A-2 zoning sort on the southwest corner, and another where the access road enters the property. The hotel district allows for residential apartment and hotel uses. Based on the zoning and land area, the applicant is only proposing to use and build 42% of the allowable density on the property, and this was one of the critical things that was discussed when the original application came through. The applicant or the owner shared with me that he has been

approached by many large chain hotels to really kind of beef up that property with over a thousand units. However, he believes that this is much more appropriate for the property to be less dense with more open space.

You were all provided with a copy of the preliminary drainage report. Essentially, the improvements, the drain lines, drain inlets, catch basins, and the fact that they're increasing the landscaping on the property, so there's more pervious land area, the runoff is actually going to decrease from 83.88 cfs to 75.02.

So that's pretty much an overview of the project. The applicant is requesting a two-year time extension to complete construction of the project. Completion of the project was required by today, November 27<sup>th</sup> 2012, which is five years after the initiation began. The Director is asking the Commission to waive its review of the extension.

Mr. Hiranaga: Thank you. At this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide public testimony at this time? Please come forward. Seeing none, public testimony is now closed. I'll open the floor to questions from Commissioners. Commissioner Wakida?

Ms. Wakida: Kathleen, how much of this construction is done now?

Ms. Aoki: They renovated the 12-story tower. And they started with the demolition, and so they've done the demolition of the managers' residences that were on the mauka side of the property.

Ms. Wakida: Because I'm looking at a lot of buildings on this colored map which you gave us. And you're asking for two years to finish all of that?

Ms. Aoki: They're actually proposing to do the project in phases. And it was always proposed that way. So they recognize that it probably will not all get done within two years and they will be back for an additional extension.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Again, I guess the same kinda question. I wasn't here when it was originally proposed. And I'm so lacking in information, but I do have some inputs from MECO. And I look at it as a possible showstopper. And that is your switch gear, your electrical switch gears. I believe it's with your transformer on campus, right? You have it . . .

Ms. Aoki: From what I understand from that memo to them from MECO it was that they have that concern.

Mr. Shibuya: Yes, and so what has been done so far?

Ms. Aoki: I mean, I would imagine that as part of the review commenting period, the Department, they would've . . . they realize that they need to upgrade any kind of major infrastructure system like that. Normally, when we get comments like that from MECO, you know, we obviously have to get that settled before we'll even bring it to Commission. We're not gonna bring something forward to

Commission.

Mr. Shibuya: Yeah, that's why I'm looking for what kind of remedies, or mitigations, or what kind of a plan has been implemented or will be implemented to rectify, correct, or whatever.

Mr. Gary Hogan: Hi. I'm Gary Hogan. Thank you, Chair, Commissioners.

Mr. Hiranaga: Could you please restate your capacity?

Mr. Hogan: Yes, I'm the CEO and owner of the Royal Lahaina Resort. And addressing the electrical or what are you calling it—the switch box? So the front entry is gonna be because actually moved. So Maui Electric is actually have to move that whole unit, and put in a whole new system because all the electrical, and the plumbing, and sewage and stuff, it follows the current road, entry road. Now, it'll follow the new entry road coming onto the property.

Mr. Shibuya: Has there been work done for . . . ?

Mr. Hogan: No, there's been . . .

Mr. Shibuya: Just plans?

Mr. Hogan: Yeah, there's just plans to this point. We did some demo for staging up above where the . . . right along the highway, but it had no effect to moving any roads or anything like that.

Mr. Shibuya: OK. Can you get me time period in which . . . ? I guess the porte-cochere, is that where you're doing the changes, and realigning the roadway as well as the . . . ?

Mr. Hogan: No, actually, it's right from the entry point of our property. The road will shift up more towards the highway, and will come down, and it'll be a whole new road. So the existing road kinda cuts down and goes right along, and ends up by the tower of the hotel. And the new one will come up higher, and come wrap around a little bit more.

Mr. Shibuya: Oh, so that's why the transformers and . . .

Mr. Hogan: Everything's gotta, yeah, has to be moved.

Mr. Shibuya: OK. "Cause I see that as a huge problem there. So you're gonna phase down with no operations for a certain time? Or you gonna try and band-aid that a little bit so you can continue operation?

Mr. Hogan: Yeah, that's the key component to this project is to keep it operational so we can keep our good staff working. So, yes, we will keep the hotel running, and we will phase it in, and build the road, and get all the lines in, and then make the cut over so that we can keep operational through this whole process.

Mr. Shibuya: OK. And at the same time, if I can, is this tied in with any energy-conservation as well as renewable energy generation projects?

Mr. Hogan: Yes, since we proposed this project, the technology has gotten better, thankfully, so we will take advantage of the latest technology that's out there. Currently we pay about \$125,000 a month on electricity. So any way we can reduce those costs, we are trying hard.

Mr. Shibuya: Yes. I'm well aware of that.

Mr. Hogan: Yeah.

Mr. Shibuya: Yeah.

Mr. Hogan: Because we know that cost is gonna continue to go up. The oil cost is gonna continue to go up, so we . . . yeah, we're looking for any way to get it as efficient and effective as possible.

Mr. Shibuya: Yes, thank you.

Mr. Hogan: Sure.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Good afternoon. Thank you for being here. I wasn't here either as many of the other Commissioners for the original presentation, so just background, can you give me generally the breakdown of how the units are used? Like how many are condo, how many are hotel, are the condos rented out . . . (inaudible) . . . basis, that kinda thing?

Mr. Hogan: Sure, for our current use?

Ms. Wakida: No, for the projected use.

Mr. Hogan: Oh, for projected? Yeah, the hotel tower which is in the center will continue to be just for hotel. And then the . . .

Ms. Wakida: About how many rooms you figure that'll be?

Mr. Hogan: That is gonna be the current count which is 333 rooms right now. And then we're gonna build the eight buildings around the property and that will consist of 126 additional units. And that will be residential and condo . . . or residential and hotel use. It'll be up to the owner if they want to put it into the hotel rental pool.

Ms. Wakida: OK.

Mr. Hiranaga: So for clarification, on the condominiums, will you be allowing fractional interest or timeshare ownership?

Mr. Hogan: No, we didn't go through the process of, you know, painting a timeshare application which would take us a year to complete. This was always residential.

Mr. Hiranaga: How about fractional interests?

Mr. Hogan: Fractional, actually, you need to go through a timeshare licensing as well. So we . . . no, we're not going forward with that at this point. Our intention is to . . . (inaudible) . . .

Mr. Hiranaga: Thank you. Commissioner Lay?

Mr. Lay: So I am, too, looking at this map and just getting an understanding on the development that you'll be making. And I have questions about your public access and parking in this hotel region.

Mr. Hogan: Sure.

Mr. Lay: Is there?

Mr. Hogan: Oh, your question is there public access and parking?

Mr. Lay: Yes.

Mr. Hogan: Yes. As soon as . . . if you look at the entry to the property, the first parking lot you come across is 26 stalls for free beach parking. And then there's actually a path. It's designated. It comes along straight down to the beach on the south side of the property which we added for people to . . .

Mr. Lay: That's your lateral beach access?

Mr. Hogan: Yeah.

Mr. Lay: How far away is that from the beach to the parking?

Mr. Hiranaga: Half a mile?

Mr. Hogan: About a hundred yards, I think, maybe 50 to a hundred.

Mr. Hiranaga: There is a Kaanapali Royal Golf Fairway that goes from the entrance, I believe, to your property down to the ocean which is about 300, close to 400 yards in length.

Mr. Hogan: To the green.

Mr. Hiranaga: Yeah.

Mr. Hogan: Yeah, because it's a dog leg . . . (inaudible) . . . right?

Mr. Hiranaga: Yeah, so a hundred yards from your parking, proposed parking area to the beach I think is maybe . . . might be a little further than that, further than a hundred yards.

Mr. Hogan: Maybe that's maybe about 150.

Ms. Wakida: Well, this scale on here is . . . that little line says "200 feet," is that correct?



Mr. Hogan: Oh, no, it's not. Yeah, when you shrink it down, the table isn't true.

Ms. Wakida: Or . . . oh, down here. This is . . . the one on the bottom is 200?

Mr. Hogan: Yeah, I think, though, as you shrink these down, I don't know how accurate the table.

Ms. Wakida: Well, I think bottom line, it's a pretty good hike from the parking lot to the beach because . . .

Mr. Hogan: Yeah, the current property is laid out that all the parking is up on that highway side. So right now, all our hotel guests and all the people that do visit the beach have the same walk. So we haven't really extended the walk. We've . . .

Ms. Wakida: And how do they . . . ? I'm sorry. How do they get down to the beach again?

Mr. Hogan: There's a designated path that goes along . . .

Ms. Wakida: The black, the black dotted line?

Mr. Hiranaga: On the side of that white . . . that's actually closer to that.

Ms. Wakida: Oh, so, they have to go back out the entrance and then come in?

Mr. Hogan: No, they don't get out the entrance. They actually walk across.

Ms. Wakida: You weren't able to provide any parking a little closer to the beach?

Mr. Hogan: Well, we have parking also in the parking structure which is underneath the tennis courts. And that's where the current parking is for, as I mentioned, for the resort right now.

Ms. Wakida: You mean in front of the . . . below the tennis courts. It's not literally under the tennis courts.

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

Ms. Wakida: Oh, I gotcha.

Mr. Shibuya: It says "Cart Parking."

Mr. Hogan: Yeah, we're gonna have cars and . . . because we wanted to have more electric cars and such.

Mr. Shibuya: Yeah, it says "Cart."

Mr. Hogan: Yeah, that's golf carts.

Mr. Shibuya: So it's not automobile and carts?

Mr. Hogan: No, it's automobile, but we're also gonna provide golf cart parking as well.

Mr. Shibuya: But it's gated.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: It appears to access this cart parking area, you go through a gated entry.

Mr. Hogan: Oh, I think that's actually for the private residents, there's a gated, but not for any public parking.

Mr. Hiranaga: OK. For clarity, the . . . there is parking nearby your proposed new buildings that I guess are gonna be sold as fee simple condos?

Mr. Hogan: Yes.

Mr. Hiranaga: So then you have kind of a parking that's up towards Honoapiilani Highway, or would you call that a central parking . . . ?

Mr. Hogan: Yes, a central parking area for hotel guests and visitors.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Are you going to continue having events at the hotel? Public events?

Mr. Hogan: In which manner?

Ms. Wakida: I have attended several public events: high school scholarship dances or whatever, things where the public comes in and uses one of the rooms.

Mr. Hogan: Oh, yeah. We'll have meeting space and some ballroom space and such.

Ms. Wakida: And where is the parking for that?

Mr. Hogan: In that public parking area.

Ms. Wakida: What is the current capacity of parking?

Mr. Hiranaga: Six hundred something.

Mr. Hogan: Five hundred with . . . I think we were gonna add a few more. Oh, 608.

Ms. Wakida: Yeah, no, that's for the proposed, right? Well, what I'm getting at is, I've been to a number of functions on the property. And I love that you're keeping it condo and not turning it into a timeshare, but you've taken a whole hunk of the center part out that was public parking. And attending those functions, parking was at a premium. We were spilling up into that area away from the top where I guess Building 7 is now.

Ms. Aoki: I think I might . . . that parking that exists now that's taking up all that space in front of the lobby area and all that is all being condensed and being put pretty much in one place into a new structure. It's gonna go under the ground.

Mr. Hogan: Yeah, we did that again just for aesthetics, and obviously, it's gonna cost us quite a bit of money, but the residents across the street didn't wanna see an aboveground three to four-story parking structure.

Ms. Aoki: So it actually takes up less space and gives you more opportunity for landscaping.

Mr. Hiranaga: Commissioner Lay? Sorry. I was trying to decipher this map we were given.

Mr. Lay: For me and my family, we like to go to the beach a lot. This is a pristine beach. From your Royal Lahaina all the way to the Sheraton is a beautiful beach that has virtually no access for us right now. I mean, if I'm gonna come with my family and walk three, four hundred feet, that's gonna stop me from going there, and that's where I have difficulty with this. It's a great project. Beautiful . . . you set it up really nicely, but I think for the public access, it's a difficult one for me because I'd like it be more available to us, you know, to the local people there with this beautiful beach there.

Mr. Hogan: Yeah, no, I understand that. We did . . . and that was a concern in the first hearing. So we did add more parking for the public access. They had us do a study to see how many people access the beach now because there's no restraint. We let whoever wants to come visit. And we average about six cars a day. So we went to 26, and then I added for people that don't wanna walk as far, the free valet. So I mean, if they want, they can actually . . . and if they have a lot to carry, they can come down. We're a pretty friendly resort. We've been around for a long time.

Mr. Lay: The valet sounds good.

Mr. Hogan: No, we've addressed a lot of issues because again, we . . . you know, like it was said earlier, I've got a lot of options, but I got a lot of love for this property. So we're trying to be good stewards of the land.

Mr. Lay: Thank you.

Mr. Hogan: And the community.

Ms. Aoki: And perhaps, Commissioner Lay, if I could just to let you know? Commission Lay, I wanted to just sort of add to your concern. Just as an FYI on what they're doing in comparison to other projects in the area, the Sheraton has more units, and they have 20 parking spaces. Further down, you have Kahili Beach which accesses this same beach. Granted, it's a little further north, and there's over a hundred spaces there. Further north of that, you have North Beach with over a hundred spaces as well. So when I looked at what other projects . . . Because there's no policy or procedure as far as how many units trigger how many stalls. That's never really been set. And when you look at the ratio of what they're offering and what they committed to, it's actually one of the highest on the island. So I appreciate . . . I appreciate that it is kind of a long walk. I go there. I mean, not because of him, but I walk my dog and I've gone down here several times. I wouldn't

want to carry a whole lot of stuff, but I would carry . . . you know, I'd carry a beach chair and things of that nature.

Mr. Hiranaga: Commissioner Lay?

Mr. Lay: Just a comment on that. That's exactly why I'm asking because we go to those other . . . Sheraton like that and there's no parking. We'd love to go there but if there's no parking, I don't wanna pay for the valet. I don't wanna go through all that hassle. And it's good to know that we can still go to these beaches and appreciate it. So, thanks.

Mr. Hogan: No, it's my pleasure.

Mr. Hiranaga: Yeah, just a personal comment since you brought up the pedestrian access between the golf course and the subject property. When I'm playing at the Royal Kaanapali Golf Course, and we're teeing off in the tee box, and there's people walking on that asphalt path, they're looking at us and smiling, and wondering why we're not teeing off. Because we're not professionals, and sometimes the ball does not go where we want it, and we don't want them to get hit by a ball. So I don't know if that's the ideal spot to put a pedestrian path.

Mr. Hogan: Yeah, that's actually the golf course's path. That's their property. Our property line is further in. Inside those big trees is our property line. So the path is actually protected by those trees. So we brought that into account because the golf course actually wanted to share a path with us, but we split off. We put our path so we could always control our path. Our path is you know where the trees are that protects the cottages? Ours is inside those trees.

Mr. Hiranaga: That's interesting that that path belongs to the golf course because none of the golfers use that path. They drive down to the fairway. And all you see is pedestrians.

Mr. Hogan: Even if it says "Path Only."

Mr. Hiranaga: All you see is pedestrians on that path.

Mr. Hogan: Yeah, there's . . . well, there's a lot of the Maui Eldorado guests. They actually use it. They shuttle people back and forth to their beach place there.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: Just for the Commission's information, in the first review that we did, this particular hotel went from zero to 26 stalls, basically, for public access, plus accommodating the valet, the valet system, for proximity to the beach if you wanted to drop stuff off. The other thing that they also committed to is if you look on the makai side of the property, there's lateral access across the entire frontage of the property from one end to the other which does not exist today. So that's something that they also provided for public use.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Along these lines, just figuring out the logistics here, if you are beach-going and

choose to valet, you go to the lobby, correct?

Mr. Hogan: Yes.

Ms. Wakida: Well, then how do you get to the beach from the lobby?

Mr. Hogan: There's actually . . . the lobby is elevated. So you'll take an elevator down or the stairs, and then just cut straight across the . . . there's a path where there's ponds, and then you go through where the fish ponds are, and come right out to the beach.

Ms. Wakida: So if you have a lot of stuff, this is not a very convenient way to get to the beach.

Mr. Hogan: Well, we're . . . again, I mean, I hope most of you have been to my hotel. And our staff, some of them been there since the day it opened, so they treat you pretty much like family there, and they're always there to assist and help. And that's what's made the Royal Lahaina what it is, is the staff.

Ms. Wakida: Oh, absolutely. I've been . . . yeah.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: I am not going to dispute your drainage report. Just clarification, when I look at these two maps and the gray area is paved structure, and the gray area is paved structure, it looks like an awful lot of paved structure on the new part than on the old part. And yet, your drainage report says that you've got more landscaping. So could you clarify that?

Mr. Hogan: I'm gonna bring the expert up for this one.

Mr. Mike Fujita: Hi. I'm Mike Fujita, Wilson Okamoto Corporation, civil engineer. It may look like that, but we did the calculation and there's actually more landscaping than currently is hardscape. There's a significant reduction in density, so the calculation shows that there was an increase in landscaping, and therefore, the 10 percent reduction . . . (inaudible) . . . There's a lot of pavement out there now. . . . (inaudible) . . . But we did go through an extensive study, the property and the area.

Mr. Hiranaga: The issue I have is that this project was initially constructed in the early 1960s. And the drainage standards, I guess, were adopted around 1995, and your base line is the current . . . what is it called? Discharge rate or . . .

Mr. Fujita: Right, correct. . . . (inaudible) . . .

Mr. Hiranaga: Let me finish. And so now your base line is saying we're reducing the discharge volume below current conditions, but those conditions were established in the early 1960s prior to the standards that were accepted in 1995. And so my question is, what was the discharge rate prior to the development of the Royal Lahaina Resort for that land area?

Mr. Fujita: We did not do that calculation.

Mr. Hiranaga: But you'd be able to figure that out?

Mr. Fujita: I guess if we had an existing topographic survey of what it looked like before, we could do the calculations.

Mr. Hiranaga: Currently the . . . looking at the report, it says that the runoff goes into a 48-inch drain outlet that drains into the ocean.

Mr. Fujita: Correct. Actually, it goes into the golf course. On the other side, opposite that fairway, there's another open drainage basin where it discharges, and then it goes into an open channel, and discharges kinda north of that Kipaa Point.

Mr. Hiranaga: Right, north of the Black Rock, there's a . . . looks like a little . . .

Mr. Fujita: I think on the other side of the tee box, there's that little open drainage basin.

Mr. Hiranaga: It's to the left, south of the green. You have to cross a little bridge, yeah. My concern is that this drainage system was created in the early 1960s, and you're saying that since we've reduced the actual volume of discharge, we don't have to improve the current system.

Mr. Fujita: Well, onsite there'll be all new system: new drain inlets, new drain lines. The plan also proposes filter inserts into the inlets. So those filter inserts will help filter storm water, address water quality. So there are improvements in the system.

Mr. Hiranaga: Yeah. I guess we're kind of at a loss because eight of the Commissioners now here have not seen your full presentation. So we're just looking at this little packet that we got. It has the drainage report and the conditions set by the previous Commission. But there's no way for us to know that there is a new proposed drainage system because it's not stated anywhere.

Mr. Fujita: Yeah, I think the full report does say that.

Mr. Hiranaga: It does? In the drainage plan?

Mr. Fujita: It was part of the report. I think you have the preliminary engineering report that, I guess, stated the improvements which included the new drainage system.

Mr. Hiranaga: It's in this drainage report?

Mr. Shibuya: Try page 9.

Mr. Hiranaga: Where on page 9? 'Cause I read . . .

Ms. Aoki: Page 9, Item 3, A, second paragraph.

Mr. Hiranaga: But then at the end it says . . . on the last page on conclusions, "Therefore, construction of underground retention basin systems is not required."

Mr. Fujita: Yeah, based on current County standards.

Mr. Hiranaga: Yeah, so the impression I get is you guys aren't doing it 'cause it's not required.

Mr. Fujita: That is correct, but just something that came up recently, too, is Maui County just adopted new water quality standards, so this project moving forward will need to comply with those standards which will likely require filters, or retention, and detention.

Mr. Hiranaga: Would you like to comment?

Ms. Dagdag-Andaya: That's correct, yeah, we just adopted the rules and got it signed by the Mayor recently. So that . . . their project will need to comply with those rules—the ones that came before the Commission for review I believe back in April or May.

Mr. Hiranaga: Lance Nakamura?

Ms. Dagdag-Andaya: Yeah, those rules are in effect as of just last week.

Mr. Fujita: I think it just came out, yeah.

Ms. Dagdag-Andaya: Yeah, just came out. And then in addition to that, I think we also required them to come back with a final detailed drainage plan for review. I think that's what it says, "Detailed and final drainage report and the best management practices plan shall be submitted with the grading plans for review and approval prior to issuance of grading permits." I'm not sure where you guys are at with . . .

Mr. Fujita: Yeah, that's typical with the design.

Ms. Dagdag-Andaya: We'll be able to review it at least one additional time, but I understand your concern, Commissioner or Chair, that that . . . the proposed improvements . . . well, you never got a chance to take a look at that so . . . but we wanted to . . . we want to make . . . also make you aware that we'll be reviewing it one more time. And in addition to that, they also have to comply with the new rules for storm water quality.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: So for clarification, you are going to include underground detention basins?

Mr. Fujita: Well, we need to look at the new standards, yeah, and see what we need to provide to comply. Part of that will likely be retention/detention. You can accommodate storm water quality through structural measures. You can buy these prepackaged units to help filter the storm water. And effectively, they do the same thing

Ms. Wakida: Because . . . I mean, it states right here that the proposed improvements will include underground detention basins. So is that a true statement or not? And then in the last . . . on page 11, it says, "Therefore, construction of underground detention basins is not required."

Mr. Fujita: Well, it's not required, but we did a lot of things in the original report that weren't required such as the filter inserts and some of the other things that we're doing with the landscape architect trying to incorporate some low impact design with grass swales, and retention areas, and so forth.

Ms. Wakida: OK. So the detention basins are not required, but you say in here that you will include them? That's what the report says.

Mr. Fujita: Yes.

Ms. Wakida: OK.

Mr. Hiranaga: So for clarity, I would prefer this presentation made by the applicant and not his consultant that whatever water that is leading the property will be either filtered or treated. But you're not able to retain or detain water leaving the property . . . all water leaving the property that you're not able to retain or detain, you will treat either by filtration devices or . . .

Mr. Fujita: That is correct to comply with the standard.

Mr. Hiranaga: No, not comply with the standard. The standard says . . . I don't know what the standard is. I mean, the previous standard was pre-development which pre-development is the current condition. So is that the same standard?

Ms. Dagdag-Andaya: It's still the same—the pre-development.

Mr. Hiranaga: So anything below that standard can leave the property untreated and enter the ocean?

Ms. Dagdag-Andaya: Well, now we have those rules, those storm water rules in effect so they would have to comply with the new . . . for treating storm water.

Mr. Hiranaga: So all water that's not retained or detained onsite must be filtered or treated?

Ms. Dagdag-Andaya: I'm gonna need to check on that one more time but . . .

Mr. Fujita: I believe it's based on a one-inch storm event over the entire site. That volume needs to be treated per the standard, the new standard. So all of that one-inch has to go through some kind of filtration.

Ms. Dagdag-Andaya: Filtration.

Mr. Hiranaga: So can we count that even if that is not what the standards call for that the applicant will do that? Are you gonna . . . ? I mean, we're guessing what the standard is, the minimum standard, but is the applicant willing to represent that they will treat or filter . . . the key word is "all" water, not water exceeding the pre-development.

Ms. Leilani Pulmano: I understand. My name is Leilani Pulmano with Munekiyo and Hiraga. At this current time, they actually do already have a filtration system in their storm water, so they already



filter all of their water.

Mr. Hiranaga: All water leaving the property?

Ms. Pulmano: Currently, yes. And the proposed plan does call for filtration in all of their drain inlets.

Mr. Hiranaga: Pre and post development?

Ms. Pulmano: Correct.

Mr. Hiranaga: Surface runoff?

Ms. Pulmano: Yes.

Mr. Hiranaga: For the record?

Ms. Pulmano: For the record.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: You know, I'm getting very frustrated with this request. The reason for this extension is that they have not done anything during this period. And they have not represented any progress. And I would at this point, I wanna review the entire time extension request at a future meeting. That's the way I feel now because, oh, by the way, we've taken care of it. Oh, by the way, this is a three-story parking structure. I don't know that. It's very frustrating to get nicked and dime. And we have to ask the question about access to the beach and it's not provided. No, come on, folks. Just submit the complete report to us and that's the way I feel. Don't waste my time now in trying to piecemeal this thing to me.

Mr. Hiranaga: Thank you for that. Any other questions, Commissioners?

Ms. Aoki: Chair, if I could clarify that the project actually has started. Commissioner Shibuya, with the beginning of the demolition of the buildings, that was the initiated of construction.

Mr. Shibuya: It's not stated.

Ms. Aoki: I'm letting you know. I read it out in my report.

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

Mr. Hiranaga: Commissioner Shibuya, allow Kathleen to finish her statement, please. Thank you.

Mr. Shibuya: At the beginning of this session, I gave an overview of the project: what's started, what's begun. The initiation of the project did begin within the timeframe that was required by the permit. They were not allowed . . . they were not completed with it within the five years. Part of doing the project was the renovation; was the demolition of the managers' homes, as the owner stated, to make room for staging for the rest of the construction of the project. I just wanted to

clarify that the project has begun.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Ball?

Mr. Ball: I feel Warren's frustration in this because we don't know, you know, in detail too much, but there's some existing swimming pools that I see in the comments from the Planning Director from '06. They talk about an existing pool southwest of the 12-story tower, which I don't know which one that is according to this map, but there's a couple that is . . . there's one directly south of it, and then there's another one that say southeast of that, if I'm correct. And these show to be renovated, but as of recent, you've had big problems with pools, and you know, buildings, and things like that built near the ocean and the sea level rise controversy, and all that kinda stuff.

Ms. Aoki: I have an answer for you.

Mr. Ball: Oh, good, please.

Ms. Aoki: When the previous Commission did a site visit, there was concern with the pool. On this map, it shows that it is to be renovated, but this is an older map and was never updated as a result of the final decision by the Planning Commission. So the pool that is right near the beach, that most south pool, was an issue of contention for the Members when they did the site visit. And throughout the process of the hearing, it was agreed by the applicant that it would not be renovated, and instead, he agreed to remove it completely. So that pool that shows there being renovated will be renovated. So it was part of the shoreline variance for the demolition. So that will be . . . 'cause there is . . . there are issues, and there were concerns about it being undermined and a couple storm events that sand did reach that area. So that pool will be gone.

Mr. Ball: And is there another one there?

Ms. Aoki: The other pool that's located just in front of the 12-story tower will remain and be renovated with the tiles and things of that nature.

Mr. Hiranaga: A followup question to the Department, so existing buildings within the shoreline setback, what is this—are they allowed because they're grandfathered in?

Ms. McLean: I think Kathleen indicated there was shoreline setback variance approval along with the SMA.

Ms. Aoki: There was. Right.

Mr. Hiranaga: For the Alii Restaurant and the . . . ?

Ms. Aoki: Right. So what they did was the agreement from the Planning Commissioners at the time was all the structures that were in the shoreline setback were to be removed except for the Alii Restaurant and the pool, that pool that's right in front of the 12-story tower. So they received a shoreline variance for those structures to remain, and the shoreline variance to demolish all the other buildings within the setback.

Mr. Hiranaga: Is there like a little clubhouse there on the right, lower right-hand corner?

Ms. Aoki: Way down on the south portion of the property is the owner's . . . there's an owner's residence. So that, I'm sorry, that, too, is allowed to remain. There's an owner's residence and then further, there's a clubhouse. So that was allowed to remain.

Mr. Hiranaga: That's allowed to remain in the shoreline setback?

Ms. Aoki: Right. Then further south, you see that little square there, that's, I believe supposed to be the Maui Eldorado's Club. And apparently, on the site visit, there was a lot of concern about that. I mean, that building's in sand, but that's not their property. So the variance did give approval for those structures to remain and the other ones to all be removed.

Mr. Hiranaga: Any more questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Hi, Kathleen. I don't know. You or the applicant could answer this. You talk about there's construction being done in phases. Could one of you explain what those phases are and the timeframe?

Mr. Hogan: Yes, I'd be happy to. The first phase of the project will be the south side, which would include Buildings 1, 2, 3, 4, and 5. And that, we hope to get done in the first phase. The reason we're looking at this and doing it conservatively is obviously that the economy has been very bad for the last several years. And that's what stalled this project. Being a private owner and not a big New York owner, we have 350 employees that work for us and we wanna protect their livelihood. And they depend on me to protect their livelihood. So again as a family business, we're doing this extremely conservative. And the reason we're phasing the first side out on the south is because that will produce the revenue needed to build out the north side, which doesn't produce as much revenue as the pools, and public areas, and lobbies, and, you know, such.

Ms. Wakida: A followup? And what do you project as a timeframe for that first phase?

Mr. Hogan: The first phase, we should be able to get it done about a year and a half.

Ms. Wakida: And then what would be phase two?

Mr. Hogan: Phase two . . . The whole project all together was a three-year project, so we're looking at finishing the north side if, again, the weather is good and the economy holds, then we foresee to even finish up the other side.

Mr. Hiranaga: Any other questions, Commissioners? Commission Tsai?

Mr. Tsai: I can definitely sympathize the economic situation we have here. However, I do have to raise a question about your timeline. You had a five-year window, I guess, and we . . . my understanding is you've done most of the stuff on the mauka side. And now, you're asking for a three-year extension. Obviously, I'm certainly in agreement with the rest of the Commissioners. We don't feel like that's not enough time for you guys to even complete whatever, phase one, realistically. So, I guess, I'm more of a . . . my question to you is how much faith do you have in

terms of this three-year timeline that you have set out to complete?

Mr. Hogan: Well, I mean, actually most of the work was done on the ocean side. Thirty-five million dollars was done to the tower, which we phased in. And again, it was all about keeping people working. So we phased it in and we did the construction as such and still got the tower done in eight months. We eventually had to shut the whole tower down, but we shut it down for about four weeks. But again, we kept people working around the property and had them take vacation that they approved. After the \$35 million-dollar investment, we did move up and started the site plan where, you know, for the construction. At that point was when we started to see that things weren't looking so good on the horizon. Originally when I pulled the trigger or stalled this project, a lot of people were critical of that decision, and I didn't care what they thought because I wanted to protect the land and the employees that work at this resort. After everything fell south, all of a sudden, they thought I was the smartest guy around. But again, if I would've done . . . demo'd that south side and took those cottages down as everybody . . . all the experts out there were telling me to do, I'd be sitting on a lot of dirt right now that would have no cash flow going through it. It would be a tremendous strain on this resort. So again, I mean, we're a family business and we're trying to do this as responsible and safely as possible. So I . . . the year and a half for the build out on the south side is . . . it's obtainable. You know, when things seem to be . . . when you're getting more developers looking to build now so it looks like the market is starting to shift.

Mr. Tsai: You mentioned you're putting \$35 million already on the shoreline. What do you estimate the total cost of your renovation?

Mr. Hogan: The total project is about a \$300 million-dollar project.

Mr. Tsai: OK. Good luck.

Mr. Hogan: Thank you.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Just an easy one—what is this patch of sand here and within the shoreline setback?

Mr. Hogan: Oh, that was to bring . . . build out a beach up by the pool so that kids can play and really create a whole family environment there.

Ms. Wakida: Well, I just wanna . . . as a comment, I'm really pleased that this renovation is going forward as a relatively low-rise project. I mean, three to four stories is still pretty high, but it could've been what other hotels are doing along Kaanapali. It could've been much more massive. And I've been in and around this hotel for 40 years so I have a real connection with it. So I'm glad to see that it's staying relatively, low key.

Mr. Hogan: Thank you. Thank you very much.

Mr. Hiranaga: Any other questions, Commissioners? I have a couple issues with the conditions that were placed upon this project. And I know the only way you could add or remove conditions is by full review, but Condition 21, "That the project shall contain no more than three beach stairways

shall be constructed with material as approved by the Department.” Is that still legal to do? Did they get a shoreline variance for that?

Ms. Aoki: Yes, they did. That was part of the whole discussion. There’s stairs there right now that exist that they want it removed. And so we’re going to replace them with approved product, and, you know, done in such a way that they’re breakable with shoreline events ‘cause right now, what’s there, the shoreline planner did not want them there. So the Planning Commissioners agreed that they would be removed but then be replaced with products that are approved by the Department.

Mr. Hiranaga: Who wanted it removed?

Ms. Aoki: The shoreline planner at the time which was Jeff Hunt, he was one of them; Director Foley; and Commissioner Starr. They were some of the . . .

Mr. Hiranaga: Oh, but the Commission voted to grant them this variance?

Ms. Aoki: Yes, it was part of the variance.

Mr. Hiranaga: The other one is Condition No. 22. It’s more the second half, half of that condition, “Any excess sand beyond that utilized for the project shall be transported to a County storage site, if one is available?”

Ms. Aoki: Again, a little bit of history, back then, there was a lot of contention going on in Maui County about the sand that was being taken off island. Ameron was coming in for permits. And Commissioner Starr was very concerned about the amount of sand that was leaving the island. So as part of the condition here, it was that if they found or in amongst their revitalization of the project that it wouldn’t get shipped off island. And because we really don’t have anywhere to put it yet, the idea was that if . . . because there was a lot of momentum going on back then. So if the County did come up with a place that we could store it, we would store it there. But obviously, there is no County facility. And from what I read in the minutes of the last meeting, it doesn’t really seem like there’s going to be a lot of sand generated from this project that’s gonna be needed to be stored anywhere.

Mr. Hiranaga: Here’s an idea—if you have excess sand, maybe you could put it on the beach fronting the property?

Ms. Aoki: Yeah. I think the issue was just with the quality of the sand and determining whether or not it was suitable for the beach or whether it’s just to be used for construction purposes that’s stored somewhere off-site. It was the issue at the time.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Ball?

Mr. Ball: Is the funding secured for this or is that one of the . . . ?

Mr. Hogan: Yes, funding is secured.

Mr. Shibuya: How much? I mean, you know, how much of the project? Is it the entire phase one?

Mr. Hogan: Oh, yeah, yeah. There's very little debt on this land, so there's a lot of collateral. So the banks are very eager to lend on this.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: Just more a comment rather than a question. During the first go-around when we reviewed the project, one of the things that struck me was that the easiest way to build a hotel is to raise the whole site, demolish everything, lay everybody off, you know, put 500 people out of work. Essentially, save their money there, go ahead and build a project out in two years, and get it done. What they opted to do was keep the hotel operating, keep all of the employees working. At the same time, they actually renovated a hundred percent of their property, which is the most difficult way of proceeding with a redevelopment of the project itself. But it was their commitment to the employees of the project, and it's something that struck me at the time as significant and important. It represents \$300 million dollars' worth of investment. Timing-wise, you know, the fact that they waited saved them financially, on this particular project. For a large corporation coming in, you know, that has really, really deep pockets, they can stand the hit on something like the downturn of the economy of 2008. This is a privately-owned facility. And it's a significant investment that they're making in the future of the Royal Lahaina to be . . . to make it competitive with all of the other properties around them, and to make the commitment to the employees that work there. So it was impressive then, and it is to me still now.

Mr. Hiranaga: The unfortunate thing is you're the only one that saw elevations, full presentation. And we are looking at this and this, which I can barely read. And that's an old one. It's not an updated. So that's the challenge that I face for a project of this magnitude. Any more questions, Commissioners? At this time, I'll open the floor to a motion. Oh, I did public testimony. Oh, staff recommendation, I'm sorry.

Ms. Aoki: The Department recommends that the Maui Planning Commission waive review of the extension request.

Mr. Hiranaga: OK. The floor's open to a motion. Commissioner Freitas?

Mr. Freitas: I move to . . .

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: I move to grant the time extension.

Mr. Hiranaga: Waive review?

Mr. Freitas: Waive review.

Mr. Tsai: Second.

Mr. Hiranaga: Motion by Commissioner Freitas to waive review, seconded by Commissioner Tsai. Discussion? Commissioner Shibuya?

Mr. Shibuya: I'm gonna be voting against it because I feel that we need a more transparent, more . . . a better summary of what transpired. There are conditions that don't apply or have partial applications even today. And if you have half vast type of presentations, I don't . . . I personally cannot feel comfortable in passing this type of a request. So therefore, I want a review of the time extension request at a future meeting.

Mr. Hiranaga: It's either waive review or bring the application back for a full review, correct? Any other discussion? Personally, I don't have difficulty with the project from what I can tell. I'm a little disappointed in the level of presentation that was provided and the level of information that was provided. Like I said, eight of us, eight of the Commissioners sitting here have not seen this project before. No elevations, no power point. Personally, I would like to see this matter deferred so some major questions can be answered like what will be the proposed drainage system based upon the new ordinance. I'd like to know what that is versus going on good faith. I don't fully understand why the beach parking has to be so far from the beach. And if you can provide me with more in-depth information that I may be satisfied, but for me, I know I'm not gonna use those beach parking spots that are a couple hundred yards from the ocean. That's not how local people go to the beach. I mean . . .

Unidentified Speaker: I'm gonna go to the valet and have them . . . (inaudible) . . .

Mr. Hiranaga: Even with the valet, unless they're gonna be putting your hibachi on their cart, and your cooler, and your beach chairs, I don't see a lot people using that valet service either. So . . . but these things, I think if the applicant had a second chance to come back with answers, I would be more in favor of waiving review. But for this \$300 million-dollar project that we're given an outdated map, an outdated drainage plan, everything . . . and you got these strange conditions or unusual conditions that were provided by the previous Commission . . . Like the clubhouse, I have an issue with that clubhouse being in the shoreline setback area that's probably 50 years old. Why is it being allowed to stay there? I don't understand why it's being allowed. Those are the things . . . I mean, there's a reason why we have shoreline setbacks. It's to prevent them coming to us for an emergency SMA permit because now the thing is gonna fall in the ocean. And so they need to go ahead and get an emergency permit. Those are things we're trying to avoid. So there's a lot shoreline variances that were granted. I don't understand why. Some of those conditions are unusual—transporting sand off site, the stairways. As the Chair, I would prefer to see a motion to defer, allow them some time to answer specific questions and come back, because a full review is very expensive and very time-consuming. I don't think it warrants that, but it doesn't have my support at this time as far as what's presented to me. Commissioner Ball?

Mr. Ball: And I would echo those frustrations too. We've seen this before, not only in this application, but in other applications. And it may be a departmental issue where they need to realize that none of us, one of us, have been on . . . have seen this whole thing. And this is not the first time this has come to us this way where the majority of us haven't seen the full product. And it is frustrating. And I don't know if it's from the Department process or what, but I think that needs to change because I think the frustration for this Commission is going get more and more as these extensions . . . and it's always the same thing. It's always the financial condition of that time. And they're all coming back now. As the financial gets better, these are gonna come in and they're all gonna be the same thing. They're gonna be very sparse and with these conditions at the time by the Chair or the Commission at the time, and it may not be relevant at this time, and may be not as

up-to-date as six years ago. So I, too, feel that frustration, and I wouldn't mind deferring some, and getting some answers, and getting some updated maps, and that sort of thing, and more in-depth answers to our questions.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Yeah. I made the motion to waive review because I know how frustrating it is to get things done. And I have faith in the previous Commission that they did do a good job, that they did review all of the issues that was presented. It's just time and money, and I believe that we should waive review.

Mr. Hiranaga: Deputy Director would like to comment.

Ms. McLean: Thank you, Chair. And these frustrations, we are taking to heart. I think with a project this size that really hasn't been, you know, on people's minds over the last few years that, yeah, given that only Commissioner Hedani sat before that for projects like this, we can provide more information when we have a waive review request. I was actually gonna say something similar to what Commissioner Freitas said which is that when this Commission is considering SMAs for the first time, and you're putting these time limits on those SMAs, you're thinking that when that next Commission is looking at the time extension request, they need to trust what your decision-making was at the time, and that you did a thorough review.

One thing that we are talking about, and it's not just for SMAs, is depending on the scope of a project when it first comes to you, maybe that initial time should be longer. If you're looking at a huge project saying, oh, you need to initiate construction within, let's say two years, you know, for some of these big projects, you're not gonna have . . . do some token site work to show that you're initiating construction, but you would meaningfully be initiating construction. And when you say five years to complete construction, looking at the scope, you're like, you're gonna need more than five years or else we're gonna be in these situations. So that's something else the Department is looking at is recommending . . . you don't wanna be coming back asking for the extension. Let's try to make those appropriate when they're first reviewed. So I do take those comments to heart about providing information that will be helpful if it's a project you haven't seen before.

Mr. Hiranaga: Commissioner Lay?

Mr. Lay: For me, if they had the money, this would've been done already. It would've been completed. We have . . . what we're looking at the papers, pretty similar to it. But now that it's been prolonged, there are changes that are gonna help out to make it better. You've got drainage systems being updated. And you've got . . . you know, the parking issue, I mean, they're doing the valet parking. They're doing a much better job than those hotels around them. So, like I said, if they had a money, it would've been done and we would be looking at a completed hotel. But because of the economic times, they've had a delay. That's how I see it.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I see this as just phase one. I don't see this as an entire project. The entire project is just humongous at this point in my view, and lacking of any definition or specifics, I have a



problem with the two-year extension just on phase one. I would allow for even phase one having at least three years. This is just a horrendous enterprise undertaking. And I think if we break this project up, and just stipulate just phase one as proposed, if you can describe it, summarize it, at the next meeting, I will go with it, and perhaps even go with three years, just phase one. The entire project will be something else. We can deal with that at another time.

Mr. Hiranaga: Corporation Counsel would like to make a comment.

Ms. Thomson: Just wanted to make a brief comment on the reason for the two-year request at this point. The administrative rules allow the Director to approve a two-year time extension, but don't give him discretion to approve a longer extension.

Mr. Shibuya: I'm just responding from an engineering's viewpoint.

Mr. Hiranaga: Any more discussion? Commissioner Wakida?

Ms. Wakida: I just want a clarification. At the bottom right-hand corner of this picture, that's a private residence?

Ms. Aoki: I spoke incorrectly. It's the clubhouse.

Ms. Wakida: OK.

Mr. Hiranaga: Beach clubhouse.

Ms. Aoki: Beach clubhouse owned by the property.

Ms. Wakida: For whom?

Ms. Aoki: For the resort owners.

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

Mr. Hiranaga: Kathleen, why don't you repeat that since . . . ?

Ms. Aoki: It's gonna be available for the people that are purchasing the 126 condos that are being built.

Ms. Wakida: So it's currently there?

Ms. Aoki: It is there, yes.

Mr. Hiranaga: So it's gonna be remodeled. How far from the shoreline is it?

Ms. Aoki: I don't know the answer to that off the top of my head. Not as close as that pool, I can tell you that. But, sorry, Commissioner or Chair, I don't know.

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

Ms. Aoki: Oh, no, it's not a hundred feet back. When you look at the shoreline setback line, it's probably about 50 feet or so. So it's more than the 40 feet that used to be the shoreline setback, but not under the new rules.

Mr. Hiranaga: Any more discussion? Commissioner Wakida?

Ms. Wakida: And the existing pool that's to be renovated is . . .

Mr. Hiranaga: Is being removed as a condition of the SMA.

Ms. Wakida: Not the removed one, the one that's gonna be renovated.

Mr. Hiranaga: Oh, the bigger one?

Ms. Wakida: The bigger one. That is how far from the shoreline?

Ms. Aoki: It's further than the clubhouse, but again, I don't know the specifics, but if you look at the map, you see the shoreline setback line is 150 feet. So it's probably halfway between that.

Ms. Wakida: It's hard to tell because it's . . .

Ms. Aoki: Yeah, right, but again, the previous Planning Commissioners approved the shoreline variance for those structures.

Mr. Hiranaga: As a personal comment, in the future if fellow Commissioners that are on the Commission wish to overturn any of my decisions I was involved in, I have no problem with it because you'll have more information, times have changed, technology has changed, concerns have changed. So a Commission that made a decision six years ago, we're dealing with a different set of facts. Too bad Kenny's not here. Commissioner Wakida?

Ms. Wakida: Well, one set of facts I think if this decision were made six years ago, you'd have some major erosion problems along this coastline within the last six years that may . . . I mean, if they were looking at that today would maybe make a difference in allowing some of these things within that setback.

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

Ms. Wakida: Certainly.

Mr. Tom Bell: My name's Tom Bell. I'm the president of Hawaiian Hotels and Resorts. Thank you for listening to my testimony today. In response to your question, as a matter of fact, that erosion has been happening for decades and decades. I'm on the board of directors with Wayne for Kaanapali Resort overall. And we are currently . . . we spent a lot of money, and we're working with the government to analyze and find a solution for the erosion. The erosion that you're speaking to is on the south side of Black Rock. The area that we are located is actually on the north side of

Black Rock and there is very little erosion that has ever happened there. It's primarily seasonal based on north swell and south swell. And the sand does not actually go offshore. It just migrates from one side of the beach to the other. It's on the south side of Black Rock that we actually see the migration of sand out into the ocean, and that's where the Hyatt, Marriott, the Alii, they have some significant erosion problems that we're currently trying to help to resolve. Just for the response.

Mr. Hiranaga: You have that natural growing there.

Mr. Bell: Yeah, correct.

Mr. Hiranaga: Any more discussion? Black Rock—that's stopping the sand migration. Any more discussion? Seeing none, I'll have the Deputy Director restate the motion.

Ms. McLean: The motion is to waive review to allow the Planning Director to process the time extension administratively.

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

Ms. McLean: Five ayes.

Mr. Hiranaga: Opposed?

Ms. McLean: Two noes.

**It was moved by Mr. Freitas, seconded by Mr. Tsai, then**

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

Mr. Hiranaga: Motion carries. Congratulations. See you in two years with a better presentation. I guess, do you wanna take a break? You think we're almost finished. OK. We'll keep going then. We'll keep going. Item F-2, Deputy Director?

## **2. Planning Commission Projects/Issues**

### **a. Amending the SMA Boundaries**

Ms. McLean: Nothing to report on amending the SMA boundaries.

Mr. Hiranaga: I have something. Several of these SMA extensions were deferred and they haven't come back. So I'm just wondering, do we have a report on SMA extensions that have been deferred and status, you know, when are they coming back? I kinda picked up on that. You say, well, the Department's gone back and forth, back and forth. They may not come back for a year. I mean, they've applied for an extension so they're in the door.

Ms. McLean: Are these ones that come to the Commission before for waive review and got deferred?

Mr. Hiranaga: Yeah.

Ms. McLean: OK. I can follow up on that.

Mr. Hiranaga: Shall we recognize the presence of our Planning Director? Moving on to Items F-3, 4, 5. Any discussion? Commissioner Ball?

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

Mr. Ball: At the last meeting, it was in the minutes that we were supposed to add the letter from the University of Hawaii for the planned Stable Road Beach Groin Replacement Project.

Mr. Hiranaga: Groin?

Mr. Ball: Groin. Growing. And I don't know if we did agenda that properly or not. So I wanna bring it up again.

Mr. Hiranaga: It's actually scheduled for the next meeting.

Ms. McLean: It's scheduled for the next meeting because a critical participant in that discussion is the UH Sea Grant Maui Extension Agent, and she needed to be on Oahu today.

Mr. Hiranaga: Yeah, Tara couldn't make the meeting today.

Ms. McLean: Yeah, Tara couldn't be here today so she'll be here for the next time. So that'll be posted with a couple of letters as well provided to the Commission.

Mr. Hiranaga: Okay. Any other discussion regarding Items 3, 4, and 5? Seeing none, moving on to F-6. Deputy Director?

**6. Discussion of Future Maui Planning Commission Agendas**

**a. December 11, 2012 meeting agenda items**

Ms. McLean: Thank you, Chair. You have your memo from Clayton Yoshida dated yesterday noting three items so far for the December 11<sup>th</sup> meeting: one public hearing, one communication, and then the Director's report which is the Stable Road Project.

Mr. Hiranaga: Okay. Any discussion? Commissioner Wakida?

Ms. Wakida: Well, I'm gonna back up a minute. On the SMA exemptions report, I asked for some information on the Lahaina Center Renovation? And apparently they got a special management exemption for the renovations. Historic District . . . they got an exemption, a special management area assessment exemption. I don't know. I thought the whole thing's in the SMA area.

Mr. Hiranaga: There's a dollar limit.

Unidentified Speaker: What's the dollar limit now?

Ms. McLean: Five hundred thousand is the threshold between a minor and a major.

Unidentified Speaker: Well, that's true, but this one says "\$2,797,000.00."

Ms. Wakida: Yeah, the estimated valuation is two million. This is where they wanna put the outlet. I'm sorry. I didn't give you the number of it.

Ms. McLean: I see on your Open Report . . .

Ms. Wakida: It's 2012/0238.

Ms. McLean: Yeah, it's still listed as open as an assessment. It doesn't show that it's approved yet.

Ms. Wakida: I just asked for more information and I got this memo from Erin.

Ms. McLean: Oh, so it was granted an exemption, an SMA exemption.

Ms. Wakida: Yeah, it says the project is not a development and it's exempt, but the valuation is two million-seven.

Ms. McLean: Right, the valuation comes into play if a project is a development. Then the valuation will determine whether a minor or a major would be issued. But if the project is exempt, it doesn't matter what its valuation is. If it's exempt then it doesn't need a minor or major.

Mr. Ball: And the development is the difference between building or renovating?

Ms. McLean: Development is defined in HRS 205A-22. It spells out what is and is not a development. And so there's a long list of items that are the exemptions: single family residences, routine maintenance, things like that. And . . . but we still do an assessment of that project because the law allows that even if something is listed as an exemption, if it has potential detrimental environmental effects, then we can still review it. And so in this particular case, it appears that there was an assessment done, and determined that this project would not have significant environmental effect, so an exemption was granted.

Ms. Wakida: Well, I, you know, I disagree with that because it's right there on the coastline, and there's all sorts of . . . I mean, the whole thing is one, great, big hardscape. And now they're gonna do a whole bunch more stuff. It seems there would be an impact on . . . (inaudible) . . .

Mr. Hiranaga: Maybe you could request a follow up detail as to the criteria or the criteria for exemption: why was it exempt like maybe they're not doing exterior changes? It might be all internal.

Ms. Wakida: It says there's replacement or reconstruction of existing structures and facilities, where the new structure will be located generally on the same site, and will have substantially the same purpose.

Mr. Shibuya: But they're doing demo work too.

Ms. Wakida: Capacity height, density, etc. So, yeah, I just . . .

Ms. McLean: I think it might be helpful to provide more information on this particular scope of work, 'cause that would really determine whether or not we would consider it exempt. So we can pull out their application or pull out the description of what they're proposing to do.

Ms. Wakida: So I should make that request to Erin?

Ms. McLean: No, I can follow up. I'll follow up.

Ms. Wakida: Okay. Yeah, 'cause this is . . . yeah, this is a project. It's a real . . .

Mr. Hiranaga: Any other discussion?

Ms. Donna Domingo: I have one, Chair.

Mr. Hiranaga: Commissioner Domingo?

Ms. Domingo: For future applications, yeah, for B&B, I would appreciate if the Planners do give us the layout of the applications in that area, not in the 500, or not in the mile, because it's getting a lot. It's gonna be coming before . . . you know, I think we . . . He made a comment. One of the planners made a comment that it's 33% going towards to the 88. And then we have TVRs coming up. I think we need to see that because I . . . next year is gonna be a . . . (inaudible) . . . of a year.

Mr. Hiranaga: So you want it within the community plan area, or a one-mile radius, or a five-mile radius?

Ms. Domingo: You know, a couple meetings ago, we discussed what we wanted to see. And if you could go back to those minutes and find out what we agreed on, I think it was in the area. And we kinda stopped, you know, who's out there going out for application permits. Because before we know it, they're all gonna come to one area, and it's gonna be 10, 20, 30, and it's gonna get out of hand. I think there was discussion, if you could . . . Will is here.

Mr. Hiranaga: Mr. Lay? The Director?

Ms. Domingo: The Director knows. He knows what we're gonna be dealing with, and especially, with the TVRs, yeah.

Mr. Lay: If I may? On that, if we have a district, and then a certain amount of houses coming like TVRS or rentals can go in there, if within that district, we can see the whole thing so we don't see a clutter.

Mr. Hiranaga: It's a community plan.

Mr. Lay: Community plan.

Mr. Hiranaga: Commissioner Wakida?

Ms. Wakida: Well, the request that I made for the Deputy Director, and I'll make this for the Planning Director is that I think in ag areas, this 500-foot radius is ridiculous. Half the time it's to the edge of the people's property. Not for notification only, but for allowing other TVRS.

Mr. Hiranaga: The 500-foot radius is from the boundary of the parcel. So if you have 50-acre parcel, it's from the boundary, not from the middle. That's where the 500 feet starts, the perimeter of the lot.

Ms. Wakida: Okay. That's . . . you're right. I was mistaken, but I would still like to see that increase in the ag area because often, it doesn't encompass more than one or two parcels. And also for notification. Often, the notification, there's people living along the road and they're not within 500 feet, but they are impacted by the traffic. We've seen that in the past. And I realize this is a big deal to change that.

Mr. Hiranaga: Is it an administrative rule?

Mr. William Spence: We will . . . No. We would have to change the law.

Mr. Hiranaga: Or ordinance?

Ms. Wakida: Yeah, it's a Council thing, right?

Mr. Hiranaga: Director?

Mr. Spence: Yeah, we would have to change ordinances in order to do that. And then the thing is 500 feet is rather consistent with others of our laws, but eventually, hopefully, sooner than later, we will be looking at 19.5.10 which is all our permitting procedures and everything. The problem comes . . . 500 feet is like too small in some areas and too large in others. I had a client once when I was in my consultant days where we notified like 1,400 different landowners and condominium owners, and it cost him, the client, ten thousand dollars just in postage let alone the labor to stuff all those envelopes. But then as you're saying in some areas, it's too small so . . .

Ms. Wakida: Yeah, I don't think ag ordinances can be the same as in residential areas. It just doesn't make sense, but I understand the complications of getting things changed, but if there's ever an opportunity to revisit that, I'd like to see it done.

Mr. Spence: Okay. We can . . . (inaudible) . . .

Mr. Hiranaga: Commissioner Domingo?

Ms. Domingo: Will, my issue wasn't the notice because let me tell you, the people around knows. There's a notice. There's a requirement on the B&B. And they have to leave it up for a couple of days. My issue is making sure that we don't . . . we know ourselves how many people are in that district. But in Haiku, let me tell you, they're counting. People are counting. And regardless if they got their permit or not. But I think for us for the responsibility of this Commission, we have to take a look at that. But the community, they know. The notice is out. They're counting. And they know down the street if there's a TVR, a B&B. I don't know about Lahaina, but even as well as Kihei and Wailea.

Mr. Spence: My experience, Mr. Chairman?

Mr. Hiranaga: Yes, Director.

Mr. Spence: My experience is that as Commissioner Domingo said, people do notice in the community once those signs goes up and once the notices go out especially, the really rural areas. Everybody knows everybody. I mean, there's no . . . there's precious few secrets on Maui anyway and even fewer in the really rural communities.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: I think what would be helpful along the lines of what Donna was talking about is, you know, like they said, I think they said 88, or 80, or 88 for Haiku. If we could have what number this is of that 88, you know, and of the total of 400 for the whole island, I guess, what number it is and that cumulative number.

Mr. Spence: So you would like that in the staff report?

Mr. Hedani: Right.

Ms. Domingo: They're gonna be presenting . . . (inaudible) . . .

Mr. Hiranaga: Personally if I can't see your house, I don't care. So I can see the house on this side. Five houses, I care about.

Ms. Domingo: Kent, one more thing. The thing is that I don't know how you guys going administer if you meet that number and there's 10 or 24 people waiting in the line. I think . . . (inaudible) . . . that's gonna be dealing with that. . . . (inaudible) . . .

Mr. Spence: Council said they would take it back up.

Mr. Hiranaga: Okay. Any other discussion? If not, the next meeting is what? December 11<sup>th</sup>. If there's no objection, this meeting is adjourned.

**G. NEXT REGULAR MEETING DATE: DECEMBER 11, 2012**



**H. ADJOURNMENT**

The meeting was adjourned at 2:37 p.m.

Submitted by,

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

**RECORD OF ATTENDANCE**

**Present**

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

**Others**

Michele McLean, Deputy Director, Planning Department  
Will Spence, Director, Planning Department (in attendance at 2:30 p.m.)  
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works