

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
NOVEMBER 12, 2013**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:04 a.m., Tuesday, November 12, 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.)

Chairperson Lay: ...Maui Planning Commission is now called to order. It's November 12, 2013. Public testimony will be taken at the start of the meeting on any agenda item except for contested cases under Chapter 91, HRS in order to accommodate those individuals who cannot be present at the meeting when the agenda items are considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limit is three minutes. Any person testifying at this time will not be able to testify when the agenda item comes before us later on unless you have some new information. Please be advised that applications for the community plan amendment, state district boundary reclassification, change in zoning, conditional permit require the approval of the Maui County Council. In order to be notified of future agendas of this, of the Maui County Council please notify the Office of Council Services. First agenda item, call to order.

Oh, public testimony. Does anyone wish to testify at this time, if you do please step up to the mic. I have three people listed right here. We got Lisa, Terryl and Yuki. Any of you wish to testify at this time? Please step up to the mic, identify yourself and you have three minutes.

The following individuals testified at the beginning of the meeting:

Ms. Lisa Paulson - Item B-1, Department of Transportation, Airports Division, SMA  
Ms. Terryl Vencil - Item B-1, Department of Transportation, Airports Division, SMA  
Ms. Yuki Lei Sugimura - Item B-1, Department of Transportation, Airports Division, SMA  
Ms. Tanya Kapaku: - Item B-1, Department of Transportation, Airports Division, SMA

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

Chairperson Lay: Does anyone else wish to testify at this time? Seeing none, we're closing public testimony and moving onto our first agenda item.

Ms. McLean: Good morning, Chair, Commissioners. The Commission has three public hearing items today. The first one is a request from Glen M. Okimoto, PhD, who's the Director of the State Department of Transportation for a Special Management Area Use Permit for the Kahului Airport Consolidated Car Rental Facility project also known as ConRAC consisting of the construction of a new three-story consolidated rental car facility, installation of related improvements, and minor demolition activities to prepare the project area for the facility at the Kahului Airport at parcel TMK: 3-8-001: portion of 019 and 239 in Kahului. Paul Fasi is the Staff Planner.

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

- 1. MR. GLENN M. OKIMOTO, PhD, Director, STATE DEPARTMENT OF TRANSPORTATION requesting a Special Management Area Use Permit for the Kahului Airport Consolidated Car Rental Facility project consisting of (a) the construction of a new three-story consolidated rental car facility (ConRAC), (b) installation of related improvements for the ConRAC; and (c) minor demolition activities to prepare the project area for the ConRAC facility at the Kahului Airport, TMK: 3-8-001: 019 (por.) and 239, Kahului, Island of Maui. (SM1 2013/0002) (P. Fasi)**

Ms. Fasi: Good morning. This matter before you is a review of a Special Management Area Permit for the Kahului Airport ConRAC project. This project is scheduled to take place as soon as all the required permits are available and in place. The construction period is approximately 18 months. The cost is about \$220 million. As a side note, there's a similar project happening on Oahu at about \$260 million. So these projects will probably be built simultaneously.

The State Land Use District is Urban. Maui Island Plan it is in the Urban Growth Boundary. It is in the Wailuku-Kahului Community Plan. County Zoning is Airport. And it is in the Special Management Area. There have been considerable agency comments.

Just like to bring your attention to in particular the comments from the Commission on Water Resource Management, it's Exhibit 23, and they had a comment on their standard checklist form that they recommend the use of alternative water sources wherever practicable, and I believe the ConRAC facility development is achieving that. No. 16, the planned source of water for this project has not been identified. The applicant will address that is however supplied by the County Water Department and also I think they have access to reclaimed water sources. They are using the potable water for the restrooms, the drinking water, and the carwash. I would advise that this body pursue some questions on using the potable water for the carwash facility.

The wastewater capacity from the Department of Environmental Management there are current available space for wastewater right now, and their wastewater capacity calculations are required for the building permit process. The State and the Department of Public Works has agreed that the building permits will be waived. So we need to get those wastewater calculations prior to building permit review time period whenever that period was supposed to be. So in Condition No. 4 of the recommendations regarding compliance reports we need to review and modify that Condition No. 4 because the building permits trigger the compliance reports. So since there is no building permits required for this project, we'd have to set another trigger for the compliance reports. It's not a big deal, we can get through that. It's just a technicality.

The applicant has about a 25-minute presentation so I'm not gonna get into the details of the project. The project did go under review June 4, 2013 by the Urban Design Review Board. They did have five recommendations. I believe the applicant has addressed all the recommendations adequately. We're comfortable with it. The one recommendation that was not amenable was the condition for a bike path which is acceptable. I, myself, wouldn't want to ride a bike on that street.

It meets the policy, goals and objectives of the Countywide Policy Plan. It meets the policy, goals

and objectives for the Maui Island Plan, the Wailuku-Kahului Community Plan, the same. And in the Special Management Area we don't anticipate any significant adverse impacts as a result of this development in the SMA. So therefore, there's no impacts also to infrastructure, public facilities and/or services. We don't expect any more demand upon the Fire Department or Police or ambulatory services as a result of this project.

So the Department supports the project overall. We feel that like the visitor industry does that it's long overdue. And the fact that the State's spending almost as much as they're spending on Oahu which has significantly more traffic than we do is a good thing. So if there are no further questions for the Department, I'm going to let the applicant do their presentation. Thank you.

Ms. Karlynn Fukuda: Good morning, Chair and Members of the Maui Planning Commission. My name is Karlynn Fukuda of Munekiyo & Hiraga, Inc. We are before you today to present the Special Management Area Use Permit for the proposed Kahului Airport Consolidated Rent-A-Car Facility or ConRAC as it's commonly called.

Joining me today are Gene Matsushige, section head, and Marvin Moniz, the Kahului Airport District Manager representing the State of Hawaii, Department of Transportation. Wesley Wong from Demattei Wong Architecture, Inc., the project's architect. Chad McDonald from Mitsunaga & Associates, Inc., the project's civil engineer. Russell Chung from PBR Hawaii, the project landscape architect, and myself from Munekiyo & Hiraga.

Today we'd like to provide you with a project overview, share an explanation of what a ConRAC facility is and go into greater detail on the project components as well as provide a summary of the regulatory reviews that have undergone to date.

This is an aerial photo that illustrates the Kahului Airport and surrounding area today. We note that currently each rental car operator has their own facilities located off site from the airport. Majority of the rental car operations are located here but there is at least one additional rent-a-car facility in there area here. I'd also like to orient the Commission to...so Keolani Place. This is the main entry into the airport right now. We have the Old Haleakala Highway here, and Hana Highway here. Some of you are aware that the United States Post Office has a facility here. This is their facility. We have Kaliainui Gulch which is channelized here. This portion of the gulch is actually underground. We have the public and employee, current public and employee parking area here, terminal building here. The United Parcel Service facility is here as well as the cell phone parking lot is in this vicinity here.

This map is of the project area and includes the location of the new consolidated rent-a-car facility shown in yellow here. I would like to also point out it does have the airport access road which is covered by a separate SMA Permit, but we'll touch upon a little bit later. Again, orientation Hana Highway is here, Haleakala, Old Haleakala Highway is here, Keolani Place, and this is the relocated United Parcel Service facility there.

So what we've done here is now overlay the ConRAC facility area with the aerial map that I showed earlier. I would like to note that although this yellow shows where the ConRAC facility is, there are improvements that are proposed within the existing public and employee parking lot which we'll get into further detail later. Those improvements include the single track tram system that it's proposed

to transport people to and from the ConRAC facility back to the terminal and the baggage claim area as well as landscaping improvements within the existing public parking area.

There are three main components that are part of this SMA Permit application that we have before you today. We have the ConRAC facility itself. We have the tram system as I had mentioned which will run between the consolidated rent-a-car facility, the main terminal and the baggage claim as well as the landscaping, drainage improvements and other related improvements.

At this time, I'd like to turn the presentation over to Wesley Wong from Demattei Wong Architecture to talk about the general components of a ConRAC facility as well as share the elevations and renderings for the Kahului Airport ConRAC facility.

Mr. Wesley Wong: Good morning. It's good to see everyone. Chairperson and Commissioners, Wesley Wong with Demattei Wong Architecture. I think I was here a few months ago. I'm gonna do a really high level what a ConRAC. I know I did that the last time with a little bit more detail, but I know there are one or two new commissioners. So I thought it would be really pertinent to talk about what that is and then talk specifically about our project and I'll do this fairly quickly.

So what is a ConRAC? We talked about this overall project having three main components. Well, the ConRAC itself if you break it down it's very simple. It's five main components. Although it's a very complex building type, it's a new building type, but if you break it down into its simplest components it's very easy to understand. You've got the customer service building, I might call it a CSB, you have the ready return facility, I might call it the RR or the quick turnaround facility which is the QTA, the vehicle staging and storage, and then the individual service center sites. So when I go to the customer service building basically it's like a terminal where you have ticketing. It's where all the transactions take place for all of the customers. It is consolidated so you do have all the rental car agencies in one customer service area. You have components like the lobby itself which is the public. You have all the transaction counters for each of the rental car agencies. Then you have the associated support for the building itself as well as for the employees and for the customers.

The second component really is the largest component. It's called the ready return area. It's basically where all the cars are parked for ready or for return. There are the things that take place within the ready return. You do have the customer kiosk, you have the security kiosk, and you do have some administrative support for the staff of the rental car agencies on the floor.

The third component is the...what we call the quick turnaround or the QTA. It basically is the processing center of this whole facility. It's where a car is returned and taken to be processed to be turned into a ready car. So basically you would fuel it, you would replenish the fluids as necessary. We might do light oil changes as necessary. You wash the car here. Once you got through the process, and it is all back of the house so you never have customers back here. It is almost a 24-hour operation if you will, but it's basically where all the cars are processed and it is a very large component of the ConRAC itself.

The fourth component is what we call vehicle staging and storage, and basically that's what it is, it's where cars are parked as you can in the image, nose to tail. And what it boils down to is the more

staging and storage we can provide onsite for the rental car agencies, the more efficient that they become, the more environmental it becomes because you keep the cars off of the roads going back and forth between the ConRAC itself and the baseyards or the service center sites.

And then the last component is the service center sites or what most people call baseyards. It's where you'll have supplemental storage for the fleet. You'll do heavy maintenance in this facility, things of that nature.

Are there any questions about the components of what a ConRAC is? I know I went fairly quickly but I think most of you pretty much know what it is.

So now I'm going to talk a little bit about some of the components of it. It is a three and a half story structure depending on how you look at it because we do have major grade changes on the site from the airport exit road, the new airport exit road as you're leaving the facility, leaving the airport, it looks like it's a two and a half level facility but from the airport entry side, the new access airport road, it looks like it's one and a half facilities because of the grade changes and I can talk about that a little bit more specifically, give you specific grades for... I know you probably have questions about it. The maximum height for the structure actually is 75 feet what we call MSL. If you look at the MSL, Mean Sea Level of the elevation of the site, it's actually plus 13 at the lowest level on site. So the actual structure itself is not 75 feet tall. It's actually 62 feet tall. Starting with the basement level, at the plus 13 level that's basically for staging and storage of the cars. If you're familiar with the site there's about a 15-foot grade change going from east to west that's bifurcated. The site is bifurcated by an existing culvert or gulch as Karlynn had mentioned and so that, so on the east side of the site, it's higher than the west side of the site. So we take advantage of that because there is an existing hole in the ground. We take advantage of that by putting staging and storage so there are no, no occupants down there, it be basically cars.

The facility itself again the QTA is one of the major components of a facility it's where you have all the carwash equipment, all the fueling, all the fluids, that again is the processing center for this whole facility and if you look at it kind of big picture, the ready return really is the retail space. This is the opportunity for the rental car companies to showcase their project...their product which is basically cars.

And also the last bullet point is that we are working with the State, statewide for not only the Honolulu facility but for this facility to look at adding photo voltaics as a part of the State mandate for all of their projects.

I have a few elevations up here. I don't know that I need to go through specifically unless you have questions, but as I mentioned the last time the architecture was inspired by really the...was inspired by the plantation style architecture from Wailuku and from Lahaina. And so you'll see some of the elements--you can kinda flip through these Karlynn as I'm talking--you can see some of the elements that have been incorporated like the Dickey roof, the double pitch Dickey roof. The customer service building itself is like a lanai or a porch which is kind of the central and the main space for the plantation architecture and you could really see that in the next, next view, this one here. This view here is what we call the customer service building. It's where again all the customers will arrive and it's where they will depart. We think of the whole facility this is probably the most terminal quality like space needs to be because it is one of the first impressions and the

last impressions for the visitors coming to the islands. That's my portion of the presentation. Thank you.

Ms. Fukuda: Thank you Wes. As noted earlier there is a single track tram transportation system which would provide for the transport of customers to and from the ConRAC facility from the main terminal and baggage claim buildings. The system is proposed as an electric tram system and includes an approximately 5,000 square foot maintenance facility, three tram stations and it's currently...which are currently proposed for locations at the ConRAC, the main terminal and the baggage claim area as well as three pedestrian crossing and a pedestrian walkway which would run parallel to the tram track. The system would be installed within the existing public parking area in the area closest to the terminal building.

So this is the proposed tram route that we see here as well as the pedestrian connection since they will both run parallel. So if I can just explain here, this is the proposed tram track and pedestrian connection. This is the baggage claim area. This is the main terminal area. This is within, as I mentioned earlier, the public parking area and then this is the ConRAC facility site.

The three stations which would basically be covered shelter areas for customers waiting to board the tram system would be located one, within the ConRAC facility itself, two, within this main terminal area here, and three, at the baggage claim area here. Now recognizing that there would be customers who are parking in the public parking area that would need to cross in order to get to the terminal area there are three pedestrian crossings proposed which are generally in the area where there are pedestrian crossings right now. So one here from this parking area on the west side of the parking lot, a second one here from the east parking lot, and then one here at the baggage claim. And what would be installed at these pedestrian crossing areas would be an alarm system as well which would alert pedestrians crossing that the tram is coming.

The last thing that I would wanna point out also is that the maintenance facility that I mentioned for the tram system would be large enough to house the tram for maintenance operations and would also be located here at the baggage claim end of the tram route.

This next slide is a section of the proposed tram track. So to orient everyone, Lanui Circle, this is the existing road that circles the airport. There's an existing landscape and fencing area that separates the public parking area from Lanui Circle. We are proposing a new, approximately 11-foot wide landscaping strip in addition to that existing landscaping area and then this would be tram track installed here. The station waiting areas would be here, and again, we're going towards into the makai side going towards the parking lot as well. And then the parallel pedestrian path would be located here and then new bollards or some other type of separation would be installed between the pedestrian path and the parking lot roadway that exists.

I would like to note that DOT is also considering right now another transportation alternative which is a bidirectional bus which is a bus that has the ability to steer on both ends so you basically don't have to turn it around. And so, should that alternative, the bidirectional bus be selected, the three station areas, the pathways, the crossings would all still be installed as part of that alternative. But the final selection of whether it's the single track tram system or the bidirectional bus will depend on a number of factors including cost, of course, functionality and efficiency in transporting

customers.

This is a rendering of the proposed tram building. So again, it's keeping, I'm sorry, the tram maintenance building which would be located outside...you're looking essentially from the baggage claim area back towards the parking lot area. But the architecture of the maintenance facility would basically mirror or echo what's being proposed for the ConRAC facility so it's in harmony.

At this time, I'd like to turn the presentation over to Russell Chung from PBR Hawaii, our landscape architect to go over the landscape plans for the project including the installation of replacement trees in the existing public parking lot. He will be followed by Chad McDonald of Mitsunaga & Associates to present the proposed drainage plan.

Mr. Russell Chung: Thank you, Karlynn. Good morning, my name's Russell Chung with PBR Hawaii. I'm the landscape architect on the project. Just wanna summarize our landscape goals. Number one, we try to respect the ecology and environment of the site. We know it's a coastal and windy site. Number two, we wanted to make sure this facility ties in from a landscape standpoint with the existing airport facilities, and three, and enhance the visitor experience 'cause we know that there are other ConRACs around the states and we think ours would be special because of the flora, our flora.

We do also wanna utilize native plants where possible and appropriate. We know that maintenance is a big concern for especially State facilities, and then also one of the main things is to soften and break up the building mass. It is a large facility. So this is basically as you can see the main ConRAC facility here. Most of our landscaping is perimeter. So we're just supporting again, the building mass with shrubs, groundcovers, and smaller type trees. The vertical will be helped with other palms such as loulu and cocos. There is a drainage basin as well, and Chad will go over that, and that will also be laden with some landscape as well. On the other side, this is the ConRAC facility. On the other side there is an enhancement of the existing parking lot so we'll be putting new trees in there as well, shade trees. Any questions?

Mr. Chad McDonald: Good morning, Chair and Commissioners. My name is Chad McDonald, civil engineer with Mitsunaga & Associates. I know we covered this a few months ago with the Commission, but just to refresh your folk's memories. As Karlynn had mentioned, there's a Kalialinui Gulch running...bifurcating the site. And in order to address the County Department of Public Works new storm drainage requirements as far as water quality as well as water quantity, what the project is proposing is to construct to retention basins as located in these areas to address the two things. Although we're not going for building permit, the project still is proposing to achieve LEED Silver and as part of the LEED Silver requirements, the project is gonna be required to detain in the project, the increase in runoff onsite as well as any additional offsite, offsite water runoff entering the site. So these two basins, Detention 2 which is located here is going to be approximately six feet deep. We're proposing to install chainlink fencing for protection as well as landscaping improvements to screen the basin. The larger detention basin here which we're identifying as Detention Basin 1 is going to be roughly six feet deep and as Russell had mentioned, landscape mitigation to screen the detention basin is being proposed. So if there are any questions, I can address it later during the Q&A.

Ms. Fukuda: Thank you, Chad. The proposed ConRAC facility is on target to achieve a Leadership in Energy and Environmental Design or LEED Silver designation. To achieve this rating a number of sustainable features have been incorporated and practices have been incorporated into the project. So we have...this is only a partial list of the various sustainability features that have been incorporated into the project, but they've optimized energy performance primarily through efficient lighting and the HVAC system. Onsite storm water management to protect water quality and natural hydrological functions. Construction waste management is focused on recycling and not the landfills. Extensive use of low emitting materials, adhesives, sealants, et cetera to protect indoor air quality, construction materials preference for regional sources, recycled content and sustainably harvested wood. As we mentioned earlier, there is the planned solar voltaic...photo voltaic energy system. Reduction of heat island effect through light-colored hardscapes and roofs. Water efficient landscaping and use of native plant species and nonpotable water for irrigation. Significantly reduced water consumption through efficient plumbing fixtures. Bicycle storage and changing rooms to support alternative transportation. Green housekeeping with nontoxic products to protect indoor air quality as well as educational signage to inform customers and staff about sustainable features of the facility.

The proposed ConRAC facility and related improvements have undergone a number of regulatory reviews prior to this project being presented to the Planning Commission today. In April of this year this body reviewed and provided comments on the Draft Environmental Assessment that was prepared for the project. In June, as Paul mentioned, the project was presented to the Urban Design Review Board. In September, the Federal Aviation Administration and the State Department of Transportation issued a Finding of No Significant Impact on the Federal and State respectively Environmental Assessment documents that were prepared. And we are before you today on the Special Management Area Use Permit request.

As I noted, the Commission reviewed and commented on the Draft EA prepared for the project. At this time, I'd like to briefly go through the comments prepared, I'm sorry, provided by the Commission on the Draft EA as well as the responses that were provided to the comments. I have summarized the comments that were provided by the Planning Commission so these are not the formal comments that were actually provided.

Comment No. 1 was to provide more information on the visual appearance of the ConRAC facility and incorporation of a Hawaiian sense of place in the design. And as noted in the response letter to the Commission, there was conscious effort made by the DOT and the design team to plan a Kahului Airport ConRAC facility that would reflect a sense of place and let customers know that they weren't in the mainland but they were here on Maui. As noted earlier in the presentation, the design team studied the local architecture and incorporated elements of plantation style architecture into the facility.

Comment No. 2, additional discussion on the source of water for the water feature and landscaping. Explore option for R1 water use and/or reuse the carwash water for irrigation purposes. So while the water feature that is proposed for the entry to the Kahului Airport is not part of this project, I wanted to let you know that it does play an important part relative to it serving the reservoir for the nonpotable water that will be used for the irrigation for the landscaping at the airport. So as Paul mentioned earlier, we are planning to use nonpotable water source for the irrigation. With regards



to the carwash water system, it will be a closed system and the system will basically recycle the water within the carwash system and it will be...includes a reverse osmosis system which would basically treat the water and basically recycle it through the carwash water system. So, you know, there will be some potable water use, but it's going to be reused throughout the system for the carwash.

Comment No. 3, provide additional information on the height of the ConRAC facility with plan grades from Keolani Place and Airport Access Road. So as Wes mentioned, you know, the site is actually a hole right now. It's at a lower elevation than the existing airport facility and the project is really taking advantage of that. Additionally, we have looked at large setbacks from the existing roadways to minimize the visual impacts as well as installing a significant amount of landscaping to help screen the facility. So basically when you view the terminal...when you view the ConRAC facility from the terminal only levels two and three would probably be visible to the regular person.

Comment No. 4 was a general support for the concept of the ConRAC facility.

Comment No. 5 was protection of existing underground drainage channel, Kaliialinui Stream during construction. Consideration of grading over drainage channels for public safety and maintenance. So measures to protect the integrity of the underground portion of Kaliialinui Stream will be incorporated into the project construction requirements. With regards to the second item, DOT and the design team studied the potential for installation of grading over the drainage channels. However, there was a concern that the grading could create a maintenance and flooding concern when debris gets trapped in the grading which could end up causing flooding backing up the channel.

Comment No. 6, loss of future planned overflow parking area with the ConRAC facility and how the movement of employee parking will benefit the public parking at the airport. So as noted earlier, with the relocation of the airport employee parking stalls with the ConRAC facility the DOT plans to utilize the existing employee parking stalls to provide more public parking stalls. Currently you may be aware that the employees park basically on the makai side of the public parking area. So with the movement of the employees the ConRAC facility, those stalls can actually be utilized for public parking.

Comment No. 7, consideration of operation and maintenance of the facility to ensure that the ConRAC facility can be easily maintained. So the car rental operators as you heard today will actually be operating the ConRAC facility once it is completed and so it's our understanding that they intend to hire a third party maintenance facility to actually maintain the facility and it's within their best interest to make sure that the facility looks, you know, nice so that it is a nice customer experience for their guests.

Comment No. 8, further clarification of alternative Site No. 4 and Site No. 5 in regards to future possible expansion of the terminal buildings. Also include Federal and State agencies in consultation if applicable for future terminal and public parking plans. I would refer the Commission to Exhibit No. 5 in the staff report which shows the location of Alternative No. 4. It's basically located adjacent to the proposed airport access road. However, we note that this Alternative Site No. 4 is located on lands designated Agricultural by the State Land Use Commission, the

Wailuku-Kahului Community Plan, and Maui County Zoning. Because of this, in order to permit the ConRAC facility to be built at Alternative Site No. 4, State DOT would either need to go through land entitlements to change the zoning and community plan amendment and therefore, the other entitlements which would take at a minimum about two years or apply for State and County Special Use Permit which as the Commission knows would be required to be renewed over time. Additionally, the DOT is in the process of updating the Airport Master Plan for Kahului and future expansion of the airport facilities are being studied as part of that process and currently the draft plan does not envision expansion of the terminal buildings in the area where the proposed ConRAC facility is situated.

Comment No. 9, additional discussion on how runoff will be handled onsite or offsite. As Chad noted earlier in the presentation there are two drainage detention basins proposed for the facility. The proposed drainage improvements will meet the County of Maui storm water treatment requirements that were recently adopted by Public Works. And there's no change to the existing offsite drainage conditions in the area surrounding the ConRAC.

And the final comment was consideration of use of efficient fixtures, lighting and water and installation of security cameras. So as I noted earlier, the facility is on target to achieve the LEED Silver grading which includes a number of sustainable features including efficient water... installation of efficient water fixtures and lighting. With regard to the security cameras, it's our understanding that the car rental operators are intending to install security cameras within the facility itself.

This concludes our presentation and we are available to answer any questions you may have. Thank you very much.

Chairperson Lay: Commissioners, we're gonna go to public testimony again.

**a) Public Hearing**

Chairperson Lay: Does anyone wish to testify at this time? If so, please step up to the mic and identify yourself, you have three minutes to testify.

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

Ms. Lisa Paulson: Good morning. I'm Lisa Paulson and I'm with the Maui Hotel and Lodging Association. It's the legislative arm of the visitor industry and our membership includes over a 150 property and allied business members of Maui County representing over 20,000 residents employed.

We're in strong support of the Kahului Airport Consolidate Rent-a-Car Facility for the following reasons. The facility will provide a more pleasant experience and ease of use by the traveler in offering one central location for car rental operations at the Kahului Airport. Easier access by the new placement at the entrance of the airport and offering a proposed single track electric tram to shuttle customers to and from the facility and the terminal baggage claim areas. Secondly, the new facility reduces environmental impacts by having a shared fueling, car wash and rental car storage for operators. The proposed single track tram will reduce the amount of buses on the road and

exhaust fumes and lastly, the airport employee parking will be moved to the new facility providing more public parking for our resident travelers. Thirdly, the Kahului Airport facility was designed with sustainable features and on target to achieve a LEED rating of silver and the sustainable features include low-flow water fixtures, use of nonpotable water for landscape irrigation, use of energy efficient lighting, construction waste management to focus on recycling, and future installation of PV panels on the roof.

It is time that Maui began to upgrade its airport infrastructure. The ConRAC along with other proposed airport upgrades are long past due and will only help us with our growing amount of travelers. Thank you for allowing me to testify and if you have any additional questions, I have my number on the testimony I submitted to you.

Chairperson Lay: Commissioners, do you have any questions for the testifier? Seeing none, thank you very much.

Ms. Paulson: Thank you.

Chairperson Lay: Does anyone...please identify yourself?

Ms. Terryl Vencel: Aloha, good morning, Mr. Chairman and Commissioners. My name is Terryl Vencel. I'm the Executive Director of the Maui Visitors and Convention Bureau. Our mission is to drive demand of the potential visitors to the islands of Maui Nui, Maui, Molokai and Lanai. Today's hurried consumer looks to experience and efficiencies which translate in their minds to value when they consider a vacation or when they're considering group business. It's important that we provide this value to the visitors. According to DOT, there were something like to 2.8 million people last year through the checkpoint at our airport, 2.3 of those are visitors to our islands. What does that mean? It's different for each individual visitor and what value means to them. But basically it essentially boils down to feeling that they got their money's worth regardless of the kind of price point that they are interested in. The good thing about Maui Nui is that we have lots of choice and lots of price points for them. A pleasant and hassle free arrival and departure experience are part of that value and I have to tell you in today's world they're kinda right up there paramount, number one. We know from satisfaction surveys and awards that we receive that we provide that experience. Once they're here, they're very happy with their, with their vacation. But the airport experience leaves something to be desired. We haven't kept up with the demand. Airports across the globe continue to build and improve their facilities and we need to do the same to remain competitive. This project will improve the arrival and departure experience for the visitor and provide a better experience for our residents frequenting the airport as well. The efficiencies of sharing services will be of great savings to businesses and imagine lessening those diesel fumes as you cross the median strip in the airport and/or imagine a parking lot that can actually house all of our local resident needs. I ask you to support this project and this improvement for our visitors and residents alike. Mahalo.

Chairperson Lay: Commissioners, any questions for our testifier? Seeing none, thank you.

Ms. Yuki Lei Sugimura: Good morning, Commission, Commissioners. My name's Yuki Lei Sugimura and I'm here in behalf on Mokulele Airlines to show our support for the approval

of the rental car facility at the airport, and for the approval of the SMA Permit which is before you. Tourism continues to be a key economic driver for Maui and the State of Hawaii. Mokulele Airlines provides passenger air service at Kahului Airport and Hawaii with over 53 daily flights. Through the Kahului Commuter Terminal, Mokulele Airlines provides travel for approximately 10,000 residents and visitors to Maui every month. The rest of my speech was basically talked about through Lisa and better stated by Terry, but I wanna say that I would like to end with asking you to support this proposal or item before you. Thank you.

Chairperson Lay: Commissioners, any questions? Commissioner Wakida?

Ms. Wakida: Thank you for coming in this morning. One of the proposals by the new facility was that it would have airport employee parking. Does that include your air employees?

Ms. Sugimura: Yes, it would.

Ms. Wakida: And do you..what is your understanding of when your ability to park there would begin? As soon as it's completed or is it down the road?

Ms. Sugimura: We would be included with the rest of the employees at the airport.

Ms. Wakida: And do you think that would be immediately or later on? What's your understanding?

Ms. Sugimura: Immediately when it's available, and it would be convenient. We would be part of the whole mix. Right now Mokulele Airline employees, Mokulele, we're in the Commuter Terminal and our employees park around that proximity which everyone squeezes as close as you can to wherever the terminal is. In our case, you know, we're in that far end closer to Spreckelsville, but we're in the mix.

Ms. Wakida: Okay, thank you.

Chairperson Lay: Commissioners, any more questions? If not, thank you very much. Does anyone else wish to testify at this time?

Ms. Tanya Kapaku: Good morning and aloha. My name is Tanya Kapaku. I'm the Airport Manager for Avis Budget Group. I'm very proud to say I've been with the Avis Budget ohana going on 37 years and I am very excited about our new home. The Kahului Airport Consolidated Rent-a-Car Facility aka known as the ConRAC. I, for the same reasons as the previous testimonies I support it for the same reasons and I would just like to add one thing and the facility would provide one central location for the car rental operations at the Kahului Airport which will reduce potential environmental impacts from the individual operations. The ConRAC facility will provide shared fueling, a state of the art carwash and consolidated rental car storage which creates huge efficiencies, protecting our aina and reducing costs for the car rental industry, and for that reason I support the ConRAC facility.

Chairperson Lay: Commissioners, any questions? Commissioner Wakida?

Ms. Wakida: Is Budget looking down the road at electric cars?

Ms. Kapaku: As a matter of fact we have a few at the...at our hotel locations.

Ms. Wakida: And do you know if this new facility...are you aware of any electric car charging stations in the new facility?

Ms. Kapaku: I am not sure of that.

Ms. Wakida: Thank you.

Chairperson Lay: Commissioners, any more questions? Seeing none, thank you very much.

Ms. Kapaku: Thank you.

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

Chairperson Lay: Seeing no testimony, public testimony is closed at this time and now, Commissioners, our questions? Commissioner Freitas?

Mr. Freitas: Is the new bypass, the airport bypass road and this facility going to be built simultaneously or which one is going to be built first?

Ms. Fukuda: Well, thank you, Commissioner Freitas for your question. My understanding is that bids have been opened on the airport access road for the airport portion of the road. So that's good news that that project will be moving forward. There will probably be, there will be some crossover time of construction with the airport access road and this facility but because the airport access road already has its permits, it will start construction before the ConRAC.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Follow up question. When do you expect to turn dirt on this project if all of the permits is in place?

Ms. Fukuda: I believe—

Mr. Freitas: Target date.

Ms. Fukuda: Okay, the target from what I understand is within first quarter of next year maybe about March or April of next year.

Chairperson Lay: Commissioner Ball? Let's see, you know, the tram or the bus or whatever, what's the contingency plan if that becomes inoperable? You know, breaks down or whatever?

Ms. Fukuda: Right. So the contingency plan that DOT is considering right now, 'cause it's a reality that something can happen is that they'll be purchasing conveyance carts which are basically like

golf carts. They're the larger ones that you would see maybe at resorts around the hotels and those would be used as a contingency plan for if the bus or the tram should be out of service. And granted that may not service as many people as the tram could but that's the backup plan that they have right now.

Chairperson Lay: Commissioner Ball?

Mr. Ball: And a question semi-related to that is was there any thought in elevating the tram?

Ms. Fukuda: There is a portion of the tram track that will actually be elevated and that would be from what I understand it would be the portion of...that heads up into the ConRAC facility that's here. So that portion will be elevated and actually there will be some elevation too because when we look at tram...well, I guess there'll be a platform here so that these loading areas will actually be raised so people can actually walk at level to the tram facility itself. So the tram track won't necessarily be elevated. That the platform will be elevated so that people don't have to step up and they recognize that you know, for those elevated platforms they'll have to, you know, account for ADA improvements so that, you know, it's accessible to all.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Since we're on the tram topic. Are these trams automatic? Are they...do they have a conductor?

Ms. Fukuda: You know, I don't know that they've actually have a final selection, but my guess is that there would actually be somebody operating it. So...

Ms. Wakida: Because I'm a little confused about how the public in the public parking gets over to the terminal if...and how often these trams are running, and you know, ease of access for the local public?

Ms. Fukuda: So there would be basically three pedestrian crossing areas. So with the tram track being at level there'll be some kind of crossing area that will be provided that would basically designate to alert pedestrians that this is the area that you cross, that you use for crossing. And so, so there'll be probably some kind of concrete treatment or something to basically provide for safe crossing over...you know, I've seen and, you know, I'm visualizing it too, but you know, like where railroad tracks are where there may be actual crossings I know I've seen where there's a way to provide like a safe crossing for people to walk over.

Chair Lay: Commissioner Wakida?

Ms. Wakida: Well, true not only safe, but I mean, everybody's pulling their luggage across and so on, but I just think there needs to be addressed how often these trams run because how does the person get across the tracks, how do they know when the tram is coming, and how are they able to get across the tracks?

Ms. Fukuda: Okay. So with the crossing the track there is going to be an alarm system that's going

to be installed at the three crossings that we are proposing. I don't know if it will be audible and visual. I don't know if we've gone to that extent in terms of the alarm. But there would definitely be some kind of alarm to let the pedestrians know that the tram is coming and I don't believe that the trams would be traveling at a high rate of speed. How often they'll be, you know, going back and forth...I mean, it's still a concern, right? It's a big vehicle that's crossing, but there would be alarm systems installed at these three locations so that anybody who's wanting to cross will know if the tram is coming. You know, and I think the frequency tram traveling back and forth, you know, would be fairly timely because it's gonna depend on how long it takes to I guess stop at each location. There's only going to be one systems that's gonna travel back and forth, but it will be continuous.

Ms. Wakida: And just last follow up on this.

Chair Lay: Commissioner Tsai?

Ms. Wakida: So just to be clear, they cross the tram and then they have to push the button to cross the street?

Ms. Fukuda: Yes, because there'll still be the traffic signals because there's still cars, you know, that can come through the roadways here.

Chair Lay: Commissioner Tsai?

Mr. Tsai: On that same slide, how do you handle the arrival/departing passengers for the commuter terminal? Are you gonna allow a crosswalk at the very end?

Ms. Fukuda: On this back end here?

Mr. Tsai: Yeah, where the commuter terminal is because you're gonna have people that possibly, you know, need--

Ms. Fukuda: To cross from the public parking to get to the terminal?

Mr. Tsai: Yes.

Ms. Fukuda: I would...Okay, so I understand that there is an existing crosswalk here in this area.

Chair Lay: Commissioner Ball?

Mr. Ball: So typically I guess people that have a lot of luggage will...they usually drop off curbside and then somebody goes and runs the car back. So is that...is the facility set up with that in mind with...I'm sure some people will end their ride off the main street but some people do drop off and spin around.

Ms. Fukuda: So yeah, certainly there'll be the ability to--let's see which would be the best one--so if you're coming in from the airport road this way from Hana Highway and you decide in your scenario to drop off, you know, your wife and children and your baggage at the main terminal which

would be probably about here, you basically can circle around the existing roadways that we have and then there will be the ability to come back around and then get into the ConRAC facility to return the vehicle.

Mr. Ball: Oh, okay.

Ms. Fukuda: But you will need to circle the airport, yeah.

Chair Lay: Commissioner Ball?

Mr. Ball: To switch gears a little bit onto the landscaping. Is there a plan on that to have signage on the landscaping where it interacts with the public especially if we're gonna use native plants?

Ms. Fukuda: Within the ConRAC facility...I'll have Russell Chung respond to that.

Mr. Chung: Most of our landscaping is--

Chair Lay: Step up to the mic and please identify yourself again.

Mr. Chung: Russell Chung, landscape architect. Most of the landscaping is perimeter and people really don't have access to it, so...we can put signs, but you know, it be, you know, not safe areas to be walking.

Mr. Ball: Yeah, I was just...more about where it interact with the public.

Mr. Chung: Yeah.

Mr. Ball: Not so much the perimeters.

Chair Lay: Commissioner Tsai?

Mr. Tsai: Just as a follow up to my last comment or question. Can you give consideration to the folks who use the commuter terminal to the access of the tram?

Ms. Fukuda: So to look at a pedestrian pathway from... basically from this crossing here to get to--

Mr. Tsai: Over here where it stops.

Ms. Fukuda: Oh, you mean to get the tram--

Mr. Tsai: Yeah.

Ms. Fukuda: --to come there?

Mr. Tsai: Exactly.



Ms. Fukuda: Um...

Mr. Ball: That's a no.

Ms. Fukuda: Well, it's quite a distance I guess to go back that way, so...

Mr. Tsai: Or just some sort of ease of access?

Ms. Fukuda: Yeah, I mean, certainly I think DOT representatives are here and the design team is here so maybe we can come up with a creative solution to somehow...without the tram going that way, but find another way to help the commuter customers.

Mr. Tsai: Thank you.

Chair Lay: Commissioner Ball?

Mr. Ball: Is there gonna be any long-term parking in the facility or is it still just gonna be like how it is now?

Ms. Fukuda: As far as I know right now there is no plans to change the parking, the public parking anyway, yeah.

Chair Lay: Commissioner Wakida?

Ms. Wakida: On the note of parking I'm a little confused by the report. This is Exhibit 34, Response 17-6, by the way what do these numbers refer to, 17-6?

Ms. Fukuda: Those were the responses within the Draft EA or from the comments received on the Draft EA. So those were the numbering Recondo & Associates used in the Final EA to categorize the comments.

Ms. Wakida: Comments from whom?

Ms. Fukuda: The various agencies, yeah.

Ms. Wakida: So, okay. So my confusion is when employee parking is going to be allowed in this facility....(inaudible)...at the top...the end of that comment, when demand for parking stalls materialize, public parking stalls, the existing employee parking will be relocated. So, what I wanna know is, when do employees get to park in the new facility?

Ms. Fukuda: I believe it's the intent of DOT and someone can step up if I'm saying something incorrect, but it is the intent of DOT to, once the facility is completed to look at that shift of the employees to the public... sorry, to the ConRAC facility. I think what that comment was basically trying to say was, so this would open up all of the parking that's here because the employee parking is, I don't know, maybe about...the line is about here, so as public demand for parking grows, they can certainly open up more parking for public parking because the employees will have moved over

to the top level of the ConRAC facility. Does that make sense?

Ms. Wakida: Well, if I understand you correctly, employee parking will begin immediately.

Ms. Fukuda: Yes, that's my understanding of what DOT's intent, yeah.

Ms. Wakida: Good.

Chair Lay: Commissioner Ball?

Mr. Ball: The...if we can talk about the connector road a little bit since DOT people are here, and more so the intersection of Hana Highway and whatever this new road's gonna be called.

Ms. Fukuda: Yeah, right now it's just called the airport access road. So this is an old rendering of what the airport access road would look like. It still had the cloverleaf here which is actually not being done right now. It's just going to be a direct connect to Hana Highway with the airport access road. So the DOT, Highways Division is responsible for, and I...recently broke ground on the portion probably about 1,000 feet beyond the intersection with Hana Highway and it goes all the way back to essentially like Puunene Avenue area. So the portion from that 1,000 feet beyond the intersection into the airport is DOT, Airports responsibility so they will be building that portion. And so to Commissioner Freitas's question about the airport access road, you know, they can start...they may start here and work their way back towards the ConRAC facility so that there could be concurrent construction going on. And that was DOT's hope was that, you know, they didn't wanna build the road and then have to maybe mess it up when they go in for the ConRAC.

Mr. Ball: But my real question though is that cloverleaf area, and you know, DOT comes here and they wanna just put up stop lights. They don't think about traffic flow especially in that area 'cause there's gonna be a stop light right ahead of that, below that I guess if you will, and there's Dairy Road/Hana Highway intersection above that.

Ms. Fukuda: Right.

Mr. Ball: And so there's gonna be like three lights right there possibly a fourth one even further down, right or just the three? Anyway, just the three right?

Ms. Fukuda: Yeah.

Mr. Ball: So you're gonna get all these people coming out of the airport and it's all gonna bottleneck right there again, and it's like, why don't we do an overpass or something right there. Something that's gonna create flow instead of just a big traffic jam and I get this question asked to me a lot and I don't have a good answer for it about that intersection like why are they putting another stop light here, right? Like everywhere else they just put a stop light up instead of using an overpass or something of that sort of...underpass or whatever you wanna do. So I don't know if they're able to speak to that or...

Ms. Fukuda: Well, again, you know, that's the Highways...I'm sorry, DOT, Highways portion of it,

of the roadway. The Airports Division portion is only this part here. So you know, in terms of the highways portion that's going back this way, you know, I know that there was concern about an overpass with the visual impact of that, what that would look like and then the cost to do the underpass, you know, was quite a bit more than the current at grade. So, you know...

Mr. Ball: You don't care.

Ms. Fukuda: No, it's not that I don't care. You know, I drive these roadways too, but that's--

Mr. Ball: Not your project.

Ms. Fukuda: Federal funding was limited too, so you know, DOT would have to come up with the rest of the money in order to try and do those improvements I think. So...

Chair Lay: Commissioners, any more questions? Commissioner Hedani?

Mr. Hedani: ... (audio feedback)... I think we should let Commissioner Wakida go first.

Chair Lay: Commissioner Wakida?

Ms. Wakida: Well, okay. I'm a little concern about the lack of security cameras. Apparently they were being provided by each car rental facility is that what I heard?

Ms. Fukuda: I think the operators themselves are gonna be getting together. You know, they have significant property invested into the ConRAC facility, they've got their vehicles, you know it makes a lot of sense for them to install security cameras to make sure their property is protected. So there may be a concerted effort among all of the car rental operations to provide an overall security program, but that's improvements that the car rental operators will actually be providing.

Ms. Wakida: Well, what about the employee parking area?

Ms. Fukuda: That I'm not sure of in terms of providing security cameras up there, but certainly a comment that we can take into consideration.

Ms. Wakida: I mean, it seems basic in a State... this is a State facility, right?

Ms. Fukuda: Well, it will be operated by, you know, by the consolidated rental car operators themselves.

Ms. Wakida: But it's owned by the State?

Ms. Fukuda: Yes, it will be owned by the State.

Ms. Wakida: It seems basic to have security in the employee parking area as well as perimeter areas this is an airport after all so I would strongly recommend this.

Chair Lay: And if I might add, the public parking possibly also.

Ms. Fukuda: Wes Wong, I guess has a response to your comment.

Mr. Wong: Wesley Wong with Demattei Wong Architecture. In terms of the security we... there is a concerted effort between the rental car industry and the State to provide as much security, in fact probably more so than you would ever see in any facility. One of the biggest issues at the rental cars themselves across the country have is the loss of cars. So they're probably more cameras than you can ever imagine within this facility. There are also because in the public spaces where the tram is and the customer service building in the plaza there are provided...we have been working with the Airport's Security Department to provide airport security cameras, but in general, there's gonna be cameras everywhere including on the upper level where the airport employee parking is.

Chair Lay: Commissioner Hedani?

Mr. Hedani: Karlynn, I had a couple questions. One for the landscaper first, and the question is how much of a setback do we have from the facility for landscaping? How much of a...how much room do we have for a landscaping buffer for the facility?

Mr. Chung: Russell Chung, landscape architect. Are you referring to the space between the building and then the start of the landscape or...

Mr. Hedani: From my perspective a rent-a-car facility is a rent-a-car facility, yeah. Its architecture may be really great, but the best thing to do is to landscape it so that you don't see it. From that perspective, how much space do you have to create a buffer?

Mr. Chung: Oh, I see. There's about 20 to 25 feet, it varies, but generally yeah, a strip like that.

Mr. Hedani: And you consider that adequate for buffering the facility?

Mr. Chung: As a landscape architect? I think we have enough room to do some screening, visual screening 'cause we'll have some large shrubs against the building and we do have a maintenance strip behind that as well, and then there'll be groundcovers and taller plants as well, so...you know, like things like hala trees and plumeria, stuff like that.

Mr. Hedani: So yes?

Mr. Chung: Yes. I would like more, but...

Chair Lay: Commissioner Ball?

Mr. Ball: I have a question on the retention basin, and where it was...in the testimony it was six feet deep, but what is the...where do you hit water there?

Mr. McDonald: Chad McDonald, Mitsunaga & Associates. Where do we hit water at the detention

basin?

Mr. Ball: Right.

Mr. McDonald: Okay, right now the elevation...okay, let's start with Detention Basin 1. The elevation at Detention Basin 1 because that's a natural sump area, the existing grade I believe is in the order of about 12 feet, 12 feet. So not until we hit maybe elevation 2, so 10 feet beyond that is where we're gonna hit water. Detention Basin 2, that elevation we're running approximately 24 feet. So again, I mean, we're not gonna hit water till about 20 feet beyond that. So we're nowhere near the water table.

Mr. Ball: Sounds good.

Chair Lay: Commissioner Wakida?

Ms. Wakida: I have a follow up question on this. After the water goes into the detention basins then where does it go?

Mr. McDonald: Water will be retained in the detention basin, and the discharge will be no greater than the existing discharge in Kalialinui channel. So once it hits a certain elevation, the design elevation of the overflow it will be discharged into the channel as it currently is now.

Ms. Wakida: Okay.

Chair Lay: Commissioner Wakida?

Ms. Wakida: And in the same report it says that there is a Storm Water Pollution Control Plan to minimize discharges of pollutants into storm water. Can you give us in a nutshell what that plan is?

Mr. McDonald: Okay, in addition to the detention requirements within the detention basins itself there are gonna be a series of oil/water separators along this edge of the site in which storm water that's being...that's on the roof level that's gonna be discharged below will be picked up and run through oil/water separators at ground level before it gets discharged. So there's gonna be water treatment through oil/water separators from the ground level, excuse me, from the top level.

Ms. Wakida: Thank you.

Chair Lay: Commissioner Shibuya?

Mr. Shibuya: I was just wondering about the location of the fuels for the refueling of the vehicles? I read in here, it says it's aboveground tanks and I just wanted to know the capacity and the reason why it's not underground?

Mr. Wong: Wesley Wong with Demattei Wong Architecture. I believe there are three tanks and I believe they're 15,000 capacity each for a total capacity of 45,000 gallons and that's designed for the peak periods. So it keeps the rental car companies operating. We looked at the underground

and the aboveground and I believe that there's a, correct me if I'm wrong, my recollection is that there's a State mandate that it cannot be underground, any fuel tanks. It is within a secured service yard that's covered...not covered, but has a fence around it, so you visually cannot see it.

Mr. Shibuya: 'Cause it's interesting that right down the street you have Costco gas station and they're mandated to put it underground.

Mr. Wong: Okay.

Mr. Shibuya: Okay, so that's a case in point, how come?

Mr. Wong: Yeah, okay.

Chair Lay: Commissioners, at this time let's take a 10-minute break. It's been over an hour. Come back at 10:20.

A recess was called at 10:10 a.m., and the meeting was reconvened at 10:22 a.m.

Chairperson Lay: ...questions? Seeing none, Commissioner Shibuya?

Vice-Chair Shibuya: I just wanted to find out why Costco's gasoline facilities is actually underground and the airport one is proposed for aboveground and what advantages are we looking at having it aboveground?

Ms. Fukuda: Commissioner Shibuya, thank you for the question. I'm not sure that we can necessarily answer that. My guess is that it maybe in terms of quantity. The amount of quantity that Costco's tanks hold versus what we are proposing for the ConRAC facility. We can research that further and get back to you separately on that question if you'd like.

Vice-Chair Shibuya: Yeah, that would be fine.

Ms. Fukuda: Okay.

Vice-Chair Shibuya: The other part...another question if you will? On the carwash it says that you'll be using and recycling the water, the carwash water and that's a very good initiative. I applaud that. I believe that you are using nonpot...I mean, potable water for that. Is there a opportunity to use nonpotable water for that since you are gonna filter it and it's not gonna be humanly consumed, nonpotable seems to be the more appropriate alternative.

Ms. Fukuda: I'll have Chad McDonald respond as far as the carwash water system. I will note that the nonpotable water that we're using for the irrigation is brackish water so I know that there are concerns in terms of-

Chairperson Lay: Rust.

Ms. Fukuda: Yeah.

Vice-Chair Shibuya: Oh, okay.

Mr. McDonald: Chad McDonald, Mitsunaga & Associates. I believe Karlynn had responded correctly. The nonpotable water is actually brackish therefore it's not suitable for car washing. There may be water spots may occur on the rent-a-cars, so the rent-a-car companies are not in favor of using the brackish water for their carwash facilities.

Vice-Chair Shibuya: I agree. Thank you. Just had a question on that.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Follow up on that. Karlynn did say though you were gonna be do reverse osmosis on the—

Mr. McDonald: Yes.

Ms. Wakida: —so what would that process take out of the water?

Mr. McDonald: The reverse osmosis, you have to excuse me, I'm not the designer of the carwash system itself but my understanding is that the system, the reverse osmosis system will remove mostly the solids that's accumulated from the carwash effluent to be able to use that recycled water, you know, during the course of the ...(inaudible)...process. I can't speak specifically as far as what type of chemical removal is applied to the process.

Ms. Wakida: Because the Department of Water states it's gonna be a high water use even though it is recycled. That was their comment by the Department of Water.

Mr. McDonald: High water use of the facility? Well, we're estimating that the facility itself, you know, it has limited bathrooms, some office spaces, you know, the potable water use we're anticipating is about 10,000 gallons per day. The carwash water usage and again, this is a closed recycled system, an average day we're looking maybe about 32,000 gallons per day, but again this is recycled water. The current existing facilities, the rent-a-car facilities has the same type of, you know, carwash processing and whatnot. So we don't anticipate any significant increase in the existing water usage of the operations.

Ms. Wakida: Okay, it's just that the Department of Water disagrees apparently, Director Taylor in his recent letter here.

Mr. McDonald: Okay, I guess the design and planning team can address that with the Department of Water Supply directly.

Chairperson Lay: Commissioner Ball?

Mr. Ball: The Old Haleakala Highway where it intersects with the new access road...

Ms. Fukuda: Yes.

Mr. Ball: What's gonna happen at that intersection?

Ms. Fukuda: So it's my understanding that's in the SMA approval for the airport access road that there is an underpass provided for the Haleakala, Old Haleakala Highway to go under the airport access road, and that's still the intent I believe to actually build that so people can still go...travel on Haleakala Highway.

Mr. Ball: So they're gonna build an underpass for five cars as opposed to an underpass for 5,000 cars?

Ms. Fukuda: Okay.

Mr. Ball: I know that you guys don't have that other side, but I just wanted...(inaudible)...you know, it doesn't make sense. Once again--

Ms. Fukuda: I understand your comment and your concern.

Mr. Ball: DOT does not make sense with the volume of traffic going through there.

Ms. Fukuda: Right. Yeah, thank you.

Chairperson Lay: While you have that map up, can we just run through the...for the public access to the public parking in the airport area if they're coming in from Wailuku, coming in from Kahului or if you're coming from Paia how would the flow go into the public parking areas?

Ms. Fukuda: Okay, so we'll take Wailuku first. You could still, if you're coming from Wailuku, you could still travel on Keolani Place and you could enter into the airport, there'll be a new entry as opposed to what it is now, but you'd enter here and you come around the consolidated rent-a-car facility. Now if you're parking there'll be roadways and signage to direct people. So if you are going to come this way and you wanna get into the public parking area there'll be directional signage, come around this way, directional signage to lead you into the public parking area. The exit plaza is still the same as what is today. If you are going to say pick up somebody from the baggage claim area and you're coming from Wailuku. Same thing, come around the ConRAC facility area and there will be a way for you to cross and get onto the airport access road or the airport roadways that we have now, come this way and pick up your passenger and then come back out this way. Now one interesting thing that's going to be occurring at this intersection right now is as you're probably aware that right now this is a...the road, Keolani Place is one-way. Basically you enter into the airport. You can't continue on to go to the rental car areas here. What's being proposed is that as you come around there'll be two choices for you. One would be to continue on this way towards the airport access road and you can get back out onto Keolani Place and head this way or if you stay in the right lane, you'd actually get back into the service area, the rental car areas here. If you wanted to go to Kanaha Beach Park for example, right now...what's proposed is that you could come down Keolani Place and then actually now continue onto the service road area or Kaa Street and head down into Kahana Beach Park which you cannot do right now.

Chairperson Lay: See my concern is having to go right around that whole area just to get to the



public parking there's gonna be congestion because you got your trolley stops, you're gonna have stop lights still yet, and if we can have...you know a lot of the people aren't gonna go dropping off people, they're gonna go straight to the parking, is there a way to get straight to the parking without having to go around the whole airport to get there?

Ms. Fukuda: They had looked at that initially but I think with regards to the traffic flows it would just be too hard to have the direct in this way because you've got cars coming this way and with regards to the...okay, well, let me take care of this first, you've got cars coming from the airport access road that are going to need to get off the access road and get to the ConRAC and then into the rental car return facility to return their cars. You may also have employees coming this way who will need to get up to the top level. So when we looked at that possible option of direct access it was...the traffic conflict of, you know, cars heading this way and then cars heading this way was too much of a liability. So that's why they're looping it around.

With regards to the trolley stop, so this is the portion where the trolley or the tram system if it is included would actually be elevated. So you'll be driving under and there was a rendering that you see here that we had in the presentation. So you can see here you're heading down from the...this would be the view from the airport access road, you're heading down to get either to the public parking area, to the employee parking or return to the ConRAC facility. If you're gonna stay and continue on to get to the baggage claim to the main terminal, you'd stay on this roadway. So these are the lanes, you know, that you would basically have, this lane just for example, this lane may take you back into the ConRAC facility. This middle lane may be for the employees who are gonna head straight up to the top parking area, and this farthest out lane may be the lane that you use for public parking. I mean this is just for example, but there's gonna be signage to direct people on how to go. And you see here there is this elevation here and so the tram track is actually elevated here, so you're gonna be driving, so you're not gonna have to stop and wait for the tram.

Chairperson Lay: Okay.

Ms. Fukuda: So just going back to your original question. I guess in terms of those who are coming, you know, from Kahului, you'll have the option either to go Keolani Place or if you want to take the airport access road, that will be an option to you. Also, from Paia, you know if you decide to come to Hana Highway and get on the airport access road that's an option. If you decide to take Old Haleakala Highway from the Hana Highway/Haleakala Highway intersection you could still come around, go to the underpass and then I think this is Alaheo, Aalele, oh sucks, I sorry, I can't remember what the name of the street is right now, but it exists right now where you could get back onto Keolani Place and circle, circle back and around.

Chairperson Lay: Okay. Commissioners, any more questions? Commissioner Shibuya?

Vice-Chair Shibuya: I know this is a plan and so you don't have very much specifics but on the customer service building, I'm just looking for a general description in terms of how it's actually...is there a breezeway, is it walled? I'm looking at Exhibit 8A and I'm looking at Exhibit 8C as in Charlie. I can't visualize it.

Mr. Wong: Wesley Wong, Demattei Wong Architecture. Are you referring to this image here?

Vice-Chair Shibuya: Yes.

Mr. Wong: The CSB itself is, it is the...the plaza itself for the tram drops the customers off is open, open air. And the dash line that you see that encompasses...where customer service building is actually air-conditioned space. It's actually where the rental car companies will have their counters. There'll be a small little lobby in there for the customers to be able to find their rental car company, go to that specific area, do the transaction and then they'll walk out either to the west or to the east to an open air core, not air-conditioned. So it's all open air except for where the actual transaction takes place.

Vice-Chair Shibuya: So it's enclosed then. The CSB which is the customer service building is actually enclosed but it's glassed?

Mr. Wong: That's correct. That is correct.

Vice-Chair Shibuya: Okay, so that's why I'm getting confused. Also, you have trees along, in 8C, I guess there's trees, right, these round balls?

Mr. Wong: The what, the round balls?

Vice-Chair Shibuya: Yes.

Mr. Wong: Oh, yeah. Yes, those are trees.

Vice-Chair Shibuya: These are concepts.

Mr. Wong: It is. It's a early, early concept.

Vice-Chair Shibuya: Yes, I understand. So these trees will not be exceeding it so that the people who are walking on the decks would block their view of Haleakala or the Central Maui area?

Mr. Wong: That's correct.

Vice-Chair Shibuya: Yeah, okay. Also, you say canopy, that's a roof, right?

Mr. Wong: It's a covering.

Vice-Chair Shibuya: A covering—

Mr. Wong: Yes.

Vice-Chair Shibuya: —and you would have either photo voltaic or just plain old canopy?

Mr. Wong: Probably in...you're talking about in the case of over the airport employee parking, that area, yes, we're proposing to have photo voltaics.

Vice-Chair Shibuya: Okay, you mentioned also a glass canopy.

Mr. Wong: Correct.

Vice-Chair Shibuya: Where would that be?

Mr. Wong: That is actually, if you look at this rendering, that's over the actual customer service plaza, the open air plaza. What we wanted to do is provide protection for the customers from the rain, but keep it open for the sun.

Vice-Chair Shibuya: Thank you.

Chairperson Lay: Commissioner Ball?

Mr. Ball: Was there any consideration in this design with the wind in mind 'cause it gets real windy in that area?

Mr. Wong: Yeah, we did take a look at that. We know that the winds actually come from the south, southwest and so we...what we've allowed is open breezeways, in other words the cores themselves, you can't really see it but the cores here, this is...the whole facility is an open...it's considered an open structure to allow the breeze to go through for ventilation purposes and for cost reasons. The only air-conditioned space is actually the customer service building, the area that we just talked about where the actual transactions take place. So we believe that because we have left it open, it allows the breeze to go through, won't create any air pockets if you will.

Mr. Ball: The wind comes from the east not from the south.

Mr. Wong: Okay. Well, this is still facing the east.

Mr. Ball: It's on the windward side?

Mr. Wong: Yes, it is.

Mr. Ball: And was there any consideration on putting it maybe on the east side of the building where...I mean, it gets windy over there, so I'm just thinking, you know...

Mr. Wong: Putting what on the east side?

Mr. Ball: This customer service building on the lee side where you'd maybe get ocean view also. You know, I mean it's--

Mr. Wong: Well, we...

Mr. Ball: --talking about visitor industry stuff. We want them to see the ocean when they get--

Mr. Wong: From an operational perspective...I mean, we looked at that when we first started

looking at every idea, every concept, we had the customer service building on the leeward side. We had it on almost every side and from an operational perspective, this makes the most sense and from a flow perspective and access.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I just had a question. I'm not sure who to direct it to. I had a question on the tram facility. I guess Karlynn you're elected. I'll be nice.

Ms. Fukuda: Thank you.

Mr. Hedani: When I go to a airport facility and I have a rent-a-car, you know, I have to get a rent-a-car, every rent-a-car has their own bus to shuttle you to and from the facility, drop you off at the airport, you can get your luggage and all that stuff taken care of. When you consolidate all of those uses into one vehicle, I think that could be a problem if the vehicle is not designed properly, it doesn't have the capacity. You already have to wait for everybody else to get into the vehicle just to get to the airport. The idea is to get people, get their cars, get the heck on their way to their rooms with the least amount of confusion. How is this tram thing going to actually work because from the picture that I see, it takes people from the facility to the baggage claim area and not the check in area of the terminal?

Ms. Fukuda: Actually there is a...so there's three stations that are proposed. So one station is at the ConRAC facility itself. One station would be at the main terminal building and then one would be at the baggage claim. So it will be, you know, moving along, stopping here, as you mentioned to pick up people with their bags at baggage claim. Probably as it's headed to the ConRAC if there are people who are waiting for, to go back to the ConRAC for some reason, maybe they forgot something, it would stop there and then it will stop at the ConRAC and then vice versa. You know, you've returned your car, you've got your baggage, you're heading back to the, you know, to main terminal, get on and then stop here, unload with your baggage and family or you know, others traveling with you and get into the check-in area as well. So there is that ability of being able to go that way. You know there...there would be options for travelers. I think, you know, we are providing the pedestrian connection in case somebody doesn't wanna wait for the tram to come back. There's certainly via a walking path that's designated, you know, for you to get directly into the ConRAC facility. So I'm sure you'll be able to also, you know, walk along here as well, along the terminal buildings if you decided. Okay, Wes would like to add to that.

Mr. Wong: I should have stayed standing. Wesley Wong with Demattei Wong Architecture. In terms of the wait times and the capacities that has been taken into account. Because doing a consolidated facility it's going to provide the highest level of service, obviously if you can't get there and provide the highest level of service then it doesn't work. So we've looked at the capacities, looking at, you know, 20 years down the road and have designed the head ways to provide a level of service A which is the best service you can provide. So in terms of looking at the wait times that's all been taken into account.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Just Wes, on this particular case with Commissioner Hedani was mentioning here, I could to ....(inaudible)...the system get on the I guess the tram early because I wanted to get to the facility and I take it from the center terminal rather than at the baggage area and then jam up the tram when it goes to the baggage area.

Mr. Wong: Well, that's all been taken into account. You're looking at both departing and arriving customers so all of that is, I mean, there's a big analysis, a full-blown analysis that takes place when designing how many cars do you need, what are the wait times, what are the capacities, that is all taken into account when we design how many stations, how many stops. And again, with providing the highest level of customer service A that tells you, okay, we can't have people waiting more than—and I don't know what the times are—more than two minutes or a minute and a half. So that's taken into account going back and forth for both arriving and departing customers.

Vice-Chair Shibuya: Okay, thank you

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: I guess, I guess the follow up question I would have is if the tram doesn't work is there a backup system that you have?

Mr. Wong: Yes. I believe that Karlynn had mentioned that they talked about doing I guess for a lack of a better term, golf carts. We've employed that at other facilities. We're doing that in Austin. We do that in Nashville for their ConRAC facilities when the tram needs to be maintained for whatever reason, if it's down for a period of a couple hours, whatever. I also believe at least from the if I'm going from the ConRAC to the ticketing it's close enough to walk. I believe you're gonna find a lot of people will walk versus waiting for the tram.

Mr. Hedani: So is there a pedestrian access set up for that?

Mr. Wong: Yes, you know again as Karlynn mentioned there are access points along there, along the system. I believe that there's also a crosswalk that exists here today on this, on this corner.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Getting back to an earlier concern. The way I understand it, all rental companies would be using the tram. So all the customers from all the rental companies would be using the tram.

Mr. Wong: That's correct.

Ms. Wakida: The way it works now is that there are different, as you know, buses. And they're staggered by just the nature of the way things come and go at different intervals. With this system, all of these companies load up at one time and then they all just disgorge into the security line at one time so you miss that sort of staggered...you get a bigger group of people. Have you...

Mr. Wong: That's been taken into account for. That's correct. That's the whole point of

consolidating a facility. You look at, you look at all that.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: On another question. When the customer returns a car, it's returned to the ground floor?

Mr. Wong: It's returned to the different levels. Each of the companies...there's two different levels. We have Level 1 and Level 2. So depending on which company you're returning to it's gonna be one of those two different levels.

Ms. Wakida: And is that down at the, I don't know what direction this is, but the quick turnaround is that the end of the building where they turn their cars in?

Mr. Wong: That's...well, they won't return it there. They'll return it to the ready return floor itself. They'll have dedicated return lanes and then rental car companies have what they call shuttlers who will then take it from the return, within the ready return and they'll take it to the QTA, 'cause that's a nonpublic area. So they'll have a dedicated path for that.

Ms. Wakida: Okay, well my question that I'm getting to that Mr. Hedani also alluded to was how do pedestrians on the second level get to the terminal?

Mr. Wong: Well, they'll take the yellow...

Ms. Wakida: Excuse me if they want to walk.

Mr. Wong: Okay, well they'll go up to the what we call the customer service plaza which is Level 3, and then if they wanna walk they'll just...there's a path along the tram path as well that they can just take that path and walk. It will be all level except where there is a grade change here and I believe we've minimized it to 6 percent slope which is less than ADA required. So this whole path here you can take the tram or you can walk.

Ms. Wakida: But how do they get across to the—

Mr. Wong: To ticketing?

Ms. Wakida: —to ticketing?

Mr. Wong: Right here. In this, we have dedicated paths for pedestrian crosswalks.

Ms. Wakida: I'm sorry, I thought we were up on the second level or third level?

Mr. Wong: Well, that's where all the customers when they return the car, whatever level they're on, they're gonna go to the customer plaza level which is Level 3 and that's level with this here except when you cross here, that goes down at 6 percent so it's really on grade. So if you're on the first level and you return a car, you'll take, you'll take the course that is in yellow there up to the

customer plaza level. You'll transition within the facility itself.

Chairperson Lay: Wes, is there elevators on the facility up and down—

Mr. Wong: There's elevators, there's escalators, and there's convenience stairs, yes.

Ms. Wakida: I'm...I don't know, maybe I'm a little dense here, but if you're on the third level and you're walking out towards the terminal, the terminal's on the ground floor.

Mr. Wong: Right, but our third level is the same level as the terminal ground floor because if you recall we're in a hole, so we're designating different levels. So our Level 3 is the ground level of the terminal. Yeah, it's basically flat.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Question for...on these trams, now an example is when the moving floors was broken in the airport it took literally months to fix. Do you folks have a backup engine where you could pull that engine off that tram, put another one back and have it running while you're waiting for that engine to come from Israel or something. No, that's what happened.

Mr. Wong: Well, that again, that's always part of the equation is looking at that. Ultimately, the facility will be designed to be a dual track. So ultimately when the capacity is required, there's going to be two trams.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Wes, the top level of the facility is set up for photo voltaic. Is that going to happen when the facility is built or is that future?

Mr. Wong: Well, I know that the State has a mandate for all of their facilities to have PVs. We are currently working with the, I believe it's Johnson Controls who has been hired by the State to provide this on all the facilities. We are currently working with them to provide that on our facility. We're not sure because they just got on board when that's gonna take place. We hope that it's done when the facility is open. But if it's not, it's designed to allow us to add the PV at a future date.

Mr. Hedani: Thank you.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I just want to commend you on that aspect of adding PVs. I also like to include the option of covering the third floor with canopies with PV to provide additional shading for parked cars.

Mr. Wong: Well, the...actually we've done that already.

Vice-Chair Shibuya: Okay.

Mr. Wong: We've already provide the third floor--

Vice-Chair Shibuya: With some.

Mr. Wong: Well, yeah normally we would do canopies, but in this case we did a hard cap for a lot of reasons, for cost and the ability to provide extra parking on the facility, extra staging and storage and the airport employee parking. So what would normally be canopies, we actually...well, we call it a hard cap where we decked it to allow us to bring that extra capacity on site.

Vice-Chair Shibuya: Yes. Okay, and I'm saying I don't mind you expanding that area.

Mr. Wong: Okay.

Vice-Chair Shibuya: Thank you.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Howzit. There's been a lotta questions about the tram and everything, okay. And one of the things that irritates me the most about Honolulu International Airport is when I'm going to be picked up by the rent-a-cars and everything, I always see these buses, and I always see one or two people getting on, sometimes a half dozen and I have to breath that, you know. And this tram, basically you're designing it so that there's no buses, right?

Mr. Wong: Correct.

Mr. Medeiros: I like it.

Mr. Wong: Okay, I was going to ask, is that a good thing?

Mr. Medeiros: I wanna breath, okay, I wanna breath at the airport. Put it up now.

Mr. Wong: Well, what it does is it gets all of the buses off of the roadways.

Mr. Medeiros: Good.

Vice-Chair Shibuya: I commend you for that initiative and I just wanna ensure that we don't have other than electric type of buses or trams. I know your alternative is to come in for bids with the lowest price and the lowest price could possibly be diesel trams, diesel powered tram or that is the same thing that Commissioner Medeiros is talking about and I'd like to avoid that if all possible.

Mr. Wong: Well, right now they're electric so...

Vice-Chair Shibuya: That's wonderful.

Chairperson Lay: Commissioner Ball?



Mr. Ball: I guess just a clarification then on this rendering here. This is the ceiling then. This is not additional parking up here, this is the...

Mr. Wong: Well, this was an early concept so what that is that's actually airport employee parking and staging and storage and what we're doing 'cause at the time we didn't know this, but what we're doing is we're actually putting PVs above that to cover that level.

Mr. Ball: Okay.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: You said in your report and I'm sorry, I've forgotten. How many car rental companies are currently at the airport?

Mr. Wong: Five or six. Seven.

Ms. Wakida: Is this facility gonna be able to accommodate more than seven? I mean in other words, it will accommodate what we have already, but if new companies wanna come in, can they be accommodated?

Mr. Wong: Yes. We always design facilities to accommodate new companies as necessary.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: You will, you will have backup storage off the area for overflow of cars and when the leases up, you will take the cars...you'll have an area offsite am I right?

Mr. Wong: That is correct. The existing baseyards will play that role.

Mr. Freitas: Thank you.

Chairperson Lay: I have a question. On your fuel storage facility where is it located on our map?

Mr. Wong: It's actually on the west side. It's right here. That is the secured service yard.

Chairperson Lay: Okay. Commissioners, any more questions? Commissioner Tsai?

Mr. Tsai: What's your design capacity for number of vehicles for this building?

Mr. Wong: Well, for the ready return we have...we're designed for 1,817 stalls. We have 895 staging positions. I believe it's like 1,200 storage positions, and the rest of it, that's pretty good capacity and what that does is it makes the rental cars more efficient by keeping them onsite. So it keeps them off the roads and allows them to...during peak periods, either peak return or peak ready periods to have the cars there so they're not going back and forth between the baseyards.

Chairperson Lay: Just a follow up on that storage, the fuel storage facility that you said on the west

side. Early you said it was a fence line. Was this a wire fence line or?

Mr. Wong: No, no. It's a CMU. It's a solid, it's a solid wall not a fence. It's a wall.

Chairperson Lay: With a cover?

Mr. Wong: It's not covered.

Chairperson Lay: Okay. Commissioner Wakida?

Ms. Wakida: I asked one of the testifiers earlier about the possibility of getting electric cars and I was wondering if this facility being forward thinking...hopefully manufacturers will be coming out with alternative to gas and how this facility will be able to accommodate that?

Mr. Wong: Yes, we have taken that into consideration. That was a big part of the discussion, and it has been over the course of the past few years around the country, the electric cars. The capacity, the electrical capacity has been designed to accommodate that in the future. We aren't providing it up front but we are providing the accommodation to add it in the future. We've been talking about that actually for about seven, eight years. Part of the issue is that the actual manufacturers can't keep up with the demand for rental car, electrical rental cars. So until they get to that point, all of our facilities are designed to accommodate them for the future.

Ms. Wakida: Okay, good.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I'd like to step back a little bit and take a look at the big picture. I know it was explained generally by Karlynn. Can you tell me what's gonna happen now with the rent-a-car agencies now moving into this consolidated facility, what happens to the landscape and how it's gonna be used in that current areas?

Mr. Wong: In the current, their existing baseyards?

Vice-Chair Shibuya: Existing baseyards, yeah.

Mr. Wong: Yeah, it's going to remain their existing baseyards where they will have to provide for overflow storage as well as heavy maintenance, and a little bit of administrative space. So they will continue to use those as supplemental support.

Vice-Chair Shibuya: Okay, because that area is prone to flooding as you probably know.

Mr. Wong: Yes, yes.

Vice-Chair Shibuya: And so there is probably some kind of mitigation for the flooding or at least channeling the water or somehow allowing for saturation of that water, the flood waters?

Mr. Wong: Well, we haven't looked at that yet, but I know that's really on our next, one of our next tasks is to take a look at the baseyards, what we're gonna do with them, and what that means in terms of everything from an architectural and engineering standpoint.

Vice-Chair Shibuya: Yes, I hate to see the vendors actually put in the investment and then lose the investment with this storm type of damage.

Mr. Wong: Yeah. The good news is with the ConRAC all of their primary functions will be at the ConRAC and away from the baseyards now.

Vice-Chair Shibuya: Yes, except for the heavy maintenance.

Mr. Wong: Except for the heavy maintenance, correct.

Vice-Chair Shibuya: And that's very expensive too.

Mr. Wong: Yes.

Vice-Chair Shibuya: Thank you.

Chairperson Lay: Commissioners, any more questions? Commissioner Wakida?

Ms. Wakida: Just a couple more. I'm almost done. In this current project, where is the cell phone parking lot being moved to?

Ms. Fukuda: So where the existing cell phone lot is is in this vicinity here. So it will continue to remain in that location there. It will be smaller than what it is right now, but there will be, you know, that location there. And I, you know, I would imagine that as time goes on if there is demand for a larger area, you know, DOT does have other lands available that they could look at for a replacement location. So...

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Karlynn, is the existing employee parking free to airport employees or do they have to pay for it?

Ms. Fukuda: There is a charge I understand for the employees to park there.

Ms. Wakida: And so when they park in the new facility will the charge be similar? Is it anticipated to be similar?

Ms. Fukuda: I would imagine that it would be. I would imagine that it is going to be the same.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: And I have a question about bike...and I don't know actually who to ask the question

of because it does really involve the State highway, but I was really pleased to see that the facility is providing a bike storage area. So if somebody wants to ride their bike to the airport and catch a plane, and I'm a little concerned about the bike lanes leading into the airport and if there's anybody addressing that?

Ms. Fukuda: Yeah, in terms of the bike lanes, right now on Keolani Place I don't believe that there are bike lanes. You know, there are sidewalks that exist and of course, shoulder and I can't recall on the airport access road if there are bike lanes. I don't believe so because of the nature of the speed, the design speed that that road is being built for. It's not conducive to mixing bicyclists and vehicles. So, yeah, perhaps it's something we can take back to, you know, the Highways Division and talk with them further about that possibility.

Ms. Wakida: Yeah, 'cause with the bike storage, I think that's a real good amenity.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: The reason why I asked about the question of what you plan to use the areas that have been vacated by the rental car companies it's not really vacated, but it's gonna be...have a different purpose and different use for heavy maintenance as well as for storage of vehicles. The reason why I'm asking that question is because one legal, I guess, complaint is that there's gonna be an extension of Runway 523 and if you extend it, they're saying that it has an impact on noise on the residents of Spreckelsville. And if you are gonna extend Runway 523, then it would be more towards the rental facilities if that's an option that way you would not have as much noise impacting the residents at the end of the runway. And so that's the other concern that I have. At least I'm just airing it so that we have peace in the family.

Ms. Fukuda: Thank you.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Just as a comment, I'd like to say that I appreciate the fact that they included landscaping in the existing public parking area to enhance that area and I'd like to encourage the Airports Division to take a look at their landscaping for all of the main roadways within the airport facility in order to convey the proper sense of place. Thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I'm down to the details now. I assume that there will be employees in this facility that are hired by the Department of Transportation or at least the airport security and that kind of thing, and I was wondering if I'm assuming correctly if this facility is providing any amenities for those employees like a breakroom or anything like that? In other words, employees that are hired by the department not the car rental facility people take a break, where do they go?

Ms. Fukuda: It's my understanding, it looks like the design team is indicating that there are breakrooms, restrooms, you know, employee restrooms, facilities that are being provided within the ConRAC facility.

Ms. Wakida: Besides restrooms, a breakroom.

Ms. Fukuda: A break, yes.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Karlynn, on the tram maintenance area is that going to be taking away public parking and is that being replaced somehow?

Ms. Fukuda: So there will be some loss of public parking stalls with the installation of that public parking facility. However, with the gain that we're getting from the employee parking stalls it actually results in an overall net increase in the public parking stalls available.

Mr. Hedani: No consideration was given to putting the maintenance of the tram facility into the ConRAC facility itself?

Ms. Fukuda: I don't think at that point...you know, because the facility is being done specifically for the rent-a-car operations and so with this tram it's kind of a, it needs to be able to be large enough to house the tram so it can actually get into the building so they can work around and do maintenance. So they needed their own facility that they'd be look, so...

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: My last question I hope. This is for the architect, Mr. Wong. Could you please tell us what you mean by "plantation style"? You said that was your response to the Commission. Could you please tell us what you mean by that?

Mr. Wong: Wesley Wong with Demattei Wong Architecture. I believe we went through quite a bit of detail when we met. I guess it was back in June and we didn't, we didn't bring that here, but the research told us going back all the way to Wailuku, back in the late 1800's and even Lahaina, looking at what plantation style architecture is. And so we looked at the architectural elements, elements such as the Dickey roof which is the double pitch roof which you can see that we have on our facility. We looked at the actual materials of the stone and how the stone was stacked and so we're trying to emulate that within our facility here. There's also a use of wood in a kind of a horizontal lap pattern which are kinda portraying here as you can see. So we are taking elements of the traditional plantation style and trying to interpret it into more of a modern fashion if you will. The colors, we're again using the colors that are prevalent here on the island, here in Kahului. The landscape is really a big part of the architecture as well working with Russell to integrate the landscape with the architecture we think is real critical and then the biggest portion was the customer service building which is where all the customers will come to. Again, it's your first and lasting impression of this facility. It is the most terminal quality like space of the whole facility. We consider that the lanai or the porch which is a big part of plantation architecture.

Ms. Wakida: Thank you.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: This is more of a comment to the Maui County Staff, it's more in a sense that because you are putting in stubouts for R1 water to use in the landscaping and to create this atmosphere, a sense of place, the welcoming and the aloha to our visitors, you've done a magnificent job in terms of landscaping here, I commend you for it. The County's responsibility now is to upgrade the Wailuku-Kahului wastewater facility to produce R1 water. They are currently producing R2 water and so it's incumbent upon the County to now step up to the plate and be part of the solution here of making Maui a very inviting place, so County please move up to from R2 to R1.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Yeah, just one more thing and this is more for the residents, you know, the teams that travel, things like that, as a recommendation, you know, something I'd like you guys to look into is like a bus stop or the Maui Bus at the ConRAC facility you know so that, you know, teams can, team sports or something like that they could all meet at, you know, one certain place, catch the Maui Bus and get dropped off at the ConRAC facility away from the airport. You know, it's congested enough already. And from there they can catch the tram, because they usually travel light. I'd just like for you to consider something like that, you know, putting a bus stop there. 'Cause if you put a bus stop there, the County is eventually gonna get in there. Just an idea.

Mr. Wong: Well, it's a good idea. I think it's a physical nature of getting a bus onto the plaza and the access doesn't really work with the operations of the ConRAC.

Mr. Medeiros: Yeah, or close by.

Mr. Wong: I believe that there actually is existing bus stops along the tram route that we are going to be maintained.

Mr. Medeiros: Okay. Good, that's good enough. Thank you.

Chairperson Lay: Commissioners, any more questions? Seeing none, can we get the Department's recommendation?

## **b) Action**

Mr. Fasi: The Planning Department based on the facts presented in the Department Report finds that the proposed action will not have a significant adverse environmental or ecological effect provided that appropriate mitigation measures are incorporated into the project. The proposed action effectively meets the objectives, policies and guidelines of the SMA Rules and the proposed action is consistent with Chapter 205, Hawaii Revised Statutes, the Countywide Policy Plan and the Wailuku-Kahului Community Plan.

There is Standard Condition No. 4 which we're gonna modify slightly and the modification will be to the second sentence where it says a preliminary compliance report shall be reviewed and approved by the Department prior to issuance of a building permit. We're going to take out that section that says, "issuance of a building permit" and we're gonna replace with, "with the start of

construction.” A second amendment is the last sentence where it says, “a final compliance report shall be submitted to the Department for review,” and we’re gonna take out, “and approval prior to issuance of a final Certificate of Occupancy.” Since there are no building permits involved, a Certificate of Occupancy is not triggered and therefore, not necessary. So we’re gonna replace that with, “60 days prior to completion of construction.” So the compliance report will be submitted 60 days prior to the completion of construction. That’s the only modification that the Planning Department is recommending.

Chairperson Lay: Deputy?

Ms. McLean: Chair, Commissioners if I may? One other minor amendment to Condition No. 9, it references the Department of Public Works and Environmental Management, if we can strike, “and Environmental Management.” Old habits die hard that used to be the department’s name. Now it’s just the Department of Public Works.

Ms. Fasi: So noted.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Mr. Freitas: Second.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Hedani, seconded by Commissioner Freitas. Any discussion on the motion? Commissioner Wakida?

Ms. Wakida: Thank you. I favor the motion. I would like to urge three points. One is the generous use of canopy trees. An airport is a huge polluter and all sorts of landscaping including trees can decrease that pollution. The whole ConRAC facility seems a little complicated to me for pedestrian access and I know that hours have gone into this planning. I just hope that they continue to take a look at pedestrian access in and out of this building into airport. So if you don’t wanna catch a tram, how can you get to where you wanna go? And thirdly, I would like to strongly urge the use of local construction companies.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: I would like to add a condition regarding the tram stop and have it state “that the furthest tram stop shall facilitate continuous pedestrian access to the commuter terminal”.

Ms. Fasi: Can you say that again?

Mr. Tsai: The furthest tram stop shall facilitate continuous pedestrian access to the commuter terminal.

Chairperson Lay: There's a motion.

Vice-Chair Shibuya: I'll second that as a friendly amendment?

Mr. Tsai: As an amendment. It's a motion.

Vice-Chair Shibuya: Motion. I accept. Second.

Chairperson Lay: Commissioner Ball?

Mr. Ball: I'm not sure if it's clear enough.

Mr. Tsai: I think the whole reason I'm making this motion is to have it so that I'm not asking to extend the tram stop all the way to the commuter terminal but just allowing access, continual access to the ease of access to the commuter terminal for people who are coming in or going out of the commuter terminal. 'Cause I know we're dealing with an issue regarding the repair station for the tram, but I wanna be able to allow the pedestrians be able to, you know, quickly get or easily get to commuter terminal.

Ms. Fasi: I believe along the tram line there is a walkway for pedestrians, will that suffice? Is that what you're referring to?

Mr. Tsai: Well, more ease, not so long. You guys know where the commuter terminal is so if the last stop of the tram is it located in a place where you can just walk across the street—

Unidentified Speaker: Access point.

Mr. Tsai: Yeah, access point basically.

Unidentified Speaker: For the tram.

Mr. Tsai: For the tram exactly.

Ms. Fasi: Before we make that a condition, let's have Karlynn Fukuda from Munekiyo maybe address that. Maybe that's already in the plan.

Ms. Fukuda: Thank you. Karlynn Fukuda of Munekiyo & Hiraga. So I guess to clarify Commissioner Tsai's request what you're basically looking for is, so the furthest tram terminal is going to be adjacent to the baggage claim area.

Mr. Tsai: Right.

Ms. Fukuda: And so basically you're looking for some kind of way to provide...to make sure we have the existing crosswalk, of course making sure we maintain that, but maybe looking at...I guess I'm not sure right now what kind of other alternative we would look at to provide them with pedestrian access.



Vice-Chair Shibuya: Like sidewalk?

Mr. Tsai: Yeah, a sidewalk, a crosswalk and then also perhaps where the last tram stop where you're illustrating right there have it go maybe closer down towards the direction of the commuter terminal, maybe the other sidewalk, like where the other sidewalk is? I think it's...there's two sidewalk that I recognize. There's one, you know...

Ms. Fukuda: I guess the only hard part about it is is that tram stations are there to provide shelter for people who are waiting for the tram to get on there. So to move the last one, a shelter, and if I'm incorrect please let me know, but if you're asking to see if we can move this last tram station to this area here, they'll still need to walk to get to the tram track which is proposed in this area here. Is that what you were trying to ask for or...

Chairperson Lay: Deputy would like to say something.

Ms. McLean: If I can comment? I think the intent is that people coming in on the commuter terminal or returning a car to fly out on the commuter terminal that that, the very last tram stop they get off the tram and it's clear where they're supposed to walk to get to the commuter terminal. Or if they arrive on the commuter terminal and wanna take the tram, there's a crosswalk and some kind of marked walkway so they know how to get to the tram. They don't just end up in a parking lot and are like crisscrossing through a parking lot.

Ms. Fukuda: Right. Okay.

Mr. Tsai: Yeah, thank you. Yeah.

Ms. Fukuda: Yes. Okay.

Mr. Tsai: I mean, my point is that... I mean, I take the commuter terminal all the time and I park in the main parking lot. Even though I know where I'm going, but to walk from the parking lot, the public parking lot to the commuter terminal is kind of ambiguous. I mean, you know, you gotta cross basically two, two parking lots and so...

Ms. Fukuda: So in speaking with DOT, you know, in terms of the suggestion to add additional signal so that, you know, again those who are parking in the public parking lot know where the commuter terminal is and then those from the commuter terminal know how to get to the ConRAC, the DOT is willing to provide that additional signage and then of course, maintain, as I mentioned the existing walkway or crosswalk that exists here from the public parking lot.

Chairperson Lay: Okay, was that resolved then or is that a condition?

Vice-Chair Shibuya: For mine is actually for access, making it more easier accessible and they're putting signage that's even better. Thank you.

Mr. Tsai: That's good.

Chairperson Lay: Motion's still on the floor. All those in favor of that motion?

Mr. Ball: Can you restate that?

Chairperson Lay: Restate the motion.

Ms. McLean: That the furthest tram stop shall facilitate pedestrian access to the commuter terminal.

Mr. Tsai: Correct.

Vice-Chair Shibuya: Yes.

Chairperson Lay: All those in favor? All those opposed? One more time please. All those in favor, one more time please? Those opposed? I get to vote. I'm for it.

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

**VOTED: To Add the Following Condition: That the Furthest Tram Stop Shall Facilitate Pedestrian Access to the Commuter Terminal.  
(Assenting - M. Tsai, W. Shibuya, S. Duvauchelle, P. Wakida, I. Lay)  
(Dissenting - J. Medeiros, J. Freitas, K. Ball, W. Hedani)**

Ms. Fasi: This is a condition.

Chairperson Lay: Yes. Back to the main motion. Having signage was part of that motion, right?

Mr. Ball: No.

Mr. Tsai: So we need to add signage, sorry.

Chairperson Lay: Okay, so it was just the access point at this point. Now is signage—

Mr. Tsai: Yeah, and the signage as well.

Ms. Fukuda: Chair?

Chairperson Lay: Can you repeat that? Commissioner Hedani?

Mr. Hedani: I just wanted to say that I think the facility is, you know, once it's constructed it's gonna be very beneficial to the island, the industry and to the people of Maui. I commend the Department for coming up with a plan. At first I questioned 220 million for a 4,200 stalls or 4,500 stalls which comes out to \$52,000 per stall, but LEED Silver I understand how you got to that point. And I think it's time that, you know, we upgrade our facilities.

Chairperson Lay: We still have another motion on the floor about the signage, right?

Mr. Tsai: Yeah. I think it just needs to be added to the original motion.

Chairperson Lay: We still have to get approval from...

Vice-Chair Shibuya: Yeah, that's agreeable.

Chairperson Lay: So back to our first motion that we just passed. What we'd like to do is just add to that where the signage will be a part of that of that motion with the access. Access to the tram along with signage for the commuter airlines to the tram as one motion instead of having two separate ones. Are you agreeable with that?

Vice-Chair Shibuya: Agree.

Chairperson Lay: Okay, any discussion on it? Commissioner Wakida?

Ms. Wakida: Only that it seemed that the original motion it was implied in there, ease of access would imply that there would be signage, so...

Chairperson Lay: We're just getting it in writing, making sure.

Mr. Giroux: Just clarifying.

Chairperson Lay: Yeah, clarifying it. Any more discussion on it?

Ms. Fukuda: Sorry, Chair?

Chairperson Lay: Yes?

Ms. Fukuda: For clarification for the applicant, could we get what the current, then proposed amended condition is, what the language is?

Ms. McLean: The Commission already voted to approve adding a condition that the furthest tram stop shall facilitate pedestrian access to the commuter terminal, and I would just add including signage which is the motion on the floor now.

Mr. Giroux: Okay, just procedurally, the motion as spoken was adopted. The issue is is that motion clear enough for the applicant to follow? Part of the discussion was that part of access would also be including signage. So as far as if you want to put the word, "signage" in there that's...but part of the discussion, the record is clear that the discussion was of access and of, part of access was signage. So if the applicant is clear on that I don't think we need any more discussion or motion on that.

Ms. Fukuda: Yes, DOT is okay with providing the additional signage as we noted.

Chairperson Lay: Okay, back to our original motion on the floor. Any more discussion on that? If not, let's call for the vote. All those in favor? Those opposed? Motion carries. Congratulations.

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

**VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department with the Additional Condition the Furthest Tram Stop Shall Facilitate Pedestrian Access to the Commuter Terminal.  
(Assenting - W. Hedani, J. Freitas, J. Medeiros, K. Ball, M. Tsai, S. Duvauchelle, P. Wakida, W. Shibuya)**

Ms. Fukuda: Thank you very much.

Chairperson Lay: Let's take another 10-minute break Commissioners and come back at 11:40.

A recess was called at 11:30 a.m., and the meeting was reconvened at 11:40 a.m.

Ms. McLean: Your second public hearing item, a request by Tom Welch of Mancini Welch & Geiger, attorney on behalf of SESJBT, LLC for a Special Management Area Use Permit for the construction of the Maluhia Condominium Unit 8 Project consisting of an 8,606 square foot, two-story, single family dwelling and additional improvements consisting of a swimming pool, pool equipment room, pavilion, utility storage, garage, driveway, retaining walls, landscaping, and infrastructure improvements at 27 Malukai Lane, TMK: 2-1-008: 062 CPR 008 in Wailea. Jeffrey Dack is your Staff Planner.

- 2. THOMAS WELCH of MANCINI WELCH & GEIGER, attorney on behalf of SESJBT, LLC requesting a Special Management Area Use Permit for the construction of the Maluhia Condominium Unit 8 project consisting of an 8,606 square foot, two-story single family dwelling and additional improvements consisting of a swimming pool, pool equipment room, pavilion, utility storage, garage, driveway, retaining walls, landscaping, and infrastructure improvements at 27 Malukai Lane, TMK: 2-1-008: 062 CPR 008, Wailea, Island of Maui. (SM1 2013/0007) (J. Dack)**

**The proposed project is one of 14 condominium homesites, 10 have already been constructed.**

Mr. Jeffrey Dack: Yes, good morning. The Deputy Director just went through the description of the project. A little bit of brief history in the application. This project is part of a 14-unit, 14-building site larger Maluhia development that was originally permitted under SMA Use Permit 2005 and actually over 10 years ago clearly. That expired and it was...there was an opportunity to renew it within five years of date of construction but that was missed I guess in transactions between the original owner and the bank, et cetera. The original plans for the overall 14-site project had a thorough review back in 2000 when the original permit was granted.

The land use designations for the property, it's in the Urban District. It's a Multi-Family Residential District for the Kihei-Makena Community Plan. It's actually in the H-2 Hotel District also which could have 12-story hotel but instead you're getting single family residences and it's within the Special Management Area. The site is relatively flat although the building area, the building site is relatively flat although there are significant elevations from the lower end of the actual property at 22 feet elevation up to 44 feet, but again, the building area is flat.

The standards for reviewing a Special Management Area application are found in your report and you had those as part of the last item. At this point, I'd like to introduce Lisa Judge, who will make a brief presentation of the project on behalf of the applicant. After that I shall return to the podium briefly and present the Department's analysis. Thank you.

Ms. Lisa Judge: It's still morning so I can say good morning, Chairman Lay and Commissioners. I'm Lisa Judge and I'm here representing the applicant today, SESJBT, LLC. The owner, Mr. Stephen Yacktman was scheduled to be here today but a family matter has come up and so he's unable to attend today and he sends his apologies. With us today we do have several of the team professionals that I just wanted to introduce to you. They're available to you if you have any questions. Mr. Rick Armour is the general contractor, and Zach Hansel is the landscape architect, Anthony Riecke-Gonzales is the architect, and Mr. Tom Welch is the legal counsel.

And I know you've had a long morning already so I will try to be brief. The Planning Department Staff has given you a great detailed report. The area map just to localize to show you where we are, Maluhia Wailea is this little 10-acre parcel here on the map. It is bordered to the south by the Wailea Ekahi Condominium development and on the other side is the new Andaz Wailea Resort which was previously the Renaissance Hotel, and then a little bit further down, another Wailea Elua Condominium and across the way is of course, the golf course and Fairway Homes. So it's in a very urbanized district. And there's just a bird's eye view for you. You can see here again there's the Maluhia 10-acre parcel of which again there are 10 homes already built. There's one vacant parcel up here, Site No. 1, Site No. 8 which is the discussion today, and then Site No. 9 is vacant and Site 13 is currently under construction, and of course, this is the Andaz Hotel, the Elua Condominiums and the Ekahi Condominiums to the south.

As Jeff Dack said, this 14 residential condominium was permitted with its SMA Major Permit back in June of 2000 and it went under the full scrutiny then. Development was started immediately and all of the internal infrastructure was completed in two years. The homes were started to be built in 2002, and then just because of unfortunate circumstances, the developer lost the three unsold lots back to the bank, and for whatever reason, the SMA Permit was allowed to expire and that was probably just for oversight. They just didn't have their eye on the ball and then when it went to the bank, the bank didn't know any better, and the SMA Permit was allowed to lapse. And as I said, there's 14 single family residences. There's also a beach pavilion and caretakers residence. There's 10 already completed homes. Site 13 is under construction and three vacant sites. And again, here's the whole. This was the original plan that was approved. Site 1 is vacant, Site 8 is vacant, and Site 9 is vacant, Site 13 is under construction, and all the rest have been completed.

This is onsite just to give you some existing conditions. If you look to the south there you see the existing Andaz Hotel. That's the neighbor to the south. Then you have House No. 6 just behind

this lot which is the neighbor to the east. And then if you looked to the west you can see, you're looking towards the ocean and this is roof of the caretaker's house and the beach pavilion, and then there is...you can't see it, but right in front of here is House No. 10 which is also completed already. And then this would be looking north, you have House No. 7 which is completed and House No. 5 here also completed. When Mr. Yackman bought the lot he began his processing with the County. Well, first he had to go through a design committee with the homeowners at Maluhia and his design was approved. They started to go through their building permit process and they got stopped when they discovered that the home...that the SMA had expired and so they went through the SMA Assessment and they were deemed also...the building...DSA now, the way they calculate square footage is different than how they calculated square footage a couple years ago. They now include garages, walkways, they include everything, covered lanais into their square footage analysis. So five years ago this house would of not needed the SMA but because of the changes in the calculations they now fell into the requirement for the SMA permit. So that's what we've been doing for the last, the last year or so.

This is a site plan which you also have in your package...oh, the one thing I wanted to point out was the retention basin that is here on the side of the house, and you have in your package, you have a site specific drainage report from Stacy Otomo of Otomo Engineers and I just wanted to point out that the existing conditions right now there would be...with rainfall runoff there's about 226 cubic feet. Post construction is 523 cubic feet. Which means there's a net difference of 297 which we would have to account for for our onsite drainage. Well, this retention basin that I pointed out over here it's approximately six feet deep. It is designed to accommodate 878 cubic feet of runoff. So it's more than adequate and more...it goes over and above what we're required to do by the County standards.

This is simply a rendering of the house when Francis Oda first did the design of Maluhia at Wailea, he did renderings for all of the homes. So we're here today to humbly ask you to approve our SMA Permit and thank you for time and your service to the community.

Chair Lay: Commissioners at this time we're gonna go to public testimony.

**a) Public Hearing**

Chair Lay: If anyone wishes to testify at this time, please step forward, identify yourself? Seeing none, we're closing public testimony. Commissioners, you have any questions? Commissioner Freitas?

Mr. Freitas: Are they ready to build this house? Do they have the funds to build the house or what do you call, two years from now we're gonna come back for an extension?

Ms. Judge: Oh no, Mr. Yachtman's ready to build the house. In fact, we were just having discussions that once...if you should approve this, they need to just go back and rebid the cost estimates because they were ready to go about a year and a half ago and now they just have to go out to bid again, but he is ready and raring to go.

Chair Lay: Commissioner Freitas?

Mr. Freitas: Just a comment. what do you call, if I vote to approve this and it comes back, what do you call for an extension, I will vigorously try to get it denied. We've had too many extensions coming forward.

Ms. Judge: Duly noted Commissioner. Thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Apparently Mr. Otomo isn't here so I'll do my best. Hopefully you can do your best with this question. Once the runoff is in the retention basin, and thank you for making a nice big one which looks like it's pre and post development, where does it go from there?

Ms. Judge: It will just seep into the ground. The water when it runs off it goes into, creates like a little pond and then it will just evaporate or saturate into the ground.

Ms. Wakida: So this retention basin will be built with some gravel, whatever they do to make it more permeable?

Ms. Judge: It will be engineered to serve its function as a retention basin.

Ms. Wakida: Thank you.

Chair Lay: Commissioner Ball?

Mr. Ball: Totally off this project, but did Lot 13 come in for an approval?

Ms. Judge: I can address that. Lot 13 did come in and they did an SMA Assessment and they were given an Assessment. They were given a waiver. They didn't have to come in for an SM1. And we were assuming the same thing, but because of the recalculations or I don't know the exact details but they were given the waiver, the exemption and we were not.

Chair Lay: I have a question on your beachfront area of this whole site, I mean of the Maluhia site, the project itself, how much beach runway do you have there in front of your project?

Ms. Judge: The beach, you'll see the beach is the entire--

Chair Lay: Approximately how long is that?

Ms. Judge: I would say it's over 1,000 linear feet.

Chair Lay: The reason I ask that is 'cause once you go to 1,500 we're looking at beach access but you do have parks on both sides.

Ms. Judge: Oh, no we...that was all looked at in the original, and what we had to do is we had to continue the walkway. You see this little walkway. The walkway ended at the end of the Marriott or what was back then the Renaissance. And so we had to, we provided beach access along here,

a walkway so people could continue or wheelchair, they could continue to go along the access and then because of this is very, right in here there's a huge...there's a dune structure. They didn't want us to do the walkway in there. We spent literally years with Daren Suzuki and Rob Mullane from the coastal, you know, coastal people about this walkway and I think it still exists today to about here, and then it stops because of this huge dune structure. This dune structure moves in and out, and all the homes, all the homes here are behind the 150 setback line.

Chair Lay: Commissioners any more questions? Commissioner Shibuya?

Mr. Shibuya: More of a comment, and I really appreciate the excess drainage storage area. This is more than what was requested of you folks. So hats off, I commend you for doing the right thing. You probably have enough capacity to take off some of the collateral runoff from I guess neighboring lots. But I'm not asking you to do that. They should be taking care of their, their runoff. Thank you.

Ms. Judge: Thank you.

Chair Lay: Any more questions or comments? Seeing none, can we get the Department's recommendation?

**b) Action**

Mr. Dack: Thank you. The application complies with the applicable standards for reviewing an SMA application under HRS and Chapter 202 of your Commission's guidelines. The Department finds that the proposed action will not have a significant environmental or ecological effect. That it meets essentially the objectives and policies of your SMA Rules and is consistent with the County zoning and Kihei-Makena Community Plan. The Department recommends approval of the application, of the permit subject to six standard conditions and eight project specific conditions in the report. It was noted to me earlier that the...let's take a quick look at Standard Condition No. 5, although there may not be a grading permit involved with this, we suggest the second sentence of Condition No. 5 be modified to read that, "a preliminary compliance report shall be reviewed and approved by the Director prior to the issuance of a grading, grubbing or building permit." That just catches it in case there is actually no permit necessary.

We have project specific conditions real briefly, one, Condition 7 is that ground disturbance be carried out in compliance with the approved archaeological monitoring plan. The project contain to Flood Hazard District requirements. No artificial light be directed across the property to the shoreline. Building heights not exceed two stories and 30 feet. Best management practices be implemented to ensure water quality and resources are protected. Development utilize drought tolerant native plants as well as low water use irrigation fixtures where possible. If necessary, Department of Health noise and air quality permits be obtained and appropriate approvals also be obtained from Public Works before commencement.

In consideration of the foregoing, the Department recommends the Commission adopt the Planning Department's report prepared for your November 12, 2013 meeting, today, and the Department's recommendation report prepared for that same meeting as its findings of fact, conclusions of law,



decision and order and authorize the Director to transmit the decision and order to the Planning Commission. Any questions?

Chair Lay: Commissioner Ball?

Mr. Ball: Move to approve Special Management Area Use Permit.

Mr. Freitas: Second.

Mr. Medeiros: Second.

Mr. Ball: For the construction of a single family dwelling and related improvements at 27 Malu Kai Lane in Wailea.

Chair Lay: Motion by Commissioner Ball, seconded by Commissioner Freitas. Any discussion on the floor? Seeing none, can you repeat the motion?

Ms. McLean: The motion is to approve the project subject to the six standard conditions and eight project specific conditions in the staff report with the one clarification to Condition 5, that the preliminary compliance report be submitted prior to issuance of grading, grubbing or building permit.

Chair Lay: Call for the vote. All those in favor? Motion passes. Congratulations.

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

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

Chair Lay: And we're going to adjourn for lunch and be back at 1:00

A recess was called at 12:00 p.m., and the meeting was reconvened at 1:00 p.m.

Chair Lay: Next agenda item?

Ms. McLean: Commissioners, your third public hearing item today is a request by Ms. Tammi Villaren requesting a State Land Use Commission Special Use Permit in order to operate the God's Peace of Maui Bed and Breakfast, a six-bedroom in the State Agricultural District at 1290 Haliimaile Road, TMK: 2-4-001: 010 in Makawao. Gina Flammer is your Staff Planner.

- 3. MS. TAMMI VILLAREN requesting a State Land Use Commission Special Use Permit in order to operate the God's Peace of Maui Bed and Breakfast, a six (6) bedroom bed and breakfast home in the State Agricultural District at 1290 Haliimaile Road, TMK: 2-4-001: 010, Makawao, Island of Maui. (SUP2**

**2009/0015) (G. Flammer)**

Ms. Gina Flammer: Good afternoon, Commission, Commissioners. I know what a busy schedule you have today. There is a lot of background in the report, but I'm just gonna go ahead and start right with a power point presentation.

So what I wanted to do first. I didn't show you a huge regional map 'cause I know you all know where Haliimaile is. I did wanna tell you exactly where it is, and you can see this is also in the report, you've got Baldwin Avenue on the right and then Haliimaile Road there on the left. They are in an area where a couple of lots were sold off by Maui Land and Pine in the 90's, so there's four single-family residence lots, maybe five lots. I think there's a total of four houses that are right through that area.

Then I wanted to show you what the 500-foot circle looks like. Really interesting. You've got some really big, large ag lots that surround them. This is also in the report, so just so you can see who the neighbors are A&B and basically Maui Land and Pine. And then you do have a next door neighbor that did submit a support letter as well. I also wanna point out that there were no protests.

And then the just the big picture. I know you guys like to keep your eye on that. There are two other bed and breakfasts in this region, this Makawao-Pukalani-Kula area and you can see those are the green squares. One is actually in Kula, the other one is up in Olinda. So nothing in that area. And then we do have some short-term rental homes there and you can see those by the blue circles that's also in your report.

And then I just wanted to show you what the road looks like. I notice from this picture I didn't capture the fire hydrant, but it is, is a real fire hydrant not just a pipe stand off to the left there. The applicant does also have a 5/8 water meter and there's 6-inch water line that goes in there and that's an ag meter and that's because it used to be a large ag parcel. And then just so you can see where the road is. The farm stand's usually kind of in the corner there. You'll see a picture a little bit later on. Then as we come onto the property lots of room for parking. Just so you can see where the septic is. There's the little white stand right there in the green area above it.

Here's the main house with the parking stalls. And then here's the two-bedroom cottage. If you take a look inside this is main area of the downstairs of the main house. And then just the different bedrooms. And then if we move to the cottage you can see the main area. And then we have two bedroom.

And I wanted to show you kinda what the surrounding parcels look like. I think this is the Maui Land and Pine parcel.

And then since we're doing the Land Use Special Use permit, the ag permit as I often call it, the applicant planted an orchard when she first bought the property in 1992-1994 during that time, I know that she had to do a lot of soil amendments. The trees are in full production. They're mature trees. She has planted some smaller keikis but I wanted to just show you what the main agriculture is on the property. So lots of mango trees, lots of mature mango trees, star fruit, as you can see through there lots of papaya. Also a lot of banana on the property. She also uses the flowers for

floral arrangements. Her son is in the Hawaiian Emersion Program, so I know she does a lot of volunteer work for that. So not only that but lei making, you got the pikake, I think that's crown plant there, plumeria on the left, and then you have the ti up on top. And then also basket making. And then they have a farm stand that when it's in production you can go by there, I know that's where a lot of people buy the star fruit.

So there's my power point. I have the applicants here in the audience. We have Tammi and Mika Villaren. So thank you, that concludes the presentation.

Chair Lay: At this time, we'll go to public testimony.

**a) Public Hearing**

Chair Lay: Does anyone wish to testify? Seeing none, we're closing public testimony. Commissioners, any questions? Commissioner Freitas?

Mr. Freitas: Were those houses moved in there? I believe one of the homes--

Chair Lay: Lindal Homes, yeah?

Mr. Freitas: Years ago.

Ms. Flammer: This particular home was built by the applicant in 1994. I don't believe it was a prefab is that what you're asking?

Mr. Freitas: No, it was not a prefab. It was an existing Lindal Home I think in Kahului that was moved up there and the other one was moved in.

Ms. Tammi Villaren: Hi, I'm Tammi. Yes, it was moved from Kahului. And then the other, the cottage was moved from Paukukalo and moved up as well, and gutted and restored.

Mr. Freitas: And you added onto the unit that was moved from Paukukalo am I right?

Ms. Villaren: Yes. I added onto both structures.

Mr. Freitas: Yes.

Ms. Villaren: Added a downstairs to the main house and an extension.

Mr. Freitas: So they are permitted?

Ms. Villaren: Yes.

Mr. Freitas: Thank you.

Chair Lay: Commissioners, questions? At this point, I might have to add that I have known Michael

for a long time. We go way back, entertainment. So I won't recusing myself, but just giving you guys disclosure that I do know him. Commissioner Wakida?

Ms. Wakida: Well, I guess in full disclosure I was Michael's teacher back when he was just a pup, but we haven't kept up.

Chair Lay: Commissioner Ball?

Mr. Ball: No, no disclosure. I'm thinking that this sign was up on this property for a really long time is that right? And there's some history with that?

Ms. Villaren: Yes, it's been up for quite a while because we were getting everything legal. The County was working with me to get everything legal.

Mr. Ball: You had to do after-the-fact permits?

Ms. Villaren: Yeah. So everything is legal now.

Ms. Flammer: Just so you know, we've changed our system. This came in in 2009. It used to be people didn't know their building permit history till they came in. So now we have a system where they know upfront before they apply. So if there are issues they can resolve them before the application comes in.

Chair Lay: Commissioner Wakida?

Ms. Wakida: Yes, Tammi, your farm plan was written in 2009. I can't remember where I read it in here, but I think you did reference that your children had grown up.

Ms. Villaren: Yes.

Ms. Wakida: I don't...I wonder if maybe you can update your agricultural end of this because in this it says your children sold fruit and so on, but I assume that things have changed?

Ms. Villaren: Actually they still are selling fruit. My youngest is still home and he's in the Hawaiian Emersion and he's also involved in paddling and we just recently had star fruit season and selling star fruit for monies to go on his trip with the Hawaiian Canoe Club to Brazil actually they're going to special event.

Ms. Wakida: Are there farming activities that you do on this property?

Ms. Villaren: Oh yes a lot. Well, we do sell the mango and lychee and different fruits. We also provide them for our guests because a lot of them have never even seen a banana tree or how they grow or where they come from so they're very fascinated by the fruit trees and the flowers which is all included with their stay. Also Mika, some of you might know his skills in basket making and he does do the basket weaving for them and different things like that with the...I'm kind of nervous, sorry.

Ms. Wakida: It's okay. No, but I, you know, some of us on the Commission are very protective of the ag portion of these applications and want to be sure that the ag is more than just landscaping.

Ms. Villaren: Right, yeah. I believe over half my property is fruit trees and we're adding more garden areas for our guests to actually use too, and ourselves to be sustainable.

Ms. Wakida: Thank you.

Chair Lay: Commissioner Freitas?

Mr. Freitas: Comment. I go by there everyday, twice a day. Yes, they do sell fruits on the side. I see the fruit stand and yes, the property has a nice orchard.

Chair Lay: I, too, pass by that house twice a day going to and from work, and yes, I do see that stand selling everything from the different seasons. We see, like you said, the lychee, the star fruit and all that, and we're seeing there is agriculture sales going on there. Commissioner Medeiros?

Mr. Medeiros: Yeah, I'm one of the guys that are overprotective with agricultural lands and uses. However, it seems that you are utilizing the land for agriculture and this is a bed and breakfast, you guys will be there, right?

Ms. Villaren: Yes. Yes, I live on property. We live on property.

Mr. Medeiros: That's good. Thank you.

Chair Lay: Commissioners, any more questions? Commissioner Shibuya?

Mr. Shibuya: More of a public safety and service type person. So I'm gonna be asking you questions relating to public safety and things of this nature. Fire and medical and police where's the closest location for fire?

Ms. Villaren: Where's the?

Mr. Shibuya: Fire station.

Ms. Villaren: Oh, in Makawao.

Mr. Shibuya: Makawao services yours. The other one, medical.

Ms. Villaren: Kahului. There's an ambulance that usually hangs out Upcountry.

Mr. Shibuya: Yes, okay. And Police?

Ms. Villaren: They're Upcountry in Makawao at the Eddie Tam Center I believe.

Mr. Shibuya: Okay, thank you. I'm concerned that you do have fire alarms?

Ms. Villaren: Yes, we have ones electrically in and also ones that aren't, that don't use electric but use batteries, we have both. And we have fire hydrants in the units outside and clearly marked, fire extinguishers.

Mr. Shibuya: Extinguishers, yes. Okay. And in terms of safety and rules, you do have those rules posted?

Ms. Villaren: Yes, I do.

Mr. Shibuya: And smoking inside?

Ms. Villaren: There's no smoking inside.

Mr. Shibuya: Okay, thank you.

Chair Lay: Commissioners, any more questions. Seeing none, can we get the Department's recommendation?

**b) Action**

Ms. Flammer: Okay, we have the same seven conditions that you're used to seeing again with the last one being that the farm plan has to remain implemented during the duration of the permit and when they renew they need to provide evidence of that. So in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Department's report and recommendation prepared for today's meeting, November 12, 2013 as its findings of fact, conclusion of law, and decision and order and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Chair Lay: Commissioner Medeiros?

Mr. Medeiros: I move to adopt.

Mr. Freitas: Second.

Chair Lay: Motion by Commissioner Medeiros, seconded by Commissioner Freitas. Any discussion on the motion? Commissioner Ball?

Mr. Ball: Does the time frame for the permit have to be in the motion or is it in the special...(inaudible)...

Ms. Flammer: It's in the report. So just to remind you it is, it is the first recommendation and this one is valid until 2016. So it will run concurrent with the Bed and Breakfast Permit that the Department intends to issue after this.

Mr. Ball: Does it have to be in the motion though?

Chair Lay: No, it's part of the conditions.

Ms. Flammer: It's not a part of the motion because you're accepting the report that we've given to you and it's in the report as the first recommendation.

Mr. Ball: I guess for some reason I remember some of them being in the things--

Chair Lay: It was the two-year. I think we had the two-year ones.

Ms. Flammer: A particular year.

Chair Lay: Commissioner Wakida?

Ms. Wakida: Gina, does the permit part have to reference Chapter 19.64.030, the restrictions and standards?

Ms. Flammer: There's two permits that the applicant is required to apply for because she's on Agriculturally zoned, and in the State Ag District. So you're reviewing the land use permit because the property is in the State Agricultural District. The permit is administrative, the Bed and Breakfast Permit. It didn't meet any of the triggers that would have brought it to the Planning Commission that would have been neighbor protests, another one within 500 feet, a variance was required and there's a couple other ones.

Ms. Wakida: So all of this stuff just automatically kicks in 'cause I think it covers things that deal with smoke detectors and so on, right?

Ms. Flammer: I didn't count, I think Danny knows, I think there's 26 conditions on the Bed and Breakfast...I read it in one of your reports. I think there's 26 conditions on the Bed and Breakfast Permit and when we issue that, we mention compliance with all of those standards and restrictions of 19.64.

Ms. Wakida: Yeah.

Chair Lay: Any more discussion on the motion? Can we repeat the motion?

Ms. McLean: The motion would be to approve the issuance of the State Special Use Permit subject to the seven conditions in the staff recommendation.

Chair Lay: Call for the vote. All those in favor? Motion carries. Congratulations.

Ms. Flammer: Thank you.

**It was moved by Mr. Medeiros, seconded by Mr. Freitas, then unanimously**

**VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended by the Department with Conditions.  
(Assenting - J. Medeiros, J. Freitas, K. Ball, M. Tsai, W. Hedani,  
S. Duvauchelle, P. Wakida, W. Shibuya)**

Chair Lay: Our next agenda item?

Ms. McLean: The next item is a Communication item relating to the Wailea Resort MF-10 project. It's a request by Mr. Grant Y.M. Chun, Vice-President of A&B Properties, Inc., requesting a change in scope of the project to eliminate the planned commercial component and resulting amendments to the SMA Use Permit and Step II Planned Development Approval conditions as well as a five-year extension on the project to initiate construction. Again, this is the Wailea Resort MF-10 project along Wailea Ike Drive at TMK: 2-1-008: 121 in Wailea. Danny Diaz is the Staff Planner.

### **C. COMMUNICATIONS**

- 1. MR. GRANT Y.M. CHUN, Vice-President of A&B PROPERTIES, INC. requesting a change in scope of the project to eliminate the planned commercial component of the project and the resulting amendments to the Special Management Area Use Permit and Step II Planned Development approval conditions for the project and a five (5)-year time extension on the period to initiate construction of the Wailea Resort MF-10 Project along Wailea Ike Drive at TMK: 2-1-008: 121, Wailea, Island of Maui. (SM1 2008/0007) (PD2 2008/0001) (D. Dias)**

**The approved project consists of nine single-family residential lots, 36 multi-family units housed in four (4) separate, 3-story buildings, a commercial center of approximately 64,000 square feet, and related improvements. The revised project will now consist of nine single-family lots and 36 multi-family units and related improvements. A future proposed hotel is planned for the former commercial site and will come in under brand new Special Management Area Use Permit and Step 2 Planned Development Approval applications from R.D. Olson Development.**

Mr. Danny Dias: Thanks Michele. Good afternoon, Chairman Lay, Members of the Maui Planning Commission. As stated, this Communication item basically involves some changes to the Wailea MF-10 project and this is a PD2 and an amendment to the SM1 basically giving it a time extension. Ultimately if you look at Exhibit 8, and I can just hold that up for you as you can see here in the blue, it's designated HM Hotel. This was designated Commercial before and the applicant came before this Commission in May to change this from Commercial to Hotel. So this step that we're here for is basically to change the conditions to reflect that change from Commercial to Hotel. So if I can just guide you folks to the conditions and I'll just go over the changes really quick.

Condition No. 1 we're requesting that we change that to 2019 for a five-year time extension.



Condition No. 4 we reworded that more to the condition wording that we have nowadays ultimately taking out the word "accordance" and changing that to "substantial compliance" as recommended by Corp. Counsel a few years ago.

The next condition is we're eliminating Condition 11, and that's because it's sort of redundant to Condition No. 4. So taken that out completely.

And then lastly, probably the most important condition would be Condition No. 24, as you can see we took out everything that relates to a commercial use, so anchor tenants, retail and commercial business buildings, restaurants, and so ultimately that's, that's what we're here for today, fairly simple. I'll have Mich Hirano come up for a few minutes.

Mr. Mich Hirano: Good afternoon, Commissioners. My name is Mich Hirano with Munekiyo & Hiraga and our firm is assisting A&B Wailea Properties, A&B Properties with the SMA amendment application. The A&B group will be here shortly. We just want to I guess record for...introduce for the record the plans that were proposed for the project. These were the same plans minus the commercial component that were presented to the Planning Commission for the SMA Use Permit and the Planned Development Step II. And I just wanted to show the Commissioners the sort of the extent of the amendment. There are nine single family lots on the eastern portion of the site approximately four acres. And then this is the multi-family residential component in the western portion of the site. Here is Wailea Ike Drive. There's a shared driveway on the eastern portion of the site that goes down into the new...which will be now a hotel development that will come before the Maui Planning Commission. But this is a shared driveway and then a cul de sac to nine single-family lots on the eastern portion. And then in the western portion there's approximately a 3.1 acre area that has the multi-family component of this particular project. So this again is the site plan for the revised SMA amendment application.

And then with respect to the multi-family units there are four buildings, three-stories for each building and there are three units, multi-family units that are stacked on three floors in each building. So when you look at it here's an elevation of the building, and another elevation of the building. There are two on this side of the Wailea Ike Drive and behind these two buildings are two more very similar in terms of height, footprint and architectural style. So we just wanted to just ensure that the Planning Commission was familiar with the plans that were submitted because most of you were not on the Commission at the time that the original permit was approved and we just wanted to enter that for the record. Representing A&B Wailea and Wailea or A&B Properties is Mr. Grant Chun who is the Senior Vice-President. So if the Commission has any questions, we'll be available to answer. And Austin Tsutsumi is the civil engineer and Adrienne Wong is also in attendance if there are any questions. So thank you.

Chair Lay: At this time, I wanna go into public testimony. Does anyone wish to testify at this time? Seeing none, public testimony is closed. Now we can go to our questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Yes, the request...let's see, I get Danny. The request is to among other things to extend the start time for five more...till 2019.

Mr. Dias: Correct.

Ms. Wakida: That's over five years, right? And then, somewhere but I can't find it again was a projected or it was stated when construction had to be done, completed, project completed by?

Mr. Dias: Yeah, within five years. That's Condition No. 2.

Ms. Wakida: So completed five years after it's initiated?

Mr. Dias: Initiated, correct.

Ms. Wakida: For both the hotel and the residential portion?

Mr. Dias: This would just be, I believe it's just the residential portions. The hotel is gonna come before you folks for SM1 and PD2 probably first quarter next year some time. So this just involves the residential areas of the project.

Ms. Wakida: But isn't the hotel built first? Which is built first?

Mr. Grant Chun: Good afternoon everyone. Grant Chun here on behalf of A&B Properties. You're correct, Ms. Wakida. The plan is for the hotel to be constructed first before these components of this property. And so that's why the timing makes sense to have a deferral of start post completion of the hotel. That's why the request is for a five-year extension on start date.

Ms. Wakida: I'm sorry, I'm not quite clear. So can you repeat that? What was the reason for it having five years down to start construction?

Mr. Chun: Well actually the current deadline to begin is next year, 2014. And we know that's not gonna happen because the hotel is gonna happen before these parts of the property will be built out. And so that's why at this time we're anticipating that and requesting that an additional five years be allowed for start of construction accommodating for the fact the hotel will go first.

Ms. Wakida: So when are you planning to build this hotel?

Mr. Chun: As Mr. Dias indicated, the hotel will be before the Commission in a separate application for a Special Management Area Permit and PD Approval next year and the plan for the hotel for it to...well, when that presentation is made of course, it will be a lot more fleshed out and detailed, but the plan is for that portion of the property to be constructed soon, you know, within the year or so after the SMA is approved.

Ms. Wakida: So you don't need the whole five years for the hotel portion?

Mr. Chun: Well, it takes a while to build, you know, because after the SMA then we have to do construction plans, you have to go through the building permit process, and then of course, there's construction. So it will be years. I mean, it's not gonna...maybe not five years, but it will take, it'll take a while before it's completed.

Ms. Wakida: And then what is your anticipated completion date for the entire project including the residential?

Mr. Chun: Well, with the request as it stands, we would have five years subsequent to 2019 to build out the rest of the project so we're looking at 2024.

Chairperson Lay: Okay, Commissioners let's keep it to three questions each.

Ms. Wakida: Sorry.

Chairperson Lay: We can go back and forth. Commissioner Ball?

Mr. Ball: So, the amendments we've already gone over, right? It's a time extension and if you wordsmithing things here, right, those are the amendments?

Mr. Dias: Correct.

Mr. Ball: And then the time extension is from 14 to 19?

Mr. Dias: Correct.

Mr. Ball: Years, right?

Mr. Dias: Yes.

Mr. Ball: And that's the motion. And that's just for the residential lots and the multi-family?

Mr. Dias: Yes. The hotel will come before as an entirely separate.

Mr. Ball: As a separate block.

Mr. Dias: Yes.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Danny, can you explain why renewable energy is not included? You have energy conservation measures incorporated in No. 12, but you have deleted or have not mentioned possibilities of photo voltaic generation. Is there a reason?

Mr. Dias: No specific reason. You know, Condition 11, we basically include all of that into, you know, as part of the energy conservation. We don't specifically say photo voltaic, but that's, you know, we include everything.

Vice-Chair Shibuya: There was a standard condition and the standard condition did include photo voltaic.

Mr. Dias: Okay, we can add that if you want.

Chairperson Lay: Deputy Director?

Ms. McLean: Commission, what's listed in the recommendation are the conditions that were approved when the permit was first issued and approved by the Commission. So at that time, the language was as you see it with the exception of the proposed changes that are being presented today. So the standard conditions that you've been used to seeing for the past few years, that language wasn't utilized when this project first received SMA approval from the Commission. So the Department didn't propose any other changes other than the ones related to eliminating the commercial component and doing the time extension. No other changes to the language were proposed.

Vice-Chair Shibuya: Okay, is it possible for me to include a possible suggestion?

Chairperson Lay: Corp. Counsel? At anytime you can add a motion to what...that's presented before us.

Vice-Chair Shibuya: Okay. When it comes time then I'll make the motion to make that change.

Chairperson Lay: Commissioner Ball?

Mr. Dias: Real quick, Chair. The applicant came up and informed me that they are planning on putting PV panels over the parking areas of the project as reflected in this slide here.

Chairperson Lay: Commissioner Ball?

Mr. Ball: Do we have a reason why the extension...did you state that?

Mr. Dias: I'm sorry, can you repeat that?

Mr. Ball: Is there a reason for the extension?

Mr. Hirano: The time extension is due in 2014. The amendment was made to I guess take out the commercial component and change it to the hotel. So I think the reason for the time extension is because the applicant cannot and does not foresee developing the project if the hotel is approved before the hotel gets approved. So the timing was...you know, the time extension was going to expire in May 2014 or thereabout. That's why the time extension request came in with the amendments ...(inaudible)...efficient.

Chairperson Lay: Commissioners, any more questions?

Mr. Freitas: I'd like to make a motion to approve.

Chairperson Lay: Let's get the Department's recommendations at this time.

Mr. Dias: Okay, the Maui Planning Department recommends approval of the amendment to the Special Management Area Use Permit, and Step II Planned Development Approval subject to 13 standard conditions and 12 project specific conditions.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I'd like to make a motion to accept, approve this—

Chairperson Lay: Oh, excuse me—

Vice-Chair Shibuya: —to make a motion to approve and to make amendment, a change to the Item No. 12, I think that was No. 12, right?

Mr. Dias: Eleven.

Vice-Chair Shibuya: Yes, 11. To include, to include photo voltaic systems.

Mr. Tsai: Second.

Chairperson Lay: Any discussion on the motion? Seeing none, all those in favor. Motion carries.

Mr. Hirano: Thank you very much, Commissioners.

Chairperson Lay: And now can we get the, can we have the motion repeated by the Deputy Director, the Department's recommendation. Oh, we have a vote.

Ms. McLean: That was part of the motion.

Vice-Chair Shibuya: Right.

Ms. McLean: Commissioner Shibuya's motion was to approve the project and add onto that one condition altogether.

Chairperson Lay: Oh okay, I thought it was a change first.

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

**VOTED: To Approve the Amendments to the Special Management Area Use Permit and Step II Planned Development Approval Conditions and Five-Year Time Extension, as Recommended by the Department with the Addition of Photo Voltaic to Condition No. 11.  
(Assenting - W. Shibuya, M. Tsai, J. Medeiros, J. Freitas, K. Ball,  
W. Hedani, S. Duvauchelle, P. Wakida)**

Chairperson Lay: Okay our next agenda item?

Ms. McLean: Under Unfinished Business, the Commission has one item, a request by Mr. Terry Epstein for a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Shambala Short-Term Rental Home, a six-bedroom short-term rental home in the State Agricultural District at 120 Kaimanu Place, TMK: 2-1-019: 100 in Wailea. And this item was deferred from the October 8<sup>th</sup> meeting. Danny Dias again is the Staff Planner.

#### **D. UNFINISHED BUSINESS**

- 1. MR. TERRY EPSTEIN requesting a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Shambala Short-Term Rental Home, a six (6)-bedroom short-term rental home in the State Agricultural District at 120 Kaimanu Place, TMK: 2-1-019: 100, Wailea, Kihei, Island of Maui. (SUP2 2012/0030) (STKM T2012/0012) (D. Dias) (Deferred at the October 8, 2013 meeting.)**

**The Short-Term Home Rental Home Permit application is being brought to the Maui Planning Commission because the neighbor protest threshold has been met.**

**This matter is being brought to the Maui Planning Commission because there is a permitted B&B operation located within 500 ft.**

Mr. Danny Dias: Thanks, Michele. As stated, this item was deferred from the October 8<sup>th</sup> meeting. Basically it was deferred on the applicant getting back to the Commission as to whether or not the lot that was purchased from Maui Meadows in order to provide access to Kaimanu Estates is still part of Maui Meadows. The applicant's attorney has responded to that and essentially the answer is no, it's not. And there is a Supreme Court case that verified that. So, with that we've advised the applicant that he has 10 minutes to give you folks a quick overview, rejog your memories and to let the people that weren't here at the last meeting get an idea of what the project is.

Mr. Tom Croly: Aloha, Committee. I'm Tom Croly on behalf of the applicant, Kay and Terry Epstein. Four of the Commissioners were not present at the last meeting and I have a presentation that goes about 20 minutes. With the indulgence of the Chair, I'd like to give the whole presentation unless you've already seen that via the...on Akaku.

Chairperson Lay: Does any of the Commissioners wish to see the whole presentation or can we use the condensed version? We're all good. We don't need the full version.

Mr. Croly: Okay, I'll move quickly through things. The property is Shambala and we're here for a County STRH Permit and State Special Use Permit. The first thing that Danny just brought up was the question as to whether this subdivision, Kaimanu Estates is in any way connected with Maui Meadows and you should have received in your packet a brief from the Counsel, Bethany Ace, that shows conclusively that this is not, and never was a part of Maui Meadows. Did everyone get this document? I have copies if you did not.

Chairperson Lay: Does anyone need, no?

Commission Members: No.

Mr. Croly: If it's in evidence and there's no issue as to this being part of Maui Meadows then there's no sense in going further into this, but I wanted to make sure that everyone was briefed on the arguments as to why this is not part of Maui Meadows, never was and shouldn't be subject to the Maui Meadows cap of five STRHs. In evidence? Okay.

This is a gated subdivision of nine, two-acre lots. Five of the homes in this, in this subdivision are utilized as the full-time residence of their owners including the applicants. Four of the homes are used as second residences by owners who live full-time off island. The owners are all members of the Kaimanu Estates Owners Association and you have in your packet from the Kaimanu Estates Owners Association saying that the association voted overwhelmingly to approve the use of the short-term rental use in Kaimanu Estates.

As I said, the owners, Kay and Terry Epstein will continue to make this home their full-time home. What they will do is they will move out of the home when there is a rental. They'll move into another home that they own in Maui and the rental will take place, and then they'll move back in. Presently the owners are targeting 8 to 14 rentals per year of a minimum of at least seven nights of each rental. That totals about 98 days. That's what their target is. Can't say exactly how each rental is going to fall.

When the owners move out of the house, the house will be managed by Tropical Villa Vacations, and representatives of Tropical Villa Vacations are here to give public testimony on as far as what they do specifically when they manage the house. I can either make them part of this presentation or they can give it as public testimony, discretion of the Chair.

Chairperson Lay: Public testimony is fine.

Mr. Croly: Okay, great. I'm gonna skip over this part which the folks from Tropical Villa Vacations will introduce, but quickly you can see they have 35 part-time, full-time employees, and dozens of part-time vendors who help them manage the 35 villas and Maui properties that they do. And they very carefully screen their guests and you'll hear from them about that.

The agricultural uses of this land are another important part because we've got the State Special Use Permit being heard. This...the background of this image is kind of what the land looked like prior to the applicant's buying the land after it was subdivided in 2000. In 2003, the applicants got an approved farm plan and they spent five years building the house and they spent five more years implementing that farm plan. At present, there are 77 fruit bearing trees on the property. In your packets there are receipts from fruit sales and donations made to local companies here including donations of grass stolons that were made to the Wailea Golf Course for reseeding their tee boxes and to the County of Maui for reseeding Kalama Park after the tsunami caused the grass to die in Kalama Park. There's plans and there's a note in your packet about an expanded nursery operation and we have the farm manager here to talk more about that. And the applicant has met all the State and County criteria for a fully implemented farm plan. Mason Smith is our manager

and he'll come in public testimony and tell you about exactly the agricultural uses and you can question him about that.

Specifically there's huge economic benefits from the use of this property. The maintenance, the ongoing maintenance of this property provides ongoing work for 20 to 30 contract workers just about every week coming in here and taking care of it. The short-term rental use would provide additional economic benefits through the marketing and the upkeep of the house by Tropical Vacations and their people. And just a quick example, every week's rental requires a staff of four to do a full clean before and full clean after. There's two weeks worth of work for a staff of four for each rental. TAT and GET are paid on every rental and there will be an increased property tax rate as a result of this permit. This applicant has paid \$214,000 in real property tax over the past six years and this is a \$130,000 more than this applicant would pay if he were a homeowner which he is entitled to claim his property as a homeowner since he is a full-time resident here. However, with the desired use of a short-term rental he would not qualify for that homeowner exemption and his taxes would be higher. As shown here, they would be as high as \$62,000 per year should this permit be granted and \$18,000 per year as claiming he's a homeowner.

No agricultural use assessment is taken on the land. That is, you're able to petition the Real Property Tax Department to reduce the value of your land to a lower value if you say, I'm using this full time for agricultural or you dedicated it for agriculture. No agricultural use assessment has been taken although they could for their 50 percent of their property which is in agriculture.

You're going to hear from some of the abutting neighbors in Maui Meadows who has expressed some concerns and we take these concerns very seriously and have taken steps to address the concerns about potential for excessive noise from the use of this property as a short-term rental. The neighbors should be comforted by the idea that the permit comes with restrictions and requirements that they may not make noise. Absent this permit, those restrictions and requirements actually don't apply to anyone, but once you grant this permit there are specific restrictions on when you can make noise and how much noise and so forth. The applicant has already taken steps to address some of the concerns that were expressed by modifying the audio systems in the house and you'll hear from the audio engineer who's done that to make sure that they do not impact the neighbors in any way. As well, Tropical Villa Vacations which is a professional company dealing with these types of things is 24-hours on call to make sure that if there are any disturbances they'll be dealt with immediately.

This home is six-bedroom, six-bath home. It's on two acres. It's abutted by four Maui Meadows properties that are each a half an acre in total about the same size as the two acres here. Those four Maui Meadows properties have a total of 16 bedrooms and there are four owners living there and 13 tenants in roughly the same amount of space. So the use of the property is really actually less intense than the surrounding uses that are taking place even if the property were to be booked at 100 percent which it won't ever be.

As far as regulatory issues, the house and improvements have all be permitted by the County of Maui and the permit record is very complete on this house. All the requirements of the short-term rental home permit have been met. The implemented farm plan as been approved by the County of Maui and the proposed use will not impact the ongoing agricultural uses surrounding them which



includes ranch land in one direction, other owners in Kaimanu Estates in the other direction and it will not require any additional public services for the use of this, the proposed use.

We ask that the Maui Planning Commission grant approval of this permit for one year and let the applicant prove that they can seamlessly integrate into their Kaimanu Estates and that they will not cause any impact for the Maui Meadows neighbors who had shown some concern. Thank you.

Chairperson Lay: Does the applicant wish to say anything at this time?

Mr. Terry Epstein: Hi once again to most of you. Terry Epstein and my wife, Kay Epstein. We're asking you to please grant us our STRH Permit. We will prove to you that we're capable of running a quiet, congenial neighborhood house that we're going to rent. We are not noisy people. We have never been. We plan on...as I said, running a place that people that want to come to Maui and experience a private home which a lot of them request and that they desire and we will make sure that there will be no other noise, concerns of any of the neighbors as they've expressed.

Ms. Kay Epstein: Our home is six bedrooms as Danny described. It was...we built something that we could not find when we wanted to rent with our family and bring our family, extended family, children and grandchildren to Maui. It provides a niche that we could not find as far as a place for people to stay and enjoy their families in one location. It's difficult when you have six hotel rooms and really no kitchen to eat in or no place to watch a movie together. We provide that. We have a nice workout facility in our home. We do live here full-time and we have lived here full-time for the last three years. We moved our dogs here, and once we moved our dogs here that was it. We're here full-time. We would have done it sooner but we had a dog that had to go through chemo and we had to wait a year for that. But we are here. I know there was some letters of complaint about us being extremely loud when we are here, but all three of those letters stated that we didn't live here full-time. So they weren't even aware for the last three years that we have been on island full-time everyday for the last three years. We're not really very loud people. We're kind of boring. We go to bed a little early. Once in a while we do have pool party with friends by it ends at a respectable hour and if anybody is there past 9 o'clock at night we bring them inside and shut the doors. We live with our air-conditioning permanently 'cause I need air conditioning. So our windows are shut. We're really conscious of the complaints and we've done everything that we could possibly do other than stop living our home and we do want to enjoy our home. We built it to enjoy with our family and friends and we'd like to share it if you'll allow us the opportunity.

Chairperson Lay: At this time, I'm going to go to public testimony. Does anyone wish to testify at this time? Please step forward, identify yourself. Oh first, let me go through the list. We've got Antoinette.

Ms. Antoinette Polancy: I am one of six people who live with our properties bordering this Epstein place. See when it was built it had two acres.

Chairperson Lay: Could you please identify yourself?

Ms. Polancy: Oh yeah, my name's Antoinette Polancy. When they built they had two acres to build on but for some reason they built right there, right by the property line so that their house and their

pool which go all the way around are right there. Now we know from already living there that it is very noisy. I mean, there's people taking care of the lawns and everything all the time and that's gonna continue and get worse. Plus overall the noise and the speakers and the music and the ...(inaudible)... I know that you're...I've gotta say that, you know, you've been kinda presented and you will be presented with these people saying that, oh ....(inaudible)...jobs, and there all this thing and there's money and last time they said tax money, you know, and all that. But we're the poor people who live next door. There are six of us who have written letters. It's too noisy, it doesn't work and you need to listen to us too. I don't care who owns the lot that let's you go into Kaimanu Estates. We're the ones that have to live there. I gotta tell you guys something, I advertised a Maui Meadows cottage for rent in Craigs List in the last month since we had to appear. I received 90 responses. I interviewed 11 of the best tenants, prospective tenants, of those 11, 4 were seeking homes because their South Maui landlords were turning properties into vacation rentals. At the same time, two weeks ago, I was approached by a large vacation...a person representing a large vacation rental company regarding a home I own in Maui Meadows. Let us put the house in the vacation rental program they said. You'll get seven or eight hundred dollars a night in the slow season and fifteen to sixteen hundred dollars a night in the busy season. But I don't have a rental permit. Oh, it's not necessary I was told. You can get by without one. So that's exactly what happened in this house. You already know the rental company and the owner were renting it without a permit. They had this actress there. They've had people there. Now they want a permit and you don't care they've already broken the law. You should not give a permit to someone who's already shown they don't adhere to the law. If they don't believe the law, how are they gonna be keeping it quiet. And Mr. Epstein's rental company should be cited and fined too because they are renting it without a permit. It's the bird's duty, it's your duty to uphold the law and to represent our homeowners. Thank you for listening.

Chairperson Lay: Commissioners any questions for the testifier? Commissioner Shibuya?

Vice-Chair Shibuya: Thank you for testifying, Ms. Polancy. What part of the property line do you share with Mr. Epstein?

Ms. Polancy: You don't have anything that shows that do you? Oh, I gotta tell you also that those other people, the six letters that border around there, most of them are working or couldn't be here. So two of us are.

Vice-Chair Shibuya: Danny, maybe you can...

Ms. Polancy: Oh, right here. Donna Kauhane. I'm that one, see the corner there. Donna Kauhane was here but had to leave, is next there. The lady for the next property is gonna be here. This one, I don't know where she is, but she's one of the letter writers. This one down here also is a letter writer and this one here. So you've all around people concerned about the noise and it does make a lot of noise, 'cause they're constantly getting ready, you know, when you have—

Chairperson Lay: Commissioners, any more questions? Commissioner Medeiros?

Mr. Medeiros: Did you ever make an official complaint, called the police because of the noise or anything like that?

Ms. Polancy: We were trying be neighborly.

Mr. Medeiros: Okay, so nothing on record?

Ms. Polancy: I tried ...(inaudible-not speaking into the microphone)...if maybe it was built, you know, a little bit further away it would have been better. We can listen to every mower, every weedwacker and constantly...(inaudible)...vacation rentals.

Chairperson Lay: Commissioners, any more questions for the testier? If not, thank you very much.

Ms. Polancy: Thank you.

Chairperson Lay: Our next testifier is Debra Dorn. Please identify yourself.

Ms. Debra Dorn: Good afternoon, my name is Debra Dorn and I am one of Maui Meadows bordering properties. Okay, I have a written letter because I want to get everything I have to say as fast as I can, so I'm organized and I've distributed to you all.

Dear Planning Department Commissioners. Since I will have only three minutes to speak, I am writing with my thoughts to you to ensure I am able to more fully address my objections and concerns regarding the Epstein STRH application. I confess I am confused as to why this proposal continues to be considered when you have letters of objection from every single adjoining property. Fitch, Dorn, Kauhane, Polancy, Kendrick, and Confer. The Commission is charged with following and enforcing the STRH Maui County Codes which in part states the STRH must conform to the character of the neighborhood. Maui Meadows borders this Epstein property far more substantially than any in Kaimanu neighborhood. Yet would you dismiss our objection in favor of the Kaimanu Homeowners Association non-objection? Kaimanu Estates has nine properties five which are full-time and four, part-time. It most worthy to note that the Kaimanu property adjoining the Epsteins does object. Surely this should bare substantial weight. To say the permit can go forward because the literal neighborhood in which the Epstein house is built does not object does not make good common sense and certainly ignores the spirit of the ordinance. More Maui Meadows homes border the property, and each of these homeowners object.

You have gone over the existing land use entitlements and uses points in the County Code. a) The applicable community plans, Kaimanu Estates; b) The larger community input; and c) Potential adverse impact including excessive noise, traffic, and garbage.

You have received letters and heard testimony regarding each of these points. Two of the three are negative as to granting the permit. Let's focus for a second on Point C, the adverse impact potentials. While the Epsteins claim they are currently in the process of addressing the noise issue, it remains to be seen if they will be successful and at this point, it means a large concern to us neighbors. The issue of traffic impact should be discussed a bit further.

You Commissioners stated that 53 Maui Meadows homes have to be passed for anyone entering and leaving Kaimanu Estates. The Epsteins have made a great show of the economic benefits their property has for Maui County citing many jobs they provide. Well, it may sound impressive and

favorable, I wish to emphasize the traffic impact all of these workers have on Maui Meadows properties. The Epsteins listed five landscape farm workers weekly plus 20 to 30 contract workers weekly for ongoing maintenance and both groups are year round. If the STRH is granted we can add to those traffic numbers, four full-time workers who come in for one week before each rental period and for one week after, and believe me they are not quiet in doing their jobs. They play their music very loud in order to hear it over the top of the super vacuums they use.

Ms. Takayama-Corden: Three minutes.

Chairperson Lay: Please conclude.

Ms. Dorn: And of course, you must add in the multiple cars, 12 renters will use during their stays. Though Villa Tropics, Irene Aroner states the people who will be renting want to come in and just lie in bed and watch T.V., I have real doubts that this will be the case.

Chairperson Lay: Thank you. We do have your testimony with us.

Ms. Dorn: Okay.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Anyone else wish to testify at this time, please step forward to the mic and introduce yourself?

Mr. David Roup: Yeah, well my name is David Roup. I'm here representing ListenUp. We've been hired by the Epsteins to try and redesign the speaker situation with the noise that everyone's been complaining. So we have eliminated some speakers from even operating when guests are at the house. Most of them on the side of the Maui Meadows portion of the neighborhood there. So they do not even come on at all. And we've also limited the maximum volume that any of the outdoor speakers can go to 50 percent. So that they don't even have an option of turning the stereo too loud to interfere with all the neighbors. We're also replacing any of the omni directional style speakers around the pool with more a unidirectional, being able to aim the sound directly toward the pool area versus filling the entire yard with the sound of the music therefore eliminating the need to turn it up really loud in order to hear it from across the yard or in the pool. And that's mostly of what we're trying to do to try to eliminate some of the noise complaints and try to...(inaudible)...the sound ...(inaudible)...more enjoyable to them without interrupting anybody else.

Chairperson Lay: Commissioners, any questions? Commissioner Freitas?

Mr. Freitas: So basically you're saying that the what do you call, the music was excessive, till you came in to bring it down. So there were loud music being played according to your testimony?

Mr. Roup: Well, I'm not aware of any loud music because I came in kind of an after-the-fact to try to address any issues and to do any kind of adjustments that we have the ability to do with the system. Therefore, from that point we're just implementing these into the program to eliminate any way to turn up the volume really loud therefore eliminating future problems if any.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: How many outdoor speakers are there?

Mr. Roup: Around the perimeter, well, the outside we turned off four on the side of the Meadow, of the houses side there was four speakers, two pairs on that side that are no longer operable when there's guests in the house. And then on the interior side around the pool, I believe there's three pairs of speakers along with four landscape speakers around the swimming pool area.

Ms. Wakida: So three pairs, that's six plus four so there's 10?

Mr. Roup: Yes. And that's being changed out. The landscape speakers are being removed and put in unidirectional speakers in place of that so we can aim it directly at the swimming pool versus filling the whole yard area.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: You know, a lot has been said in terms of controlling the volume of the speakers, 50 percent of the maximum volume. Nobody that I know plays their speakers or plays their music at the maximum volume of your audio system.

Mr. Roup: Right.

Mr. Hedani: So 50 percent of what then? How is that gonna control the amount of noise going into the neighborhood?

Mr. Roup: Right. Well, at 50 percent we found to be on that side of the house it won't exceed a decibel level of 70 dB is what we've tried to limit any sound in the pool area outside of the pool area to be...basically it's five meters from where the speakers are, we limited that to not be, not to be of 70 dB is what we're really looking for.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much.

Mr. Roup: Thank you.

Chairperson Lay: Anyone else wish to testify at this time, please identify yourself?

Mr. Mason Smith: Good afternoon, my name's Mason Smith. I work at the house. I take care of all the agriculture and farming stuff. If you have any questions about any of that I can answer it. More so, I just wanna say that it does provide a lotta work. The house itself is big. There's a lot of farming stuff that we do. We're not the only people who take care of the grounds. There's people to take of the trees, coconut trees, lawn company. It does provide a lot of work. I'm sure it creates noise, but based on my conversations with the owner the concerns of the neighbors are a concern. I've been directed to eliminate bamboo which we've pretty much entirely done. We have a little left because that was one complaint from the neighbors, a lotta mess drifting into their

yards. So basically we spent a lot of money and lot of man hours and ripped it all out. So I can just say that I know that their concerns are the owner's concerns. Any questions about anything we do there farming or work?

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Regarding landscaping work you guys are doing there. How often are you guys there? Like say how many times a week?

Mr. Smith: We're there full-time one day a week and then part-time another day a week. So it's basically a full Thursday, half a day Friday, and then people come in to mow the lawn on Saturday. The lawn mowing crew is there for about two hours.

Chairperson Lay: Commissioners, any more questions? Seeing none, thank you very much.

Mr. Smith: Thank you.

Chairperson Lay: Does anyone else wish to testify at this time?

Mr. Jim Wagner: Good afternoon. My name is Jim Wagner. I'm a Realtor and a neighbor of the Epsteins and I live in Maui Meadows not Kaimanu. I just wanted to speak to what they're trying to do which is do a vacation rental when they're not using the house. I find nothing wrong with that. I have neighbors on both sides of me, one of whom had a vacation rental for a number of years and it was perfectly quiet and manageable. I have six contiguous neighbors and so they have one. In the case of the Epsteins along one back wall. I can't imagine the Epsteins making any more noise than my six neighbors around me. I think part of the problem lay in the house took five years to build. So these people were tortured for five years. There's no doubt about it. It took a while, it takes a while to build a home on there especially one of that size and importance. By the time it was done they also lost...(inaudible)... So there's I think a certain amount of feeling that the Epsteins are not our friend. So consequently what happens after a certain point when you feel that you've been wronged by somebody in whatever way whatsoever, no matter what happens, you end up with a certain amount of resentment and demonize the people. I think that's what's going on here. I think really that you have a great provisions for any noise that could take place, you pull their license. Why not do that? Why would you prevent them from doing something when they have not really caused a major problem at this point? That's it.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Freitas?

Mr. Freitas: Yes, you said that they have not caused any noise of anything to put their neighbors in this perspective. But why are they taking corrective measures if they weren't demonizing their neighbors.

Mr. Wagner: Okay, I gotta correct. I'm saying the neighbors are demonizing...(inaudible)...I think what's happened with the neighbors so far is they've become overly sensitive to everything. People sit and listen waiting to see if there's noise somewhere. There's no doubt in my mind that we all impact each other side by side. My neighbors hears my dogs bark. I see, you know, every one of

my neighbors has, you know, lawn equipment going at every moment of the day. I mean, it's one of those things that happen, but it's not targeted toward them and I think they've done a lot of mitigation to try to prevent any noise from happening.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much.

Ms. Zanya Fujiwara: Hello, my name is Zanya Fujiwara. I am here on behalf of the Epsteins as a close friend of their who's not work related with any of that stuff or all the neighbors and stuff, but as a family friend I've been to their house many occasions aside from when work's being done, where the complaints of the work being done and whatnot. When there as their houseguest you know, there's no way noise can be issue because, for us to have a conversation it's such a huge house. If the noise is overbearing there's no way to have a one on one conversation like this. It's mind boggling how noise can be a factor...(inaudible)... it just doesn't make sense. I just wanted to share that 'cause we've been there on many occasions. They're the most kindest, generous, giving people that I know and on the side from being their family friend they've donated majority of their farm to the...(inaudible)... They've been doing that since they've been producing...(inaudible)...

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much.

Ms. Irene Aroner: Good afternoon, my name is Irene Aroner and I'm the owner of Tropical Villa Vacations. I'm a licensed broker and travel agent. I've been in business for 18 years. I employ 35 to 40 people here on Maui. Over the course of 18 years of running my own small business I figured that I brought about \$150 million of visitor revenue to Maui County. I've never been the subject of a specific complaint...(inaudible-not speaking into mic)...I'm often turning...I'm sorry, can you hear me? I often turn down business. I'm very, very selective. I'm very discerning. I'm very careful. I'm very picky, and I'm very conscientious and responsible about the types of visitors that we welcome into properties here. As evidence of how we operate our business we're board approved in two premiere resorts on Maui, the Wailea Beach Villas and the Residences at Kapalua Bay, and for a long period of time we were the only outside agency allowed to operate in those two resorts and that's because of the way we operate our business.

I just wanna mention very quickly that the Epsteins have lived full-time in their home for several years. They periodically will have their children and grandchildren come and stay with them but most of the time there's only two adults in the home. They are in fact very quiet. Yes, they have their lawn mowed every week, yes they have a gardener come in for a day and a half every week. But they would do that whether they rent or not. Yes, they like to keep their house clean. But that is really just for the benefit of their house and their neighborhood, their community, they're very neat and tidy people. And they would keep their house clean whether it's rented or not. There hasn't been any rental in the past year, in 2013. Over the course of the last four or five years there's only been a handful of rentals, less than five. And I'm not aware of any significant impact that any rental has ever had on the neighbors. I believe when they were building the house there were a few times when maybe the speakers were being constructed or installed and they might have just for a minute or two made a little bit of noise. That's the only issues that I know of, and I just wanna please ask for you to give them the opportunity to show that they can be good neighbors and that they can be

responsible. I do think that this home represents a unique opportunity for single families to come and enjoy Maui and have a very special unique experience and I think it would be great if it could be shared. I will be available 24/7 to the neighbors in case of any concern whatsoever if and when the house is rented. But we don't even expect it to rent that often. The Epsteins will likely be in the home the majority of the time, but I will do everything I can to make sure that this, that this opportunity has the least impact possible on their neighbors. My personal reputation, the livelihoods of 40 employees in part rests on us doing this properly and we are committed to doing a professional job. So I just hope that you'll give them the opportunity to give this a go. Thank you very much for your time.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much.

Ms. Aroner: Thank you.

Chairperson Lay: Does anyone else wish to testify at this time? Please identify yourself?

Ms. Bethany Ace: Hello, my name is Bethany Ace. I'm the attorney for the Epsteins. I just wanted to address a couple points that were raised today, particularly Commissioner Freitas's concerns or questions regarding the sound system changes. The Epsteins believe that they were not...that there was no excessive noise prior to the changes. However, as part of this permitting process they notified the neighbors within the specified distance from their house and when they received these concerns citing noise complaints which were the first time that they were made aware of that is my understanding, they went the extra step to not only study the sounds that were being made, but ensure that there's no possibility. So essentially they went an extra step to ensure that if this permit gets permitted they will have guests that are not creating a possible excessive noise nuisance.

I also wanted to address the question regarding the deferral. I will just briefly mention it because I laid it out in the memo that I sent per the Commission's request. Lot 29 is an access road lot to...that was purchased from Maui Meadows prior to the development of the Kaimanu Estates. It was purchased by the developer. It was resubdivided into the lots underlying the Kaimanu Estates and then it was consolidated and subdivided into a three-parcel roadway lot. So since...for approximately...actually over 25 years the Lot 29 has been legally and for purposes of...from the perspective of the County has been a roadway lot privately owned and part of the Kaimanu Estates Subdivision. So the Epsteins to access and exit their property they go across a privately owned street which they own a one-ninth interest in as each parcel of Kaimanu Estates has a one-ninth interest in this common element lot, then they connect to public roads that were dedicated in Maui Meadows. So it's the main road through Maui Meadows that this connects to is a county dedicated road and then they access the highway. So in terms of concerns about the use of this lot, it shouldn't be the effect the cap that's applicable to this property. It's under the 100 permit cap for short-term rental houses in Kihei, not the five-unit max cap for it's specifically the subdivision known as Maui Meadows which is the legal term defined in the County Code in Section 18. So there's no issue for purposes of the County looking at that lot. It is part of Kaimanu Estates.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much.



Ms. Ace: Thank you.

Chairperson Lay: Does anyone else wish to testify at this time?

Mr. Mark Warner: Hi, my name is Mark Warner.

Chairperson Lay: Can you speak into the mic please, thank you.

Mr. Warner: My name is Mark Warner. I own a legally licensed B&B in Maui Meadows and I appreciate all of the concerns that the neighbors do have. Some of my neighbors did have the same concerns. However, now they end up sending all of their family and friends to our place. I think the idea of the noise is kind of unwarranted. The fact of the matter is whether they rent out their home or they do not rent out their home. The lawn maintenance and the farming activity is going to go on. And by granting them a permit, you're actually guaranteeing the owners of the adjacent properties that they have a say as to or a means to complain if they don't abide by any type of a noise ordinance.

And on another note, when my property was first opened, I had this one family staying with us and after talking to him you could tell that he was very affluent and I asked him why he chose our place, I mean, we're just a small B&B in Maui Meadows? And he mentioned that in his line of work he travels first class and only stays in five-star resorts. But when he's on holiday, he wants to get a flavor for where he is. And so his family always stays in alternative accommodations. And he said he could be at a Four Seasons in Hong Kong, Tokyo, New York San Francisco, Maui. It doesn't matter. You always know you're in a Four Seasons. So now that there are becoming more and more alternative accommodations on Maui it's bringing in tourist dollars and in my own business and in my own experience I have never had a noise complaint. I have never had any problems with any of my tenants, any of my neighbors, anything. I have something to lose. I don't want to lose my permit. And it's just probably the quietest property on the block and that's about it.

Chairperson Lay: Any questions for the testifier? Seeing none, thank you very much.

Mr. Wagner: Thank you.

Chairperson Lay: Does anyone else wish to testify at this time? Closing public testimony. Commissioners, any questions? If we have no questions, we're gonna—oh, Commissioner Wakida?

Ms. Wakida: Yes, I have a question for the Epsteins. Actually I'm a little concerned. We've seen quite a few short-term rental applications on ag property as well as B&Bs and I have never seen so many complaints as we have on this particular one. Have you made an effort to meet with the people who are complaining to sort this out with them?

Mr. Terry Epstein: The four neighbors and you said, an excessive number of complaints. The one neighbor who was mentioned by Toni Polancy who is in Kaimanu Estates wrote a letter recommending that we be accepted but then pulled their letter back after we filed a lawsuit against them because they're not following the CC&Rs of our subdivision. That was brought up at the last meeting. Our subdivision's in favor. The four neighbors that are along our property have

mentioned things like we don't live here full-time, have mentioned that we're noisy and excessive, yet the police in the report that you all received wrote that there were no complaints ever put against our property.

Ms. Wakida: No, excuse me. My question is have you met with those homeowners?

Mr. Epstein: Irene Aroner contacted...the lady that takes care of our property when we rent it, reached out to all four of our neighbors that are complaining and no one really would consider having a conversation with her.

Ms. Wakida: So you personally didn't attempt to go over and talk to your neighbors?

Ms. Kay Epstein: We've attempted to talk to the four neighbors that border us in Maui Meadows since we bought our property. Three of those neighbors have changed. Only one is one of the original ones. Originally when Debra Dorn and her husband at the time bought their property we called, I tried to make arrangements to go over and talk to them. We knocked on their front door, they didn't come to the front door even though they were home. We attempted...well, I talked, met with Kathy Fitch several times during and before our construction, she heard our plans. We've shared the plans of everything we were gonna do with all four of the neighbors when we were first building. I talked to Debra Dorn in December and had no idea, in fact talked to her again in January about her landscaper had cut some of our trees and thrown them into our yard over the wall, and so I was talking to her about that, but I had no idea at the time that they'd written letters. I didn't know until the end of January well after the time when I had talked to her and we were told that we probably shouldn't talk to them at that point. So after the letters were written, no we did not attempt to talk to them personally?

Mr. Epstein: Can I, can I just say one more thing? In response to some of the conversations that have taken place. Mr. Kendrick wrote a letter which we had never seen until the last meeting. Mr. Kendrick was called by Pikake, the General Manager of Tropical Villa Vacations and he hung up on her. He never complained. I called him also. No response. Toni Polancy, who stood up here before and spoke to you has been through our house. She actually took a tour of house. Now she and I had had numerous conversations over the years because I was cleaning up her dog's poop on a regular basis. Her dog was coming into our yard, yet we only share 20-foot of wall, yet her dog would end up in our front yard and I'd be cleaning up the poop on a regular basis.

Chairperson Lay: Okay, I think we got the gist of that one. Any more questions, Commissioners?  
Commissioner Shibuya?

Unidentified Speaker: ...(inaudible-speaking from audience)...

Vice-Chair Shibuya: This question—

Chairperson Lay: You're out of order sorry.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: This question is with the Planning Department and maybe Michele, I know you weren't here when this happened, but maybe you can help make me understand or help me understand how Lot 29 now as approved for access for a proposed...

Chairperson Lay: Mr. Shibuya, if we can just stick to what we have at hand here instead of going a little off to the side, I mean, I'd appreciate that so we can move a little forward on it, unless it's something pertaining to it.

Vice-Chair Shibuya: Yes, it is.

Chairperson Lay: Go ahead then.

Vice-Chair Shibuya: Okay, the reason why I'm saying is that these property owners of Maui Meadows bordered a open agricultural area which had no habitation. It was all barren land. So they had expected and I'm trying to put myself into their shoes that they had expected quietness and there's nobody living with them. So now it comes into the Lot 29 how would the County justify providing for an approval for this to have been an access?

Ms. McLean: I'll just answer that in general terms because I'm not familiar with the details of this particular subdivision, but if someone before that area was subdivided into these two-acre lots, if it was a large piece of ag land in order for them to obtain approval to subdivide into the two-acre lots they would have had to have demonstrated to Public Works satisfaction that adequate vehicular access was provide to all of those lots. You can't create new lots without adequate access when each of those homes came in for building permits they would have been reviewed by different agencies including Public Works, including Fire who would also look at the adequacy of vehicular access. So in terms of the ownership that's...the County would look at the ownership to the extent that vehicular access would be assured whether that's by an easement, whether it's by County dedication, whether it's by private ownership, as long as vehicular access is provided then the property could be subdivided and developed. And a comment about being adjacent to peacefulness of ag land, ag land isn't always peaceful.

Vice-Chair Shibuya: I understand. I just want to bring out the fact that Lot 29 was part of Maui Meadows, and Lot 29 is protected by or the owners of this Maui Meadows Subdivision feel that it was...shall not...no lot shall be used except for residential purposes and I actually quote the Maui Meadows restrictive covenants paragraph 1 which says that. That no lot shall be used except for residential purposes. So therefore, it's not an access. So how did the County come to this conclusion that access is okay?

Ms. McLean: Again, when the subdivision was created that would have been looked at by Public Works at the time. And if at that time and that would have been quite a number of years ago that the subdivision was created and that lot began to be used for access purposes. As you've heard before the County doesn't enforce private covenants. That would have been an opportunity for the Maui Meadows Association to among themselves to enforce those CC&Rs if they felt that the lot was being used improperly. I don't know if ownership was transferred, if an easement was approved, I don't...I don't ...(inaudible)...

Vice-Chair Shibuya: I wanna keep peace in the family, okay. I wanna keep peace in the family.

Chairperson Lay: Commissioners, any more questions? Commissioner Hedani?

Mr. Hedani: I think litigation was filed when the lot was originally proposed for access to the subdivision and it went to court if I'm not mistaken. The Maui Meadows Subdivision lost because they said it was a similar use to Maui Meadows. What they're saying now is that we're separate from Maui Meadows and therefore the rules that apply to Maui Meadows shouldn't apply to us. You can't have it both ways.

Ms. Ace: May I address that?

Chairperson Lay: No, only if a question is addressed...(inaudible)... Commissioners, any more questions? Commissioner Medeiros?

Mr. Medeiros: Lot 29, is it part of Maui Meadows or is it part of that ag? I mean, I just ...(inaudible)...

Ms. McLean: If the Commission would consider hearing from the applicant's attorney?

Chairperson Lay: Okay.

Ms. Ace: Can I refer you to Page 4 of my...the supplemental memo that I received. There's two separate issues. With respect to the restrictive covenants that as the Deputy Director correctly pointed out that's a private covenant issue. This was subject to litigation brought by one of the owners of the Maui Meadows subdivision and it was a long, drawn out litigation but eventually the Hawaii Supreme Court upheld the use of Lot 29 for a roadway access on the basis of necessity and it also pointed out that the County of Maui had approved the use of the roadway. It didn't go into great detail regarding the approval process, but from what I understand it, the Planning Director's general...excuse me, Deputy Director's general comments track with what happened in this case.

So there's one thing of whether the lot was ever part of the Maui Meadows Subdivision and it was at one point and restrictive covenants were applied to the property which run with the title. So after the property was purchased by at the time it was Ulupalakua Ranch so prior to the actual developers of Kaimanu Estates it was bought...this lot was bought by Ulupalakua Ranch. When they purchased that lot and then through a series of subdivision consolidations and resubdivisions, this parcel for purposes of County view on the property is that it is legally part of the Kaimanu Estates Subdivision. So while that legal process approved the County did not change the restrictive covenants attached to it, it did change the legal status of this parcel with respect to subdivision and how the County treats this parcel. And in terms of the fact that there may still be restrictive covenants applicable to that lot, first off, this is not, Lot 29 is not the applicant's lot but this parcel...there's nothing inconsistent with having these restrictive covenants which under the...it's my understanding under Chapter...sorry, Section 19.65.030 the private restrictions and covenants on the property are not binding upon the Planning Commission in reaching their determination on the permit.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Okay, now I'm even more confused. Earlier you stated that they built a road on Lot 29 and that they, you know, like they owned one-ninth of it, of that road. So if the road is on the lot and they own one-ninth of the road, don't they own? I mean, I don't know. You lost me.

Ms. Ace: Okay, I apologize. Over 25 years ago, this Lot 29 was purchased by Ulupalakua Ranch. Twenty-five years ago or still again, over 25 years ago it was subdivided out of Maui Meadows Subdivision and consolidated into the lot of Kaimanu Estates. So at that point there were 20.5 acres of one lot that was owned by Ulupalakua Ranch. Thereafter, when they developed, when they did the subdivision to create the nine residential lots, they also created a parcel which I'll refer you to, I believe the map is attached to my memo. What they did was, there's three roadway lots. I apologize as with all the...when you condense the tax maps they get a little hard to read, but Kaimanu Place has...is actually made up of three lots, but it's one TMK parcel and those three roadway lots are considered common elements of the Kaimanu Estates Subdivision. And so when each owner of the residential lot took title to their property, so for example, the Epsteins purchased their property on their title on top of getting TMK Lot 100 which is their parcel, they were deeded one-ninth undivided interest in the roadway lot including Lot 29.

Chairperson Lay: Commissioner Ball?

Mr. Ball: You said that it might still have CC&Rs for Maui Meadows as well as CC&Rs for Kaimanu?

Ms. Ace: I'm sorry, I apologize if that was not clear. In terms of the time when the lawsuit happened which is where the Supreme Court essentially confirmed the use of the roadway lot there was at the time considered that there was still CC&Rs that ran because when the property was originally subdivided or when it was originally created Maui Meadows adopted their CC&Rs I believe, that's...they call theirs CC&Rs. And then at the time of the litigation apparently the CC&Rs were still in place. I'm not familiar whether that's still on title for that particular parcel or not. But in terms of the issue of what subdivision it is in, it is in Kaimanu Estates Subdivision.

Mr. Ball: Yes. My question though was so we don't know if it still has CC&Rs for Maui Meadows and CC&Rs for Kaimanu?

Ms. Epstein: Lot 29 is part of Kaimanu. It's part of our common area. The nine owners all own one-ninth ownership. We pay for all the maintenance, road repair on the road. It's our road. We also pay income tax every year on that property as Kaimanu Estates. I'm not even aware of Maui Meadows having CC&Rs. We do have CC&Rs.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Getting back to what Commissioner Ball is mentioning and probably inferring, normally when you buy a lot within a subdivision, the CC&Rs are issued to that owner is it not, Commissioner Ball? And I think you were getting to that point.

Mr. Ball: Well, in the testimony, Ms. Ace stated that there may be...

Ms. Epstein: She doesn't know.

Mr. Ball: –or may not be. So I just wanna be clear that it has nothing to do with Maui Meadows.

Ms. Epstein: Nothing.

Mr. Ball: And if there's no CC&Rs, I mean there were. We're not arguing that there weren't previous CC&Rs there, but did those go away now that this is now part of Kaimanu is my question really.

Ms. Epstein: It was taken out of Maui Meadows is what she described.

Mr. Ball: No, the CC&R part of it. I understand it's all taken out of that, it's part of Kaimanu.

Ms. Epstein: There's nothing attached to land.

Mr. Ball: There's nothing attached to it as far as...

Ms. Epstein: No, no. We got a full package of the CC&Rs and it includes a description of that property, an engineering description. You know, I can't read it, but it is part of our subdivision.

Mr. Epstein: Our CC&Rs are listed as the Kaimanu Estates Owner Association CC&Rs, and we have a set of those which is a long document.

Ms. Epstein: They were given to us.

Mr. Epstein: When we purchased our property.

Ms. Epstein: Before we purchased we saw them.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Straying from this issue here on CC&Rs, I'm looking now into another issue in terms of traffic. When you start looking at a neighboring group of homes that are not part of your CC&R or subdivision normally they would have to find their own way of accessing Piilani Highway. But since it's such a distance from that, it's most convenient that they purchase Lot 29 and have access to Kupulau, I don't know how to pronounce that.

Ms. Epstein: Kupulau.

Vice-Chair Shibuya: Kupulau. Thank you. So they have access now to Kupulau Drive and Mapu Drive which connects with Piilani Highway. So they have to transverse or they have to transport or they have to cross through several homes in the Maui Meadows Subdivision. So that infringes or adds to the traffic and the concerns of the community in that subdivision would you not?

Chairperson Lay: Commissioner Hedani? Oh, is that a question directed? Are you directing that question?

Vice-Chair Shibuya: No, I'm just asking, you know, in my mind.

Ms. Epstein: Should I respond to that? I can respond to that.

Vice-Chair Shibuya: No, I'm just asking the members of the Commission. We're having a discussion here.

Ms. Epstein: Okay.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Basically I think when a set of CC&Rs for a subdivision is laid down it benefits everybody within that subdivision. It's their CC&Rs. I don't know that you can purchase a lot within the subdivision and cancel the CC&Rs that are applicable to that lot unilaterally because you don't like it. It accrues to the benefit of everybody in that subdivision and it's that subdivision that can make adjustments to the CC&Rs for that particular subdivision. In this particular case, Lot 29 or the owners that are next to Lot 29 had the expectation of the CC&Rs running with the land for Lot 29. And because of that, I don't know that Kaimanu or anybody else can unilaterally cancel CC&Rs that are applicable to that lot. From my perspective. Maybe this is a Jim Giroux question?

Chairperson Lay: Counsel, you wish to comment on that?

Mr. Giroux: I have read the memo, and you know, looking at the litigation that when...I mean, you're starting with Pelosi v. Wailea Ranch Estates back in 1994. You have Pelosi 1, Pelosi 2, Pelosi 3, and you have a decision from the Hawaii Supreme Court in 1999. So, I mean, obviously this was a huge concern for not only for, you know, Maui Meadows, but obviously for the Supreme Court of Hawaii whether or not they needed to dispose of procedural problems dealing with these lawsuits, but ultimately finding that the roadway was necessary kind of trumps all other legal aspects looking at whether or not, you know, this roadway is legal or not. I mean, the Supreme of Court saw it as a necessity to the further use of this neighborhood. And looking at the procedural matters of the resubdivision and the reconsolidation and then the resale of that property. Whether or not Maui Meadows today wants to go to bat and do Pelosi 4, you know, to get this matter extinguished I think what we're looking at is the fact of the matter is is that the road is there, it's property of Kaimanu, and that they are lawfully using it, and the County of Maui was vindicated in the ability to allow that. So I don't see, you know, relitigating that whole matter all over again.

You know, whether or not there is still lingering CC&Rs out there, the position of the County has always been is that if that's the position of the homeowners then they can take it to court and then, you know, figure that out. But obviously the use of a roadway is being seen as being a legal use for this lot. We've always taken the position for zoning purposes that you do not have to rezone property just to use it for a road because roads are a necessary use in all zoning districts. So whether or not it's Ag, Rural, Urban, Commercial, whatever the zoning, you don't have to zone a road. It's an accessory use, it's a outright use for the property as long as it's there legally. So

what's the Supreme Court is saying is, it's there legally. It's a necessary use for the subdivision.

Chairperson Lay: Commissioners, any more questions? Commissioner Wakida?

Ms. Wakida: Yeah, just one for the Epsteins. When you completed construction of your property apparently you live in your house is that clear, is that true?

Ms. Epstein: We did. We did, yes.

Ms. Wakida: Except for a few times when you had others that stayed there? If this becomes a short-term rental you're currently living there now?

Ms. Epstein: Yes.

Ms. Wakida: You would then move some place else?

Ms. Epstein: Yes, we own a second home.

Ms. Wakida: Thank you.

Chairperson Lay: Commissioners, any more questions? If not, can we get the Department's recommendation?

Mr. Dias: Thank you, Chair. There's two permits here. The first is the State Land Use Commission Special Use Permit. And with that, the Maui Planning Department recommends to the Maui Planning Commission approval of the Land Use Commission Special Use Permit subject to six conditions.

Chairperson Lay: Commissioner Ball, you have a question? Okay, thank you.

Mr. Freitas: I'd like to make a motion to deny the permit application.

Mr. Medeiros: Second.

Chairperson Lay: Okay, there's a motion to deny the permit. It's been seconded by Commissioner Medeiros. Any discussion on the motion? Commissioner Shibuya?

Vice-Chair Shibuya: I will support this motion to deny because I wanna keep peace in the family. I wanna keep peace because that lot was originally part of the subdivision. These owners of Maui Meadows especially those that live on the fringes, right on the edges had an expectation of living close to open pasture land. That's what they saw, and that's what they purchased. They also had the CC&Rs which prohibited the lots to be used other than for residential purposes so they knew many of these conditions. And I think when we start changing things, we need to be sensitive enough to address some of these concerns and impacts. And unfortunately it has come to this point where you have a private road, a private tennis court and the exclusion of people in a community in which these groups of people are now trespassing or using the same highway or



roadways and it's just gonna be increasing when you start commercializing their properties above.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: One of the reasons why I, what do you call, several reasons why I made the motion to deny. Number one, 10 speakers in a yard does consider a lot of noise and a lot of disturbance. They kept referring back to the lawn equipment and mowing of the lawn. They did not revert back to the noise that was being generated by the speakers. And secondly, it's what the first testifier said, which I agree with that, what do you call, long-term rental properties are coming off the market and you have going to short-term rentals and the rental market is shrinking. We have people come into my shop daily asking if I know where they could rent a place because there's no places to be rented at a reasonable price.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I seconded the motion. You know, after listening to everybody I actually like the Epsteins, you know, and if they were on the property monitoring their business, you know, I would have been okay with it and I wouldn't have seconded the motion. But the way it is set up right now, I cannot. Sorry.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I'm gonna support the motion. Three things. The fact that you've got so many outdoor speakers in a rental property is I think asking for trouble. We've been told over and over it takes at least 30 people a week to run this establishment which can certainly contributes to the problems of the comings and goings of the adjacent neighborhood. But I think my biggest concern is that they've got six people in the immediate area who are unhappy with this and I think we are here to...I feel that I am here to look out for the quality of life and the character of these neighborhoods that are already established.

Chairperson Lay: Any more discussion on the motion? If not, Deputy...oh, Commissioner Hedani?

Mr. Hedani: I'll support the motion to deny basically because I felt that there's a lot of problems associated with what happened with this particular lot from the time the subdivision started through taking five years to construct the home to building a wall I think that was originally 13 feet high between yourself and your neighbors and it took litigation to reduce the height of that wall from 13 feet down to 10. In my head I don't know if a 10-foot wall is legal between yourself and your neighbor. And there's a lot of problems associated with noise I think. If you have to have 10 speakers to amplify music above the sound of a waterfall so people can hear the music then you have people trying to have a conversation on top of the waterfall and the music, you're gonna have people speaking louder than they have to speak in order to communicate. I think the fact that they took a lot that was part of the subdivision converted it to a roadway lot does not extinguish their responsibility to the subdivision in terms of the impacts that they create. And that traffic impact I think is created to all of the 53 neighbors that end up between this particular subdivision and Piilani Highway.

Chairperson Lay: Deputy Director, you wish to repeat the motion?

Ms. McLean: The motion was to deny the permit if I could just confirm because there are two permits being presented. That the motion would be to deny both permits. You can't have one without the other. So they do need to go together.

Mr. Freitas: Yes.

Ms. McLean: Then the motion would be to deny the two permits, the State Special Use Permit and the Short-Term Rental Home Permit.

Chairperson Lay: Call for the vote. All those in favor of denial? Those opposed. Motion carries.

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

**VOTED: To Deny the State Land Use Commission Special Use Permit and the Short-Term Rental Home Permit.**  
**(Assenting - J. Freitas, J. Medeiros, W. Hedani, S. Duvauchelle,**  
**P. Wakida, W. Shibuya)**  
**(Dissenting - K. Ball, M. Tsai)**

Mr. Ball: Can we take a break?

Chairperson Lay: Let's take a break, 10-minute break everyone.

A recess was called at 2:45 p.m., and the meeting was reconvened at 2:55 p.m.

Ms. McLean: Commission, the next item on the agenda is the Acceptance of the Action Minutes of the October 22, 2013 meeting.

**E. ACCEPTANCE OF THE ACTION MINUTES OF OCTOBER 22, 2013 MEETING**

Mr. Ball: Move to approve. No changes.

Mr. Tsai: Second.

Chairperson Lay: All those in favor say, "aye".

Commission Members: Aye.

Chairperson Lay: Those opposed? Minutes have been accepted.

**It was moved by Mr. Ball, seconded by Mr. Tsai, then unanimously**

**VOTED: To Accept the Action Minutes of the October 22, 2013 meeting.  
(Assenting - K. Ball, M. Tsai, J. Medeiros, J. Freitas, W. Hedani,  
S. Duvauchelle, P. Wakida, W. Shibuya)**

Ms. McLean: Chair, your next item is Director's Report. There are a few items there.

**F. DIRECTOR'S REPORT**

1. **Pursuant to the Special Management Area Rules of the Maui Planning Commission, notification to the Maui Planning Commission of the filing of the following Special Management Area (SMA) Appeal:**
  - a. **ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, THE LUNA PLACE ROAD ASSOCIATION, TERI LARRONDE, and MICHAEL NEWBRO submitting an appeal dated October 17, 2013 of the amended SMA Minor Permit and an amended Country Town Business (CTB) Approval issued by the Planning Director for Renovations and refurbishment to an existing building and the Mercantile building at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (APPL 2013/0010) (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (E. Wade)**

Ms. McLean: The first is pursuant to your SMA Rules. This item is posted for notification purposes only that we have received a Special Management Area Appeal filed by Isaac Hall, attorney for Maui Tomorrow foundation, Inc., Lance Holter, the Luna Place Road Association, Teri Larronde and Michael Newbro and this is an appeal dated October 17, 2013 of an amended SMA Minor Permit and an amended Country Town Business Approval issued by the Planning Director for renovations and refurbishment to an existing building and Mercantile building at 120 Hana Highway, parcel TMK: 2-6-005: 033 in Paia. Again, this item is on the agenda for notification purposes only. No action is to be taken today.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Is this coming up down the road for us to either see...have it come before us or choose a hearing officer?

Ms. McLean: Yes.

Ms. Wakida: Do we need to hang onto this?

Ms. McLean: I don't know.

Ms. Wakida: The answer is yes.

Ms. McLean: I'm sorry. I think it would be safer to hold onto it.

Ms. Wakida: Okay.

Chairperson Lay: Does anyone wish to testify on this agenda item? Please step to the mic and identify yourself.

Ms. Irene Bowie: Good afternoon, Chair and Commissioners. I'm Irene Bowie with Maui Tomorrow Foundation. I am here just to ask when we might be able to expect a date on your calendar for our appeal to be heard. We first filed an appeal in July. We had to file another appeal when the, when the SMA Minor Permit as amended back in, I believe that was approved in September the amendment to the SMA Minor was filed in August and the Director approved it in September. So we're really questioning when this appeal will have a chance to be heard. In the meantime the building is being constructed. We feel strongly that there was an undervaluation of the project and that the public participation process was averted by that action. The project was described as renovation and refurbishment and it was in fact a demolition so there's a lot of interesting issues to this that, you know, I'll let our attorney go into in detail when our appeal is heard, but we've been waiting a long time. Although this has been characterized by the developers as a small group of people, it's actually a lot of people that were concerned that came to Maui Tomorrow back in June and July and asked us to please get involved because they felt, you know, that there are issues that need to come forward. Sitting here all day I have to say, this is the process that works. Having public testimony so that you get to hear people's concerns, you get to put in conditions and mitigate those concerns and that's what's been bypassed in this process so far. So again, just hoping that we really do have an appeal day to go forward sometime soon. Thank you.

Chairperson Lay: Do we have a date? Do we have a scheduled date? No date at this time. Commissioner Wakida?

Ms. Wakida: I think it's a valid concern that something like this...I mean, it is a timely thing. How does the Department proceed here?

Ms. McLean: When we understand that the parties involved are ready to discuss hearings officer and scheduling dates and when we believe there's time available on the agenda then it will be posted.

Ms. Wakida: Thank you. But I think...are we looking at stalling tactics so that the building can get built? I mean, I'm not accusing them of this, I'm just playing devil's advocate for a minute because I'd like to see this get resolved one way or the other.

Ms. McLean: The County is a party as well, and from the County's side, no we're not stalling.

Ms. Wakida: Okay.

Chairperson Lay: Okay, moving onto our next agenda item.

Ms. McLean: Thank you, Chair. We have two items before you that are requesting a waiver of review to allow the Department to administratively issue time extensions. The first one is a request from Mr. Michael Summers of Planning Consultants Hawaii, LLC., on behalf of MBP Texas Realty,

LLC requesting a two-year time extension on the SMA Permit condition to initiate construction for property situated at 2192 Iliili Road, TMK: 3-9-005: 033 in Kihei. Jim Buika is the Staff Planner.

2. **MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension requests administratively:**
  - a. **MR. MICHAEL SUMMERS, President of PLANNING CONSULTANTS HAWAII, LLC on behalf of MBP TEXAS REALTY, LLC requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction for property situated at 2192 Iliili Road, TMK: 3-9-005: 033, Kihei, Island of Maui. (SM1 2007/0017) (J. Buika)**

Mr. Jim Buika: Good afternoon, Commissioners. My name is Jim Buika, Planner with the Planning Department. This is a second time extension request for the project known as a Maui Beach Place. You have a package in front of you. The purpose of the time extension is two-fold. The first is to request from the Maui Planning Commission a waiver for the departmental administrative review to extend the SMA Permit No. SM1 2007/0017 for a second time for two years or until December 31, 2015. And the second purpose is to transfer the SMA Permit from the Maui Beach Place, LLC to the MBP Texas Realty, LLC.

Just by...for a quick background on the project. This was my original project when I brought it to the Commission in 2008. It is a project located on the shoreline on a basalt bluff right at Charlie Young Beach in Central Kihei. There is the original power point that is included in your packet so you can see the location map as well as some of the pictures and renderings of what the project will look like. It is elevated rather high, 20, 25 feet on a basalt bluff above the ocean. And it has the existing SM1 Permit has 37 conditions on it that will be complied with. I have the applicant's representative, Mr. Mike Summers here as well as Mr. Bellos and also the project engineer, Stacy Otomo are also present. The cover page there is a cover letter and the content in the cover letter from the applicant's representative dated September 13, 2003, meets the criteria for the time extension under the SMA Rules, Section 12-202-17(e). So that's the opening letter there explains the reason for the second time extension.

Again, the package is for the transfer of the ownership papers and the acceptance...oh, in that packet is the official transfer of ownership to the new owner as well as the acceptance by the new owner of the 37 SMA conditions. So the time extension request does meet the criteria in the SMA Rules. And again, there is a preliminary engineering report included in the packet dated August 2007, and there's also a State Historic Preservation Division letter in there stating that there will be no effect on significant historic sites. So that concludes my opening comments requesting that the Commission's concurrence to waive review of this time extension for two years with the concurrence from the MPC to...Maui Planning Commission to waive review, the new owners have agreed to comply with all 37 conditions. That concludes my presentation on the project, Mr. Chair.

Chairperson Lay: At this time, we're going to open to public testimony. Does anyone wish to say anything at this time? Seeing none, public testimony is closed. Commissioners, any questions? Commissioner Wakida?

Ms. Wakida: Jim, just on the request. They've transferred...I thought the new owners had to come before the Commission for a transfer approval? When you transfer an SMA it's not the case?

Mr. Buika: No, they don't need to. All they need to do is...they just need to agree to following the conditions, yeah.

Ms. Wakida: Okay.

Mr. Buika: And they haven't officially done the close of sale to the new owners, but a condition of close of sale to the new owners is that they obtain this extension before you today for two years or waive review of it as well as...I guess that's the main thing, that's the condition is that they get the permit with it and then they'll close sale very quickly on the project.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I have a couple more questions. On the certified shoreline map, I can't read anything on it, when was that done? What year? And my question is how long is a certified shoreline map good for?

Mr. Buika: Well, the State Certified Shoreline Map was actually...well, it was done in 2007. It was done within one year of the project time frame back then. It still goes with the project. However, what happened in this project back to the original permit was something in the rules that we do have is that the applicant...there's both an erosion rate and the average lot depth rate, what can happen is if the applicant disagrees with the annual erosion hazard rate calculation which was I think about less than one-foot per year, they can appeal that and they did an actual study, brought it forth with the permit and I passed it by University of Hawaii, Chip Fletcher who has done under contract these maps for us and he agreed as well as DLNR and Parks and Rec out front that yes there is. They appealed that the erosion rate is actually zero because it is a high basalt bluff at the point and there is not a continuing erosion rate and the Department agreed with that also. So it became an average lot depth calculation at that point.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Move to waive review.

Vice-Chair Shibuya: Second.

Chairperson Lay: Motion by Commissioner Hedani to waive review, seconded by Commissioner Shibuya? Any discussion? Commissioner Wakida?

Ms. Wakida: You just cut off me off here, I had one more question.

Mr. Hedani: Oh, sorry.

Ms. Wakida: I'm sorry. I just was a little concerned about this team of consultants made architectural refinements of the project and I mean, a certain project was approved and I don't know what they mean by architectural refinements maybe you could clear that for me?

Mr. Buika: Well, I was involved. I reviewed, the Department reviewed some of these, the architectural refinements. Not that there's anything wrong with Colorado, I love Colorado, but the architects were from Colorado and it was kind of a...it looked like Colorado. What happens in Colorado, you build basements, you build elevators, you can't get surfboards in elevators, you can't really dig basements in blue rock which is there. They would be blasting. So the applicant hired Marty Cooper, a very well-known local architect and he has given it a nice Hawaiian flavor. So the Hawaiian style will predominate. It will be a beautiful Hawaiian-style plantation project. And if there is a desire we can send it to the Urban Design Review Board. But it is a large improvement. They took out the elevators which were blocking some of the ocean view. There's no need for really for the elevators. And they built in some kind of a, kind of an underground storage for your...some surfboards and bikes and things...like a half-story instead of a basement that was not really realistic at the location. So it's a much improved design.

Chairperson Lay: Any more discussion on the motion?

Mr. Buika: But just one additional comment. The footprint will not change at all.

Chairperson Lay: Can Deputy repeat the motion, please?

Ms. McLean: The motion is to waive review and allow the Department to approve the time extension administratively.

Chairperson Lay: Call for the vote all those in favor? Motion carries.

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

**VOTED: To Acknowledge Receipt of the Request and to Waive Its Review of the Time Extension.  
(Assenting - W. Hedani, W. Shibuya, J. Medeiros, J. Freitas, K. Ball, M. Tsai, S. Duvauchelle, P. Wakida)**

Chairperson Lay: Next on our agenda?

Ms. McLean: Chair, the next item is also a request to waive review. A request from Mr. Jordan Hart, President of Chris Hart & Partners on behalf of Mr. Alfred Fairbanks, again for a two-year time extension on an SMA Permit condition to initiate construction of the Alahela Subdivision and related improvements at TMK: 3-9-017: 034 in Kihei. And again, Jim Buika is your Staff Planner.

- b. **MR. JORDAN HART, President of CHRIS HART & PARTNERS on behalf of MR. ALFRED FAIRBANKS requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Alahele Subdivision and related improvements at TMK: 3-9-017: 034, Kihei, Island of Maui. (SM1 2007/0006) (J. Buika)**

Mr. Jim Buika: Thank you. Jim Buika with the Planning Department. This project is one in which the Department requests from the Maui Planning Commission a waiver for departmental administrative review to extend the SMA Permit for SM1 2007/0006 until October 31, 2015. Alahele Subdivision came to you several months ago in August. It is being turned into a 100 percent affordable project on 48 lots. It is in, again, in Central Kihei. There are maps and pictures in your packet there. I have with me, the applicant's representative, Mr. Jordan Hart and Brett Davis, who are representing Mr. Fred Fairbanks on the project.

The reasons for the time extension request are in the cover letter but it is being prepared... currently an application for the Housing, Finance and Development Corporation through the 201(H) application for 100 percent affordable project. As far as the 201(H) application there is a new traffic impact assessment report being prepared and additionally an engineering and drainage report is being prepared and will be completed by December 1, 2013. Those will go as part of the 201(H) application. The applicant is going to host a community meeting in mid-December which is now scheduled as part of the requirements for the 201(H) application. And then the applicant will submit to the 201(H) application after the community meeting and before the end of the year for review by the Hawaii Housing, Finance and Development Corporation. After the HHFDC approval, the application is sent to the County Council for review for a quick turnaround and then following that, the applicant will come back for an SMA amendment to all of you here to process once the Council review is complete. The SM1 project as it approved is for lots only, and the change in this project that will be, require your review in the future following the 201(H) process is to look at and approve the addition of the housing on the lots rather than selling the lots at market place back in 2007-08, they will be placing the affordable homes on the lots. So that'll come back to you for an amendment to the SM1 following the 201(H) process. So that'll happen early next year. So that is by way of background and that concludes my background and comments on the request for waiver by this body to allow the Department to administratively extend this SM1 permit.

Chairperson Lay: At this time, open up for public testimony. Does anyone wish to testify at this time? Seeing none, public testimony is closed. Commissioner Medeiros?

Mr. Medeiros: I move to accept.

Mr. Freitas: Second.

Chairperson Lay: Motion to accept and a second for deferral. Commissioner Wakida?

Ms. Wakida: Jim, I have one question. On the letter dated September 12th, it's just a housekeeping question really, I don't understand. It says at the regular meeting of August 13th, we voted to let the Department review and extend the time commission, I mean, the time extension and



then in that amendment it said it should be initiated October 31st. Why was it only extended to October to begin with? I mean, why...

Mr. Buika: The issue here was what I explained last time. It just came in August, right?

Ms. Wakida: Yeah.

Mr. Buika: And the time extension...the ability for the Department to bring the time extension forward was hindered because the project was in bankruptcy from 2007-2008. The people who had the SM1 were in Los Angeles, they were in Bankruptcy Court and the current owner, Mr. Fairbanks, was unable to buy the property. He's actually the original owner, and he bought back the property from these people once the bankruptcy filing went through. So we weren't able to do it until July, August, this time frame. So that's why it came back to you and it was already almost two years up, and at that time, the Department presented that we would be coming back today for another time extension just to do it administratively, procedurally to keep track of things. That's the only reason. Yeah, it is rather confusing out of context.

Chairperson Lay: Okay, back to the motion on the floor. Any discussion on the motion?  
Commissioner Shibuya?

Mr. Shibuya: Okay, my question is not so much with this issue directly, it's indirectly, and it's related with several of our drainage areas. Maybe Public Works can tell me if they have some kind of plan in which they maintain these various streams by taking out the organic matter so that the next flood comes in we collect a lot of the sediment.

Chairperson Lay: We're addressing the motion on the floor right now.

Mr. Shibuya: Yeah, because it might cause flooding.

Chairperson Lay: But the motion is to deferral.

Mr. Shibuya: I understand, okay.

Mr. Hedani: Waive review.

Chairperson Lay: Waive review, excuse me. Waive review, excuse me. Commissioner Medeiros?

Mr. Medeiros: Yeah, I made the motion because I feel there is a...the community really needs affordable housing and how often do we come across 100 percent affordable housing? There is a need and that's why I'm supporting it.

Chairperson Lay: Commissioner Freitas?

Unidentified Speaker: He's already voting.

Chairperson Lay: Any more discussion on the motion? Can you repeat the motion, please, Deputy

Director?

Ms. McLean: The motion is to waive review to allow the Department to issue the time extension administratively.

Chairperson Lay: Call for the vote. All those in favor? Motion carries.

Mr. Buika: Thank you.

**It was moved by Mr. Medeiros, seconded by Mr. Freitas, then unanimously**

**VOTED: To Acknowledge Receipt of the Request and to Waive Its Review of the Time Extension.  
(Assenting - J. Medeiros, J. Freitas, K. Ball, M. Tsai, W. Hedani,  
S. Duvauchelle, P. Wakida, W. Shibuya)**

Chairperson Lay: Our next agenda item?

Ms. McLean: Next item, Chair, Commissioners is a letter that you have dated October 21st from Jordan Hart of Chris Hart and Partners offering to host site inspections for two projects that will be coming to you for review.

- 3. October 21, 2013-letter from MR. JORDAN HART, President of CHRIS HART AND PARTNERS offering to host site inspections of the following projects:**
  - a. Community Plan Amendment and Change in Zoning for the proposed Maui Research and Technology Park (MRTP) Master Plan Update located on 406 acres of land I at TMK: 2-2-024: 002 to 008, 009 (por.) , 014 to 018, 032, 034, 036 to 044, 045(por.), 046 and 2-2-002: 084 (por), Kihei, Island of Maui. (CPA 2013/0001) (CIZ 2013/0002) (K. Wollenhaupt)**
  - b. Community Plan Amendment and Change in Zoning for the proposed Puunene Heavy Industrial Subdivision located at TMK: 3-8-008: 019, Pulehunui, Island of Maui. (CPA 2012/0002) (CIZ 2012/0005) (K. Wollenhaupt)**

Ms. McLean: The first is the Maui Research and Technology Park Master Plan Update. They will be applying for a...or they have applied for a Community Plan Amendment and Change in Zoning, and so the consultant is offering to host a site inspection before those items are scheduled for discussion and decision making.

Mr. Ball: Is he driving us?

Ms. McLean: Is he driving you? He could answer that I suppose. The other project is for the Puunene Heavy Industrial Subdivision which is also coming in for a Community Plan Amendment and Change in Zoning, and again, the consultant is offering to host a site inspection before the items are scheduled for your discussion and consideration.

Chairperson Lay: Commissioners, do you have any questions for the consultant?  
Commissioner Wakida?

Ms. Wakida: May I ask a question of our Deputy Director? Are there other upcoming projects that we could visit on the same site visit down the road or other large subdivisions that are out there that are pending, maybe in the next couple of months?

Ms. McLean: I think these are the two, the two biggest ones. Maybe Clayton knows of some others that are on the horizon. From what I understand of the next few meetings for the rest of the year, we have pretty full agendas, so this would probably mean an additional meeting day. So that would be one consideration. Maybe if Clayton tell us if there are other large projects on the horizon?

Mr. Yoshida: Yes, good afternoon, Mr. Chair and Members of the Commission. I guess the time tables on these are December 10th is the hearings for the Maui R&T Park expansion update and the CMBY 2011 Investment probably in March or April of next year. Decisions on the District Boundary Amendments were made by the Land Use Commission last month, but we're waiting for the written decision and orders which should come out this month. Other projects, we have several projects in the Wailea area, the Piilani Suites Hotel which was the commercial piece that you took out today that is RD Olson Development is the applicant on that on Wailea Ike Drive. There's also a Island Country Store, country market at The Shops of Wailea complex on Wailea Alanui Drive, and then there is the Wailea HM project which is the...I'm sorry, Makena HM project which is the redevelopment of the Makena Hotel which will be going to the Urban Design Review Board in December. So you have those at least in the Wailea-Makena-Kihei...within the community plan, Kihei Community Plan region. So I guess how much do you wanna accomplish in a day.

Ms. McLean: Well, if the, if the R&T Park applications are being scheduled for December 10th, then the site visit will have to be before that. And whether any of those other Wailea items would also be ready for a site visit at that time, we'd have to check with those applicants.

Ms. Wakida: We're looking for a date?

Mr. Tsai: Are you looking for a date?

Ms. McLean: Well, again it's up to the Commission whether you feel that a site inspection of any of these projects is something you wanna do and choosing a date.

Chairperson Lay: Verbal commitment here, all those in favor?

Commission Members: Aye.

Chairperson Lay: Any opposed? So let us know about the scheduling then.

Ms. McLean: Clayton or Carolyn should we just poll the Members by e-mail? How would you like to proceed?

Mr. Yoshida: Well, I guess since all the Members are here today, and December 10th is coming up soon, it would have to be at least six days or more from today. So it would have to be after November 18th, and also Thanksgiving is coming up soon, so you know, kinda have to schedule around those events. But we need to post the agenda at least six days prior to the site visit.

Ms. Wakida: What about the first Tuesday in December? First Tuesday in December?

Mr. Yoshida: First Tuesday in December.

Ms. Duvauchelle: December 3rd.

Ms. McLean: Tuesday, December 3rd.

Mr. Tsai: That works for me.

Ms. McLean: And then R&T Park would be scheduled a week later at the regular meeting.

Mr. Tsai: So about what time?

Ms. McLean: And do you wanna try to see all of those South Maui projects?

Mr. Tsai: I don't wanna see all.

Ms. McLean: The R&T Park you wanna see and then what, the hotel or the Piilani Suites Hotel site, the Makena site or The Shops at Wailea?

Mr. Ball: Well, I think that the hotel site, ... (inaudible)... kiawe, right?

Ms. McLean: The Piilani Suites? Probably.

Mr. Ball: The Makena Resort we've all been to.

Ms. McLean: So just the R&T Park. A shop at The Shops of Wailea. We could also do the Puunene item then. Do the two that they're requesting since there are no other South Maui items you wanna see.

Ms. Wakida: Which two did you just say?

Ms. McLean: That are on the agenda, the R&T Park and then the Heavy Industrial Subdivision in Puunene.

Ms. Wakida: Right. Yeah, and like if there was any like where it's vacant land going to be something different.

Mr. Freitas: That Puunene Industrial Park is that one with all of the black canvas around now?

Ms. McLean: No, this is behind the drag strip.

Mr. Ball: These are both coming on the 10th?

Ms. McLean: The R&T Park is December 10th, the Heavy Industrial Subdivision is next year. Clayton said maybe March.

Mr. Ball: I'm just thinking for the paperwork side of it could we get that beforehand because then we can see the visual on paperwork and then...

Ms. McLean: You should have your packets by then. Do you usually get your packets more than a week in advance? Okay, we'll see at least for the R&T Park that we can get a couple of visuals.

Mr. Ball: Do we have a time?

Ms. Wakida: Do we meet like we did before at a common place and get a bus?

Ms. McLean: Well, the requester, perhaps the requester can tell us what he has in mind?

Mr. Jordan Hart: I was asked to clarify that we're making this request on behalf of our Planner who thought it would be an appropriate request. With regard to the meeting location, this could be an appropriate meeting location and we could head out to South Maui. So the parking lot here if that's appropriate?

Mr. Tsai: I'll meet you guys there.

Mr. Freitas: We can meet at the site. We can meet at the Research Center. Everybody know where that is. Just go right there.

Mr. Ball: Sounds good.

Mr. Hart: Should there be a specific parking lot that we meet at perhaps?

Ms. McLean: We can confirm these details. We'll confirm.

Mr. Hart: Confirm the location?

Ms. McLean: Well, the agenda would be posted to start at the site and so then it would be up to Commissioners whether they wanted to go there themselves or if we have one coordinated meeting point here, anyone who wants to ride as a group could meet here or if they choose to meet there. Then the site visit would start at a posted time at the site.

Mr. Hart: That's great. I'm sure Kurt can make the final recommendation before the agenda is posted to pick a location.

Mr. Tsai: Is there a time?

Ms. McLean: That's up to...

Mr. Freitas: Nine o'clock.

Ms. McLean: You wanna start there at 9:00 or start there at 9:30?

Mr. Freitas: 9:30. Start there at 9:30.

Ms. McLean: Start there at 9:30 and then we'll poll Members to see who wants to right together from here or if you wanna go there directly on your own you can.

Ms. Wakida: And I think it also hinges on how many additional properties so if you wanna make this a half-day project or a whole day project.

Ms. McLean: Yep. I think a half-day, half-day would do it.

Ms. Wakida: If there's others that get stuck in here maybe you wanna start like 9:00.

Ms. McLean: Okay.

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

Ms. McLean: The next item Planning Commission Projects or Issues?

#### **5. EA/EIS Report**

#### **6. SMA Minor Permit Report**

#### **7. SMA Exemptions Report**

Ms. McLean: Then we have the EA/EIS Report and the SMA Minor and Exemptions Report. Commissioner Shibuya did ask a question earlier in the day about an SMA Assessment application. He asked about SMX 2013/0278, UH Maui Campus. We found out that actually was an exemption that was issued. It hasn't been closed out on our report, but the exemption has been issued. It was to replace one single skylight in the Library Building at UHMC.

Mr. Shibuya: Okay, thank you.

Chairperson Lay: Any more questions on the report? The Director's Report. Okay, we're gonna need an approval, a verbal one. All those in favor of approving the Director's Report.

Mr. Tsai: Accept with a...actually with a typo just wanted to make a note of it. Sorry, it's supposed to be master plan.

Ms. McLean: On Item 3-A.

Chairperson Lay: Okay, so noted on that correction in our minutes.

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

**a. November 26, 2013 meeting agenda items**

Chairperson Lay: Other than that if anybody has anything else to bring up? If not our next meeting is November 26, 2013. Meeting is adjourned.

**G. NEXT REGULAR MEETING DATE: NOVEMBER 26, 2013**

**H. ADJOURNMENT**

The meeting was adjourned at 3:35 p.m.

Submitted by,

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

**RECORD OF ATTENDANCE**

**Present**

Keone Ball  
Sandy Duvauchelle  
Jack Freitas  
Wayne Hedani  
Ivan Lay, Chair  
Jason Medeiros  
Warren Shibuya, Vice-Chair  
Max Tsai  
Penny Wakida

**Others**

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