

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
AUGUST 27, 2013**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Warren Shibuya at approximately 9:02 a.m., Tuesday, August 27, 2013, 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.)

Vice-Chair Shibuya: I'd like to call the Maui Planning Commission to order, and I just want to ask those in the audience that wish to testify at this time on any item, please step forward. You will not be allowed to testify when the subject matter comes up. However, you will have your opportunity to testify one time during the time that you have the issue being introduced. Are there any public members here that would like to testify on any subject matter or issue? Seeing none, then we will proceed. Deputy Planning Director will you please introduce the next item, the first item?

Ms. McLean: Thank you, Chair. You have two public hearing items today. The first one is a request from the Bank of Hawaii for a Special Management Area Use Permit. This relates to a property at 87 and 101 Puunene Avenue and Kamehameha Avenue, TMK: 3-7-009: 006 and 019. It relates to the consolidation of parcel 006 and 019 into one lot, removal of temporary structure located on parcel 006, demolition of an existing structure on parcel 019, construction of a new approximately 13,500 square foot banking center and related improvements including banking services, administrative offices, training and meeting rooms, ATMs, night depository, trash enclosure, parking lot with loading zone and landscaping. And Candace Thackerson is your Staff Planner.

Vice-Chair Shibuya: Okay, thank you. Members in the audience who would like to testify, we'll have the briefing by the Planning as well as the applicant and then we'll have the testimony from the public at that point. Candace will you speak loudly and clearly into the microphone?

Ms. Thackerson: Shouldn't be a problem.

Vice-Chair Shibuya: Thank you.

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

- 1. MS. KAROLEE "JOSIE" BIDGOOD, Senior Vice-President and Manager of BANK OF HAWAII, requesting a Special Management Area Use Permit for the consolidation of Parcels 6 and 19 into one (1) single lot, removal of the temporary sales center located on Parcel 6, demolition of existing structure on Parcel 19, construction of an approximately 13,500 sq. ft. banking center and related improvements including banking services, administrative offices, training and meeting rooms, ATMs, night depository, trash enclosure, parking lot with loading zone and landscaping at 87 and 101 Puunene Avenue and Kamehameha Avenue, TMK: 3-7-009: 006 and 019, Kahului, Island of Maui. (SM1 2012/0009) (C. Thackerson)**

Ms. Candace Thackerson: Good morning, Commissioners. The project before you is here before you because it's in the Special Management Area and does not qualify under one of our exemption categories and is valued at over \$500,000. It's valued at approximately...the estimated construction cost is approximately \$3.2 million. Bank of Hawaii is proposing a development of a banking center in Kahului, Maui along Puunene Avenue at the corner of its intersection with Kamehameha Avenue. The proposed banking center will replace Bank of Hawaii's existing bank branch in Kahului which is also located along Puunene Avenue approximately 455 feet to the northwest of the project site.

Bank of Hawaii proposes the consolidation of parcels 006 and 019 into one single lot, the removal of the temporary sales center on parcel 006, and the demolition of the existing structure located on parcel 019. As FabMac Homes currently occupies the temporary structure, the structure will be relocated to an alternative site, and the current and former occupants of these existing structures, FabMac Homes and At Home Animal Hospital recently held a lease agreement with the previous owners to parcels, A & B. In negotiating the sales of parcels of 006 and 019 with Bank of Hawaii, A & B provided alternative sites for relocation of both tenants. The applicant is here and has prepared a presentation for the Commission and also Bank of Hawaii representatives are here to answer any questions that you might have. So without any further ado I'll introduce Michael Munekiyo who's going to introduce the project before they give their presentation.

Mr. Mike Munekiyo: Thank you, Candace. Good morning, Commissioners. My name is Mike Munekiyo. I'm here this morning on behalf of the Bank of Hawaii and we have our presentation in a couple of parts. First of all, I'll ask Senior Vice-President and Island Manager, Kevin Baptist to give a brief overview of the project needs and then we'll have short Power Point presentation kinda getting into the details of the project after which we'll be open to questions. And doing the Power Point presentation, Erin Mukai in our office will introduce the project team. So at this point, I'd like to Kevin Baptist to come up and provide an overview of the project.

Mr. Kevin Baptist: Thank you, Mike. Again, good morning, Commissioners. Kevin Baptist, Island Manager for Bank of Hawaii, and I'm happy today to announce that we are planning to build a new banking center. And the purpose of the banking center is because the one we're in now, our Kahului Branch was built in 1951. So it's an old structure and we kinda piecemealed it over the years to accommodate our growth and it just doesn't work anymore, and we have a lot of deferred maintenance. We also have poor parking and accessibility is limited. So this new parcel will allow us to have better visibility, build a new modern facility that can really serve our community better, and provide better working conditions for employees as well. What we're also building into this facility is room for training and video conferencing which you know, we wanna share with the community and the nonprofits. Over the years we've been approached and so we have some limited facilities on Maui and this one will be more central and will help with that cause as well. So the other thing I wanted to point out is, you know, by building this new facility we're gonna create jobs and I think that's important in today's world. Thank you.

Ms. Erin Mukai: Good morning, Chair, Members of the Commission. My name's Erin Mukai. I'm with Munekiyo & Hiraga and we're here today as Candace had said to review an SMA Use Permit application for the bank's...a new banking center in Kahului. So we also have members from the project team who are available for questions following the presentation. You've met Kevin Baptist from Bank of Hawaii. Also, here from the bank is Natalie Fogle and Kevin Sakamoto. The project's architect, Steve Marlett, landscape architect, Bill Mitchell, the project civil engineer, Mike Ishikawa

as well as a couple of traffic engineers, Keith Niiya and Tyler Fujiwara, Mike Munekiyo is also here today.

Again, the bank is proposing the development of a new banking center in Kahului at the intersection of Puunene Avenue and Kamehameha Avenue and as Candace had said, this new banking center will replace the existing bank branch which is also located on Puunene Avenue. So here we're looking at a site map, this is Kaahumanu Avenue here, Kamehameha Avenue here and Puunene Avenue here, so the existing bank branch again is located about 455 feet to the north of the project site here at the corner. Again, the site is comprised of two parcels. We're looking at Parcel 006 right the corner, Parcel 019 of Zone 3, Section 7, Plat Map 009. Those parcels are owned by the bank, have been designed Urban by the State Land Use Commission, Zoned B-2, Community Business District and designated B, Business Commercial by the Wailuku-Kahului Community Plan. Parcel 006 is approximately 25,262 square feet and Parcel 019 is approximately 9,200 square feet.

So currently the parcels are developed. It's located in an urban area of Kahului. We're looking at photograph taken along Puunene Avenue of Parcel 019 which is right here in the center. Also, as Candace had mentioned there is an existing structure on that property. It's currently vacant although it was most recently used for a veterinary clinic which has actually vacated the property. Immediately to the north is American Savings Bank and right here at the corner is Parcel 006, and we'll get a better view of that in the next slide. So this is a photo of Parcel 006 at the intersection. Right now there is a temporary structure and it's the sales center for FabMac Homes.

And as Candace had summarized, we're looking to consolidate both Parcels 006 and 019 into a single lot. Also looking also to remove the temporary sales center for FabMac Homes and demolish that existing vacant structure as well and this would all be in order to construct the new banking center of approximately 13,500 square feet and its related improvements.

So here is the site plan, Kamehameha Avenue, Puunene Avenue here. The 13,500 square foot banking center located there. We're also proposing a monument sign and actually we have a plan of it that we can pull up later for you to review. Access is proposed off of Kamehameha Avenue here. Puunene Avenue as well as through the mall here. And we're also gonna be putting in a charging station for electrical vehicles. Here's an aerial image with the site plan overlay to give a better understanding of the property in context to its surrounding area. So this is again, Kamehameha Avenue, Puunene Avenue. We're looking at American Savings Bank right here. This is Maui Clinic down at this bottom and right here. Walgreens located at the top and again, the Maui Mall parking lot. So again, access proposed off of Kamehameha Avenue, Puunene, and through the mall. Here's some elevations for the project. This elevation would be from Kamehameha Avenue and this one down here from Puunene.

In terms of water use, there are a couple of existing water meters on site. There is a 5/8-inch water meter servicing Parcel 019, and 3/4-inch water meter on Parcel 006. So we're looking to utilize those existing meters for our project. Similarly, the project will also be using an existing sewer laterals on site which will continue to be serviced by a 10-inch sewer line located within Puunene Avenue.

In terms of drainage, the project will utilize pervious concrete pavement in the parking lot as well as a shallow underground subsurface drain system. And so this pavement, this pervious concrete

pavement consists mostly of a coarse aggregate material and it allows the water to infiltrate down to the soil layer. So a total storm runoff generated from the project site will decrease from 2.4 cubic feet per second which is existing to 0.17 cubic feet per second.

Again, access is proposed off of Puunene Avenue, Kamehameha Avenue, and through the mall. The interconnection through the mall was proposed at the request of the Planning Department. And this was proposed in order to reduce the need for vehicles from the project to travel onto State or County roads to enter the mall and vice versa. And we did a Traffic Impact Analysis Report and it concluded that with project generated traffic the adjacent intersection Puunene Avenue and Kamehameha Avenue will continue to operate adequate with level of service similar to existing conditions.

In terms of sustainable design concepts. We'll be using indoor and outdoor energy efficient lighting and incorporating a skylight area on the roof for natural sunlight. We'll also be using a reflective roof membrane on the building's flat roof, fully insulated roof and walls, and low e insulated glass and this would be to reduce heat gain within the building's interior. We're also gonna be doing a high efficiency air-conditioning system that's gonna be zoned so that parts of the building can be shut down if it's not being occupied. We're also gonna be using low-flow plumbing fixtures, waterless urinals, and landscape plantings with drip irrigation systems to minimize water usage. And the team is considering the use of solar hot water heating and PV panels on the flat roof of the building if area on the roof is available with the final design.

And so that concludes the Power Point presentation. Thank you for your time, and we're here for questions if you have any.

Vice-Chair Shibuya: At this time, I'd like to allow the public to provide some testimony.

**a) Public Hearing**

Vice-Chair Shibuya: Anyone in the public would like to say a few words? Having none, public testimony is closed on this issue. Can we continue? Commissioners, you have questions you would like to ask the applicant? Commissioner Wakida?

Ms. Wakida: Probably Candace can answer this, thank you. What is the requirement for shade trees per parking stall?

Ms. Thackerson: It's one tree per five stalls. One shade tree. Shade tree as defined by our Maui County Planting Plan Guide.

Ms. Wakida: Right, and do you know what kind of shade trees are being proposed on this project?

Ms. Thackerson: Specifically, no. They'll have to come in and get an LPAP permit, Landscape Planning Approval Plan after they get their SMA which I'll, I'll process. I process I think probably about 80 or 90 percent of 'em for the County. So I'm very familiar with it, but yeah, it's 1 per 5 and they also have to do visual barriers, everywhere a parking area is directly adjacent to a property line, they have to provide a four-foot wide front setback and a two-foot wide sideyard setback that has to be hedge material like plumeria or hibiscus.

Ms. Wakida: Well, I'm a little concerned about not just only this project, but the shade tree requirement because it seems like many of the parking lots are putting in these skimpy little trees that satisfy the requirement but offer very little shade and Kahului as we know is heating up every year. So I wonder...maybe there was somebody else that wanted to address this?

Ms. Thackerson: I can let the applicant talk specifically about the type of tree. Unfortunately, after they plant them we do run into issues where people over maintaining the trees, over pruning them, things like that. We're in the process of currently revising our Maui County Planting Plan Guide and in that book it does speak to maintenance of the trees 'cause right now we don't really have any legislation for what happens after they plant them.

Ms. Wakida: Excellent.

Ms. Thackerson: And we've noticed that. So in the new revised edition, we do speak to "mutilation of the trees," and an arborist has to come out and really take a look 'cause if you plant them and then prune them to be so narrow they aren't really providing the intent of the Code anymore, but I'll let the applicant explain exactly what types they're proposing.

Mr. Munekiyo: Commissioner, may I ask our landscape architect to respond? I think he can answer your question. So I'll ask Bill Mitchell to come up.

Ms. Wakida: Thank you.

Mr. Bill Mitchell: Good morning. My name is Bill Mitchell, project landscape architect with Hawaii Land Design. We're proposing to use the Milo tree, the native Milo tree and we've got 13 of them distributed throughout the parking lot. It's a good question and it's a challenge with parking lots in general both tree size and tree habit and relative to root type and canopy. As Candace mentioned, it's the ultimate shape of the tree is primarily a function of long going maintenance and the quality of that ongoing maintenance to create the canopy. The Milo trees, the Pink Tacoma trees are a couple that work real well in Kahului and Wailuku in parking lots because they are shapeable and they do create a canopy. Where the larger trees, the Shower trees usually are too big for small planters and they have root intrusion problems and the Monkey Pod, the same issues. So you know, we do our best in the initial specification to get a tree that's adaptable to the local...well, to the climate and that then can be pruned and shaped and maintain a reasonable canopy for the purpose of keeping shade on the parking lot.

Ms. Wakida: Thank you very much.

Mr. Mitchell: Thank you.

Vice-Chair Shibuya: Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Well, I have a few but I don't wanna dominate. Under the drainage, you presented on of course what you said in your Power Point presentation, but under drainage on Page 3, the Preliminary Drainage Report, Item 4, Proposed Drainage Report, proposed drainage it says. Okay, I just want a clarification because you say, the majority of this runoff will be stored on pervious concrete layer in parking lot areas and/or an underground subsurface drain system. Is it "and" and

not the "or"?

Mr. Munekiyo: It is "and". And may I ask our civil to explain because I think he's got a fairly good explanation of how this is all gonna work in tandem.

Ms. Wakida: Thank you.

Mr. Mike Ishikawa: Good morning, Commissioners. I'm Mike Ishikawa from Sato and Associates and I'm not sure how exposed you've been to pervious pavement project because granted it's a relatively new product that's just...you're probably gonna start seeing a lot more on Maui although it has been used and been constructed in Honolulu such as this project at the Arizona Memorial, I believe. It's also being used in a lot of DOE projects and City and County projects now too, to satisfy both water quality and I guess storage of additional runoff. But anyways to answer your question, the reason we wanna do a combination of a pervious pavement and a shallow subdrain system is because the nature of a pervious pavement it's like a...the best thing I can relate it to, is besides the pictures, it's like...have you ever seen those Rice Crispy treats? So think about it as a pavement with that texture. So it's not necessarily made to swallow or to absorb a concentrated flow. So we needed something to pick up the roof drains without allowing it to sheetflow across the parking lot. So the roof drains would be picked up by our subdrain, basically piped directly into that shallow subdrain system and the rest of the runoff that falls on the parking lot itself would be picked up by the pervious drain system. So did I answer your question?

Vice-Chair Shibuya: Commissioner Wakida?

Ms. Wakida: Well, you answered more than my question which thank you for that. I just wanna clarify that the word, "or" is the...(inaudible)...

Mr. Ishikawa: Yeah, it be "and" because the reason we put and/or is because obviously we're in the SMA conceptual stage and we haven't gotten to that detail of the design but we anticipate using a subdrain for the roof drains, yes.

Ms. Wakida: All right. Just wanted to get that clarified. Thank you.

Mr. Ishikawa: Okay.

Vice-Chair Shibuya: I just have a question.

Mr. Ishikawa: Sure.

Vice-Chair Shibuya: Related with this. If you do choose to put the canopies of photo voltaic over the parking area, the runoff would be put in the subzone area, right?

Mr. Ishikawa: Pardon me?

Vice-Chair Shibuya: The drain off. Draining...let's say you place a PV canopy over the parking structure, parking area?

Mr. Ishikawa: There's—

Vice-Chair Shibuya: Let's say you do, I'm not saying you will.

Mr. Ishikawa: Oh, I see. Well, we would pick up the roof drains.

Vice-Chair Shibuya: Yes.

Mr. Ishikawa: If they put in a canopy that basically I guess drains into the parking lot, it be in the pervious pavement if I'm understanding your question.

Vice-Chair Shibuya: That's correct. Yeah, I was just trying to lead into and explain that there is some subdrainage type of system that may be required because you cannot just depend on this pervious type of material to suck up everything.

Mr. Ishikawa: Possibly.

Vice-Chair Shibuya: Yes. Okay, is this the gray colored material? I've seen this before.

Mr. Ishikawa: Well, the top layer it's your pavement. It's normally about six-inches thick, and then the bottom is the rock storage layer...

Vice-Chair Shibuya: Yes.

Mr. Ishikawa: So basically the runoff infiltrates to through the pavement and is stored in the voids in the rock layer.

Vice-Chair Shibuya: Yes, I'm familiar with the one in Japan.

Mr. Ishikawa: Oh yeah?

Vice-Chair Shibuya: So yes.

Mr. Ishikawa: How does it work?

Vice-Chair Shibuya: It works very well. They have it on many of their highways.

Mr. Ishikawa: Yeah, it's relatively new to Hawaii, but it's coming. You're gonna see a lot more I believe.

Vice-Chair Shibuya: And also they steam clean it.

Mr. Ishikawa: Yes.

Vice-Chair Shibuya: So you're gonna put something to that effect.

Mr. Ishikawa: Well, there is recommended maintenance procedures which I believe we address

in a letter to the Department of Public Works. Basically, weekly, you know, general sweeping of the pavement to get rid of sediment and leaves and then every year or so, you need to check that your pavement is too...has the porosity.

Vice-Chair Shibuya: Yes.

Mr. Ishikawa: To allow the water to seep through, yes.

Vice-Chair Shibuya: Well, thank you. Commissioners, questions? Commissioner Tsai?

Mr. Tsai: Yeah, how thick is that rock storage?

Mr. Ishikawa: Well, that...the storage, the thickness of that rock storage would depend on how much you need to store. So for our project we anticipate it to be about 12 inches.

Vice-Chair Shibuya: Commissioner Hedani?

Mr. Hedani: Just wanted to compliment you for the use of pervious concrete. You know, it's one of the first times that we've seen a project come in with the use of the pervious concrete which produces runoff going into the storm drain system.

Mr. Ishikawa: Thank you.

Mr. Hedani: And the question that I had was cost differential wise, is it about the same as the existing or normal pavement or is it substantially more?

Mr. Ishikawa: Well, like I said, it's relatively new here and unfortunately I don't have good numbers. I know it's being installed in Honolulu like I said the Arizona Memorial, I believe Target in Kailua is doing it, I think Waianae Police Station is doing it. My understanding it is more than your typical AC pavement type of construction, but if you balance that out with the cost to put in a subdrain, it probably balances out I would think, I believe, but I don't have an exact number for you, sorry.

Vice-Chair Shibuya: Public Works?

Ms. Dagdag-Andaya: I just wanted to add to that...well, for your question, Commissioner Hedani, sometimes the initial first cost of installing the pervious concrete is, you know, pretty low, but as Mike had mentioned, yeah, it's pretty comparable to if you have to do all those, you know, like a retention basin or a detention basin, and in some cases, like in this we're excited about it because you...I mean, there's less land use and then...and because this is one of the first projects that's coming on board, I mean, we anticipate in the future that we'll see more of this, and we're hoping that this becomes a model project for some of the work that we do in the future as well. So we're really happy to be working with the bank and with the consultants on this project.

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: Yeah, I believe they did it at McDonalds in Lahaina, pervious concrete. It came before us.



Vice-Chair Shibuya: That's correct. Commissioners? Commissioner Ball?

Mr. Ball: My question is on funding for this project, and has funding been secured for this project and are they leasing the property or are they purchasing that property that it sits on?

Mr. Munekiyo: The property has already been acquired by the bank and they are committed to funding the project.

Mr. Ball: And I have another question.

Vice-Chair Shibuya: Go ahead, continue.

Mr. Ball: Is there anybody here from the State Department of Transportation?

Mr. Munekiyo: Not this morning.

Mr. Ball: Okay.

Vice-Chair Shibuya: Commissioner Tsai? No, no? Okay. Commissioner Wakida?

Ms. Wakida: Yes, are there ATM machines located outside the building?

Mr. Munekiyo: There are, yes.

Ms. Wakida: Could you point out where they're gonna be?

Mr. Munekiyo: May I ask the architect to respond? He's got a good handle on that, Steve Marlett.

Mr. Steve Marlett: Aloha, my name's Steve Marlett. I'm with MC Architects. Could we go straight to the floor plan? There you go. This is the ground level floor plan. So the main, the main entrance to the overall building is right off the front end here. There's a lanai here on the exterior of the building and this is the first banking lanai, and ATMs are located off of that enclosed vestibule and this lanai...the intent of of this lanai is it's open 24 hours a day. So it's not on the outside of the building. It's in an enclosed vestibule that's open 24 hours just inside the front door of the building.

Ms. Wakida: Thank you. Did we get a copy of that floor plan in our packet?

Vice-Chair Shibuya: No, I don't think so.

Ms. Wakida: Okay, good. Thank you so much.

Mr. Marlett: You're welcome.

Vice-Chair Shibuya: Any other questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Thank you, Mr. Munekiyo. Are there sidewalks being built around this property?

Mr. Munekiyo: There are. Mr. Ishikawa, Mike?

Ms. Wakida: We'll get all the experts up today.

Mr. Munekiyo: Can you speak to roadway improvements from Commissioner?

Mr. Mike Ishikawa: Mike Ishikawa from Sato and Associates. To answer your question, there's on Kamehameha Avenue there is an existing sidewalk to about here the intersection at Puunene. So what the bank...and there's existing I guess concrete aprons, so what this project proposes is to construct new driveway apron, a new driveway apron, and to demolish the existing driveway apron to I guess the old Chevron project and replace it with sidewalk to match what's there. On Puunene Avenue, we also plan to install curb, gutters, sidewalk, but I don't have...it's not reflected in here because we need to work with the Department of Transportation as to where that sidewalk would be located given...they have a proposed project that hasn't been scoped yet for to improve Puunene Avenue and of course, we would wanna tie into that improvement to match.

Ms. Wakida: Great. So Puunene Avenue there is...there are plans to work on a sidewalk on that side as well?

Mr. Ishikawa: Yes.

Ms. Wakida: Great. Thank you.

Vice-Chair Shibuya: Questions, Commissioners? Okay, Deputy Director has a comment to share.

Ms. McLean: Thank you. The Planning Director wanted me to point out since we have this slide up and it's also in your Exhibit 4, where the design allows for potential future connection to— the slide that you had up—

Mr. Munekiyo: Is that okay?

Ms. McLean: Yeah. Okay, that's great. Thanks, thanks, Mike. Allowing future connection to some more proposed development that will likely be occurring on the greater Maui Mall property. This applicant has been really open and helpful with allowing that flexibility so that when these neighboring areas are developed that those parking lots can connect. Right now up at Council and on your agenda later today is a workshop on form-based codes which looks at the relationship of buildings and impacts and people and not so much uses the way our Zoning Code is now. And this is a good example of allowing the relationship between this building and potential future development in the area for there to be that connection. So this applicant has been, has been really open to those ideas. They have a driveway off of the one road, a driveway off of the other, and then allowing for a connection internally just makes sense and they're very open to allowing that. So the Director just wanted that pointed out and to thank the applicant for that.

Vice-Chair Shibuya: Okay, thank you. Commissioners? Commissioner Tsai?

Mr. Tsai: I have a question. Maybe it's for Candace regarding the timeline. In the application, it says they want to be completed by the fourth quarter, 2014. In the standard conditions it says

initiated by August 31, 2016. Seems like a pretty big discrepancy in terms of timeline.

Ms. Thackerson: As far as our legal timeline goes that we give them, we give them ample amount of time to begin the project. As far as the comment inside the description of the project, that's when the applicant themselves are anticipating the project to be completed, but our standard conditions allow for more time than that.

Vice-Chair Shibuya: Okay, Commissioners? No? If not, I have some questions related with traffic flow. In and out of the parking lots, can you describe then what's available or at least planned right now, Mike?

Mr. Munekiyo: Sure, Commissioner. I'll have our traffic engineer speak to that question.

Vice-Chair Shibuya: Okay, thank you.

Mr. Munekiyo: Mr. Niiya from Austin, Tsutsumi & Associates.

Vice-Chair Shibuya: Okay.

Mr. Keith Niiya: Good morning, Commissioners. Keith Niiya with Austin Tsutsumi & Associates. Particular how the traffic is coming in and going, circulating around the property?

Vice-Chair Shibuya: That's correct. Especially south bound that is going towards Kihei or Puunene?

Mr. Niiya: South bound coming this way?

Vice-Chair Shibuya: That's correct.

Mr. Niiya: Okay, right now there's a couple of options that they can do. One is they can actually make this left turn here in front of the American Savings Bank building and come around and go into the bank on the back side. The other way is they would have to come around and then come in off of Kamehameha onto here and then come back circulate around back into the bank.

Vice-Chair Shibuya: I just was concerned because at Kamehameha that holding lane going left turn  
—

Mr. Niiya: This left turn here?

Vice-Chair Shibuya: That's right. There's also the route there from the parking lot, from the mall's parking lot people taking that right turn cannot really legally do that left turn, get into the left turn lane because there's a solid white line, but people do. And then adds to a little grid lock situation where they really don't fit into left hold area queue and so they're blocking two or three lanes. Have you considered that or have you seen that?

Mr. Niiya: I have seen it and if you look at the way the layout of the bank property is, one of the things early on was to try and get the driveways as far away from the intersection. There's, you

know, the property has limited land along both Kamehameha and Puunene. So the object was to get the driveways as far as away we can. And being that, you know, having right-ins and right-outs for each of the driveways, you know, and trying to push it as far away, we're trying to mitigate as best we can.

One of the things like we identified in our traffic report is that the traffic along or the timing along Puunene Avenue, you know, is optimized and synchronized. So what the State does is they have a long cycle lane and what that does is it makes for a very good flow along Puunene, but the side streets, the left and the major left turns are impacted by it. And this is conscious decision to allow, you know, the regional traffic to flow through. So, I mean, it may be something that later on we can work with the DOT to try and retime the signals to put in a little bit more time so that the queue doesn't get long, but you know, that's something that we're gonna have to work with the DOT down the road.

Vice-Chair Shibuya: Okay, thank you. Commissioner Ball?

Mr. Ball: Just kind of a follow up to that on that left turn south bound storage lane on Kamehameha.

Mr. Niiya: This one?

Mr. Ball: Yeah. That needs to be lengthened. That lane is too short already, and somebody to exit the bank on that north bound side, to try and cross over there to get into that lane will be impossible now, but it might help with that lane getting longer. And I don't know if your responsibility or the State's responsibility or whatever, but that thing already needs some lengthening because that middle lane that goes straight over Puunene and continues on blocks the left-turn storage lane so that the left-turn storage lane there's only a few cars in there because everybody is backed up, but then once the green light goes then that thing fills up because everybody's in that line. So it does need to be lengthened. It's kind of a difficult spot there too for making the south bound, you know, the south bound direction of travel is gonna be hampered, but I think it's just the way, that you know, the spot is.

Mr. Niiya: Yeah, and you know, I understand, but realistically lengthening the left-turn pocket, if it's currently blocked by the through, it's not gonna help the bank or anybody trying to get out of the bank.

Mr. Ball: Right, and that was more for a comment for the State who's not here.

Mr. Niiya: Yeah, and I understand really, the way of fixing it is try and change the timing of the signals and we can address that, you know, later on with DOT and try and see if there will be a minimum to changing the timing, but lengthening the left turn pocket if it's backed up already, lengthening it is only going to get them out of the through lane so that they can go through, but we didn't see that kind of problem, it's more what you described the through traffic backing up past the driveway. So even if we lengthened the left-turn pocket, you know, it may help but you know, it's something that's, you know, I think the better option is to look at the timing. 'Cause if you look at the main line on Puunene in our study, there's a lot of excess capacity on Puunene.

Mr. Ball: And I've seen places where they reverse it where the through lane goes first and then the

turn lanes go after, so I mean, that would be a solution.

Mr. Niiya: That's a solution too. It's something that we can work with the DOT with.

Vice-Chair Shibuya: Okay, Public Works, you can comment.

Ms. Dagdag-Andaya: Yeah, I just wanted to just take those comments into consideration and it was mentioned earlier that the State is redoing Puunene Avenue or making improvements there so I don't know if that time they're gonna take a look at the signalization, but I have the comments down and I'll have staff take a look at it.

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: Yes, the exit on Kamehameha Avenue close to Puunene Avenue, how close is that to Puunene Avenue? It seems like they're existing ...(inaudible)...traffic.

Vice-Chair Shibuya: Commissioner Freitas, can you talk into microphone? Thank you.

Mr. Freitas: It seems awful close to the corner.

Mr. Niiya: This access here?

Mr. Freitas: Yes...no, the other one. The one on-

Mr. Niiya: This one?

Mr. Freitas: Yes. It's not on Puunene. It's on Kamehameha Avenue.

Mr. Niiya: Okay so this-

Mr. Freitas: And Puunene.

Mr. Niiya: This access here?

Mr. Freitas: Yeah.

Mr. Niiya: Okay, again, like I said-

Mr. Freitas: No, not that one. The other one right there on the corner.

Mr. Niiya: Which one over?

Mr. Freitas: Yes.

Mr. Niiya: This is not a access. This is actually two parking stalls.

Mr. Freitas: Oh, okay. Okay.

Vice-Chair Shibuya: Any other questions, Commissioners? I did have a question relating with flooding and I understand in the writeup here, you're saying that this is a Flood Zone X. Can someone describe to me what Flood Zone X is? Maybe Candace can fill us in? That it's not a flood zone is that what it is?

Mr. Munekiyo: Mr. Chairman?

Vice-Chair Shibuya: Yes.

Mr. Munekiyo: If I may, Flood Zone X is the designation by FEMA for areas of minimal flooding. In other words, it is one of the...from a development standpoint, a desirable designation.

Vice-Chair Shibuya: Okay, thank you. And then so, Flood Zone X is not prone to flooding but when a tsunami comes in we have fish on the streets.

Ms. Thackerson: Yes, our Flood Plane Permits are filled out by our Zoning and Enforcement Division and they follow FEMA's maps and FEMA has designated the area as a flood plane, Flood Zone X. Whether or not we agree with that from our...you know, from our own observations, but unfortunately FEMA, FEMA lists it as Flood Plane X.

Vice-Chair Shibuya: Okay, follow up question related to that. Because we know that the tsunami is coming and it happens on that, is the structures ground level gonna be at what level of elevation? Is it slightly raised or is it gonna be ground level? Yeah, I just don't want to have the floor saturated or minimized at least.

Mr. Marlett: Steve Marlett with MC Architects. We have looked into that and actually to give you a little bit more background that the V line, the inundation line for the tsunami comes right about in this area, right now. This is the bank location. I believe the elevation that has been established for the inundation line is roughly elevation 8. And we went out of our way to bring the bank finish floor elevation up a little bit higher than that. We're proposing elevation 8.5. So right now grades on this site vary a little bit. It's a little bit in a hole right now I guess you might say. It's between elevation 7 and 7½. So we're bringing it up somewhere between a foot and a foot and a half, to prudently I think to get our elevation of the bank above the elevation that's been established by FEMA back here as the inundation elevation.

Vice-Chair Shibuya: I like the project and I'm very concerned that we protect the project in this respect. The water goes all the way to Wakea. And you know about that.

Mr. Marlett: Yes.

Vice-Chair Shibuya: As long as you understand that, then...

Mr. Marlett: Yes.

Vice-Chair Shibuya: Commissioners, any questions? Commissioner Hedani?

Mr. Hedani: Mr. Chairman, you know when the fish end up on the road you get to keep it.

Vice-Chair Shibuya: Oh, okay. So that's one of the benefits of it then? Okay. Any other questions, Commissioners? We've taken care of the left-turn lanes. I do have a problem, I know this is preliminary, but you have three exhibits and three different numbers for the number of parking stalls, so you'll fix that up for us, right?

Mr. Munekiyo: We will.

Vice-Chair Shibuya: Because it's 50 on Exhibit 5. Exhibit 4 is 52. Exhibit 12A is 53. So, unfortunately I count.

Ms. Thackerson: Yeah, at the time that the staff report was drafted, we were still working out some of the interconnections and as you can see on the interconnection lines they'll lose some parking stalls by allowing that interconnection. So we were going back and forth with plans and you know, the staff report's due, so they show different stall amounts. But I did reference the exhibits, let's see, in Condition, Condition 5, where I say that the preliminary compliance report will include evidence that the final construction plans are in substantial compliance with the preliminary site plan labeled Exhibit 4. So I did try to call out at least that, you know, Exhibit 4 will be the construction plans because really wanted to make sure we got the interconnection in there. And that's why I changed the description to say, parking stalls instead of listing the number of parking stalls.

Vice-Chair Shibuya: Right. I understand why the additional three stalls were actually sacrificed because they needed the interconnection with the open lot there, the parcel there.

Ms. Thackerson: They still meet code requirements regardless with or without the stalls. They're still over a couple spaces.

Vice-Chair Shibuya: That's correct. Commissioners, any other questions? If not, can we get a staff recommendation?

**a) Action**

Ms. Thackerson: In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the August 27, 2013 meeting as its finding of fact, conclusions of law, decision and order and authorize the Director of Planning to transmit said decision and order on behalf of the Planning Commission.

Mr. Tsai: So move.

Vice-Chair Shibuya: Okay, moved by Commissioner Tsai, and then seconded by Commissioner Hedani. Deputy Director would you repeat the motion and I think we can ready for the vote.

Ms. McLean: The motion would approve the Special Management Area Use Permit subject to the 12 conditions listed in the staff report and recommendation.

Vice-Chair Shibuya: Okay. Commissioners? All in favor, raise your hand. It's unanimous.

Ms. McLean: Five ayes.

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

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

Ms. Thackerson: Thank you.

Vice-Chair Shibuya: Thank you very much, Mr. Munekiyo.

Mr. Munekiyo: Thank you, Commissioners. Thank you very much.

Vice-Chair Shibuya: Thank you very much Bank of Hawaii. Do good then do better. Let's take a recess here. We'll be back at 10 o'clock.

A recess was called at 9:50 a.m., and the meeting was reconvened at 10:03 a.m.

Vice-Chair Shibuya: Commissioners, at this time, I'd like to explain what's happening here. We'll be going through this Robert and Tamara Hocaño Special Use Permit and following that we have a workshop by the Long Range Planners as well as we have a consultant that is currently briefing the Council Members and then they are planning to come here too to brief us. So I'll be watching the audience and trying to juggle the Long Range Planners, they are actually outside as well as the consultant. So when that happens we'll take them out of order. Thank you. So the next item here that we have, would you please introduce this, Michele?

Ms. McLean: Certainly, this is your second public hearing item, a request from Robert and Tamara Horcaño for a State Land Use Commission Special Use Permit to operate the Iao Valley Inn Bed and Breakfast, a three-bedroom B&B home located in the State Ag District at 80 Iao Valley Road, TMK 3-3-018: portion of 002, in Wailuku, and Gina Flammer is the Staff Planner.

**2. ROBERT and TAMARA HORCAÑO requesting a State Land Use Commission Special Use Permit in order to operate the Iao Valley Inn Bed and Breakfast, a three (3)-bedroom bed and breakfast home located in the State Agricultural District at 80 Iao Valley Road, TMK: 3-3-018: 002 (por.) , Wailuku, Island of Maui. (SUP2 2013/0019) (G. Flammer)**

Ms. Gina Flammer: Thank you. Good morning. Good morning, Vice-Chair Shibuya and Commission Members. As you just heard, it's a three-bedroom bed and breakfast. Two of the bedrooms are in the main house as you'll see in just a minute, and one is a detached studio unit. I did place a letter of support in front of you this morning, so you have that. I also wanted to let you know that you asked earlier about seeing not only other bed and breakfasts in the same region but other short-term rentals. In the report I've listed two, but a third was approved during the time that the report went to the director to be signed. That one is also in Spreckelsville, so all the



other short-term rentals, all three of them are in the Spreckelsville area, there are none up in this area and again, there's still no other bed and breakfast in this area.

I did want to make a correction and the applicant pointed it out to me, the State had incorrectly listed the parcel as prime when you look at the ALISH map. He's a realtor, happened to have a map of the area. We have it for you, but I could just put it on the record, it is unclassified. And it's just a little strip that goes through there. I was kinda surprised when the State came back, but when you look at some of the maps sometimes they're really hard to dial down into the specific parcel, so there is a thin strip that does come through right where they are. So it is unclassified. So what I'd like to do now is just give you a Power Point to just show you the area so you can get a better sense of it.

Okay, I'm sure all have been up to Lao Valley. Just to let you know where it is. If you go right up Main Street veer right it turns into Lao Valley, right as you turn right is where the applicant's property is located. This gives you an overview of where the project area is, you can see both structures right there. The parcel is actually much larger. Here's the entrance as you come in off of Lao Valley Road. As you go down the driveway, you have the studio unit right on the left, the main house, as you come up it got a porte cochere so you can drive through it.

The two units are located on the mauka side or the other side of the...I guess it would be the north side of the house. You can actually walk around separately, they can go through the front or they can have their own access which you can see right here both doors are for the two different bedrooms. This is the first bedroom. It's got a bathroom which you see pictures in your staff report attached. You can see the door right there. Here's the second one. It also has its own attached bathroom and pictures are in the staff report of that. Here's the studio unit. Two pictures of what the inside looks like. There's currently a long-term tenant in there who I understand is looking to buy a house.

Okay, so I wanted to give you some information. The one on the left is already in your staff report. This is about Mahina Farms, and this is their ag operation that they have on there. So they have a website where you can actually order the product, the coffee off of there. They also have a Facebook page where they have nice pictures and they regularly post things. I think they posted a picture of noni and asked does anybody know what it was, and so they engage the community with that. It tells what the products are. They have monkey pod, mango. They have done hardwood in the past. They do have coffee and they do have kukui nut trees. I thought it was interesting if you look down on the left at the bottom, they talk about their goal, and it's to be a cultural resource for indigenous plants and practices. So it's kind of a unique ag operation. It's got a little more to it than just growing coffee. I wanted you to see, I think they're doing more than three products, but this what they currently have for sale. You can go ahead and buy it off the internet or you can just go down to Wailuku Coffee Store and they have it for sale there as well.

So they have the whole operation where they right from the very beginning the starts, to the little plants, into the ground, I wanted you to see what a coffee plant looks like there are the right. They're usually grouped together. They're kinda hard to see. This way you can see what the beans look like. Typically, I think...you haven't seen...we have another coffee plant operation that's gonna come to you in a couple months. Typically there's shade, so there's trees, they're underneath big, tall trees, often monkey pod trees. They have some drying sheds. This is one, I

think they're gonna have two or three in the future. They have the tray is where they dry the beans. Let you see what they look like. Didn't have anything...I didn't put the roasting. Here's a kukui nut tree. I know they do sell keiki kukui nut trees. They also have a lot of mango and other hardwoods. I just wanted you to see what some of the mango, very mature large trees. You can see two of them were going off at the time produce a lot of fruit. They have bananas as well. There's a citrus orchard behind the bananas. And one of the things I like to see when I'm walking around a property is that they're continuing to plant and expand the operation. So there's a lot of keiki trees and there are anything from recently planted I noticed up till just a couple years ago. So you can tell that they're looking for the future. And then they also have pasture area. There's two separate pasture areas. Kinda hard to photograph. I tried to do my best, but there's a couple pictures to show you that.

I also have the applicants here today if you have any questions, they can answer that for you, it's Bob and Tamara Horcajo. Thank you.

Vice-Chair Shibuya: Okay, thank you, Gina.

**a) Public Hearing**

Vice-Chair Shibuya: At this time, I'd like to open to the public for public testimony. Anyone wishing to provide verbal testimony, please step up to the mic, please identify yourself? Anybody? None. So public testimony is closed. Commissioners, your questions, please? Commissioner Wakida?

Ms. Wakida: I love to see an applicant come before us that has real ag going on and not just a few citrus trees and calls it a farm. I'm interested a little bit, to know a little bit more about the coffee business. My questions, and maybe the applicant can answer this is approximately how many packages of coffee do they create? I don't know if you go by the year, and secondly, is coffee seasonal or is it year round?

Vice-Chair Shibuya: Excuse me, before we begin here, I wanna disclose that I do know both Bob and Tamara Horcajo through actually many community-type activities. Tamara was the former Director for the Parks and Recreation. Thank you very much for your service. And Bob, thank you for your services along the Main Street. Bob, go ahead. Please identify yourself.

Mr. Bob Horcajo: First of all, good morning, Vice-Chairman Shibuya and fellow Planning Commissioners. My name is Robert or Bob Horcajo. As you know, my wife is here also. As far as the coffee industry is concerned just in general...well, first of all, technically we're the only State that grows coffee commercially supposedly. There's roughly 6,000 acres of coffee grown in the State. Most of you know that it's many Kona because they've been kinda doing it for long, but frankly Kauai has the largest coffee farm, it's 3,000 acres. As far as the amount of coffee, I guess you get from a plant, is that I think was part of your question?

Ms. Wakida: Well, no, I was interested in how many packages of coffee you folks-

Mr. Horcajo: Oh, us do?

Ms. Wakida: Yes.

Mr. Horcajo: Okay, all right. First of all, as far as our property the coffee has been there forever. Supposedly, Edward Bailey from Bailey House Museum planted coffee, what, early 1800's, 1830, 1840? So we assume that the coffee that's up there came from that. I understand there was a Portuguese camp off of Mokuahau in the '50s and '60s that actually also maintained the coffee. So when we bought the property, the coffee was there. We bought the property in 1990. We really didn't really manage, maintain the coffee only until about two years ago now. So the coffee trees that we have are mainly just older mature, tall trees packed together. Gina had mentioned there's going to be B&B, I think or an STR in a couple of weeks and that's for Maliko Estate Coffee up in Haiku. Haiku has a lot of valleys with the same thing. Pretty much the same kind of coffee. What they did five, six years ago, is they started to prune and thin and that's what we're doing now. We're starting to prune and thin the existing coffee canopy that's there. Gina showed you I guess some of what we've done so far in stuff. I guess, in terms of trees, right now we probably have thousands, but in terms of what we actually harvest from, I would say maybe three, four hundred.

Coffee is generally seasonal. For example, Maui grown coffee in Lahaina harvests from I think October to February. Coffee also is affected by rain and weather. So not just for us, but for all the Maui coffee farmers this year, the season not only has been late, it's been a lot less. A lot of the Kula farmers say their coffee production this year would range from 10 to 30 percent of what it was last year. And for us, I would say, it's probably 10 percent. The weather patterns has been weird. Maliko Estates which is coming up to you in a couple weeks, she feels like she's gonna be harvesting all year this year because we've had rain, sun, rain...coffee likes rain. You know, that's why Kona does well. It gets the night rain. On Maui County, we've just had...our rain has mainly been storms. So last year for example, the first time we actually picked, I think we picked maybe February, mid-February for the first time. This year, it wasn't till April. So last year, I think we ended up with four or five hundred pounds of what's called cherries and that ends up being, we end up...roasted coffee, I think 20 percent of that. So we're basically small. Most of the coffee farmers except for Maui Grown, Lahaina which you folks may know about they had maybe 500 acres, all the rest average two to four acre farms. Some people with the Maui Coffee Association has 12 plants. So ...(inaudible)...we're trying to grow...I happen to be on the board for the MCA so yeah, we're trying to grow coffee. I don't know if I saw you folks but at the UH Maui College last weekend we had a, what's called Seed to Cup where we encourage a portion of people to propagate coffee and you know, expand that agriculture base. So I hope I answered most of your questions.

Ms. Wakida: Well, if you harvested four to five hundred pounds of coffee and pounds of fruit and you only could use 20 percent of it, that left you with about a 100 pounds.

Mr. Horcajo: Right.

Ms. Wakida: And then that translates into how many actual packages do you end up with?

Mr. Horcajo: We sell our bags, we sell our coffee in 8 ounce bags, and we sell them right now for \$18.

Ms. Wakida: And how many bags did you produce?

Mr. Horcajo: Well, if it's 100 pounds, that's 200 bags.

Ms. Wakida: Thank you.

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: Bob, that's, that's the wild coffee that you're growing. It's the one that –

Mr. Horcajo: In the valleys, yeah.

Mr. Freitas: –the Portuguese plant all ...(inaudible)...

Mr. Horcajo: Right, in Haiku too, exactly.

Mr. Freitas: Yeah, that's good coffee.

Mr. Horcajo: We're also planting other coffee. We planted some San Ramon which is a highbred. We've got Red Catuai that we're planting. That's a Guatemalan coffee. So you know, our intent is to expand the varieties. Most of many of the winners of coffee ranking has been kind of a blend of different, of different types and stuff.

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: How many acres you have?

Mr. Horcajo: Our total is actually is 37 acres.

Vice-Chair Shibuya: Commissioner Wakida?

Ms. Wakida: You have a very interesting shaped property.

Mr. Horcajo: Yes.

Ms. Wakida: And it shows lao Stream comes through it.

Mr. Horcajo: Yes.

Ms. Wakida: So help me understand who has the jurisdiction over the stream that part that comes through your property?

Mr. Horcajo: Well, I mean, we do. The stream's on our property and I believe the Corp of Engineers has, you know, has jurisdiction if there's any problems with that. The State, of course, does if we wanna get any kind of stream alteration permit and stuff, but the stream is on our property. If we had water, we'd probably wanna take some water, but our water is limited by, you know, by what has been, you know, historically, the water is for cane and pineapple and what–

Ms. Wakida: Out takes.

Mr. Horcajo: Yeah.

Ms. Wakida: Yes, thank you.

Vice-Chair Shibuya: Commissioner Hedani?

Mr. Hedani: Bob, the Commission in the past has approved B&Bs that ended up being swept away in floods.

Mr. Horcajo: Well, yes. The only one so far.

Mr. Hedani: Is the property that we're talking about today is that safe from flooding during—

Mr. Horcajo: We are outside of the 100-year flood limit, you know, but as we just heard about Puunene Avenue, that doesn't necessarily mean that it's...(inaudible)...but, you know, we built, we built above what I'm gonna call the, I guess the lower area that's adjacent to the stream for the, you know, the reason that you just had talked about it. We wanted to be up high. My wife gets worried when the rocks are rolling even though we're 300 feet away 'cause it's noisy and stuff, so we wanna be safe.

Vice-Chair Shibuya: Okay, thank you. Any other questions, Commissioners?  
Commissioner Wakida?

Ms. Wakida: You wrote in Exhibit 5 about the kinds of customers that you are seeking. Can you tell me a little bit more about who you're advertising to? In other words, are you being more selective like you say you want people through the medical business that travel and government workers and that kind of thing or are you just advertising in general for visitors in a general way as many B&Bs do?

Mr. Horcajo: Sure. Yeah, our intent is just to advertise in a broad way. I mean, we, you know, we happen to know people in the medical industry like we have a nurse friend who comes over here from Kauai. You know, we know people who work at the hospital that end up having to find housing for those folks. My wife being at the County, and of course, I'm being around the County for years, we know that sometimes there's contractors that come over here from Oahu mainly I guess, and if they choose to not stay at the Maui Beach or the Airport Marriott Courtyard, there's other options, so yes.

Vice-Chair Shibuya: Any other questions, Commissioners? I do have one. Bob, can you tell us where the fire hydrant is located, the closest one? I normally ask this question.

Mr. Horcajo: No problem. From our driveway the closest hydrant is going mauka toward Maui Tropical Gardens, I guess. So I would say it's from our driveway 150-200 feet maybe.

Vice-Chair Shibuya: And then from your driveway down to your place?

Mr. Horcajo: The house?

Vice-Chair Shibuya: Yes.

Mr. Horcajo: It's probably a 1,000 feet.

Vice-Chair Shibuya: A 1,000 feet?

Mr. Horcajo: Right.

Vice-Chair Shibuya: And is it single-lane?

Mr. Horcajo: Single-lane, yes. One of the pictures—probably saw the driveway.

Vice-Chair Shibuya: And does it have a turnaround or turnabout or turnoff?

Mr. Horcajo: Yes.

Vice-Chair Shibuya: So that you have cars meeting –

Mr. Horcajo: Exactly, yes. Down on the very bottom we have a...yeah, I mean, there's a big spot where trucks can turn around.

Vice-Chair Shibuya: Okay, thank you. Any other questions, Commissioners?  
Commissioner Wakida?

Ms. Wakida: Last question, I think. Are all the buildings on the property permitted?

Mr. Horcajo: Yes. Even something that did not need a permit, I've permitted it.

Vice-Chair Shibuya: They call it chicken coop. Any other questions? If not, then can we have a staff recommendation?

**b) Action**

Mr. Flammer: I will mention we have seven conditions which you've seen before with the others. Again, Number 7, is that the farm plan has to remain implemented during the duration of the permit. I don't see any problems with a ongoing operation like this. However, it's still in there. So in consideration of the foregoing, the Planning Department recommends to the Maui Planning...recommends that the Maui Planning Commission adopt the Department's report and recommendation prepared for today's meeting, August 27<sup>th</sup>, as its finding of fact, conclusion of law, decision and order and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Vice-Chair Shibuya: Okay, thank you. For the record, I just want to sure that we read it into it, that we did receive one positive supportive type of a written testimony and that's from Gloria Estrella. We have no written or negative comments offered at this time. So Director...or Commissioner? Done, okay.

Mr. Giroux: Chair, real quick. Can we have a correction on the or did we have that already as far as it calling out Makawao instead of Wailuku on the report?

Ms. Flammer: Oh, I didn't even notice that.

Mr. Giroux: If we could just correct it on the record, then...

Ms. Flammer: I know they are the Wailuku Plan Policies because I looked them up and read them because...

Mr. Giroux: Just for the record, the agenda does say, Wailuku. It's just the report.

Ms. Flammer: Oh, the...oh.

Mr. Giroux: And if the motion is to adopt the report I'd just like to make that correction.

Ms. Flammer: Okay, thank you. So the report, the Community Plan Policies are for the Wailuku-Kahului Community Plan area.

Ms. McLean: As long as we're making corrections, like I just noticed that the staff report says, 80 and 82 Iao Valley Road, and the agenda says, 80.

Ms. Flammer: Okay, it is both. Each of the structures has an address. So it is both 80 and 82. I wanted to make sure it was in the report. I didn't realize it didn't make it onto the agenda.

Vice-Chair Shibuya: Okay, so noted all the corrections. Deputy Director will you please restate the motion.

Ms. McLean: We don't have a motion yet.

Vice-Chair Shibuya: Oh, we don't have. Oh, sorry. Commissioner Ball?

Mr. Ball: Motion to accept staff's recommendation.

Mr. Freitas: Second.

Vice-Chair Shibuya: Okay, it's been moved by Commissioner Ball, and seconded by Commissioner Freitas. Now we can start.

Ms. McLean: The motion is to approve the issuance of the State Land Use Commission Special Use Permit subject to the seven conditions in the staff report and with the clarifications of the address and location of the property.

Vice-Chair Shibuya: Okay, Commissioners, all in favor raise your hand. It's been unanimous.

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

**VOTED: To Approve the State Land Use Commission Special Use Permit, as Recommended by the Department with the Clarification of the Address and Location.**

**(Assenting - K. Ball, J. Freitas, M. Tsai, W. Hedani, P. Wakida)**  
**(Excused - I. Lay, S. Duvauchelle, J. Medeiros)**

Vice-Chair Shibuya: Thank you very much. And thank you, Bob and Tamara. Thank you. Thank you, Gina. And the next item? Oh, can you introduce? I guess you're going to have Long Range Planning?

Ms. McLean: Yes. Thank you, Chair. The next item was at the request of the Commission to provide a brief workshop for you on the recently adopted Maui Island Plan. We have with us today, the battle tested Senior Planner who worked on the Maui Island Plan and saw it through the General Plan Advisory Committee, through the Planning Commission, through the County Council, Simone Bosco. I did see also the head of the Long Range Division. John Summers was here. He might be popping back in so I'll just go ahead and introduce him as well. He may be participating at some point. But Simone is certainly your lead.

**C. Workshop on the Maui Island Plan conducted by the Planning Department's Long Range Planning Division**

Ms. Simone Bosco: Thank you. Battle tested. It wasn't, it wasn't too much bloodshed. Thank you. Good morning, Commissioners. My name is Simone Bosco. I'm a Senior Planner with the Long Range Division. I understand that some of you had some questions about the Maui Island Plan. I'm leaning toward waiting until the end of the presentation to take your questions because I might answer them and so I'll save you that until later.

I have a brief overview of the plan. I'll go a little bit into contents, and I'll go into application as well. It's a broad presentation. You may have more specific questions about entitlements and so forth and how to apply those entitlements. And we can answer those after the presentation.

Vice-Chair Shibuya: Okay. For the public, I believe we may have a testifier at this point, so if you can just give us an executive summary and then I'll have the public testimony and then we'll go back into the details.

Ms. Bosco: An executive summary of my presentation?

Vice-Chair Shibuya: Yes.

Ms. Bosco: Okay.

Vice-Chair Shibuya: Just ...(inaudible)...overview.

Ms. Bosco: I think I just gave my executive summary.

Vice-Chair Shibuya: Okay, you did.

Ms. Bosco: Yeah, and basically this is on the Maui Island which is one of 11 documents in the General Plan. Maui Island Plan pertains to only this island and it does include all of the community plan areas. So we'll be discussing and looking at how the plan relates to what you folks do. Okay.



Vice-Chair Shibuya: Thank you very much. Now, I'll open it up for public testimony and those that want to testify please step to the mic, identify yourself, you have three minutes, and thank you very much for coming to testify and sharing your mana`o.

Mr. Dick Mayer: Thank you very much. I was going to actually ask if I could speak after the presentation just so I can get what she said, and maybe comment as Vice-Chair of the General Plan Advisory Committee. Would that be proper?

Vice-Chair Shibuya: Okay, that's fine.

Mr. Mayer: I'll see the presentation and then if I need, if I wanna make a comment.

Vice-Chair Shibuya: Okay, you'll identify yourself.

Mr. Mayer: At that time.

Vice-Chair Shibuya: Yes.

Mr. Mayer: Thank you.

Ms. Bosco: I'm just gonna move the laptop up to the podium. I feel somewhat more at ease that the film isn't rolling here. Okay, for the last five years or so, we've been working with the community to develop the Maui Island Plan. So that began with the Maui GPAC and that, that decision making body was formed exclusively for the development of the Island Plan and we've worked with them for months and months to develop basically the entire plan from our original draft. Going back a little bit further than little bit before that, Focus Maui Nui was a community effort that helped develop core values for the development of the entire General Plan. So we began with the Countywide Policy Plan and then from there once that was adopted, well, we began the Maui Island Plan during that same process and then we came in with the Maui Island Plan based upon some of the same core values...all the core values of the Focus Maui Nui.

The Maui Island Plan is one of 11 documents. It's for this island. We also have the community plans that sit underneath the Maui Island Plan and then the Countywide Policy Plan is the overarching policy document that provides guidance for each plan underneath it.

This slide just explains the hierarchy. Again, the Policy Plan is very broad, very visionary, aspirational and it provides policies for the entire County. The Island Plan, this plan, which was adopted on December 28, 2012, it emphasizes regional, islandwide planning, okay, and it does establish with maps, growth boundaries. We have three kinds of growth boundaries that are entitlements that are applied to land use permits and many other types of policy issues. Underneath that we have the community plans including the outer islands which Lanai and Molokai are currently in process of being developed. We also have the six community plans on Maui which also are still in force even though the Maui Island Plan sits along side with them. So I'll get a little bit into that later.

I just wanted to start out with the vision statement and core values because this statement is so important. The Countywide Policy Plan and all the other plans have one, but Maui has its own. So

I provided a packet for you, I passed it out and I just...I won't read it, but it is there. I punched it out and printed a copy for you, and the Island Vision provides a vision for the entire island for the next 20 years. Maui Island will be environmentally, economically, and culturally sustainable with clean, safe, and livable communities and small towns that will protect and perpetuate a pono lifestyle for the future. That's our goal. That's what we will become and hopefully through the next 20 years aspire to support in all of our decisions for the people.

Underneath that you have the 11 core values and they guide, the sort of guide or express what the people of Maui value about living here. So I'll let you read that on your own, but it's something that sort of help understand...you know, help you in your decision making when you...sometimes you get lost in the forest, you can come back to these and it helps focus in what the people care about here.

A little bit more about the organization very briefly. It's nine chapters. Each element or chapter represents a different area of life. And each chapter has policies and goals and objectives and they are used most, most of all in the development of staff reports that come to you. So the Planners will look at the goals, objectives and policies and evaluate each application against them. We also have two appendices, a glossary which helps define planning terms and also a map book which may be the subject of great interest for you folks because it does magnify the terrain of Maui and show the growth boundaries along side the parcel lines. So it helps the planners and the public understand where their parcel is or their land lies in relation to the growth boundaries.

The legal effect of the General Plan is it guideline or law, and it is both. It depends on what you're looking at in the plan. We have guiding language which oftentimes when you look at the policies include encouraging language. It's not, it's not strong absolute. The language in each policy is written very differently. Some of them include words like encourage, some of them include language such as restrict or prohibit, and those types of words makes a difference in terms of how you read what it means. So there's stronger language and then there's softer, more encouraging language. And so, that can become a subject of discussion. 'We like to take those discussions to our Director and if there's a question about the meeting or interpretation, we like to resolve the question before we bring it to you folks.

Consistency questions. There is a requirement for consistency within each plan and also when we look at land use applications, we would like those applications to be consistent with the General Plan. So when it comes to the Maui Island Plan, the question comes up, well, what if there's an inconsistency between plans? And we, we have done a lot of homework already to eliminate those consistencies as much as possible. But as is the case, when you develop a new plan, which could have come 20 years later, things change and so the objective and the effort of each plan is to try and look at well, how things have changed. And that's when you need to sometimes breakaway from past planned policies and so what you might discover is in the Maui Island Plan there could be something that's worded differently than how it is in the old community plan that hasn't been updated. So those kinds of consistencies are the subject of discussion in our Department and also with the attorneys and when there is a inconsistency, it doesn't mean that the community plan policy or regulation or whatever it is, is not in force. The community plan is still in force, but we want to look at those two differences and evaluate which plan needs to be amended. So the short answer is, the community plans are still in effect as they're written, and the Maui Island Plan is also still in effect and we wanna look at if there's any differences and what that means.

This is the regulatory language. The ordinance which explains that issue and it's in 2.80B.110 and it basically says that the community plans are still in force and effect until they are amended.

Okay, I'm gonna talk a little bit about the organization of the Maui Island Plan, Chapters 1 through 7 are roughly organized with background information which brings context to the policies and the maps. Then there's a challenges and opportunities section which describes the problems and the needs of the community related to that topic, and then we have the goals, objectives and policies and actions which are...what are, is the meat of the section. So that's where you, you folks might wanna focus in on. And then we have maps and diagrams. Sometimes we have a map in like...we have a map in Chapter...the Introduction, 1 and 6. And those are background maps. They are not regulatory. And then we have the Urban Growth Boundary Maps and the diagrams for the protected areas and I'll get into that a little later.

This is kinda what the policies look like. You have, again, the organization of goal, objective and policies throughout each section. And there's, there's each section, this is the Housing Section has a lot of good stuff in it. Some of these will take some time to implement, some of them you can implement in your decision making. So I encourage you to review them when you can.

How to read the policies. Policies help direct decisions concerning each topical area in the plan. They provide the intent for the creation of new laws, ordinances, programs, and also for capital improvements, and they provide regulatory intent for where growth is desired.

Now about Chapter 8, this is a subject of great conversation. The Directed Growth Chapter establishes growth boundaries, three kinds, and they are regulatory, and they do have the effect of an entitlement. They sit along side the other plan entitlements such as community plan designations, zoning, and also State Land Use District Designations. There are also a non regulatory protected areas in Chapter 8, and those basically describe which areas of the island the community felt warranted additional protection. The purpose of the Directed Growth Plan which is grounded in recommendations throughout the plan and language throughout the plan establishes the location and general character of future development. The growth plan establishes these growth boundaries, Urban, Small Town, and Rural. A growth boundary is a regulatory tool that establishes where future growth is desired. It also helps to coordinate the timing and placement of supporting services and infrastructure. So what that means is we found that if you can direct growth to certain areas, it's not as expensive to serve those areas with supporting infrastructure. And also it provides opportunities to help develop settlements close to jobs. So it's a more efficient land pattern. And that's what this slide says, growth boundaries encourage revitalization, infill, and infrastructure investment. It discourages sprawl. It encourages cost savings through coordinated and efficient infrastructure investment. It supports alternative transportation options which you know, basically developing complete streets and other means of getting around pedestrianways and so forth, and it can increase housing choices near jobs for the labor force.

Now I just wanted to go into some highlights of Chapter 8. We have major themes which all of this we'll get into a little later. Guiding Land Use Principles. We also have Table 8-2, which I've passed out to you. We also have the directed growth goals, policies...goals and policies which pertain to the growth boundaries and we have language, exception language which explains what do you do when there's something outside of the growth boundary, how do you treat that, that structure or use. And we have a protected area policy which helps guide what we do with the protected area,

the protected areas.

The Regional Planning Themes there's four. There are...and this is all in the plan so you can look at, refer to this later. Theme 1, these themes were developed with the community. They express what the kinda overarching desires were to limit development in North, West, and East Maui, to protect ag lands, to direct growth to areas close to existing employment, and to promote livable mixed use communities. And there's a lot of policies that help describe how to do this.

These are the land use principles. I won't read them right now. I just wanted to point them out to you. They basically are the principles that we developed Chapter 8 and Table 8-2. Now I would encourage you to pull that out right now, it's in your little packet and why is this so important? Because it's a very condensed explanation of what you expect to find in each growth boundary, and also what you expect to find in the protected areas. So what we have on the left column is Urban which is red and that's the color you'll find on the maps for each urban growth boundary. We have Small Town which is yellow. Again, the colors correspond to what's on the maps in the plan. And then we have Rural which is blue. Then we have a column that describes characteristics and those are the characteristics typically found within each boundary and we have the purpose of that boundary, and to the right, we have the implementation strategy and that's how we expect to implement those kinds of characteristics. That's also true for the protected area types and the colors correspond again to what's on the diagrams. Okay, and I'll come back to this if you, if you would like me to, but I just wanted to point them out to you and you have it now printed, so it's something that you might wanna just have with you, if you, if you need that guidance during your decisions.

I wanted to speak to the Exceptions language. I also passed that out to you. It's essentially explaining what is allowed outside of the boundaries. Allowable under State Special Use or County Conditional Permits without Maui Island Plan amendment. Okay, so just to speak to the amendment process. We have community plan amendments and we also have other kinds of amendments to other types of entitlements. The same is true for the Maui Island Plan and this language is essentially saying what you can do without having to come in for a Maui Island Plan amendment. Existing or grandfathered legally permitted uses are allowed outside the growth boundaries without a Maui Land Plan amendment. Okay, also reconstruction of grandfathered legally permitted structures are allowed pursuant to the original permit, okay. And if there is an expansion or modification beyond the original permit then that expansion or modification is subject to current established code, okay.

There's also a Protected Area Policy and it essentially says that we shall review the proposal against the protected area and the intent of the protected area, and we shall determine what the potential impacts to the protected area is or could be, and then we shall notify the County Council of this. Okay, that's our requirement. And they can decide how to treat that issue. Okay, so in your decision making, your recommendations on a protected area can go to the County Council for consideration. The intent of a protected area, essentially it's to protect the area that's inferred, but there's a number of mechanisms that can be used to protect an area and I won't even go into all the different ways, but there could be public, private partnerships. There could be direct funding. There could be nonprofit support. There could be any number of things. There could be...it's endless, there could be transferred development rights that we could develop around something of that nature.

About the organization of Chapter 8, it's organized like the rest of the chapters except that there are maps at the end of the chapter which are the Growth Boundary Maps. So when you're looking at Chapter 8, that's where they are. They're also in the Map Book. I'll come back to that.

Okay a little bit about the maps. There are non regulatory maps through Chapters 1 through 7. And then there are diagrams which are non-regulatory. And you'll find that there's I think there's only, there's only three non-regulatory maps in 1 through 7, and then there's two diagrams, I believe in Chapter 6. And then you have the Protected Area Diagrams and those are non-regulatory. The regulatory maps are the Urban Growth Boundaries which are also in the Map Book and this is kinda what they look like. I believe there's 29 of them and they show the different growth boundaries in those colors I described. And if you're looking for where a certain parcel is, I'm gonna try and explain how to find it. I think I'm gonna do that soon, but I'll come back to that in a minute. You also have inset figures in Chapter 8, and those explain where the planned growth areas are. Those areas are where new growth is proposed and they fit snugly within each growth area. And the inset maps in Chapter 8 show where these areas are and each planned growth area has a story that is attached to the area and it describes the intent for that area. It describes what we expect, what kind of project that might come into that area. There are guidelines for how many units for example there might be park space, what kind of commercial might serve that area, okay. The general acreage, the general landscape and these maps have project names...not project names, excuse me, Maui island Plan names attached to them, but the story describes what we might expect to see. And this kinda what they look like. The white box underneath is straight out of the plan for Puunani Planned Growth Area in Central Maui.

So this is when I explain how to find, how to find a parcel. So you turn to the Growth Boundary Map at the end of Chapter 8, and you find the general area of where the parcel might be, and that won't tell you where it is, but it will tell you the map number. So in the upper right-hand corner on this map, this is C-3 for Waikapu-Kahului and "C" stands for Central, that's how we organize the names. Each letter represents like the first name, first letter of an area. So then you go from C-3 to the Map Book, and the very page of the Map Book which is Appendix B in the Plan, shows where all of these tiles are, these maps and so here, since it's Central you would tend to look in the Central Valley for C-3. And from there, when you locate that area, then you go into the Map Book and you look for the associated number that's on this index. In this case--let's see did I do this right--in this case, G-10 is where Puunani is. This is showing Puunani. So this is a close up version of the growth boundaries within the area. And then you can see that there are parcel lines and we talked to planners about this, so it will help them locate parcels too, but this sort of shows well how is it in relation to everything around it. That's how you find where a parcel is located.

And this shows the diagrams, okay, and there's only, I think there's seven, I think there's seven of these and this shows on the right the legend and the...where you'll find the greenbelts, greenways, parks, preservation areas, and sensitive lands. And this is non regulatory, but it does show generally speaking where these protected areas are. We are looking at developing a close up version of this as well so that you can see everything together. Right now they're not overlaid but we have the mechanism to overlay them and do another like almost a diagram book which shows these areas close up. We're working on that. At this point, we have this. And then this is an example of what that book would like if we did develop it. This is just a draft but it would show closeups of where the protected areas are in relation to the growth boundaries and this makes, makes it just a lot easier for the planners and public to understand where something is. And then

we have the glossary, and that helps you folks understand the planning terms, and those terms are also codified in 2.80B so you can also find them in the Maui County Code.

One last important point is in 2.80B it describes how amendments are to occur, Maui Island Plan amendments. And the bottom line is, the amendments shall not be accepted by the County. It says, County, until July 1, 2014. Okay, accepted...well, we can work with applicants, but what this means is that the County Council will likely not act on any Maui Island Plan amendments until this date, okay. And then there are other requirements that are described in that 2.80B. And that's my presentation. Now you can, you can...I can take the first wave of questions.

Vice-Chair Shibuya: Commissioners? Okay, at this time, I'll just open it up for a public testimony and then follow that with the Commissioner's questions.

Ms. Bosco: Thank you. I just wanna pass out the plan. This is the gift you have for coming today. And this is the entire plan PDF. I'll leave one for all of the Members, and Carolyn can mail it to the other Members not here today, but you can download this, whatever you like, share it, but it's for you folks.

Vice-Chair Shibuya: And there's a written exam on the back end, right? Okay, public testimony. Please identify yourself. You have three minutes. Thank you.

Mr. Dick Mayer: Thank you very much. My name is Dick Mayer. I was the Vice-Chair and I am the Vice-Chair still, the GPAC is still in existence. I was appointed in 2006 by Mayor Arakawa. Just to give you some perspective on all this. Even before that in 2003, the Department hired me to review some of the technical studies done for this plan so it's been a decade coming. And what you have the presentation today by Simone and the Department is really not the complete plan.

The Maui Island Plan still has not been adopted as the law would require, and I just wanna bring that to your attention. The ordinance, 2.80B states there should be a financial component to the plan that would make it operable. In other words, with the money...where the money would be coming from, what projects it would go...you know, projects would be on the list, what the priority for those projects should be. All of that is stated and I would urge you to take a look at that section in 2.80B, Section G, where it describes the Maui Island Plan, Item H in there...excuse me, Item 4 in there, indicates that there should be a financial component. Unfortunately, that financial chapter and the component about it has not even been submitted to the Council yet. They've adopted what you had a presentation on last December and they gave themselves an extra year to review it. But the Department unfortunately has not yet presented that to the Council, and consequently they can't act yet, and that's a very important part. It's called the Implementation Chapter and it will help you understand what things should be approved or not approved in the context does the County have the ability to put in the sewer plant, the water systems, the roads, all of the other facilities in there because there's no sense approving things if we don't have the infrastructure, Police Stations, Fire Stations, et cetera. Where will the money come from? From the developer, from the County, from the State, from the Federal Government for the various infrastructure facilities.

As much as that's a criticism, I do wanna hand out some praise, and that is to the Planning Commission itself. Of all the bodies that reviewed this plan and worked on the plan, the Planning Commission was the most efficient and effective in getting the job done. It was before some of you

were on the Planning Commission. Some of you were already there, but the plan went to the Planning Commission, you folks reviewed it in record time, faster than your schedule even required and you got it onto the Council and that was about five years ago now, four years ago. And the Council has been taking now three or four years, four years actually now, it was transmitted in October 2009, to the Council and they have not yet completed their job, something that you folks did in about five months. So I wanna thank you and praise you and urge you to put whatever pressure you can on the Department to get that final component submitted to the Council so they can go ahead and make their recommendations and really complete the process. It's very much needed. Thank you very much.

Vice-Chair Shibuya: Thank you, Dick. Questions, anybody? I do if you don't have. Dick, can you relate this too, because the GPAC is no longer, I mean, it's still in operation, it has not been abolished or has not served its term completely, is there any opportunity for the GPAC to meet and go over and develop the implementation portion and review even the financial portions?

Mr. Mayer: I think it is possible. I think the committee would have to call itself. The Department has made no effort to contact the GPAC members to get involved. I think the GPAC itself would have to take that initiative. The Chair would...I'm Vice-Chair only. The Chair would have to call the committee. It could then review that chapter. Then the question is would the Planning Commission wanna review it? Because my understanding is that the Department, the Director and the Department would be making revisions to what originally was adopted. So theoretically it should really come back to the GPAC and perhaps even to your body to be reviewed. You, Warren were, the Yeoman job on the GPAC and then you're now serving on the Planning Commission. You did both. So you reviewed it at really at two levels. But for most of the people on the Commission they have not seen the Financial Chapter as it's going to be revised and the GPAC certainly is not.

Vice-Chair Shibuya: Yes, as you recall, you were part of that group too, and the Implementation portion, that subcommittee and we did spend a lot of time but lacked some actual staff inputs and in my particular case, I did get staff inputs informally and so I had some numbers but we had to have a consensus and that's where we had a difficult time in coming up with the actual numbers for the various projects and describing the scope of each of these projects and describing the scope of each of these projects.

Mr. Mayer: And exactly and also the prioritization. You know, it's what's more important, to finish the road...as an example, the road to Lahaina, that very dangerous one-lane in each direction road with 7,000 units being planned additionally in the plan and that road, where does that stand in the priority list compared to all the other projects? And that's what, what really is needed because you will be asked to approve projects in South Maui, West Maui, other areas and if the infrastructure isn't ready it can be dangerous. County could end up being liable. So it's very, very critical.

Vice-Chair Shibuya: Yes, I don't want to have a conversation between you and I only because we already had it. But anyway, can we at least get together with Long Range or somehow get the GPAC together or maybe a majority of the GPAC members together so we can at least address some of these vulnerabilities on the economy as well as some of our developments?

Mr. Mayer: I would hope we could. And I guess, somebody would have to take that initiative. The Department could take it, the Council could take it or perhaps the GPAC members themselves.

Vice-Chair Shibuya: Well, as the Vice-Chair of the GPAC would you be able to start and I know I'm gonna be endorsing it.

Mr. Mayer: Yeah, I would. I would like to make that effort.

Vice-Chair Shibuya: Okay, thank you.

Mr. Mayer: Thank you.

Vice-Chair Shibuya: Not that I don't have anything else to do.

Mr. Mayer: I think we're all in that boat.

Vice-Chair Shibuya: Thank you, Dick.

Mr. Mayer: Thank you very much, and thank you all. Commissioners.

Vice-Chair Shibuya: Okay, next item. Thank you, Simone.

Ms. Bosco: Any questions?

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: The General Plan and the community plan when they conflicting issues which one supercedes?

Ms. Bosco: Neither one. They are both equally considered. However, if we look at the issue, and we decide that maybe the community plan needs to be changed or the Maui Island Plan needs to be changed, one or the other, then at that point, the Department will make that recommendation Okay, and so we will resolve the conflict that way, but it has to be done...the final authority on that is Council.

Vice-Chair Shibuya: Any other questions, Commissioners? Commissioner Hedani?

Mr. Hedani: I kinda disagree with the answer.

Ms. Bosco: Okay, that's okay. Go ahead.

Mr. Hedani: If I read the Code correctly, you know, that as shown to us, the Council basically said in its Code that the community plans are controlling until they're amended.

Ms. Bosco: I'm gonna let James answer that because he...do you wanna answer that James?

Mr. Giroux: No.

Vice-Chair Shibuya: Okay, put on your dancing shoes.



Mr. Giroux: I guess there's like three questions on the floor. I mean, you have the General Plan which a majority of it has been adopted except for Chapter 10, the Implementation phase you have community plans right now on the books that are basically showing signs of wear and tear because they're supposed to be 20-year plans which were supposed to be updated every 10 years and we're behind the eight ball. And now we're going into Phase 3 where we are now updating our community plans starting on Lanai, moving to Molokai. So as permits come through and they have to go through the entitlement phases, it's gonna be an issue not of what trumps, but an issue of consistency. If you have entitlements that require consistency which again, as your SMA and subdivision those are gonna be really critical because that's where if there is a...you know, if one says park and the other one says affordable housing, that's a huge, you know, it's like whoa, and one of the complications is that we have State Law where we have the 201G fast track process where you can get waivers or you can get, you know,...so you can see the complexity of the fact that there is gonna be inconsistency. How they're resolved is gonna be almost a case by case basis. It's almost like just having a flag. If there's an inconsistency, there's gonna be a flag, then there's a gonna be a discussion. How do we resolve this? Is it gonna have to be done administratively? Is it gonna be done legislatively? Is it gonna be done legally? Is there gonna be a lawsuit? Is the courts gonna force us to pay somebody money because we went and planned their property for something that we didn't think we had to buy like a park?

So the idea is, is that the law states that the community plans as they are now, and adopted are going to remain full, in full force and effect. Now what does that mean? And that's where you know, the...when it's in a hearing, where is it in the process and what are the decisions that need to be made in accordance to that plan? That's where it's gonna be really crucial, and there's gonna be full discussion and debate about it, you know, whether something is, you know, at some point just being as a guide, is it...(inaudible)..is it, you know, is it just, you know, part of the text and not part of a map, you know, what form of inconsistency? And the Planning Department, you know, throughout the years has had to make those kinds of calls. You know is multi-family and then single-family and urban is that consistent? Well, is it in the Urban Growth Boundary? That's the biggest question now, right? So with all five layers of entitlements that's gonna be the question. Whether something trumps something or not is gonna come down to some very creative arguments about well, is this, is this older, is it outdated, does it need to be amended? And really the applicants or whoever's advocating for a project is going to have to advocate that. Are they gonna come to you with another request to amend an entitlement? You know, just because the project's in the Urban Growth Boundary are they going to be asking for a community plan amendment as well? Are they going to be asking for district boundary amendments, are they going to be asking...you know, so it creates a complexity for the applicant because now they're going to be wondering what do we need an exemption from and the 201H already is showing that type of...because they can ask for waivers from the community plan and the General, Plan but are they necessary or is it safer to do so just to avoid the inconsistency problem, and those are the decisions that are gonna...you have to make. Even with the waivers and even with the amendments, you're still gonna have the argument of but that's what our community plan said and now you're changing it and now it's different. Well, that's the whole idea of a plan is so we know what we're changing because plans change. The whole idea that in every entitlement process we have, there is an amendment process. And in most large projects that we've had, we've done five amendments on the same day. You do your Land Use Commission, you do your zoning, you do your community plan, and now we're gonna have to decide do you do a General Plan amendment? You know, those are the processes and that's why we have public hearings, and that's why we have

commissions to view things not just one person and that's why it's a legislative change not just an administrative change. So there's a lot of checks and balances and this all increases the cost of development. And if anybody's wondering why we can't get homes under \$400,000 well, this is part of the process and it costs money. It costs lots of money. Every time a developer has to do a report or amendment, they're bringing in hundreds and thousands of dollars of consultants, experts, notices, all lawyers, all, you know, to do something that the community at one point or another has seen on a piece of paper in plan form. So there's the answer. That's the short answer.

Vice-Chair Shibuya: That's the short answer, huh?

Mr. Giroux: That's why I said, no, if I wanted to answer.

Ms. Bosco: Did he answer your question?

Vice-Chair Shibuya: Okay, Commissioner Hedani?

Mr. Hedani: Remind me not to ask you any more legal questions.

Ms. Bosco: Remind me not to refer it to him. Well, in any event that is ...

Mr. Hedani: I think part of the concern, you know, that people have with the Maui Island Plan is that, well, my perception of the Maui Island Plan and the General Plan is that it's a broad brush thing that says this is where we wanna go basically in general terms, yeah. And once you get past that, the important part which is like the meat and potatoes of the whole thing should be the individual communities that tell us this is what we want to have happen in our community and this is what we envision for the future as the way forward. And that's why I'm a little concerned that we're not pressing the next step in the Island Plan. Because if the Island Plan becomes just another layer of approvals that you have to go through in order to get what you want done, then it becomes an impediment to where you wanna go rather than helping to get to where you wanna go. And the other question that I had was are we the only County that has Urban Growth Boundaries now?

Ms. Bosco: No, the other counties have similar boundaries. On the Big Island they have growth boundaries. On the other islands they're not described like to the...in the same way as we are describing them, but they do have other mechanisms that essentially direct where growth should go. In fact, Kauai has a plan that's equal in size to the Maui Island Plan and they've done a very...I'd have to say their plan is very impressive. So you could take a look at that. And just to address your points, thank you, very good points. The community plan process is really there to allow each community to define its own issues and that's really true that that's where the rubber meets the road when we get to the community plan they will have that say and that's when the real battle will occur again, and that's when if the community plan is different than what the Maui Island Plan has established and we would go back and amend the Maui island Plan to be consistent. So just, just to address that, thank you.

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: One quick question. How many more years you think it will take before this thing is

implemented?

Ms. Bosco: Which one?

Mr. Freitas: Both of them, community plan and the, what do you call, Island Plan.

Ms. Bosco: Well, to answer that, to implement things that's ongoing. There's many different ways to implement a plan and we have 11 of them. So it's a constant...we have many...to answer your question, I think there's a specific question in there, can you tell me specifically?

Mr. Freitas: Let's be specific. How many more years do you think the Council will take to what do you call, implement these plans?

Ms. Bosco: Good question. Very good question. I can't answer for them though.

Vice-Chair Shibuya: At this point, I'd like to take a segue and let the Deputy Director of Planning talk about...share her thoughts on Implementation Chapter. I'm very interested.

Ms. McLean: Thank you. And this does tie into Commissioner Freitas' question.

Vice-Chair Shibuya: That's correct.

Ms. McLean: Months ago, many, many months ago before Council adopted the Maui Island Plan they separated out the Implementation Chapter. That was a conscious decision by them so they could move forward with the rest of the plan with the intent being after...parts of the plan that have been adopted were adopted then they would get to the Implementation Chapter. So the effort that it took to get the bulk of the plan adopted with our Staff and Council that was accomplished at the end of last year. Then we had to get all of the edits made, we had to get the plan finalized, available to the public, and so then we were able to turn our attention to the Implementation Chapter. So Staff has worked on that, on the language that went through the GPAC and the Commission, presented the Director with a draft a couple of months ago, and because so much time has lapsed from when that first started, the Director wanted to get the input from the key affected departments because it's very specific with numbers and with time lines for these departments to implements these CIP, these major CIP projects. So we didn't want to go forward and transmit to Council something that could not be supported by the Departments that directly affects today. So we have been talking with the Mayor, the Managing Director and key department heads to look at the specific language and the numbers so that the Administration could make current recommendations based on the input from the directors today. Even through departments were participants in the process, as...by the time it was transmitted to Council because so much time has transpired since then, we don't wanna send up language and numbers that if adopted as drafted right now, we would immediately be in violation of and have no intent of implementing. So it's gonna take a little bit of time before we can get that done. And we're not gonna send something up until we know it's something that we're comfortable with. It also, in the Director's opinion goes beyond the requirements of 2.80B so he will probably reign in some of that language. And so again, that will take a little bit of time but we're not going to send something up until we're comfortable with it.

Vice-Chair Shibuya: Okay, thank you, Michele.

Mr. Giroux: I think as Corp. Counsel I should at least bring into to the issue of the GPAC because the 2.80B and the rules of the GPAC are silent as to what would happen after, after the work of the GPAC was done conceptually. 2.80B just says that they're not dissolved. So if they were to be activated or asked to review it, it would have to be by the Council which is the body that has the, you know, the authority to basically set policy. So I wouldn't want the GPAC to start meeting like the...(inaudible)...and then run into problems of the Sunshine Law because you know the idea is that for that, for those types of reviews it has to be done under the purview of the Sunshine Law and that means you gotta, you have to have quorum, you have to have notice of the meeting, you have to have minutes of the meetings, you know, so all of this has to be done in an orderly fashion. And the best way to do that is to have that firm direction from Council and by resolution and to have the accurate draft of what they're reviewing. So that's the only caveat I have as Corp. Counsel.

Vice-Chair Shibuya: Just wanna add another layer of concern is that the sovereignty issue here is not really resolved and it's an ongoing refinement process of redefining landownership and that Congress has just identified some of the possibilities, but we do have native Americans that were displaced, the Indians were actually displaced and the Hawaiians and Alaskans were displaced too. So we have issues that are very much at our doorstep in our communities too, so these are not--it's not over gang.

Ms. Bosco: Thank you, folks.

Vice-Chair Shibuya: Thank you very much, Simone. Thank you very much, John. Thank you very much. Any other questions? Okay, we'll have the next item. Michele can you introduce the next item? Are you going to be replaced?

Ms. McLean: I think I'm gonna be replaced.

Vice-Chair Shibuya: Do we have a say is? Welcome, Director Spence.

Mr. Spence: It's still morning. Good morning, Commissioners.

Vice-Chair Shibuya: Good morning, and would you be able to introduce the next item?

Mr. Spence: Yes, this is Item D on your agenda, the workshop on General Principles of New Urbanism Form-Based Code for Maui County.

- D. Workshop on General Principles of New Urbanism and Form-Based Codes for Maui County presented by County Planning Staff, Chris Hart & Partners, Inc., and Calthorpe Associates. (An Application for a Change of Zoning incorporating a form-based code to accommodate the Kihei Research and Technology Park has been submitted to the County of Maui. The Kihei Research and Technology Park project will be reviewed in a public hearing at a future date. This workshop is to acquaint County officials and the public with the general principles of New Urbanism.) (K. Wollenhaupt)**

Mr. Spence: We just had a workshop with the Planning Committee, County Council and so this will be a little bit more of that. We're very fortunate to have Mr. John Beutler here from Calthorpe & Associates to discuss this. I think there's gonna be...I think everybody's aware that there's gonna be a project coming up for where this is going to apply and so we look at this as an educational opportunity for the Council and for the Planning Commission who's gonna make a recommendation on this project to the Council. I'll just say, you know, the perhaps just a couple of comments on form-based zoning altogether. It's really the codification of an old idea. Everybody has a favorite towns that they like to go to whether it's Wailuku Town or whether it's Paia or some place in, on Oahu or on the mainland. I particularly Pasadena or some places on the, you know, West Los Angeles where there's just a human scale and it's very comfortable to walk around, you know, it's much more oriented toward people than it is towards the use. I think people like to go to these places and hang out and go shopping and dining and et cetera, and so what we're looking at with a, with a form-based code is how do we codify that? I mean, yes, we're very concerned about preserving our existing older towns and you know, I think that's crucial to Maui's identity and Hawaii's identity. But as new projects come up, how do we incorporate those design guidelines...they're not design guidelines, but how do we incorporate that as a zoning code where we're sure that we create these kind of places that everybody wants to go to and have a, you know, it goes to the quality of life and a sense of place. So anyway, I'm certainly no expert on form-based code, but we have some people here with us who are, and at some point it's not gonna be just applicable to this particular project but I really see us as Maui County as going forward and making changes to our own Code whether it's a hybrid code, where it's strict form-based or whatever, I'm really excited that we're even having this discussion, getting away from our standard Title 19 with the separation of uses and the nitpicking of what's applicable, what's permitted, what's not, and going to something that's more oriented towards the quality life and ...(inaudible)... anyway, do you wanna say anything first or just introduce John?

Mr. Steve Perkins: ...(inaudible)...

Mr. Spence: Okay.

Mr. John Beutler: Hello, nice to see you today. My name is John Beutler, and I have a little introductory slide for myself next up including a picture so you'll know what I look like. But the first slide I have here is for a reason and it's...yesterday I had one experience not so good as a pedestrian and then a while back I had a different one, not so bad as a pedestrian, but yesterday I was crossing the street in Kihei and admittedly I was jaywalking and...but I was crossing the street and not, you know, not getting in anybody's way and someone stopped or not stopped but when I had crossed the street I was on the sidewalk walking on the sidewalk and somebody slowed down and started yelling at me and telling me, oh what are you doing, you know, get out of the way, you gotta cross at sidewalk, cross at the crosswalk and everything like that. I thought, this person is concerned about my safety, that's what I thought. But the other experience I had as a pedestrian was a lot better which was that I was walking along Piilani Highway some time ago and someone stopped in that case and said, how are you doing, are you okay, did your car break down, is everything all right? So it was very nice. They offered to give me a ride where I needed to go. I said, no, I 'm just walking here. So...but that I did, I started to connect those two incidences because there are some great places to walk in Maui. I'm no expert in Maui. I'll tell you a little bit about, you know, just the work I've done here, but what I know of Maui there are some great places to walk but then there's a lot of Maui that's not really set up for people to walk and it's more car-

based. And I think that when you get a place that's kind of auto oriented you end up with pedestrians being either one of two things. One they are impediments. They're in the way. They're slowing down traffic, they're breaking the rules by jaywalking or you get pedestrians who are victims, you know, it's like, oh, what's wrong, your car's broken, you know, that kind of thing. So instead of this very normal activity, very healthy, pleasurable activity being just a part of everyday life, it's seen as something that, you know, that's an aberration of it. So the reason that this picture is up here is just because, you know, this is, this is someone walking along the road here and even though I, myself, was walking I kind of was looking at her and saying, why's she walking here? You know, what's going on? Has something happened, you know? You know, it's not, it's not...most people are driving, most people are choosing to drive there. So it's just a general observation and something that I think, I'm sure this Committee is aware, but you know, the attitudes are changing about, about you know, what's important to build into a city, how to set things up.

This is myself, so I have been at Calthorpe Associates for about 13 years. We're a urban design, a planning firm. We've had a variety of projects. The emphasis is on...well, not emphasis...our full practice is on new urbanism and smart growth and kind of environmental sustainability in urban design because that's...we're fortunate that's, I mean, the firm principal, Peter Calthorpe, and that's just the whole point of what he does, so we really believe that's the way things should go forward in cities throughout the world right now. I got a Masters in Planning at UC Berkeley and at Calthorpe I've been working on urban design and also some design guidelines and form-based codes. So I was asked to come here today.

You got the intro, but I was asked to come because of work we've been doing on the Tech Park. So we've been working on that with Steve for the last four or five years and so I've had the great pleasure to come to Maui quite a few times in that time, but I wouldn't say I'm an expert on the plan, you know, the Maui Island Plan or anything like that, but I can tell you a lot about general principles, things that we work with and what we've tried to put into the planning for the Park. And also, I was gonna discuss the form-based codes as well because for the Park it's an elaborate overall, over island form-based code or anything, but we have a form-based code which will be...we hope to use for the Park.

So what urbanism matters? This is, of course, not urbanism 50-story buildings but the urbanism of neighborhoods. You know, places that people can walk and bike and socialize. And I'm sure, and this is all in the air now. You know, people are talking about the importance of good urbanism and urban design and social, economic, environmental reasons, have to do with health, business attraction, you know, businesses want places where their employees are happy. They wanna relocate there, and of course, environmental issues, local pollution levels and preservation of lands.

This is what we've been building for the last maybe 60 years, and you know, it's centered around cars and driving, the idea of moving, moving cars faster, land uses are separated, pedestrians are relegated to the edge as they are in most places, but a very small edge often. But of course, now we're learning more like most...(inaudible)...hopefully city planning, urban design is advancing and so we're understanding more like you wouldn't go to, you know, a doctor whose education stopped 50 years ago, so now even though we thought we were doing the right thing for a long time, we're realizing that there are problems with this way of building cities. There are other alternatives, including obviously on Maui, and a lot of the current thinking is to go back to some of the previous practices and methods of mixed uses, smaller scale, slower streets. Of course, you still see cars

here, but there are also people. Here's Paia. Many different places on the island feel like this.

Travel effects of urban reform are becoming more and more well understood. Studied here in the states, this is actually a study that was done in China that they're urbanizing really rapidly right now. Someone studied four different neighborhood types including their modern super blocks which they used and put it all into GIS and looked at people's behavior, did the studies as far as surveys and all, and what you can see here is that a lot of the different travel modes stayed the same depending if someone's living in a super block they actually say take a bus about the same distance as someone in an enclave, but on the super block which is the separated uses, only large scale arterials they have to drive almost five times as much as the nearest one. So you end with just too many cars on the road even in areas that aren't that dense. He's a...the Chinese super block system so how...what does that have to do with Maui? Well, here's what we could actually call a super block on Maui. I mean, it's got a lot of different streets in there and everything, so you might think well, it's a super block there, but actually there's no way through this thing other than through someone's backyard maybe with a car. In any case, without going around on this red, on this red line here. So what you end up with is concentrated traffic, this is all single use so there's just nowhere to walk to even if there are sidewalks, it just adds, it makes it hard to do anything except by car which of course, adds up, end up with a situation like this and then obviously pollution and a lot of congestion.

We've done this very well, if we were shooting to get everybody in cars we would have count it a success. We've got 86 percent of trips by automobile in the U.S. We beat Sweden by double, you know. They've... for some reason they decided they wanna do a lot of walking over there. The thing is, they can afford cars in Sweden, it's just that they don't have to use them all the time, 52 percent of their trips by walking. Even their transit is not that much higher than ours, only 11 percent of trips, but they can walk where they need to go. Here's our trend. We're not quite to more than one car per person. I think we are over one car per driver. Once Google gets done with the self-driving cars we can actually exceed one car per driver.

Strangely enough though, when we put all these people together in cities, it doesn't necessarily mean congestion. There was a great study done in Arizona by the Department of Transportation and they looked at higher density versus lower density developments and places that had different characteristics. So if you have mixed use to half this one kilometer distance, pedestrian friendly streets and regional transit, you don't actually have more congestion even with, even with more people. So you can have more and less. It's not intuitive. And depending about how you feel about climate change of course, that's a big issue with the way we build our cities as well. About 30 percent of greenhouse gasses come from cars.

Economic benefits which we're really getting into with the work on the Tech Park because it's...there's a lot of efficiency and things like that, but also companies these days are quite mobile and they're very concerned about being in a place that has a high quality of life. So, what we wanna do as an economic development driver is to create a place that has good urbanism as well as obviously Maui has a lot of physical beauty as well.

This is kind of urbanism, urban design gets capitalized into the property values. People have done studies showing that walkability here measured by walk score. I don't know if everybody's familiar with that, but you type in an address and it gives you a score from zero to 100 based on the number

of mixed uses and things around and the higher your walk score actually they found about, it will add about \$500 to \$3,000 to the value of your house for every point of walk score, so all things otherwise being equal. So actually people value this enough to pay more for those houses.

And obesity. The health effects of walking, and biking, and getting around in other ways. It's a really great way to get exercise just in your everyday errands and we built the country so that it's difficult to do that. And other things, sugary drinking and all those also have to do with this, have effect of this but as you can see we have obesity problem in this country. And more suburban style areas with more driving are statistically associated with higher obesity rates.

How urbanism on Maui...like I said, I'm no expert on Maui. I've been here quite a few times to my pleasure, but I do know it's a beautiful place and a lot of people seem to like living here quite a lot for good reason. But because there are a lot of people who wanna live here and people who wanna visit, obviously necessary to have places for people to live and visit and those need to go somewhere and how they're formatted is gonna make a big difference to the future of Maui and people's quality of life.

This is what everybody imagines suburban lifestyle to be. You move out to the country, drive down beautiful tree lined streets, there's never another car in sight, everything's happy, the birds are singing, but you know, given our, you know, a lot of our regulations with traffic engineering and whatnot and other people who actually also want to live out in the country side, you know, we end up with more like...like this which is not bad if you live out in the mountains, but the street itself is not really that nice. End up with, this is Piilani Highway, this is where I was offered a ride. You know, not much. It's...I've crossed this street obviously, and it's pretty scary. People come through it 50 miles an hour. Even when you're crossing at the corner it's scary. And you know there are a lot of places that are, you know, pretty good. You know, buildings come up to the sidewalk, it's kind of like, you know, facing the street and all, but in this one, say the modern engineering standards are then, also had a hold on this, there's no parking here so there's no separation between the people walking and the cars going by, feels a little exposed. Pedestrians are actually a pretty flighty species, they need to be protected of that otherwise people will just find it too unpleasant and get back in their own cars.

But of course, most recent development on Maui and in most places is more like this centered around big parking lots, sitting beside big highways not really much way to do anything but by car. But this is a, this is Kahului. This is very generalized land use map here. Anybody here could find 15 problems with this residential area, other uses inside, there's schools, churches that kind of thing, but then also, but that's the general area there, and not much major retail inside there. And then over on the right is Walmart and to the north is the mall. And of course, our shortcut for a walkable distance is down here which is just the beginning to the end of that arrow, a quarter mile, about five minutes.

So just to evaluate that, I just picked a random point in there and then, you know, this is what's accessible to someone starting at that corner in five minutes. This is the kind of thing that we used to think was the is the ideal, right? You know, isolate everybody, you have beautiful, quiet neighborhoods, you know, the kids can play in the street, but unfortunately, because the neighbor's so isolated everybody has to drive everywhere and so there are too many cars in the street for kids to play there. So it's not quite what we thought it would turn out to be. Now, of course, thinking



about access to local amenities. Here's the local store here. Walmart, 48 houses lie with a quarter mile of Walmart. So I thought be interesting to just kinda do a little, a little exploration and find out, you know, what it would be like to walk from one of these 48 houses over to Walmart. This I did through Google Maps, I didn't walk this myself, although I have walked on that highway. Yeah, we start out here and, you know, we got a sidewalk it's pretty nice, some shade over there. Of course, very quickly come to the end of the sidewalk which...the streets rarely do this end in just green grass. Usually people think they need to connect to something. So sidewalks are a little more flexible on that count everywhere in the world for some reason. So you know, we turn the corner here, we did make it safely across the street, and now we'll shoot for the next bit of sidewalk over here. And then it unfortunately ends again at the end of someone's business property I think, turning around the corner here. We have some barriers here. I guess we could walk behind those. There's some sidewalk in the distance now to shoot for ahead again. Here we've reached it. We could maybe stop a restaurant to have a drink or something, rest on our way, coming around the corner you can finally see the Walmart sign and finally turn in. So here we've made it. Walmart, we finally reached, but then there's...you can just maybe barely see the building behind there. You're still actually 570 feet away from the front door at this point. So as you know, there are some great places on Maui to walk around so I just looked over in Wailuku at Market Street, and coincidentally that's about 570 feet right there, and within that, instead of a bunch of parking space where there are a few on the street, but there are 33 places for businesses in there even with certain gaps in the streetscape. So, and that, you know, this the pedestrian environment versus the other one which is just open parking lot. So in the end we got our 48 houses within a quarter mile, fortunately because of the circuitousness of it now, we're actually up to about half again as much, instead of 1,300 feet, we're at 1,880. We didn't actually...there's actually no houses within a quarter mile of this Walmart in case you were gonna rush out and buy one of those.

Elements of good urbanism. So we have four basic principles that we use to think about good urbanism, but I wanted to just start out because with the key unit which is the neighbor which is what makes all this stuff applicable in different places say in a very urban area. I'm from the Bay area so it's Downtown San Francisco or a very small area such as some of the towns on Maui which may just be in fact just one neighborhood, but same principles are there because we interact with places at the neighborhood level. That's how far we can walk. You know, we're all, worldwide, all the same. You know, we walk the same speed, we're about the same size, we need to do the same things, we need to go to work, we need to go home, go to school. So we all have, very similar needs. And the neighborhood is where, in order to stop us from being totally dependent on cars we need to meet a lot of those needs within the neighborhood whether that be a town or a city.

Within that then, our first principle is diversity. All kinds could be good but here we're talking about diversity of uses at the neighborhood level, civic, commercial. There are a few ...(inaudible)...now and few on Maui, so you know, it's not really necessary to separate out a lot of the things that we used to separate out when zoning first came into effect. So you know, we can mix things up, make it easy to get from one place to another. You know, if you're all within that...you got everything within that quarter-mile, you can go to work and shopping and pick up the dry cleaning on the way. This is also now, part of this economic development driver that we're talking about. The companies wanna be in areas where their employees enjoy being. They can go to lunch and there's a little park nearby and they actually meet, especially the technology companies now, they really, they wanna have this kinda beehive of activity. Speaking of that, this is a Research Triangle Park, not our project. This is in North Carolina, but a very successful technology park, but built really on the

model. It's hard to see but these black spots on here are buildings and, you know, it's a huge area and a lot of separation and very much single use. The technology park themselves have been successful but they're also recognizing that businesses now want something more in order to, in order to successful and update their own plan they're actually adding mixed use centers, they're adding research concentration. They wanna add some density and some interest to the park. This is their rendering. This is...the new part is also not our project. I'm not sure how the spy. plane got up here on the top corner. I don't know if you can see it from there, but maybe that's part of some new technology initiative, I'm not sure. I think what they're trying to do though is maybe some kind of Facebook effect. I mean, these are in Palo Alto, California, but Facebook's first office on the left, and Google's on the right. They're right in the downtown. These are small companies and they needed small spaces. People can come in. Employees can walk around. The employees of different company meet each other and the technology firms now are very, you know, much into sharing information and both of these companies got huge and now they moved to campuses but within their campuses and there are other ways to do that as well, but within their campuses they're actually trying to also recreate these...the feel and some of the characteristics of a downtown, but certainly the small companies really need this kind of thing for business generation.

The second principle, human scale. So auto scale on the left, pedestrian on the right. You know, some of it has to do with things like this, block size, but how to define it? You know, it's kind of a different, a difficult thing to do I think, but I like to use an analogy which is of stairs. I mean, the stairs are extremely human scale, but why are they as tall as they are because it feels right. The average person anyway, you know, it's easy to go up. If you're a one-year-old stairs are not human scale, but for the average adult stairs are pretty well done and you know what they feel like and they get to you to the top. They get bigger then suddenly they're not stairs anymore, you can't go up them. The same thing goes with cities, but with cities it's not always as obvious just because, you know, you can't see around the corner and say oh, there's a store within walking distance, it's not black and white like that, but things like street widths, walking and bicycling, those have a lot to do with human scale. Another one is auto speed. It's hard to think of speed having a scale, but 20 miles an hour if you're hit by a car, you're probably gonna live. At 40, you're not gonna live. So you know, its only 20 miles an hour difference but it's, it's big. So human scale also has to do with the way we get cars through the neighborhoods.

Travel choices. I was talking about pedestrians, they're very...a difficult species, but if someone doesn't have enough money to do something else, they're gonna walk. It's cheap, mostly free. If they have a little more money, they might buy a bicycle, a little more, they can take the bus, and finally, we don't think about it being something for well to do people because most people have cars, but you know, autos cost money. They're a lot to feed, to care for, a lot to house and it's a big expense. What we need to do is to keep everybody from choosing only cars people who can afford it, 'cause most people can afford it now, but most people shouldn't have to afford it. They could choose it if they want to. If everybody chooses only cars, we get all these effects among others including on the bottom one ironically poor job access because everything gets spread out for cars and then people who can't afford cars can't get to their jobs. What we wanna do is create, you know, such good cities and places at human scale and all, but the people who can't afford other means of transportation instead choose to get around in these ways.

Now this is not a way to do it, you know, in the name of safety often we'll actually make it harder to walk, create barriers. It's almost like a bit of a training program, you know, I think of it where

we're trying to create some kind of Olympics of getting to the grocery store.

There are other ways to end up in this, you know, by doing things in a way that only attracts cars, we're only gonna get cars. Streets, are actually a lot like streams if you wanna to think about an analogy there that a small stream is no divider at all, you can wade across it, you stop, you know, cool your feet off or something, it's not a big deal and a small street is the same, you walk across anywhere you want to, you're not in any danger, you feel comfortable. As streets get bigger, more concentrated traffic, faster traffic, it becomes more dangerous and it starts to divide up the city scape. Maui has a lot of really good streets. Streets that are inviting and welcoming and it's no accident that people, a lot of say, tourists go to Lahaina because there's some really great places to hang out in Lahaina. And you know, if somebody's on vacation they wanna be somewhere nice. The thing is, we don't wanna make that only for tourists, we wanna have great places everywhere so everybody can have it in their everyday lives just pleasant, safe streets and neighborhoods. Some definite jaywalkers here. And it's done all over the world. I mean, there are ways to do large streets in a good way, walkable way, traffic circles such as already on Maui, a good way to slow down traffic.

The block sizes, back to the super block idea. On the left, you know, this is the...you know, it's not gridded out often in the U.S. but the super block works the same way and creates a real difficulty getting anywhere. It makes it hard to walk. Makes it farther to drive. Whereas, dividing things up into small blocks makes it easy to get around by foot, easier, and it also gives even drivers a lot of different routes. So if one street doesn't just have to carry all of the load. There a lot of those areas also on Maui. But they're not all older. This is one of our project in Davis, California. It's a retail center and it's...the idea here is to just to create a human scale and a very friendly area to hang out and there's actually behind the person taking this picture is a pretty big street, but the area for the pedestrians here has been calmed down and made somewhere that they find inviting and it's to their speed and it makes them comfortable.

Clustering destinations is another way to do that. Human scale has to do with distance. So if we can cluster things at the middle of a neighborhood, and this may be quarter-mile distance, you know, more people will be able to walk somewhere easy, and not everybody is always gonna walk. Some people aren't able to walk. Some people choose not to walk, maybe it's too hot and they wanna take the car. But the more people that we can get to walking, to get walking the better, you know, the better for the climate, the better for congestion and everything else, so if we cluster destinations we make it easier for more people to walk and the people who choose to live farther out in the area that's less walkable have made that choice and so they can also walk but it will take 'em a bit longer.

Conservation and restoration, I won't say much about this. This is our fourth principle because it's pretty much won. Like this battle is won, not that we won it. People now really are concerned about the environment, thinks about wetlands, preserving a lot of views, and open areas, so people incorporate that into the city and into the laws. This is in Denver. It's their Confluence Park. It's right by their downtown. A really beautiful park, and this is the kind of thing that 30 years ago maybe we would have said, well, put it in a big pipe, you know, to get it out of the way, and now we really recognize it as an amenity.

And then our fourth principle is regionalism which applies, it's a part of this idea of the neighborhood

being the building block and then you put neighborhoods together to make a district and then finally a region and it all needs to work together. Jobs, housing balance, so you the left, and if you have all the jobs in one area and all the housing in another like this at the top here, you know, in the morning commute everybody's on the same road or train going here and in the evening commute they're all going back here so it's very inefficient. Jobs, housing balance, you end up with some of each in both places, and so if you live here and work here, you're going that way in the morning and vice versa. So the road instead of being two lanes or four lanes might be two lanes. You know, you're using it more efficiently. You also get neighborhood travel inside the neighborhood if you happen to be lucky enough to live and work in the same place, in the same neighborhood which I did up until about a month ago. I had a 12-minute walk. It was amazing. Now I have a 35-minute walk so not so amazing.

Without that, you know, this is a good example of a bad example of you know, commute time congestion. Lots of people on the road, one direction, lots on the other, very few on the other. Research Triangle Park again, they were thinking about this as well, you can see the whole thing is strung out along a couple big highways here. This is a photo of the commute going to that Park. Part of their mixed use is also to add some residential uses and also add commercial uses. So instead of driving 10 miles to go to the dry cleaner on their lunch break, someone can walk across the street. You know that one less car on the road is good for people who need to drive as well as everybody else. They're also thinking about the regional connections getting transit in there clustering things around the transit stations in appropriate areas.

This is another one, this is our study area that we did much, it's much bigger area overall, but the idea is to look at it as a whole and understand how everybody is going to get around for the different areas and the areas that should be preserved as natural and open space. So we start out with this which is the natural map and then all the white areas is area that's possible for development that it's not critical habitat, it's not something like a stream corridor or something that needs to be preserved, then the blue and the dark blue here are existing or planned areas. So obviously we're not redeveloping. And then we look at the major transportation lines. In this case this is a bunch of highways as things that might divide up the cityscape, and then finally look at areas that would be suitable for neighborhoods, areas that contain neighborhoods for walking and biking, mix of uses. And finally this is a larger city it also includes a lot of the different transit lines. These would be rail, but of course, bus transit is also very key to having a variety of options. And within that then looking at the individual neighborhoods and where we might cluster those uses as I was trying to keep things down to human scale.

With Maui, here on the different islands as well, you know, the scale of development is not that high. However, it's really important to think about these connections and between the uses, how people are gonna get around, and where things shouldn't be developed, you know, where I think it's important to keep the natural areas there. This is just a rehash of the same why urbanism matters slide covered many of those.

And finally then form-based codes which I think our...a way to bring a lot of these principles into, into effect. You could also use a form-based code to create...develop terrible development patterns. Form-based code is really a way though too, it's very suitable for doing good patterns because it's very clear about what you're gonna get unlike maybe some of the current zoning systems. Zoning has been bad for cities generals, created sprawls, sprawl separation of uses.

Uncertain outcomes that we get from zoning with some of these numbers like just certain FARs or development densities that nobody knows what it's actually gonna look like when that parcel is developed so they're more worried about it. Form-based codes is supposed to remedy that. They make the physical form more certain and thus the form-based codes which not to say things like land use are unimportant, it's just they're de-emphasized. Instead of having say, 300 different land uses, you might have 30. So you're saying that if the form of the outside of the building is okay and works in the neighborhood. We don't care if you know, they're selling typewriters or if they're selling croissants, something like that.

It also is a way to make regulations more understandable. They're typically very illustrated and it's something that comes about because of a community visioning process with the idea that, you know, what you regulate for, you're gonna get. This bottom traffic which is Amsterdam again, you know, has very narrow houses. Amsterdam taxed people based on the width of their house. So they got very narrow houses probably much narrower for the people sitting over here on the side. They look like pencils or something. But given the, you know, the orientation of some of these houses you think maybe they should have, you know, worried about the foundations a little bit more, but they tax with housing width.

Characteristics of form-based codes. It's design regulations. It's like zoning. It's an evolution of zoning I think. I think, I think... I didn't name it. I think it was named back in 2001, but I mean, I think the idea of giving it a new name is to help people understand the different emphasis which is on physical form. Land use is more generally guided, often there's things such as building typologies that are used and illustrated. On the bottom right here is a target, the idea that, you know, it's possible to do a target in different ways, you know, you can have a standard target, you can have this kind of target and there are other options as well, and a form-based code is the way for the community to say this is the kind of target we want or this is the kind of neighborhood store we want and then you put it out there and then the development community can say, okay, we can do that or does not. So like I said it's very illustrated.

This would be the initial explanatory page of the code and it's all based on the idea of an evolving city. So you know, if we start out with an area that was, you know, built according to conventional zoning where there's no real worry about creating a nice streetscape or walkability or anything, then you go to maybe the first step 'cause part of a code also is looking at the public infrastructure, the streets and the parks. So you start with that and maybe regulate, you know, have plans for that or upgrade that infrastructure and add the code and then over time as these, these retail buildings redevelop 'cause they're often not built to last that long, you know, 20 to 50 years, then you end up, eventually you get somebody that has to replace their building...wants to...they wanna add a new use, and they go into the form-based code zoning and then up they come. So right now, it's like well, this is a quarter of a nice place, one-quarter of the intersection, but the idea is that you put the rules in place and you don't have to go back and revisit each time and then by the time all these buildings redevelop, then they're doing what the community has said that it wants. They fulfilled the community vision. Here's another streetscape level version of that, with the starting and a sprawl version adding some of the public infrastructure and then waiting for the private development to respond.

Different elements of a form-based code. There are some that are on almost always in a form-based code and then some that are optional depending on the community's needs. The most

important part of a form-based code is the cover. Has to be perfect really. Like the amount of time my staff spending thinking about the cover of our documents is really amazing, but once that's done, everything else is easy. It's really from there.

Building form standards. So this is how, how buildings, you know, the front of the building how it faces the street, where the parking goes, things like that. It has less to do with the building shape, but really how it is in the front, the facade which is really how it affects the community in a lot of ways, also in the backside too, that's also, I mean, that's also affected. So you might deal with issues like the streetscape diversity. I don't know if you can read these but these are some from, some pages from a plan we did for a development in Albuquerque which is these are actually design guidelines not a regulated code, but the same...some of the same elements are in there. So here's the garage orientation. Now here you can see the different options for how a building might come up to the street, where the entry might go, different protection for the street, how the sidewalk would be treated that kind of thing. So if this in the code, and the community says through their visioning process that this is how we want the street to be, then the developer can come in and say, oh, this is what the community wants, so this works for me too and they pick one of these out, the architect does and build it that way. This is kind of the illustration is meant to make it understandable, quickly digestible. You can look at different elements. This is for a retail storefronts. This is for some single-family, and this is for multi-family. So you know, you can look at all the different elements that could go into the community.

These things generally are derived from the things that are already in the community for a variety of reasons. One, usually things that are, that are already built in the community that people like respond to the environment in a way that works for people. You know, maybe like this used to have shade over the sidewalk and so that's been a successful formula so it's good to look back to that. It's also something that people are familiar with so when new things are being built they don't have to say, we'll what's this gonna look like? If the code you know, has a picture of this streetscape in it and says, here are the elements from the streetscape that we want, then people who are interpreting that can say, okay, I understand that. That makes sense to me.

Public space standards. After building form standards, these are important, these are the street designs. It's important at this point in the process when you're creating this to involve places...people like Public Works and whatever and whatnot, you can get ideas of green streets, you know, different storm water retention things. But it has to do with the widths of the streets, how many parking lanes or where the parking lanes would be, how many driving lanes, the speeds. And this can be pretty controversial because like I said, you know, a lot of the cities these days have been engineered for, you know, wider streets and faster traffic and a lot of these new urban design ideas are not about that. They're more about, you know, having options and continuity of spaces. So that also would come then from local examples looking at, you know, say existing things that people could say this works, this doesn't work, this is the way we want our new streets to be. Here's a neighborhood street one, and then you would also look at neighborhood streets fort that. And then those two elements if nothing else, would go together in a regulating plan which is the...it's more or less like a zoning map, the way to physically assign things to locations. There are different ways to construct a regulating plans. There's different things it might be based on. One of the most common ones is the transect which you know, it's based on the natural transect like at the top there, going over distance, but that it's natural for things to change at different locations. With the urban transect on the bottom on the far left it starts with the natural zone. So you know, it's saying

you can actually in the form-based code you can say this area should remain natural. This is a natural zone. And then as it goes to the right, it goes from T1, that means Transect 1 all the way to T6. So it's from the least developed or not developed all the way to the most developed on the right. So these would be applied in similar ways to zoning areas.

And then on the far right is a area, special district which basically is things that they couldn't figure out where to put there, say a college campus that may be difficult to fit into some of the other zones. But this kind of thing, the transect is very flexible because it allows you to add...assign a transect zone to each place in the city or the County and then develop the rules for that area based on that, on the level of urbanity or naturalness.

Here's a example of that this is in Benicia, California. This is an illustrative pan so the community comes together, they decide, you know, what this was primarily about their main streets so that what they want the main street to look like with, you know, what uses should go in the different areas, then from that was derived this regulating plan which then has these four different transect zones listed on the right which I won't read all that. I don't know if I could read it. Here you seem them together so basically the thing on the left, the illustrative plan is a way for the community to create its vision and then on the right is the way to try to get that to happen.

Other organizing methods that might be used would be street typologies. So you can say, okay, we have a main street and within that, buildings have to do certain things if there's a main street designation or a neighborhood street, then buildings can be farther back maybe and they would have different characteristics or even building types. Those are used on smaller areas usually in often developer led projects. That would be...the tech park would be using a building type organizing method.

And then there are some other things that are optional in a form-based code such as block standards. That's if, you know, the code doesn't have all the streets in, the regulating plan, but you know, it counts on people to subdivide the land over time so you wanna have regulations for that. Building types as I mentioned, this is the Albuquerque project again. It has different types of houses with the different the characteristics. They're all illustrated. The idea is this is very easy to understand and then the architectural standards. This might be used say in an, of historic significance. There are certain things that need to be protected or emulated in the new buildings or in renovated buildings. So you know, first you're going to look at colors and roof types. In New Mexico of course they were interested in different architectural styles. They have Pueblo Revival. So they pulled out the different characteristics of it to just tell people who wanted to develop something, what, you know, what was appropriate. That's also very specialized to the area. So on Maui if it was decided to use a form-based code it would be important to look at...and architectural styles, it would be important to look at buildings that are from the area that people like. I've got this one up there. It's the one I like, but this would come out of the community visioning process and people would say, this is an appropriate building for Maui and this should go in the Code and this would be an option. The process would be... a lot of this documentation at the beginning existing conditions, ...(inaudible)... urbanism, architecture, looking at things and seeing what's out there, looking at its existing streets. Phase II is creating the vision. So putting it all out on a plan and saying okay, you know, here's how things are. Here's how we'd like it to evolve. And...but the important...you know, it's important to start with the documentation because you need to know where you are and what you like. So what you wanna emulate. And then finally

completing the code document. That is it. That's all I have to say about urbanism and form-based code. So, thanks.

Vice-Chair Shibuya: Thank you very much. Any questions, Members?

Mr. Freitas: Yeah, I got a question?

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: Yes, are you doing the high-tech park you say?

Mr. Beutler: Yes.

Mr. Freitas: That's your project. What is the walkability from homes and shopping areas, half a mile from there and follow up question, the road going to the high-tech part it's split. You got two roads going up. One is finished. One is not. Explain that to me how, how that is getting cars off the road, you know, on the high-tech park place.

Mr. Beutler: Explain how the Lipoa Parkway, the second part would be built?

Mr. Freitas: Yeah, yeah, yeah.

Mr. Beutler: Yeah, about the--

Mr. Giroux: Hold on. We gotta avoid talking about the substantive issues about the park specifically because we gonna be reviewing that under the permitting process, but we can talk hypothetically about what are optimum walking distance and optimum--

Mr. Freitas: Fine.

Mr. Giroux: --situations.

Mr. Steve Perkins: He's gonna be coming back...(inaudible-cordless microphone was not on)...

Mr. Freitas: Okay, fine.

Mr. Beutler: And I have a really good answer so I'm looking forward to December. But in general, we often in our work...you know, there's existing conditions in every community and things that were built, things were built based on previous planning principles and things like that which were often about separation of uses. So we always start with what's existing and the idea is, depending on what it needs ideally we can add some of the other, you know, to make it a more complete neighborhood. So if a place is all employment, we would try to add residential and retail. If it's all residential, it be good to add some retail so people can walk to the shops.

Mr. Giroux: I think to help Jack out there was a picture of the Raleigh Technology Park and the issue is is that your design--you know, if you could put that up--you have that park there and then you have that Raleigh belt I guess that gets pretty congested, how do you, how do you integrate



those two concepts to make walkability? And I guess, you know, we have some projects on Maui, we got Pulelehua, we've got Maui Lani where you're trying to integrate your, your walkability plan with something that obviously is highway addicted.

Mr. Beutler: Yeah, it's a...I mean, it's a...I mean, it...actually it's things built in a linear, you know, in a corridor or actually in some ways depending on the, you know, the distance they're easy to serve by transit. I mean, a lot of the benefits like when I showed the thing about Sweden how they walk a lot of places, you know, a lot of the benefits come from making a small area walkable so an individual community if they can have the mix of uses then you get a lot of the advantages just from that. But then on a regional level, you know, if people can meet their daily needs in their local community, they're local neighborhood then they don't need to drive anywhere anyway. But if they do need to, having a string of communities along a corridor makes it easier to link them up with transit in some ways. A bus line can serve all those communities sequentially. It also tends to depending on the physical configuration, you know, I mean it can put all the traffic onto that one road. So there's also some difficulties with that. But I think in that situation I would say that makes consideration of transit for the regional connection more important and it makes having mixed used local communities extremely important.

Vice-Chair Shibuya: Okay, any other questions, Members? None? Commissioner Hedani?

Mr. Hedani: You know, I like, I like what you're talking about, I like the concepts that you're raising. I like the idea behind it. How do you get the stuff that we have on the books today to change? Fifty-six foot wide roadways, you know, where 22 feet would work. How do we get from here to there?

Mr. Beutler: Yeah, that's tough. I mean, it requires . . . the thing is the form-based coding process I think it takes a lot of the work that would be have to be done on individual projects and renegotiate it over and over again, and kinda brings it forward and says, we wanna do this for the whole island or all the islands. You know, we wanna, we know that this is the right way to do things so we're gonna say, we're gonna take a step back and do it beforehand. So, but doesn't mean a lot of that work doesn't have to happen. It's just, you know, the negotiation with your public infrastructure and all that highway engineers, I mean, it's still tough work, but it's just...hopefully it makes it, once you do it once, it's kind of done with. And then, you know, a developer can come in and easily do the right thing instead of having to fight to do the right thing.

Vice-Chair Shibuya: Okay, anything else Members? None. Thank you very much, Mr. Beutler. I appreciate.

Mr. Beutler: It's been a pleasure.

Vice-Chair Shibuya: Yes, thank you. Be looking to seeing you again. Okay, next item, Members?

**E. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 13, 2013 MEETING AND  
REGULAR MINUTES OF THE JULY 23, 2013 MEETING**

Mr. Spence: Members, we're on Item E, Acceptance of Action Minutes from August 13<sup>th</sup> meeting—

Mr. Freitas: So move.

Mr. Ball: Second.

Mr. Spence: –and I haven't announced the whole thing yet.

Vice-Chair Shibuya: The two of them.

Mr. Spence: Okay. Okay, it's been moved and seconded to accept the minutes.

Vice-Chair Shibuya: Yes. No objections.

Mr. Spence: Okay.

Ms. Wakida: Did we vote?

Vice-Chair Shibuya: By acception. Yeah, if you have objection, go ahead and provide your comments. Go ahead.

**It was moved by Mr. Freitas, seconded by Mr. Ball, and**

**There being no objections, the Action Minutes of the August 13, 2013 Meeting and the Regular Minutes of the July 23, 2013 Meeting was accepted.**

Vice-Chair Shibuya: Moving on.

#### **F. DIRECTOR'S REPORT**

- 1. Notification to the Maui Planning Commission of the approval of the transfer by letter dated August 7, 2013 of the following Special Management Area Use Permit pursuant to the provisions of the Maui Planning Commission's Special Management Area (SMA) Rules:**

**MS. JORDAN E. HART, President of CHRIS HART & PARTNERS, INC. . . requesting a transfer of the Special Management Area Use Permit from WILSHIRE DMK 1 to MR. ALFRED FAIRBANKS INVESTMENTS, LLC for the development of Alahele Subdivision, a 48-lots only residential subdivision and related improvements on 14 acres at Alahele Place, TMK: 3-9-017: 034, Kihei, Island of Maui. (SM1 2007/0006) 2-1-007: 066, Makena, Island of Maui. (SM1 2001/0017) (C. Thackerson)**

Mr. Spence: Item F. Notification of transfer by letter dated August 7, 2013, the transfer of SMA Permit in accordance with the rules that we're notifying you of that.

Vice-Chair Shibuya: Thank you very much for that.

**2. Planning Commission Projects/Issues**

Mr. Spence: Nothing under Commission Projects/Issues. Still trying to get some...I'll just let you know we're still trying to get some...the shoreline setback or the shoreline certification rules back down to you so you can...to vote on. You know, we drafted, we drafted some rules about what...is gonna be a certified shoreline or not and bringing that back down to Commission.

**3. EA/EIS Report**

Mr. Spence: I don't have anything to report on the EAs or EISs.

**4. SMA Minor Permit Report**

**5. SMA Exemptions Report**

Mr. Spence: You have your SMA Minor Permit and SMA Exemptions Reports.

Vice-Chair Shibuya: And you have some open SMA Assessments.

Mr. Spence: Yes.

Vice-Chair Shibuya: Just wanted to ask the Director, not that I wanna have a half-ass job, but I'm noticing several of these...you've whittled it down quite a bit, but the latest ones I have is 2008, and I was just wondering how we're fixing those? Either we continue with it or we drop 'em of the list, how do we address this sort of thing?

Mr. Spence: I don't know.

Vice-Chair Shibuya: Oh, okay.

Mr. Spence: 'Cause I'm not familiar with those what we can do, we can check and see what the status and why they're still open from 2008. They're probably done and we just haven't gone back into KIVA. Except the Deputy Director is frantically waving her arms to...

Ms. McLean: Every quarter we get a printout of the open assignments that each planner has and I'll typically go through those and the ones that are very old, I'll ask either the planner directly or ask their supervisor and several months ago we really made an effort to close old ones 'cause they...typically the ball is in the applicant's court.

Vice-Chair Shibuya: That's correct.

Ms. McLean: You know, they either need another permit or they haven't provided enough information and so we say, you know, if you're not going to make progress on this, we're gonna close your application. There are a handful though that it's, it's legitimate for us to keep them open either we're continuing back and forth with the applicant, they're waiting to hear from State DOT or some other agency, you know, where they are doing as much as they can or what's reasonable, and we just can't make progress or in some of them they are pending Council action, and you

know, we're not gonna close their application because the Council hasn't scheduled them yet. So we do, we have some concern that you do. We don't like having these projects hanging around.

Vice-Chair Shibuya: Well, if there's a legitimate excuse or a reason then fine. No problem.

Ms. McLean: Yeah.

Vice-Chair Shibuya: I have no objections to that. Okay, thank you.

Ms. McLean: Thank you for the question.

Vice-Chair Shibuya: I just want us to be responsive and I just wanna have fingers pointing at us and say, you Planning Commissioners, you're not, you know, holding the feet to the fire and getting things done. Okay, thank you.

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

### **a. September 10, 2013 meeting agenda items**

Mr. Spence: And then Item 6, Future Agenda Items. Public hearing for next time on September 10<sup>th</sup>, Ilana and Jacob Waxman. They have a Short-Term Rental Permit. It appears this is coming, okay, it is coming before you because there's another short-term rental operating within 500 feet. Communications, the Hana Advisory Committee, two items, three items. The Hana Advisory Committee is transmitting their recommendations on three of the things that the Commission had previously sent.

Mr. Giroux: Chair, as far as...is it gonna be listed as Communications or I can see the transmittal being a Communication but there's gonna be a action item, right?

Mr. Spence: Right.

Mr. Giroux: On your agenda?

Mr. Spence: Yes, they're just making a recommendation to the Planning Commission. The Planning Commission actually makes the decision, but they held the public hearing.

Mr. Giroux: Okay, but I mean, it should be reflected that you're gonna be taking an action.

Mr. Spence: Right.

Mr. Giroux: Thank you.

Mr. Spence: Okay.

Vice-Chair Shibuya: Members, I've been reminded that I skipped a fact that on these lists of Minor and EA...(sound system malfunction)...that I need to have the Commission accept. So if I can have a motion?

Mr. Freitas: So moved.

Mr. Tsai: Second.

Vice-Chair Shibuya: Okay, moved by Commissioner Freitas, and seconded by Commissioner Tsai. And by acception, any objections to this? None. It's unanimous acceptance. Thank you.

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

**There being no objections, the Commission accepted the SMA Minor and SMA Exemption Reports.**

Vice-Chair Shibuya: Okay, sorry about that. Not following rules here. Gotta dot the "I's". I'll try to do better next time, but okay. Next, I guess, the next meeting would be September 10<sup>th</sup>.

Mr. Spence: I guess so, that's what it says.

Vice-Chair Shibuya: Okay. So meeting adjourned.

Mr. Spence: Thank you, Commissioners.

Vice-Chair Shibuya: Thank you.

**G. NEXT REGULAR MEETING DATE: SEPTEMBER 10, 2013**

**H. ADJOURNMENT**

The meeting was adjourned at 12:24 p.m.

Submitted by,

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

**RECORD OF ATTENDANCE**

**Present**

Keone Ball  
Jack Freitas  
Wayne Hedani  
Warren Shibuya, Vice-Chair  
Max Tsai  
Penny Wakida

**Excused**

Sandy Duvauchelle  
Ivan Lay, Chair  
Jason Medeiros

**Others**

William Spence, Director, Planning Department (in attendance at 11:15 a.m.)  
Michele McLean, Deputy Director, Planning Department  
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works