

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JUNE 24, 2014**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:00 a.m., Tuesday, June 24, 2014, 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.)

- B. PUBLIC TESTIMONY** - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Chairperson Lay: ...public testimony. We'll be doing the same thing this morning. For those of you who cannot stay for any agenda item that might be on our agenda today and would wish to testify early, this would be the time. If any...you won't be able to testify later on when the agenda item comes, but if you wish to testify now you can. We have lotta people for the Kahoma Village. We're gonna have public testimony, then we're gonna have a presentation on Kahoma Village, and then we'll have public testimony again. Yeah, you can only testify once. Okay, we'll open up public testimony. Our first person is Don Gerbic.

Mr. Don Gerbic: Good morning, Members. My name is Don Gerbic. I'm a resident of Lahaina and member of the Lahaina Honolulu Senior Citizens Club and a past employee of Pioneer Mill. I'd like to clarify a misconception about the Kahoma Village first of all. This area was formed by Pioneer Mill for well over 40 years, the period that Weinberg Foundation owned it. If there were any artifacts in this area they would have surely been found since the establishment of Pioneer Mill in 1860 and over more than 40 plus years of farming in the area.

Living in Lahaina in the 1970's, 80's and 2000 until now I have watched our West Maui citizens employment opportunities and housing having decreased with the closing of Pioneer Mill and furnished camp housing until the final closing in 1999, and very few West Maui new housing developments. During closing of Pioneer Mill on the west side we have seen an increase in jobs in the hotel, supporting industries in Kaanapali, Kapalua, and Lahaina but little increase in available affordable housing. Can you imagine the number of workers currently traveling back and forth from the other side each day to Kaanapali, Kapalua, and Lahaina. It's immense. I personally feel that the Kahoma Village development is long overdue and will provide a much needed housing for all our west side hotel workers currently having to travel daily from the other side of the island.

The Maui County Council, Land Use Commission as you know has approved this subdivision and reviewed the infrastructure, traffic capabilities and found them to be adequate with little needed changes. I strongly urge you to approve this much needed West Maui project. Thank you for the opportunity to testify.

Chairperson Lay: Commissioners, any questions for testifier? Seeing none, thank you very much. Next we have, Mark Allen.

Mr. Mark Allen: Good morning. My name is Mark Allen. My wife and I live at 1150 Kaahanui Place which is one of the three side streets connecting to Puunoa Place.

Ms. Wakida: Excuse me,

Mr. Allen: Yes, ma'am?

Ms. Wakida: I'm sorry, Mark. Chairperson, maybe we could pause just a second and let people get settled. There seems to be a traffic jam or find seating or something? Getting a little difficult to hear him.

Chairperson Lay: We're having difficulty up here hearing our testifier so if the gallery can find a seat or a place to stand. We don't have any more chairs. If you're not gonna testify at this time, we do have a waiting area on the outside. We apologize for not be able to hold everyone here, but there is an area outside. We wanna make sure that everybody has a chance to testify and the Commissioners has a chance to hear all your testimony. Thank you. You can go ahead and continue.

Mr. Allen: Should I start over?

Chairperson Lay: Sure.

Mr. Allen: Good morning. My name is Mark Allen. My wife and live at 1150 Kaahanui Place which is one of the three side streets connecting to Puunoa Place. Ours is small neighborhood of approximately 28 residences directly across Front Street from the proposed development. Our repeated attempts over the last 18 months to persuade the developer to modify certain aspects of the plan to lessen the negative impact it will have our neighborhood have met with uncompromising, arrogant indifference.

Everyone in our neighborhood knows that this project will have an impact on us that will be clearly distinguishable from that of the general public all negatively. Most of the residents of our neighborhood could not attend this proceeding as ours is a predominantly working class neighborhood. I am resubmitting signed copies of our original objection as evidence that I speak for our neighborhood as a whole.

The applicant, Stanford Carr Development has stated in their Motion in Opposition to our wish to be designated intervenors that the interests of PPK-AA, Protect and Preserve Kahoma Ahupua`a that we have failed to show our interests are clearly distinguishable from the general public. I am submitting several pictures of the storm water ditch that is the only exit point for water from the 24 plus acre site in question. This ditch runs westbound to the ocean and borders the entire southern boundary of my property. I had to personally repair a collapsed section of the ditch sidewall some years ago and as a 150 feet of the water course is under pavement its current condition is difficult to ascertain.

The amount of water that courses this ditch is enormous. A one-inch rainfall dropped 648,000 gallons on the proposed site, two inches, 1,300,000, three inches, 2 million gallons of water. Currently much is absorbed. The proposed development has the water retention on the uphill side of the property but 70 percent of this land becomes impervious covered with roads and buildings the only place the water has to flow is through 24-inch culvert under Front Street with a ditch that adjoins my property. The water is impeded by a wall of sand at Baby Beach that is created by tidal action between rainfalls. I question whether the current storm drain system will handle the occasional large rainfall event, who will be liable if it cannot and who is responsible for the future maintenance of this water course.

I believe that this concern plus others as clearly described by my fellow PPK-AA associates demonstrates that our interests are clearly distinguishable from the general public's interest. I ask that you reject Stanford Carr's motion to dismiss our Petition to Intervene and allow us to have further input in the ongoing SMA process. Thank you.

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

Ms. Wakida: Mr. Allen, are these your photographs?

Mr. Allen: Yes ma'am.

Ms. Wakida: I am familiar with this area but I'm a little unfamiliar with this particular ditch. Can you tell me where it starts?

Mr. Allen: It starts in a culvert that is right next to Front Street at the bottom side of the project site, the proposed project site. It's the only way for water to leave that property.

Ms. Wakida: Okay.

Mr. Allen: It's on Front Street. It's on the, it be on the east side of Front Street and it drops down. There's kind of a hole, there's a little bit of barricade around it. It drops down about three feet into a culvert. It's a 24-inch culvert that runs 60 feet underneath Front Street and then...would you like me to show you on that...the progression of that ditch?

Ms. Wakida: No, that's fine. And then...

Mr. Allen: The top left picture is directly behind my house. You follow that back and that's there's the 24-inch culvert is that runs under Front Street.

Ms. Wakida: Okay, thank you.

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

Mr. Higashi: Mr. Walker[sic], according to your testimony who owns that particular ditch that you're talking about that you repaired?

Mr. Allen: It's...the second that I repaired is on the property that's owned by Puanoa Beach Estates. It runs underground under their property, under their pavement.

Mr. Higashi: That's private?

Mr. Allen: Yes it is.

Mr. Higashi: It's private.

Mr. Allen: All this on private property.

Mr. Higashi: The other question I have is your facts and figures that you have about the amount of water that's running.

Mr. Allen: Yes, ma'am...yes, sir?

Mr. Higashi: Yes, how did you get that figure?

Mr. Allen: An acre inch of water is 27,000 gallons. I just took 27,000 times the number of acres and you come up with that amount. A one-inch rainfall is 27,000 gallons on one acre.

Mr. Higashi: So in the worst condition that you have in your area as far as rainfall is concerned, does the amount of water that flows through that is it ample enough to accommodate that culvert that you have in that particular area?

Mr. Allen: The problem that we've had in the past is that sand accretion at the beach side builds up a berm there. And that ditch fills up until finally water starts trickling over the top and eventually washes through and then the ditch empties all at once and I've seen huge amounts of water go through there when that finally busts through.

Mr. Higashi: So have you ever had water into your yard?

Mr. Allen: No sir, I have not, but there's been all this ability for the site to absorb the water in the past.

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

Mr. Allen: Thank you.

Chairperson Lay: Our next testifier is Anna Barbeau.

Ms. Anna Barbeau: Thank you. Anna Barbeau and I...(inaudible)...

Chairperson Lay: Oh wait, come up to the mic first. Please start again and speak into the mic.

Mr. Barbeau: It's Anna Barbeau. Thank you. And I'm familiar with that culvert as well. I live in that area so what he speaks is true. You know, everything with this development that's proposed would be irreparable as far as the harm that will cause to cultural, the environment, infrastructure, aesthetic beauty of Lahaina, concerns to sea life. It's just negative, negative, negative. But rather than hammering away on the negativity, I'm proposing possibly hopefully park status and within the park status we could do something positive that the Weinberg Foundation would be proud of. Single-storied educational centers, drop small parks within the acreage around that could be used as study centers and open air lunch areas. This would be positive. This is something they'd be proud of because not every kid's gonna go to college. But if we have this park status it can be used for other things because once you do a huge development, and all that effluent goes off into the ocean which is getting worse, and worse, and worse the algae is just covering everything in the ocean right directly across from the proposed development. It can't be repaired. It has to be stopped. A park status can be used differently not just as a giant park. We already have nice parks down the south end of Lahaina, but within...if it's a park status the development stops, we can go on with other things from there. We can have small trade schools with small parking lots attached, not a giant asphalt center. Give the youth a chance for the future. That's a positive impact for West Maui. We need mechanics and plumbers and culinary arts and masons, welders, electricians. Give the kids that don't get a chance to go to college a chance to stay in Lahaina, stay in the west side and have small parks in the area within the park status, have a meandering, a path through it, available for the community and the students for use and the Weinberg Foundation could probably get a huge tax break so they could win, you know, as a building for education. We could get our parks, we could reserve the open space and the integrity of Lahaina would be...wouldn't be compromised. So instead of giving us another Waikiki and have irreparable damage, it can't be taken back, let's do something positive for the future. Something that we can be proud of. Something the Weinberg Foundation would be proud. And hey, Stanford Carr, the developer can build small buildings within park status. Anyway, I hope this doable solution that could be happy for everybody...(inaudible)...

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is Jeff Blayer?

Mr. Jeff Blayer: Good morning. I was here to testify about the General Growth Properties.

Chairperson Lay: Do you wish to testify later on?

Mr. Blayer: Yes.

Chairperson Lay: Okay. Next we have Eric Salawich.

Mr. Eric Salawich: Good morning, my name is Eric Salawich. I'm a 44-year Lahaina resident and I thank this committee for letting us speak to day. I'd like to see the Kahoma Village project move mauka of the highway as this is the last open space makai of the highway and it would better serve the community as a whole as a park with open spaces for children and playground, a dog park, fitness area, parking for Baby Beach, et cetera. There's so many letters in the newspapers, petitions, people rallying, you can't ignore the public. It's, you know, it's what we want. It would

help 200 people get a home but like I said, we could move this development mauka of the highway and still have development and building and affordable housing, but once we pave over that open space, it's gone forever. We're selling out, you know, our kids and our future generations. There's just not much park space in Lahaina. It's also in a tsunami zone. Why would you build 200 homes in a tsunami zone? You know, we've had four close calls over the last 30 years, what happens when one really does hit? It's already hard enough to evacuate the people we do have, why add to that congestion?

Our schools are at capacity. By adding this project 200 houses at 2.2 kids that's 400 more children even if half of them were from that area that's still 200 new kids in our schools. We have portables now. The classrooms are over capacity. Where are these kids gonna go, you know? Also with the wastewater, we have injection wells that are putting water in the ocean and you know, poisoning and killing our reefs and marine life, putting our visitors and our locals that swim and use these areas at risk. I think if we move this and put it on the back burner for a little while it would give us time to address those situations as well. There's some cultural significance involved here. I believe that there's been some talk of that being David Malo's homestead that was granted to him by King Kamehameha. I think that's very important to the Hawaiians and should be looked into. And also would ask the committee to look at the developer's track record and see what, you know, what other communities that they've built and walked away, unfinished roads and et cetera leaving the residents holding the bag. So thank you for listening and...(inaudible)...have a nice day.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is Michael Lincoln, oh, Michele, Michele.

Ms. Lincoln: Thank you. Michele Lincoln but I am going to be here all day so if you wanna take--

Chairperson Lay: Okay, thank you. Naomi Guth

Ms. Naomi Akiona Guth: Aloha mai ka ko. My name is Naomi Akiona Guth. I was born in Pioneer Mill Hospital in Lahaina, Maui and raised in Lahaina at 1154 Puunoa Place at our family home. First of all, I'd like to say I support affordable housing on the west side coming from a family of seven children all raised at 1154 Puunoa Place and then I married and had six of our own children and also raised them all at 1154 Puunoa Place. Yes, affordable housing is very important to me and to the future of our children and to our grandchildren.

I am a native Hawaiian. My kupuna came from Kauai to Lanai and to Lahaina on my Papa's side. On my Mama's side our kupuna came from Hawaii island to Kahikinui, into Honolua and then moved up above Kupunalau after being displaced by the tsunami in 1946. I come from a long line of fishermen and farmers and taro...mainly kalo farming. My mama taught me as she had been taught to gather limu, opihi, haopu, wana, aama and anything in the ocean close to the shoreline and on the reef to sustain us. Papa was a machinist for Baldwin Packard also known as Maui Land and Pine. On the weekends, Papa was a commercial fisherman. The ocean sustained us as Hawaiians practicing our culture and protocol. We were taught to have a deep respect for the ocean as our kupuna did teaching us the value to malama the ocean and to malama the aina because what you do mauka directly impacts makai. The ocean plays a vital role in all life. As Hawaiians we are as much a part of the aina and the ocean. You cannot separate us. We are

intertwined with both, and there is no monetary value that can be put on either.

The history of Lahaina is deep and vast and startling. The Lahaina was the seat of the capitol of Hawaiian government. Political decisions were made here that affected all of Hawaii nei. Hawaiians and non Hawaiians both sugar and pineapple plantations have their history here. Lahaina was also the whaling port in all of Hawaii. Lahaina has it charm and it's unique with its location and climate that allures travelers from all over the world. The proposed Kahoma Village project will situate the last open space in all of Front Street. I humbly suggest that the Weinberg Foundation put a park in this location and keep it an open space. The decision you make will be your legacy and the future for those generations to come. Mahalo.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is Ray Shimabuku.

Mr. Ray Shimabuku: Good morning. Good morning, Chairman Lay and Members of the Maui Planning Commission. My name is Ray Shimabuku. I am a business representative of the International Brotherhood of Electrical Workers, Local Union 1186. Thank you for allowing me to provide testimony in favor of this Kahoma Village project in Lahaina.

I was born on Maui and have lived here my entire life. Back in the early 80's I remember having opportunities to purchase homes in the \$125 to \$150,000 range. With the next generation of young adults, our children, there should be opportunities for them as well and would be great for them if the price was still the same.

I have a daughter who graduated from high school and after high school she went to the mainland, got a college degree, worked and lived there for seven years. It was her decision to move back home two months ago and be back to where her life began. We as parents want our children to be here so they can enjoy the lifestyle that we have. We also want them to have the opportunity to live in their own home. As mentioned earlier in the previous testimony that the kids, new kids will be coming to this area, actually the kids are already here living with aunties, uncles, grandma and grandpa and they don't have their own home, their parents don't have their own home. Also with the requirements of the developers to pay the impact fees of this project, the community of Lahaina will benefit as well. As a graduate of Lahainaluna High School I humbly ask for your support and the saying of the Lahainaluna is Imua, take charge and move forward with this project. Mahalo.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is Connie Sutherland.

Ms. Connie Sutherland: Good morning. My name is Connie Sutherland. I come before you as a resident of 64 Puunoa Place having lived there for 45 years. Asking you, the Planning Commission, not to approve the Kahoma Village. I've appeared before several committees in regard to the Kahoma Village project. I also have attempted to talk with the Stanford Carr people and so far our requests have fallen on deaf ears.

We know better than any developer, employee what the traffic pattern in our cul de sac neighborhood of under 30 homes will be. We know better than any department head of the County

what happens when the emergency services try to access one our neighbors. But so far nothing we've shared seems to permeate the developer's desire to have a huge negative impact on our existing neighborhood.

In 1980, our neighbors gathered together to fight a power entity the Omori Corporation. They wanted to access their beachfront property to create Puunoa Estates Condo. We were successful in obtaining many concessions primarily the right to not access the project from Puunoa. Our streets are substandard at 15 feet wide. They had to change their plans and redraw their project and acquire right of way off of Kaipali Place.

Now another powerful entity has come to impact our neighbors. They want to adjust their main egress and ingress which is now placed directly across from Puunoa Place. If you, the Commissioners, have not done a site inspection I can't imagine how you can vote on this project. We have no sidewalks for the occupants of the 203 homes to access the beach which is a promotional point of the development. The congestion of cars now lining the Kaanapali side of Puunoa Place is daily with car doors left open to remove children and beach gear. Who will be blamed when one of these children get hit by a car trying to maneuver and this is no parking on the Lahaina side of Puunoa. Please go back to the drawing board. This does not fit. Too many units accommodating too many people and not enough space for cars and people to navigate, let alone emergency service vehicles or an evacuation due to a tsunami alert. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is Drake Thomas.

Mr. Drake Thomas: Good morning. My name is Drake Thomas and thank you for the opportunity to testify. First let me begin by stating that I am not against affordable housing. I think it's wonderful but not in that location and I can, I can back up what several people in this area are saying. My shop is directly across the street from the proposed project and the traffic is unbelievable and one of the considerations I don't think it has been given a lot of consideration is the traffic from Mala Wharf. The number of vessels that come out of and into Mala Wharf is all day long. And I don't think this has been addressed. And when you add 205 housing units with the number of cars involved plus their friends and acquaintances because naturally they're gonna wanna be going to Baby Beach. You're gonna have a traffic nightmare and so these are one of the things that I don't think have been addressed fully.

Another thing I would like the Committee to consider if this project is rejected and I've testified on this before is the consideration of a harbor at that location. And let me, let me just elaborate a little bit. I testified in 2012 regarding the possibilities of a harbor in that location. And this is what it would look like and it would occupy the only spot that is possible to put a harbor in West Maui. And after this, this represents basically...I wanna say the Weinberg project represents lost opportunities. And lost opportunities because there's not another spot that you could ever have a harbor. It represents open space which was called for in the community plans. Diversification, economic diversification of the possibility of a harbor and jobs other than hotels I think is something to be seriously considered.

And one of the other important aspects of this is part of this harbor, this corner right here on Front

Street, let me redo that, this corner right on Front Street, in this project we designed a location for the voyaging canoes for the two, Mookiha and Moolele and there would also be a navigational institute and that way...this could be...we could celebrate and perpetuate the Hawaiian culture in the way it needs to be celebrated and perpetuated. And I think this would be a navigational institute and a place for visitors to enjoy and see the canoes in a safe setting and place for other visiting canoes to come as a safe harbor of refuge and I think Kimoeko Kapahulehua is here tonight and he can echo our meeting regarding this.

The other thing I wanted to point out is regarding a harbor–

Ms. Takayama-Corden: Three minutes.

Mr. Thomas: Oh okay, thank you. Is a harbor of safe refuge would eliminate a preponderance of groundings of vessels because right now during a Kona storm these vessels are gonna be grounding, they are going to affecting the coral reefs which we're all concerned about.

Chairperson Lay: Please conclude.

Mr. Thomas And I'm gonna wrap it up. Thank you very much for your consideration.

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

Ms. Wakida: Mr. Thomas, your proposal for a harbor, did you approach the Weinberg Foundation with your–

Mr. Thomas: We did. And a matter of fact we spent about a year putting together the economic viability of such a proposal. We didn't wanna go to Weinberg Foundation and just say we have this terrific idea.

Ms. Wakida: And what was their response?

Mr. Thomas: They never responded. We got...after a booklet that was half an inch thick we got very terse note from their attorney saying not interested. It was one line.

Ms. Wakida: Thank you.

Mr. Thomas: So they do not, they did not even entertain the possibility.

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

Ms. Mila Salvador: Aloha and good morning, Chairman, Commission Members and Staff. I'm here to testify regarding General Growth Properties so I can speak later if that is agreeable.

Chairperson Lay: Thank you.

Ms. Salvador: Mahalo.

Chairperson Lay: Our next testifier, Tyler Tam. Commissioner Hedani?

Mr. Hedani: Mr. Chairman, because we have so many people testifying today can we have not only the testifier come up to the mic but the next person that's queued up on your list also be called so that they know.

Chairperson Lay: More expedient, okay. Thank you very much. That's a great suggestion. After Tyler we have Gene Wright or John Wright, excuse me.

Mr. Tyler Dos Santos Tam: Aloha Chair Lay and Commissioners. My name is Tyler Dos Santos Tam. I'm the Executive Director of the Hawaii Construction Alliance which represents the State's 15,000 unionized carpenters, laborers, masons, and operating engineers. We're in strong support the Special Management Area Use Permit application for the proposed Kahoma Village project. We find that the Kahoma Village project will have a number of community benefits including providing additional housing and supporting quality construction jobs. The current state of Maui County's housing market has been described in study, after study, after study and one of the most definitive studies was done in 2011 by the County of Maui which showed that a significant number of Maui households live in overcrowded conditions or doubled up and live in multi-generational settings. It also reveals that near 45 percent of Maui County households expressed the desire to move into a new home in the near future. And the study concluded that Hawaii's housing market is marked by high prices and restricted supply. By any method of reckoning there will be a need for units at nearly every market level for a long time to come. And we believe that the Kahoma Village project responds to this need by providing 203 units of a 101 will be single-family dwellings and a 102 will be multi-family units which will satisfy Maui County's affordable housing criteria.

In addition as affirmed by the project's Final Environmental Assessment this is a project that will create quality construction jobs for Hawaii's local construction workers for Hawaii's local construction workers. Finally, we note that this project has been vetted by years of careful planning. A Final Environmental Impact Assessment meetings with interested stakeholders, meetings with the County Council, an evaluation by the Maui Urban Design Review Board and at every step of the way, this project has shown how it will benefit the community. And so therefore, we respectfully ask your Commission to take favorable action on the Special Management Area Permit for this project. Mahalo.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is John Wright followed by Shelley Kekuna.

Mr. John Wright: Aloha. I have a hand out. There's 16 of 'em here for each of you. I'm John Wright. I have a house Palahilahi Pace there across from the proposed development and I'm here to solve a problem as opposed to pointing out issues with this particular project. Personally it's a fact we're all aware of that right now if all the projects approved were put out to market the infrastructure would not be able to support. The roads no way, traffic of course, that's part of the roads, sewer, water, we can't support the existing plans that are already approved and that could go online here shortly with the improved economy what have you.

May particular issue with the Kahoma project is the fact that the traffic living across and having to go in and out in a inferior road against something that will be three times the size of it, think about it. There's gonna be over 1,600 trips per day generated by this project. My solution is hey, why not put the ingress and egress across from the existing Weinberg property that being on Kenui. They have the same size ingress and egress it would match up nicely.

Furthermore there's no project that empties out to Front Street, none what so ever. If they have feeder road ...(inaudible)...why is that? Because the feeder road can distribute the traffic more effectively. You dump it out into Front Street where people are trying to get work, trying to get to school, an additional 1,600 trips per day is gonna be a burden to each and every person who's tried to utilize Front Street. If you made the ingress and egress out at Kenui, in fact if there was a tsunami that would distribute the people. There's three different routes you could take. You could go up to the highway, you can go down Wainee or you can over and go down Front Street. For access to the north, I would propose to do a right-in, right-out off of Front Street to alleviate the traffic concerns. Furthermore, if you put it down across from where you gain access to Mala Wharf it could alleviate some of the traffic issues there. This is a easy, viable solution to lessen the impact on existing residents. And as a Planning Commission, I beg on you...you guys are supposed to be the ones that look out for the future, for the residents that are there. I'm stepping aside from the argument of whether or not this should be developed. I'm just saying that if you're gonna do it why not do it with the least amount of impact to the existing residents.

And I'm still not sure of what are they gonna do with the drainage. I mean, Mark brought up a really good point. That culvert runs behind my house. From my understanding you can't add any existing runoff to what's already happening. So I don't know how they're gonna get rid of those acre feet coming down behind my house. There's no way. That place would just be flooded. And that's all I have to say.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Shelley Kekuna followed by Richard Moon

Unidentified Speaker: Shelley Kekuna and Richard Moon are both here to testify on the General Growth Project and we'd like to postpone their testimony until that comes up. Thank you.

Chairperson Lay: Next we have Paul Laub followed by Tom Rodriquez.

Mr. Paul Laub: Aloha mai ka ko, I'm Paul Laub and I'm here to talk about infrastructure before development. The kids are out resources for the future and we're their resources for now. And the principal of Kam III testified at the County Planning Commission hearing that was on site that the school is overcrowded right now. In the last five years I have taught at all of the public schools on the west side from kindergarten through senior. I have a wide perspective. The main problem is we don't have enough space and we don't have enough teacher time. What we're losing right now is that ability to go and help individual students. Lord knows I would never had gotten through Alegbra II if I hadn't had some help and I think there's most of us had been helped. We don't have the time. We don't have the time because we have too many students and we're overcrowded and here we're asking to add more kids.

Students that do not get help do not move forward. They feel they can't do it. Times are when you can sit down and show a kid how to do it then the light comes on, and they say, yeah I can do that and they move on. If they feel they can't move on, they feel like their losers. They feel inadequate and then they start to cut up, start to be disruptive and this reduces the education for the rest of the students as well.

What I'm basically saying here is that you're gonna affect the kids for their whole lives if they feel that they are losers and they give up and they have to give up in life rather than strive and go on and move on. That's gonna effect they do, their jobs, who they pick to marry, how their treat their children, how your grandchildren are gonna be treated.

With all the risks, the roads, the traffic and all that, it's all important, but the most important is our children and our children should not have to pay the price of overcrowding and improper utilization of our resources. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. We have Tom Rodriquez followed by Laurie Nunez.

Mr. Tom Blackburn-Rodriquez: Good morning, Members of the Planning Commission. My name is Tom Blackburn-Rodriquez and I'm the executive consultation for Go Maui. I am testifying today as representative of Go Maui. I'm testifying on the SMA application for the Kahoma Village project. Go Maui is nonpartisan, nonprofit organization focusing on housing, jobs, water, agriculture, economic opportunity and the infrastructure needed to sustain a strong economy, better paying jobs, and vibrant housing market. For more information you can go to our website at: gomaiiinc.org.

Go Maui supports the Kahoma Village project in Lahaina and respectfully ask the Planning Commission to approve the SMA Use Permit request before today from the Stanford Carr Development on the behalf of the Harry and Jeanette Weinberg Foundation. The proposed project will provide a total of 2013 residential uses of which 101 will be single-family dwellings and 102 will be multi-family dwelling units. The 102 multi-family dwelling units will be residential workforce housing units that will help meet the huge need in Lahaina for affordable workforce housing. The Kahoma Village project was thoroughly reviewed by the Department of Housing and Human Concerns and the Maui County Council prior to its approval as an affordable housing project. This project will meet the affordable criteria of DHHC at the time of sale. The 102 multi-family townhouses are being proposed in the high 200,000, the price for the 101 market single-family units is estimated to begin in the mid-500,000 and low 700,000.

In the West Maui Community Plan adopted in 1996, the property in question was identified as Project District which includes a mixture of commercial business, multi-family, senior residential as well as six acres of park/open space. The recently passed Maui Island Plan includes the property within its Urban Growth Boundaries as Lahaina infill.

This project is required to improve both Kenui Street with Front Street with curbs, gutters and sidewalk. On Kenui Street approximately 30 parking spaces will be provided which can used by beach goers. Traffic concerns expressed by some owners on Puunoa Place have not been

ignored. In response to their concern, a supplemental traffic analysis was conducted by the developer and reviewed by the County Department of Public Works. As a result the DPW concurred with the proposed location of the driveway accesses for the property.

In conclusion, Go Maui believes this is a reasonable project that will produce critically needed affordable workforce housing. It has been thoroughly vetted by the Department of Housing and Human Concerns and the Maui County Council. The developer has also met with the community to hear and try to address their concerns. For these, and the reasons stated, we respectfully ask that the SMA application be granted. Thank you again for the opportunity to testify.

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

Mr. Blackburn-Rodriquez: Thank you.

Chairperson Lay: Laurie Nunez followed by Wayne Nunez.

Unidentified Speaker: Again, Laurie and Wayne Nunez are here to testify on the General Growth project.

Chairperson Lay: Thank you. Next we have Michael Wolinski followed by Paul Ratteman.

Mr. Michael Wolinski: Hi, good morning. Thank you. I'm here to oppose the proposed Kahoma Village—

Chairperson Lay: Please identify yourself.

Mr. Wolinski: Michael Wolinski, thank you. I'm here to oppose the proposed Kahoma Village project. By the turnout, you can better understand the frustration that we're all facing over there in that area. And bear in mind you know hundreds of citizens that are outraged about this weren't able to make it today 'cause they're all working. So I hope you understand that you know I'm speaking on behalf of several different people since there's a lot of us are here.

Basically the neighbors that I speak to are outraged. We're talking...we're expanding the Cannery Mall next door that was picked up by Safeway. Mala Ramp is being refurbished and there's constant development across the highway. This creates major congestion, infrastructure problems including water, sewage, school capacity, damaged reefs, polluted oceans.

Another major issue is the safety issues. I'm not sure if you folks are familiar but five streets that lead into this project don't have sidewalks. Already that's a problem and now we're going to add 203 units which probably translate into over 800 residents that's gonna add an extra burden on that town. You know, I've lived in that area for nearly 10 years and there's outrage throughout the entire west side not just in the general vicinity. You know, we're not opposed to affordable housing, it's just the location seems like a pretty bad choice considering you know, the over capacity and what we're facing currently.

I don't believe it was adequate notification. A lot of us don't feel that the Environmental Impact Study was conducted correctly. And you know, in situations like this oftentimes years of litigation follow and we're just hoping to avoid that and look forward to a positive outcome. What I hear from the public and what I feel is that a park, a community park would be better suited for the community and would alleviate a lot of these congestion, infrastructure, and traffic issues that we're talking about. Perhaps there's a chance that you folks can consider a land switch, you know, and build the affordable housing elsewhere. There is plenty of spots available on the west side where that can happen. I just feel like this spot is not the right location at this time.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Moving on we have Paul Ratteman followed by Stephanie Constantino.

Mr. Paul Ratteman: Good morning. My name is Paul Ratteman, 1034 Front Street. It's very difficult for me to stand before you and be again something that will create jobs and create homes for people who need 'em and I believe that we need to have more affordable housing on the west side there's no question about that. But this just is not the right place for it. So many have gone before me already giving the details about the flooding, what are we gonna do with the sewage, the traffic issues they've all been stated already. I just wanna go on record that I agree with all of those things. We need to find a more suitable place for this project. Thank you very much.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. We have Stephanie Costantino followed by Augustine Constantino.

Ms. Stephanie Costantino. Hi, my name is Stephanie Costantino. I live at 1057 Front Street. So I'm just down the road from the proposed site. I'm not gonna repeat the same concerns but I know everybody else repeat, but I do wanna point out and I didn't hear, 'cause I was in the hallway, but ...so I don't know if anybody addressed this or not, but this is a very historical piece of property. A lot of things happened on this property. King Kamehameha the Great, readied his troops, on this piece of property. He had his fish ponds on this property. King Kamehameha the III gave the property to David Malo who had a homestead there and who had an ulu grove there and that I just don't think it's in our best interest to cover it with impervious surfaces and a bunch of family units. I really, I really believe that what would be best is a park to commemorate and keep that historical value alive because once it's gone, it's gone. And I live right on Front Street. The traffic is really bad, my mailbox has been hit twice. My friend's mailbox was hit once and her concrete fence was completely taken out. Telephone poles are being hit repeatedly. It's a dangerous spot and it needs a lot of infrastructure and thing about the school infrastructure really concerns me. I have children in the elementary school, in the middle school, and I don't believe that those schools are adequate to hold a bunch of new kids. So they're already maxed out. So I would ask that you please consider these things and I thank you for hearing my testimony.

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

Ms. Costantino: Thank you.

Chairperson Lay: We have Augustine Costantino followed by Rose Baayoe.

Mr. Augustine Costantino: Aloha, I'm Augustine Costantino. My beautiful wife just spoke. I moved to Lahaina following my father in the early 70's and visited actually here and then moved here full-time at about 12-years-old. I never went to school. I have about a six grade education. I lived in a car on Luakini in the late 70's, early 80's and I know what it's like to be homeless. I know what it's like to need. I left Maui really kinda so that I could make money and started a family and a business in Washington State. Moving back in 2004 after the death of my Lahaina bound father, Ralph who was an artist here in town, I got back to a lot more development after being gone a lot of years. So when I moved here I never lived anywhere off of Front Street very far. I felt like that little banana belt convergence zone below that L was the mildest climate and beautiful later to find out that it was the original capitol of the Kingdom of Hawaii. Having become an artist myself and been able to afford a home even right on Front Street in Lahaina is a miracle and so I'm for affordable housing but I also believe that it should be, it should be wise. Our home is a plantation home it was drug down in the 30's by...on the backs of palm logs. It was a plantation home. It's a little bit historically grandfathered in to keep our taxes low, but it's part of historical Lahaina and you can actually look down and see the beginning of the field from my front porch where I paint. Some of you have seen my house there. But what I wanna say is the land has never been able to defend itself in all the years I've been here and with my six-grade education I can look and realize that money can pretty much justify anything. We can all say oh, it's gonna provide jobs. We can all say, we all have to pay our own bills. I hate the idea of someone losing a big contract. I was a contractor and a developer in Washington State through the late 90's and I know what it's like to file for conversion permits and all of this. The surface water management issues and everything that's been brought out pales in comparison to the issue of the sacred land being covered forever in concrete. And you know, I would think this room would be full of Hawaiian just going enough already because the capitol of the original kingdom is about to be covered in some cheap mainland condos. We already have some across the highway in two locations and I've been over there, I have friends that live there, I love it, that's great, they're great neighbors, but it's not natives to the area that are gonna get housing. It's gonna be new people who can afford to drop eight-hundred, nine hundred thousand bucks and buy a condo down by Front Street and it's gonna be a joke. I way rather see even a harbor as much work as that is, it still would be far better for the island as whole and the future of Hawaii-

Chairperson Lay: Please conclude.

Mr. Costantino: I don't need to say anything more. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier is Rose Baagoe followed by Jeff Sims. Sorry if I mispronounce.

Ms. Rose Stabenau Baagoe: Aloha, my name is Rose Stabenau Baagoe and I'm here to testify against the Kahoma building project. I, too, am in a non for profit business, I am a school teacher. I've got a class at Lahaina Intermediate for the last...will be my 10th year, 10 years and these kids are, my kids are kids in that community are my kids. I do not want to see them on Front Street, walking on Front Street, being on Front Street. They're not shopping on Front Street. Kids say that they're bored in the summer, there's no place to go, they sit at home and play video games. We need a park. We need a park in Lahaina so badly. A safe place, how ever you design, but parks builds community as well. One of the largest and most disastrous housing projects in Chicago

Cabrini Green, well they eventually ended up detonating it because the crime was so bad there was studied and one of the major factors to the crime rate like neighbor killing neighbor they determined was the architecture. There were no parks or community places for people to meet, look each other in the eye and create community and family. So nobody...there was not care upon, care upon neighbor. There's so much ohana in Hawaii much less Lahaina it's essential. It takes a village to raise a child and for the more...I was informed last year, well, May, the end of May that all of my classes will 31 students. I teach in portable, no air-conditioning, 94 degrees. There's many teachers like that in Lahaina. We can't—we are at our maximum capacity with the school. Someone testified before that is true, that is true. We cannot fit any more kids in those classrooms. So I just ask for your consideration, take a drive to Lahaina, check out the community there and appreciate your time. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Next is Jeff Sims followed by May Fujiwara.

Mr. Jeff Sims: Good morning. I wanna express my gratitude for this opportunity to give this testimony and thank the Commission for listening. I'm also grateful that we have you as Planning Commissioners to help protect the aina. It is my understanding we are trained to be experts on flood control measures and the impact of runoff and that you understand how important it is to pay a lot of attention to drainage and I'm grateful that you value our natural resources. I'm also grateful that you take your commitment seriously as I believe it is a huge responsibility to really examine the coastal areas in your very important position on the Commission. You probably will if you already don't have grandchildren who will be living on Maui and you probably want to see that Maui progresses in a way that they also enjoy the quality of life that we have enjoyed. Everyone knows that the development is inevitable and the growth is inevitable. After all, children are growing up and everyone wants them to have some place to live too. But doesn't this have to done in a way that maintains the quality of life that like, maintains the space, the open space so that we don't have urban sprawl, so that we don't have problems in the future. I'm glad that you value the open space. I'm grateful that you respect...that the respect that you show for our community. As citizens of West Maui, many of us are very protective of West Maui and love it. We are counting on you in your role in perpetuating that.

So here is a project that threatens our reef and our beach. I'm very concerned about flood control and the runoff that will drain onto Baby Beach and the reef that is already under siege. While our children enjoy Baby Beach please try to remember how a few places children have to play in Lahaina unlike this side of the island we really don't have park for kids to play. I believe you share my passion for Lahaina's historic roots and the preservation of Lahaina and Hawaii's history including this very important site. I very much value planning. I'm sure this is very challenging, but it's very important. By planning you can help avoid problems in the future. We know how problematic our sewage system in Lahaina is already so doesn't that make it all the more important that we consider the impact of adding this dense housing project to an already over burdened system?

My concerns are property values, flood control, runoff, loss of history, culture, traffic, school capacity, sewage and sprawl. Any short-term jobs that might be created just doesn't justify the long-term problems created by this project. Please say no to this project. I wanna thank you for

your responsible community-orientation and for not being hesitant to ask the tough questions and make the right decisions for our futures. Thank you very much.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Next we have May Fujiwara followed by Paulina Galarita.

Ms. May Fujiwara: Good morning, Planning Commission Chair and Members of the Commission. Thank you for allowing me to testify. My name is May Fujiwara, a long-time resident of West Maui and a member of the Lahaina Honolua Senior Citizen's Club. Here today in the audience are a few of our members wearing their hot pink shirts. I would like to urge you to approve the Kahoma Village project which will provide affordable housing for our residents on the west side and also for those who commute to work from this side of the island. It has been a long time since any affordable housing project was built on the west side. And if I recall I think it was probably Napilihau and maybe the Hawaiian Homes projects. The last statistics I read claimed that over 40 percent of the people employed in West Maui come from this side of the island. How nice it would be if these workers could live closer to their jobs. It would be saving money, and spend more time with their families instead of having to spend so much time on the road driving to and from work. This project will provide needed work for our local carpenters, electricians, plumbers and other trades people. Many of them work only part-time and having difficulty making ends meet and my neighbor is one of them. So please listen to them.

Modifications were requested by nearby residents of which developer Carr was amenable which shows that he is willing to work with the community to move this project forward. Again, I ask you to approve the Kahoma Village project which I feel is a well-planned project, a well-known reputable developer who is also a Maui boy. Our seniors who have children and grandchildren living with us will be forever thankful to you for helping us get them out of our homes so we can have peace and quiet in our golden years. So thank you again for allowing me to testify.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. So now we got Paulina Galarita followed by Shirley Beidleman.

Ms. Paulina Galarita: Good morning, Members of the Planning Commission. My name is Paulina Galarita. I am a member of the Lahaina Honolua Senior Citizen's Club and would like to speak for myself and for our many club members who have their children, grandchildren and some with great grand children living with us. This young people are still living with us because they are unable to find affordable housing. They work very hard. Some with more than one job, but still cannot buy a home because there are no affordable housing in West Maui. People who work in West Maui and live on the other side of the island would be saving a great deal of money on gas and time if they live closer of their jobs. This project will also provide many jobs for our people. This property...(inaudible)...Kahoma flood control channel and...(inaudible)...was an eyesore for many years. It was overrun by bushes and a haven for many homeless people I am happy that someone is finally going to develop this land that will benefit a great number of people with homes. I would like you to please approve the Kahoma Village project where 51 percent of the homes will be in the affordable range so our children and our great grandchildren can realize their dream of owning a home of their own. Thank you for allowing me to testify.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Next testifier is Shirley Beidleman followed by Steve Franz.

Ms. Shirley Beidleman: My name is Shirley Beidleman. I live on Ala Moana Street. This project, the Kahoma project would be right across the street from where I live. Prior presentators did an excellent job on bringing out all the pros and cons of this project. Just from my own personal observation of living where I live, there's...the 200 plus homes are going to seriously impact the sewage system. Already that sewage system in that area is way over taxed. I mean, you smell the odor that comes from it every night it's bad as it is. So that needs to be taken into consideration. The traffic is horrible. I live on a side street from Front Street. I can't even back out of my driveway during the day and during the weekends it's even worse. The congestion on that main thoroughfare to Baby Beach is gonna be horrible. It's already taxed. There's speeders. There's even a start, you know, sometimes you even observe road rage from people who are just driving too fast or competing for access to that, that Front Street and Baby Beach area. I just...and as far as tourism goes, I mean many of the tourism, tourists are attracted to Baby Beach and already that area is getting run down. The roads are not kept up. The traffic is bad. They bring their small children with them. They're competing with the traffic. It's dangerous out there. Like we said it before there's frequent traffic mishaps with car versus telephone poles. The intersection there between Ala Moana and Front Street are very dangerous. So I think it's pretty much been presented with the speakers ahead of me. With all due respect I know that the affordable housing is an issue here, but they've also brought up, the previous speakers brought up significant issues regarding historic preservation, reef protection as well. So that's all I have to say. I think it's kind of a pretty much given as far as what was brought forward today. Thank you.

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

Ms. Beidleman: Thank you.

Chairperson Lay: Next is Steve Franz followed by mark Eberly.

Mr. Steve Franz: Good morning. My name is Steve Franz. I've been a West Maui resident since 1986 and I am currently the Principal at King Kamehameha III Elementary School in Lahaina. We have a motto at our school. It's no ka pono ona hamana which means it's all about the students and we use that to guide our decisions when we're making decisions at our school.

My concerns that I'd like to share today have to do with overcrowding in our public schools on the west side in particular. Both Princess Nahienaena Elementary School and my school are exceeding capacity currently and that is a concern for us. Three suggestions/comments that I'd like to make regarding this project. First, I would like to recommend no more building projects be approved until infrastructure catches up. That's been a consistent problem since 1986 I've seen huge changes to the west side as has everybody else who lives there. Examples that I know of that have been approved or will soon be approved are the Pulelehua project beneath the Kapalua airport, and the Civic Center Phase 2. There's other multiple projects that are currently going on. I think we have enough projects already for housing. I'd like us to slow down until other things catch namely schools.

Second, I wish the County and State would have a better working relationship and communicate better and I say that because a few years ago when we were talking about a proposed development, Pulelehua and schooling, a possible school site on that location it was amazing how little the State knew about the County approved projects that had happened on the west side of the island specifically from Kaanapali north. Just about everywhere on the low road on the mauka side from Kaanapali North there's been development over the last 20,30 years and they weren't even aware of that. So I'm not sure what goes on there, but it would be appreciated if there was a better communication so the State who I work for and builds the schools and operates the schools new what the County was allowing and permitting.

Lastly, I would suggest that we require builders to contribute to the community. I know the school Kamalii in Kihei was built in conjunction with a developer there. Pomaikai had a similar relationship I understand and schools were built when housing was being built. That hasn't always been the case. I know sometime...so I'd like to see schools and parks be part of what is required from developers not just cash. North Beach I know there was cash exchanged. I don't know what we got for our money but I would like to see real things that we can tangibly use and see.

So my suggestion would be that we don't need to fast track projects like this one but rather we need to slow down. And we need to make well informed, prudent decisions for our community. I would suggest that our motto be it's all about the community when we're making decisions from the Planning Commission, and I know there's lots of different people that have their difference opinions about what that is, but we need to slow down. Thank you for allowing me to share.

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

Mr. Hedani: As the principal of Kam III, what is the DOE doing in terms of addressing overcrowding in the school?

Mr. Franz: The current conditions that...well, the only thing I've heard of is they're waiting for Pulelehua to be developed because Pulelehua said they will donate land to the State to build a school. When I asked what happens if Pulelehua doesn't happen because we're already overcrowded with the current conditions, they really don't have a plan. They basically said they can't afford to purchase property on the west side of Maui because it's expensive. They're hoping someone will donate land. That's the only current piece of land that's out there.

Mr. Hedani: Pulelehua is the only solution?

Mr. Franz: That's the only one I'm aware of. And Project 2020, Kaanapali 2020 there's a piece of land that's been designated by the developer to be used for an intermediate school but we were asked well, what's your more current need? Well, our elementary schools are at capacity and beyond so they're our most current need that's a question that was asked could we change that and turn it into an elementary school. But when we asked well, how long will this take even if we were to start now? The prediction was four to six years before a school would be developed and the doors would open. We need space now, not six years from now.

Chairperson Lay: Commissioner Ball?

Vice-Chair Ball: Do you know how many new students you would get from this project because there's obviously kids that are living with grandma or whatever that are going to the school now and they may be converted to live in this project and yet, so you don't, you don't gain any students from that. But was there any study or anything done by the student body that already lives on that site that would live in this project?

Mr. Franz: I can try to answer your question 'cause when we had a meeting at Kahoma Stream a few months back I asked that question, who's moving into this community? I really don't know for sure. I know that that, that this community is in my geographic area so any kids that come to that area and move in will be in my school. As you heard from the folks that were wanting to get their children and grandchildren into homes of their own, they may currently be living in my zoning, in my area but they also may be like as been suggested and I understand the need for people that live on the west side but work no this side of the island, if they move to Lahaina and they move in, those are additional students. What I can tell you is that since I've been the principal and previous to that a vice-principal and teacher our student enrollment has continued to grow. Every year grow and so has Princess Nahienaena Elementary. So wherever they're coming from and whatever projects they're moving into we continue to grow on the west side, we have not gone the other direction.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi. Hi Steve.

Mr. Franz: HI.

Mr. Higashi: Being a member of the retired administrator in Department of Education I think one of your...my suggestions would be it's a State responsibility to make sure the accommodations of students are done and acquisition of land is being done ahead of time. And I think this basically is not the place where we would do that, although I agree with you that over population in schools become a problem, but I think it's more the Superintendents Matayoshi's responsibility to make sure that these things are done ahead of time so that problems like this don't occur.

Mr. Franz: And that's why I suggest that you work closely with the State so they know what is happening in our community and we can make those kinds of plans. If you continue to approve projects and you continue to build and the State either is unaware or has their head in the sand, we're still stuck with the same problem. In our community, we live here and we're creating...if we're creating problems for ourselves, I would suggest that we avoid that if possible.

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

Mr. Medeiros: Isn't it true that--

Chairperson Lay: Please speak into the mic.

Mr. Medeiros: Isn't it true that all of the school on Maui are facing the same problems that you are?

Mr. Franz: No.

Mr. Medeiros: No?

Mr. Franz: No, not to the same degree. Have we faced problems, yes. But if you look at the trend report that the State puts out that reports how many classrooms each school has the capacity of students in the schools that's changed and part of it changed is because there have been new schools built on Maui. Pomaikai is the most, was a recent one, Puukukui just opened and I don't discount that there's a need on this side. Kamalii in Kihei was recently built, but when you look at the capacity of those schools, the two schools on the west side are suffering the most from lack of classroom space compared to all the other schools on Maui.

Mr. Medeiros: 'Cause I live in Kihei and we're facing the same problem with space for our kids.

Mr. Franz: Then you need to get your kids to go to Kamalii 'cause there's lots of room there. Check the data.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Next we have Mark Eberly?

Mr. Mark Allen: My neighbor mark Eberly had to leave. My name is Mark Allen. Mark Eberly had a family emergency. He wished me to present this map to you showing his some eight generations of family and he just wanted me to say that he's against the project.

Chairperson Lay: And we can pass that around. Thank you.

Mr. Allen: Okay.

Chairperson Lay: Is there anyone else who wishes to testify at this time? Carmie Spellman followed by...let's do that a little later with the maps. We'll look at a little later on. Followed by Maya Hara.

Ms. Carmie Spellman: I think you called my name. My name's Carmie Spellman.

Chairperson Lay: Yes.

Ms. Spellman: Am I right the person? Okay. Aloha, good morning. Thank you, Commission members for listening to me. I live directly across the street, Canoe Street from the Kahoma Village project. I do not support this project because there is no infrastructure. There's no potable water and the population is already at critical mass. I am not saying I'm not into affordable housing, but the distinction of affordable housing as based on Federal and State standards or Federal standards is a lot different than what we consider affordable housing here in Hawaii. So I have serious concerns for the welfare of Mala Wharf, Baby Beach and entire ocean, so does the Federal government. As the County is in violation of the Clean Water Act, 1972.

During August 2013, I wrote a letter to the consultants regarding the absence of dust mitigation. I made complaints to the County of Maui to no avail. Allegedly they put wood chip down to mitigate dust. We believe chips were actually put over the areas with the greatest saturation of oil. When

you walk by the property the smell of oil is pervasive due to 50 years of accumulation around the entire property. Dust is a trigger for me. I have CLPD. April 26, 2013, I spent an entire day hooked up to the IVs in the Maui Memorial Hospital Emergency Room due to respiratory distress. I sent a letter of complaint to DOH in Oahu including numerous photos of fugitive dust again on May 1, 2014. I'm requesting mandatory dust screens encasing the area to mitigate dust providing you grant the SMA.

Now wasteland there is nothing to buffer the extreme noise coming from the massive traffic traveling on Honoapiilani Highway. There is a higher level of CO2 because we lost our filters from removing all the trees that also mitigated dust. Noise mitigation is crucial. We have 28,000 vehicles transporting daily on Honoapiilani Highway, and that's 24/7. The noise is unhealthy and extreme. In 2013, I requested that serious consideration be given to using equipment with mufflers and other noise attenuating equipment. The developer's response, emissions and noise from construction equipment and other vehicles involved in construction activities may temporarily effect the ambient air quality. Six to eight years of noise...or end of quote, excuse me. Six to eight years of noise is not temporary. That is the anticipated time of completion and construction noise is horrendous. We have no quiet enjoyment and I pay a lot of money for rent by the way.

Park space for the Kahoma Village project is allocated at 1.75 acres totally broken down into three areas over 21 acres which is less than 1 percent of the overall acreage. Actually it's like .08. Kenai Street facing Wainee Street is where one-third or like one of the three parcels that are considered parks is located—

Ms. Takayama-Corden: Three minutes.

Chairperson Lay: Please conclude.

Ms. Spellman: —okay, dual purpose for retention/detention system to handle increased runoff generated by the proposed development. It is not sufficient. Front Street Apartments has three to four days of sitting water after rain. These condos should be built on stilts. Maui Island Plan addresses many natural hazards. This property is in a flood and tsunami zone. Presently runoff goes straight into the ocean destroying coral, flora, fauna, sea life, and at an alarming rate—

Chairperson Lay: Thank you.

Ms. Spellman: I just...can I just finish one part?

Chairperson Lay: We do have your testimony.

Ms. Spellman: Oh, okay. I wanted to just say one last thing, it's really important to me, okay?

Chairperson Lay: Is it brief?

Ms. Spellman: It's very brief.

Chairperson Lay: Okay.

Ms. Spellman: I just wanna say that on January...January through April of 2014 of this year copious quantities of pesticides and herbicides of an unknown origin were used on Kahoma Village project. My companion animal and I are both have been very ill starting in January. We both have blood in urine. The doctors cannot figure out why. We don't have a bacterial infection. They suspect Roundup. In January, my bird weighed 98 grams. He weighs 80 grams today and he is only two and half years old and he's dying. I thank you for your time. I also would support-

Chairperson Lay: Thank you.

Ms. Spellman: -Michele Lincoln as an intervenor.

Chairperson Lay: Thank you very much.

Ms. Spellman: Thank you.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Mr. Chairman, in fairness to everybody that's kept to the three-minute guideline, I think everyone should conclude their testimony promptly when their three-minute warning is sounded.

Chairperson Lay: So noted.

Ms. Spellman: I should have talked faster.

Chairperson Lay: Questions for the testifier, anyone, Commissioners? No. Thank you very much. Moving on we have Maya followed by Claire Apana.

Ms. Maya Hara: Good morning, Commissioners. Thank you for allowing me to speak. It's Maya Hara actually. I just, I live...well I grew up on 12 Ala Moana Street at Lahaina Jodo Mission. And I'm just reiterating the infrastructure problems in terms of the sewage, the traffic in that area where the project is being proposed. Beach access, lack of housing...lack of parking, sorry, and the lack of sidewalks. Also, there's a lack of public bathrooms. There is only one public bathroom at the Mala Wharf area on the street that you're gown down towards Mala Wharf. And almost...very few people actually use it. A lot of people come to Lahaina Jodo Mission to rinse off and over the years, it's just..the traffic has gotten kinda crazy so we've been trying to ask people kindly to not, you know, to go over to the public restroom. But a lot of times they don't even wanna go that far. There's also...there's no like place to rinse off down at the end of Ala Moana Street which is a public beach access, so I'd like you to please reconsider and I'll keep it short. Thank you.

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

Ms. Hara: Thank you.

Chairperson Lay: Clare will be testifying later on. Is there anyone else who wishes to testify at this time? If so, please speak up to the mic, identify yourself, and you have three minutes? At this time,

Commissioners, we're gonna take a break, reconvene at 10:40.

A recess was called at approximately 10:28 a.m., and the meeting was reconvened at approximately 10:40 a.m.

Chairperson Lay: ...testimony. So at this time, we're gonna ask if anyone wishes to testify at this time, come up to the mic, identify yourself, and you have three minutes to testify? Seeing no one, we're closing public testimony right now and moving onto our first agenda item which is Stanford Development LLC on behalf of Harry & Jeanette Weinberg Foundation requesting a Special Management Area Use Permit for the development of the proposed Kahoma Village Project. We have Danny Dias is gonna be talking on their behalf.

C. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. **STANFORD CARR DEVELOPMENT, LLC on behalf of the HARRY and JEANETTE WEINBERG FOUNDATION, INC. requesting a Special Management Area Use Permit for the development of the proposed Kahoma Village Project 201-H Project and related improvement located on approximately 21.4 acres on the northeast corner of Front Street and Kenui Street at TMK: 4-5-008: 001, Lahaina, Island of Maui. (SM1 2012/0007) (D. Dias)**

The proposed Project will provide a total of 203 residential units of which 101 will be single family dwellings and 102 will be multi-family units. The 102 multi-family units shall be residential workforce housing units. Park space is also contemplated within the project.

Mr. Danny Dias: Thank you, Chairman Lay and good morning, Members of the Maui Planning Commission. I have a brief presentation. It's about three or four minutes or so, and then we'll follow that with the presentation from the applicant's representative. We thought we were gonna up separately so there might be some overlap, but I think in general we kinda separated the information that we're gonna give you. I just wanna start off by saying that the Department as a whole we do support this project. We know it's not perfect but we all know that there is a huge need for affordable housing on this island specifically on the west side so we do support this project.

I'm gonna skip the parties involved, the applicant can do that part. I don't know if you folks can see that with the lights on, but here's the project site here. To the north you have the Kahoma Stream or Kahoma Flood Channel, to the north of that is the Lahaina Cannery Mall. To the west you have Honoapiilani Highway, and then this project here is Opukea which is a multi-family project. To the south, multi-family, to the west you have Front Street and residential areas. There's some churches in here. Mala Wharf and then Baby Beach.

Brief summary of the project. It's about 21.6 acres in size. Land use designation is State Urban. It's within the Maui Island Plan, it's designated and it's with the Urban Growth Boundary. West Maui Community Plan lists this property as Project District 4, also known as the Weinberg Property

and It also designates this for open space. County Zoning is A-1, Apartment which is two-stories. And I wanna point out that, you know, in spite of all of this basically Resolution 1414 adopted by the Council would allow the use of Kahoma Village, you know regardless of zoning and so forth. The Council did approve this project in the form that it is presented before you.

As mentioned before, this project contains a total of 203 units, 51 percent will be affordable housing. There will be 69 cluster, single-family units, 32 alley loaded single-family units, and a 102 multi-family units, and 17, 6-unit buildings and the multi-family units are the affordable units. There will also be 1.75 acres designated for park.

Very briefly, project cost and pricing. Total project cost is approximately \$60 million. Bear in mind all of these prices and costs are subject to change, you know, with interest rates and so forth. The market unit pricing right now, we're probably looking at about low 700's for the alley-loaded single-family units, mid-500,000 for the cluster single-family units. For the affordables, the two-bedroom multi-families starting around the high 200,000, and for the three-bedroom multi-families prices will start in the low 300,000 and of course, once again, that's subject to change.

Here's the conceptual site plan. Once again, Kahoma Street, Honoapiilani Highway and then Front Street here. These are the cluster single-family here. The alley-loaded units are here and then the affordables are here. This is just another site plan view from top, clusters here and of course, Honoapiilani Highway, Front Street down here. Alley-loaded units, and then the affordable units.

I wanna end with a project timeline. I know in testimony today and even in letters that we had, you know, a lot of people are saying this is fact tracked, technically it is, in reality not so much. This project has been around even further than the date that you see here, but with respect to this specific Special Management Area Use Permit, the first activity that we saw was around February 15, 2012 that's when a public information meeting was held at the West Maui Senior Center. On March 23, 2012, the applicant sent the project out for early consultation. On September 17, 2012, the applicant actually submitted their SMA Use Permit and submitted their Draft Environmental Assessment or DEA and that was sent to various agencies for comments. One of the commenting agencies if you will was this Planning Commission and you folks provided comments on October 23, 2012. I don't know why my margins are kinda off with this presentation, but in any case, December 28, 2012, the Maui Island Plan was adopted and it included the Kahoma Village Project. And as you know, the Maui Island Plan, you know, it was a process that took a while, so this project was in the books for quite a few years now. Moving forward, on October 21, 2013, the Final Environmental Assessment was accepted and a Findings of No Significant Impact or FONSI was issued by the County Department of Housing and Human Concerns. So the environmental process took over a year. September 8, 2013, the FONSI was published in the OEQC Environmental Notice and that initiated a 30-day appeal period. So if any agency, person, et cetera had an issue with the FEA or the FONSI they could have appealed on October 7, 2013, that 30-day period ended and no appeals were filed. Moving forward to January 8, 2014, the County Council Land Use Committee conducted a site visit and held a meeting on this project. I believe they had two meetings on this and on February 7th of this year, the Full Council met and they adopted Resolution 1414 which approved this project pursuant to 201-H relating to affordable housing projects. And as you know, 201-H, that's the so-called the fast track process. And lastly, on March 4th this year the project was reviewed by the Maui Urban Design

Review Board. So that's the timeline for this project, a little over two years in process. And that concludes the Department's brief overview of the project and I'm gonna hand it over to Colleen Suyama of Munekiyo & Hiraga for their presentation. Thank you.

Ms. Colleen Suyama: Good morning, Commission Members. I'm Colleen Suyama with the firm of Munekiyo & Hiraga. We're the ones that prepared the applications for Stanford Carr Development. First of all, in terms of project team the applicant is Stanford Carr Development, LLC on behalf of the Harry & Jeanette Weinberg Foundation. We, Munekiyo & Hiraga is the planning consultant for the project. The architect is Alakea Design Group. The landscape architect is Miyabara Associates. Our flora and fauna is Robert Hobdy. Also, our engineering and traffic is by SSFM International, and our geotechnical engineer is Geolabs, Inc. And our archaeology is from Xamanek Researches and our cultural impact assessment was done by Hana Pono. And for your information, all of our consultants are here today to address any questions that the Commission may have.

In terms of the existing land use, the project on the Maui Island Plan which has the directed growth maps that was adopted by the Council in 2012, included the Lahaina infill as part of the projects that should be developed. And according to the Lahaina infill project they had recommended 214 units and plus or minus about two acres of park and open space. The proposal is for 203 units and approximately 1.7 acres of park. Also within the West Maui Community Plan, as noted by Danny, it is Project District 4 which is a mixture of commercial, business, multi-family and senior housing as well as the six acres of park that a lot of the testifiers are talking about. What they're proposing a combination of multi-family and single-family use. And also, instead of six-acre park, they're looking at 1.78 acres park in compliance with the Maui Island Plan. And it's important that, you know, to note that the West Maui Community Plan was done in 1996. While the Maui Island Plan is the more recent plan, you know, of the community desires. Also as noted, it is A-1, Apartment Zoning. We did look at, you know, if we're doing strictly an A-1, Apartment Zoning project on this site it could accommodate between 300 to 350 units if we did a standard multi-family apartment. They're proposing a total of 203 units which is significantly less in density than what actually the zoning would allow.

In terms of improvements, I would like to turn it over now to SSFM International because there was a lot of comments about drainage and roadway improvements, et cetera. So Fiona van Ammers from SSFM will make the presentation.

Ms. Fiona van Ammers: Good morning, Commissioners. My name is Fiona van Ammers. I'm the civil engineer on the project and I'll be going over the proposed improvements and I will try to address some of the testimony that was given. I'll go over the site plan and the utility plan. I'll give a screen shot of the road frontage improvements and then I'll also go into the drainage concept. I know that's a pretty big issue generally for SMA, so I'll give a little more detail about that, and then I'll give a conclusion.

So this is the site plan. These are the buildings clearly. I have showing the utilities in color here, you can't distinguish the grade, but we have existing utilities along Front Street and Kenui, they include sewer, water, and we have drainage that crosses Front Street. At this time, our preliminary consultation with the Department's and agencies have shown that we will be able to make point of

connections for water and sewer along Front Street and we will be able to discharge this pipe here that crosses Front Street.

One of the comments came back about the sewer and I'm not aware of any odor problems, but down here is the pump station no. 4, and there's a force main here along Kahoma Stream. Currently the Public Works Department, I believe they're in contract to have this force main replaced, and Stanford Carr is working with the County to relocate the force main and it's gonna come down Kenui. I think that may help an odor problem if there is an odor problem. Generally odor problems don't have anything to do with capacity. They have to do with the flow of the sewage.

Okay, so here we have a cross section of Front Street. This is the existing pipe that crosses...drainage pipe that crosses Front Street that people testified about. Right now, this is the existing pavement along Front Street and we are proposing to widen it. There'll be a shoulder and then there'll be a sidewalk improvement and electrical will be along this right-of-way as well. There's a little landscaping here. Kenui Street is the similar situation. I don't, I don't actually show the road frontage here, I didn't label it, but this is the existing pavement on Kenui. The developer plans on widening the road. There'll be parking stalls, sidewalk and landscaping.

So this is the existing drainage condition. This is the parcel. It's generally depressed. It acts somewhat as a basin. There's an existing small drainage inlet pipe here. There's runoff that comes on the backside of this apartment complex here. When we do the catchment analysis we show that there's two low points along Front Street so in a very large storm there would be flooding here along Front Street. And then there's a existing 24-inch pipe culvert that crosses Front Street and it enters a ditch. As far as I know this drainage system is a part of the County drainage system. It's shown as Line W on the Lahaina Drainage Master Plan. So as far as I know this should be maintained by the County.

So this is our conceptual drainage plan. One of the comments that we keep hearing over and over again is that there's only, we are only proposing detention above ground in this park area that's not exactly true. So we're proposing a dual system. They'll be underground detention all throughout the project. This above ground detention basin will collect runoff only over the 10-year storm. So if you can see these blue lines here this is all underground detention and what that is is perforated pipe, right now we're showing it as 36-inch diameter, could be larger, it could be smaller and runoff will be collected in this underground system. In the case of a larger storm there'll be an overflow to the park, but we don't anticipate any ponding in the parking in a small storm. So our outlet control is here that crosses Front Street and it's a 24-inch pipe. With this proposed drainage system there'll be no flooding or ponding here on Front Street. So these low points will be eliminated. The way we quantify the amount of detention that is required is based off what we can discharge from the site. We will not allow any increase runoff to discharge into this pipe. It will be controlled based off the storm event.

Another comment that we are hearing about is water quality control. So here I have some examples of what we call permanent BMPs. Something that we'll try to do is we'll try to keep landscaping adjacent to the impervious areas such as the parking lot. So this will allow runoff to be collected and as it runs through the landscaping it should naturally clean the runoff. We also

will be using water quality units in the catch basins or manholes that collect the runoff. And we are also proposing using a rain garden. So this is kind of an outline of what our park might look like and these are little rain gardens. So as the runoff is discharged into the park it will run through these heavily dense landscape areas and they'll have natural ability to clean the runoff and which will overflow eventually and discharge.

This is actually a interesting screen shot. This is, this is a sign that near Canoe Beach, Hanakaoo Beach Park and this is actually what they did right on the shoreline. They installed a rain garden so that they could clean the runoff before it discharges into the ocean. So our drainage system before any runoff discharges into the County system will have natural methods in which they call LIV low impact development to clean the runoff not only above ground but the underground detention basin which are these perforated pipes. It will also for sedimentation. So as you...as the runoff is collected and conveyed through the drainage system, it will naturally be clean.

Okay, so in conclusion all the improvements that we are proposing will meet or exceed the objectives and design criteria requirements of the regulatory agencies. So at this time, all our proposed utilities are conceptual. During the construction review, application process, the County will review our design and they will ensure that we're meeting their standards. So compliance agency design standards will be determined during the County construction plan review and approval process and therefore, the project is not anticipated to have an immediate impact.

Mr. Mike Packard: Good morning. My name is Mike Packard, the traffic engineer with SSFM. We did the traffic impact analysis for this project. As you all, are aware well of traffic impact analysis methodology collecting traffic counts to address the original concern that this project being fast tracked would give you a scope of how long we've been on this project. Traffic counts were first taken in 2011 when we were contracted to get on this project. The traffic impact analysis report was finalized in 2012 and additional traffic studies were conducted multiple times thereafter after meeting with members of the community and the Planning Commission.

So typical methodology, calculate vehicle...existing vehicular delay to set a precedent as to what conditions are forecasting future volumes, growth in the area without the project, addressing the impact relating to the project and the determining the delay from the project and any necessary mitigation from that.

To give an idea of what delay is. There's been much talk of traffic in the area and the delay to residents those off the side streets, Puunoa, those along Front Street, people who are having a hard time turning out of their driveways. As was stated previously this is an urban area and as you know, to the north there's the Cannery, to the south there's all the shopping areas, there's Baby Beach on makai side. This is an urban area and with that urban designation comes level of service D suggestions from the County, State and Nationally. If you look here a two-way stop control intersection, level of service D, which don't think of D as in school where D is bad. D is an actual condition that we something we strive for. D or better is appropriate for an urban area. D a two-way stop control intersections has a delay of 26 to 35 seconds per vehicle. That's an average calculated over the peak hour or peak hours of the day. Those peak commuter hours are in the a.m. and the p.m. as people are driving to and from work. That doesn't account for the fact that there may be people that are waiting at an intersection longer than that period of time. On the

average throughout that period of that peak hour, the average will come out to be 26 to 35. That's what we're aiming for for two-way stop controlled intersections. For those with traffic signals, D is 36 to 55 seconds. The reason there's a difference there is when you have a traffic signal you kind of come with the understanding if there's a higher level of traffic, you potentially are gonna have to wait at a light, that light might have a cycle length until it circles around to you again of upwards of 2 to 3 minutes. So in whole, you have an understanding that there's a potential for a longer period of traffic. Similarly with a two-way stop control intersection, if you don't have stop sign you don't stop. You have zero delay. That does not factor into the delay calculated for those side streets.

So as was addressed previously this is the project area. Originally the areas that were considered most significant and intersections that would be most affected by this project and identified as the study intersections are shown here in the red, red circles. Up along Honoapiilani at Kapunakea there's a traffic signal right next to where the Safeway driveway is. Further down Papalaua. Here's there's Honoapiilani, there's a right-in, right-out at Kenui Street and then on makai side there's the intersection of Front Street and Kaipali Place. These are not the intersections with the project but these were considered existing intersections that have the largest impact and therefore, we work to study to understand the impacts and effects.

I wanted to point out one other thing and it's something I addressed earlier, you know, Cannery being up here, you have Baby Beach down here and further in this area as you head into downtown Lahaina with the shops this is an urban area. This is not defined by urban thinking Honolulu or a big city. Urban means walkable. It means bikeable. It means using transit. The intent of an area like this is not to facilitate vehicular traffic flow, it's to encourage the use of your existing facilities. By encouraging speeding and by allowing people to drive fast through these areas, you're not creating a livable community of which an urban area like this has the opportunity to become.

As noted, traffic counts were taken originally in 2011 and are shown here at the project intersections that were defined earlier. After consultation with the Maui County as well as earlier testifiers and people who had concerns we did a further study where we took additional traffic counts at the existing intersections where there was a possible proposed location of the access driveway to Kahoma Village. In very earlier consultation and analysis we had proposed for the access to the project to come across from Ala Moana Street. The existing configuration of Ala Moana Street and Mala Wharf if you're aware it has this odd "V" type of intersection where one road intersects the other about 20 feet short of the intersection with Front Street. It's somewhat confusing and as it does take trailer traffic for boats coming into the wharf there's an additional complication there. And so it was suggested that we move it further down to Puunoa Place. That suggestion came from early consultation with the residents as well as with the County. But for the purpose of this study we looked at both intersections as well as the intersection off of Kenui Street across from Nakeli Place. Original study had it across from Wainee Street which is a little too close to Honoapiilani. That was another consideration we heard in early meetings and so it was proposed to move down across from the existing access to the apartments on the south side.

Standard traffic engineering practice is to align intersections across from existing roadways that minimizes conflict, that contains all the movements in one are so you are aware of the movements that are coming both across from you and on the side. It's safer for both vehicles and pedestrians.

So going back to the level of service I was talking about earlier, existing conditions, signalized intersections showed level of service C for the two study intersection. The unsignalized intersections that were originally studied showed level of service C or better for the minor movements, minor movements being left turns that you have to make off of the major roads be it Front Street or Honoapiilani or say left-turn or right-turn movements off of the major road as well.

This was the secondary study that was done where we looked at the three access points that were being discussed for the project location. Ultimately we settled at the location with Puunoa Place and as you can see here this eastbound left/right movement had level of service B which equated to 10 and 11 seconds of delay average per vehicle. If I can go back there I wanna point out something earlier that 10 or 11 seconds of delay—sorry this is a little, a little small—but in the a.m. that equated to 14 vehicles per hour, in that hour that peak hour. That was considered the worse hour counted in that period, 14 vehicles were leaving Puunoa Place. In the p.m., 11 vehicles. Similarly Ala Moana at the Mala Wharf that has 31 in the a.m. leaving and 65 in the p.m. So you can see Puunoa has a slightly smaller as was testified earlier there's 20 to 30 units down there, of those not all are full-time residents so hence you result in fairly insignificant number of vehicles leaving that area. All three intersections studied resulted level of service A or B. The highest being at Ala Moana Street with 14 seconds but B, that's a sufficient amount of time.

We then did the project related impacts. We considered 202 units being built, single and multi-family and the number of vehicles that that would attract. It was calculated that just with those units with no reduction that would have an entering number of cars of 27 in the a.m., existing 94 in the a.m., entering 100 in the p.m., exiting 56. And put that into perspective, that is the calculation of straight number of vehicles using national ITE, Institute of Transportation Engineers guidelines as to applicable number of trips for a development of this size. What that does not take into consideration is the fact that as was discussed earlier, 40 percent of the workers coming into this area are traveling from a separate area. So if their trips are no longer having to be made from the a different part of the island across Honoapiilani coming from the north, south or across island, those trips are being contained in this area.

There's also as I mentioned before being an urban area, this is walkable, this is bikeable, there's a transit line along Front Street. So there's a potential for reduction in trips because of the type of area that this is in. That's the benefit of being in an urban area. Perhaps you work right down from where you live, you can take the bus, you can walk, you can ride your bike. This was not taken into consideration when we did our analysis.

Just for the case of being absolute worst case scenario. So what you're looking at here, this is purely if brand new trips were taken to the area, all vehicles...this is what we are counting for when we did our analysis. So these numbers here are the future intersection level of service that is with the additional traffic with an assumed growth in the area from other developments and in line with the Maui Long Range Transportation Plan. This projects the signalized intersections remaining at level of service C, delay going up slightly but still staying within acceptable levels and the unsignalized intersection Kenui, Kai Pali Place these are level of service C or better as well. At the intersection of Puunoa Place which was the preferred location for the intersection alignment resulting level of service was A or B. The eastbound movement that is coming off of Puunoa Place onto Front Street resulted in level of service B equating to 10 seconds and 12 seconds of delay on

average per vehicle. Similarly on Nakeli Place at Kenui Street we're talking level of service A or B. The alternate location Front Street at Ala Moana, Mala Wharf was level of service C or better. Ultimately that location was just not selected. This came through consultation with the County and input early from the community because of the difficult intersection, acknowledgment of the heavy boat traffic, it was decided that the location of Puunoa Place was the best.

For a development of 200 units it's suggested and decided that two access points, one off Front, one off Kenui is really the best. It was mentioned earlier the chance of a tsunami. You contain that to one intersection, you are really not giving them as much opportunity to get out of the area.

In summary, proposed improvements from the project as stated before the impact is not considered significant enough to warrant changes be it widening or change in traffic control. Sidewalk and landscaping are proposed along Front and Kenui. That's in line with the urban area. It increases pedestrian usage. It allows for bike usage. It just makes it safer for pedestrians and people in the area. There are no sidewalks there now. This is an unused, undeveloped stretch of area, therefore currently, pedestrians have no where to walk that ...(inaudible)... There's a realignment of Kenui Street that doesn't affect the intersection configuration. Designated parking along Kenui and an enhanced crosswalk across Front Street at Puunoa Place. That was in response to concerns brought up at the Land Use Commission about pedestrian safety and in response to that it was agreed that that would be a good location for it because of the potential for pedestrian uses.

Further south of the project along Front Street there is another pedestrian crossing at Kenui Street and that is actually a raised crosswalk. And that raised crosswalk is there for both the safety of the pedestrian but to slow vehicles. It was brought up before that vehicles were speeding in the area. That's a typical deterrent to help vehicles slow down. An interesting point about vehicles speeding in the area, very difficult to speed in the area when you have congestion that is to such a degree that you can't turn out of your driveway. So it's either one or the other, you can't have both speeding and congestion the two don't work together but this type of traffic in an urban area is very conducive to high walkable areas. So as I just mentioned, TIAR said, concluded the project related traffic impacts are not significant, mitigation measures it was suggested that signal timing is optimized along Honoapiilani. This is just from our own observation of the intersections how they operate along there. Granted this was an original study done in 2011. Since then, intersection with Keawe Street has been reconfigured, signal timing, optimization enhancements have occurred and there are additional developments in the area which it's a constantly changing and optimizing system and so this is an ongoing thing and something the State does regularly. And then it was also suggested to improve pavement marking, signage at Honoapiilani and Kenui intersections that's the right-in, right-out just to make it more obvious that that's a right-in, right-out location.

The traffic addendum was prepared and that was following the consultation with the community as well as the Department of Planning. And as I stated, the intersections were all level of service that was appropriate and the Puunoa location was the most appropriate location for that development. I just wanted to touch on a couple...that's the conclusions to that, my presentation there, but I wanted to touch on a couple other comments that were made by testifiers earlier just to make sure that we addressed everything that was concerns that were made. It as mentioned that we didn't meet earlier and the concerns of the community were not addressed. As I stated, we met in 2011. We started our study then. I did multiple additional studies in the area and this was just to make

sure that we were understanding the full impact and we've moved the intersections twice. It was mentioned that there's traffic at Mala Wharf was significant it was because of that that we relocated to Puunoa Place. It was mentioned that the...there was a request for a right-in, right-out at Mala Wharf and then realigning at a different along Kenui. It's not a good idea to relocate intersections not across from existing intersections. It was mentioned traffic congestion, lack of sidewalks. This project is adding sidewalks, and the congestion, the capacity of the roadways are sufficient to accommodate to additional traffic. Accidents, people hitting mailboxes and traffic poles that comes from speeding. Speeding is mitigated or attempt to be mitigated from the speed table. Additional traffic in area will actually help mitigate speeding because there's additional cars. Talk about urban sprawl, this is an urban area, it's infill. It's actually beneficial to have higher density in urban areas. You make it more walkable people can go get their groceries and not have to drive there. Forty percent of West Maui workers come from other parts of the island. If they can afford these affordable houses or single unit family then they won't have to travel the entire length of the island to go to work cause reduction in vehicles. Speeders in dangerous area, urban area we'll be able to control the speeding. And lack of parking, we're adding parking along Kenui Street that's not currently designated.

Ms. Suyama: Thank you for listening to us. There were some other issues that were raised as part of the testimony. As mentioned, you know, there were mention of Alamihi Pond and there were mentioned that there are burials on this site as well as the karst system. What we did because there were concerns that were raised during the time of the Environmental Assessment, we had our archaeologists go back out, research where Alamihi Pond is. It turned out based upon an 1884 map that the Alamihi Fish Pond is actually located across of Front Street on what I believe is the County of Maui property. So it's not... 'cause people had claimed it was on this property.

The other thing too, you know, people were saying insufficient archaeological work was done. Because of concerns raised, we sent our archaeologists back out to the site after it was cleared there were debris and the homeless that was on the site, our archaeologist went back out, they did additional trenches, test pits to make sure that as much as possible there are no burials that we know of on this site. We also developed an Archaeological Monitoring Plan that in case during construction there is burials that are discovered at least we have a protocol on how to handle un, you know, discovered burials.

The other things too there was this whole thing about karst systems being under the property so we sent our geological engineer back out to the site to do additional testing and what they found that the karst system does not have the soil conditions by which the karst would have been under the property. So we did try to address a lot of these issues during the Environmental Assessment.

Also, during the testimony there were concerns that there were tobacco tree plant that was on the property which is not a native endemic plant, but it is a potential habitat for the Blackburn's Sphinx Moth and because of that when the removal of the tobacco tree was done, it was done in coordination with Ian Bordenave of the United States Fish and Wildlife Service. So you know, they followed the protocol that was necessary to make sure this endangered species was not on the property and the proper removal of the tobacco tree plant.

Also, which is not on our slide is there were comments from the Principal of Kamehameha School

that this project will add, you know, a number of students to already overcrowded situations. And I just wanted to point out he wasn't aware about how many students would this project create. Well, we used the Department of Education who reviewed this project their calculations because some of you may be aware that within West Maui there is the educational impact fee that is required of all developments over a certain amount of units. And the Kahoma Village project will be subject to the educational impact fee and based upon the Department of Education calculations this project would generate approximately for the 101 single-family units a total of 50 students would be generated and for the 102 multi-family units, 18 students would be generated by that project. And in terms of the elementary school a total of 31 students would be generated by this project that would probably go to Kamehameha III School. I just wanted to clarify that. And the applicant is in discussions with the Department of Education because they need to enter into an educational agreement in which they will have to provide monies for the development of educational facilities. And our consultants are available if there are any additional questions that the Commission may have. Thank you.

Chairperson Lay: Commissioners, at this time I'm gonna open up to public testimony. And people doing their testimony this is just on the SMA Use Permit for Kahoma Village and not on the intervention.

a) Public Hearing

Chairperson Lay: First, we have Michele Lincoln. No Michele? Okay, moving on we have Clare.

Ms. Lincoln: I'll go after Clare if that's okay. Is that okay?

Chairperson Lay: Sure.

Ms. Apana: Will I get to speak again during the time when Michele Lincoln comes up again with the...(inaudible)...is that a separate subject item?

Chairperson Lay: No.

Ms. Apana: So I can't speak about her?

Chairperson Lay: One second.

Mr. Spence: Mr. Chairman?

Chairperson Lay: Director?

Mr. Spence: Before Ms. Apana starts, the question was when we get into the discussion on the intervention can Ms. Apana come back up and enter into those discussions? I'm not aware that Ms. Apana is a party. She may be called...if intervention was to go forward she may be called as, you know, a witness in that but not as a part. When we go into discuss whether intervention is gonna be granted or not that's a discussion between the parties.

Ms. Apana: Okay, thank you.

Mr. Spence: And the County so, public testimony is you know, you got your three minutes like everybody else.

Ms. Apana: Okay, thank you very much.

Mr. Spence: Thanks.

Ms. Clare Apana: Today I am representing lineal descendant of the properties in this project who is Routh Bolomet and these are her wishes and I would like to add that she has in the present time reaffirmed her family's connection and right to the allodial titles on this land and has been confirmed by the land use...by the land system. And so she carries an allodial title compared to the title of the project which is warrantee deed. And these are her wishes.

She would like to see that karst system and underground water natural plumbing pathways under her family's property be protected and remain in tact without a housing development upon it.

Two, that Harry and Jeanette Weinberg or HRT, whoever is the applicant will be held accountable for...and required to make corrections to the Kahoma Stream flood control project. The United States Army Corp of Engineers did the work and Army Corp of Engineers does correct the projects that have gone wrong.

A natural historic stream was allowed to be drastically altered into the concrete channelized, channelization that goes through this project. In 2012, the State of Hawaii water control, water quality monitoring and assessment report and the...sorry, sorry I'm gonna go down to...they found the waters in this area to be specifically not...needing to be addressed because the water quality was suspect ...(inaudible)...red flags were raised about the water coming out of the channel. The bottom line is the water is already polluted and the natural...and the marine life is already damaged before the project is built. This terrain and in tact karst protected by law which is nature's last filter for surface water before it goes into the ocean is contradictory to all laws that go...that are in place to protect required cultural and coastal criteria.

Ms. Takayama-Corden: Three minutes.

Ms. Apana: Solution.

Chairperson Lay: Please conclude, Clare.

Ms. Apana: Okay, I'm just gonna read the solutions. Okay, she's just got two. Solution—

Chairperson Lay: Clare we have her written testimony.

Ms. Apana: — the vested heirs will—

Chairperson Lay: Clare, Clare, we have your written testimony, we can read through, but we just

wanna get through this process of everybody has been given three minutes and we want to hold them to it. So thank you. Commissioners, any questions for Ms. Apana? Seeing none, thank you very much. We do have your written testimony. Oh, excuse me, Commissioner Hedani?

Mr. Hedani: Clare, can you describe for me what a karst system is?

Ms. Apana: A karst system is really you know you have a lot of karst systems in Hawaii and they are systems where the underground water tunnels run. And they can be made out of calcium carbonate which is what we would, you know, see at...we think of as at a beach, but they can also run as a lava tube. So they are the underground plumbing system and in 1942...I have the water map they show this particular area as being a karst area. And this karst area runs all the way down into Mokuula which is why you see all these karst activity and they had to fill that baseball field right after they made it because it sank because it is in a karst where the water system still goes up and down in this area. This is the natural plumbing feature where the water, underground water comes to the ocean and brings fresh water to the limu, but interestingly the karst system has also been used by Hawaiians for prominent burials. Now, if you'd like to see the map of it, I have it right here of how this is a karst system. And I believe that environmental groups are very wary of putting certain kinds of drainages close to karst systems because it is so in danger of being part of the drainage into the bay, into the ocean. It just flows right there.

Mr. Hedani: Thank you.

Ms. Apana: Thank you very much, Mr. Hedani?

Chairperson Lay: Commissioners, any more questions? Thank you very much. Next we have Michele Lincoln.

Ms. Michele Lincoln: I didn't make copies for anybody because I thought I would present it if we were granted intervention, but it's about karsts, can I submit that? I didn't make copies?

Chairperson Lay: Afterwards.

Ms. Lincoln: Okay. Thank you, Commissioners. My name is Michele Lincoln and I'm just gonna finish what Clare was gonna say quick. Ms. Bolomet supports Michele Lincoln who lives in the area close to this proposed project to be an intervenor.

I wanna thank you all for doing your part to ensure that good governance is taking place and I'm gonna take this time to share my personal vision. I would like the area to be a park. It would include large covered picnic pavilions for graduation parties, baby luaus, and large gatherings of family and friends. It would include various sized covered picnic areas for all size groups. It would include a dog park. I envision playgrounds, sand volleyball court, horseshoe pits and various workout stations. It would have a very small amphitheater for concerts, hula and plays. There would be restroom facilities on both ends of the project with motion activated fountains and showers on the Baby Beach side. The majority of the grounds would be grassed with tree-lined perimeter. There would be a wide paved path around the exterior for walking, biking, rollerblading and handicap use and would have a one-way road with parking all around for easy access.

The ulu grove that David Malo was known for would be included and each year we would have a breadfruit festival to remember him by. The park could include restoration of a portion of the ponds that Kamehameha I built since the pond has already been covered by impervious surfaces. After the Kamehameha Day parade on Front Street we would have an all-day celebration in the park.

You can ask anyone who knows me and they will tell you I'm all about food and fun. I want free concerts, free movies and events and want people to be fed in the park. It's expensive to live here and the park would bless people from all social and economic situations. I don't want it to be a County or State park. I want it to be a park by the people and for the people. It's what we can to have less government and more about people.

The overall cost to make this happen would be somewhere between 15 and 20 million dollars and you wonder how I plan on funding the park purchase and development. It would be through grants and donations so everyone who is willing and whose heart moves him will come and bring an offering for the work.

I have a plan for the maintenance of the park as well. I found a location for a conservancy store with office space and board room. We would have regular donors with a legacy plan for Friends of the Park. I have an idea for a higher end store with donated art, jewelry and collectables that a person would get an appraisal for the full retail value for tax purposes and the conservancy store would be able to sell at a discounted rate to encourage visitor industry and local purchases to fund the park's maintenance and events.

The park would bless the entire island and the local community as well as visitors. This plan gives an alternative to the landowner in light of the fact it should not be developed and they will be compensated for the land. It will provide local construction jobs and sustainable employment. It's a plan that protects the environment, preserves Hawaiian history and culture and leaves a legacy for future generations.

Thank you for letting me share my dream and give the people a chance to participate in the future of our aina as we're the ones that are ushering in Hawaii's next era. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Thank you very much. Does anyone else wish to testify at this time? Please come up to the mic, identify yourself and you have three minutes.

Ms. Sel McDonald: Thank you very much. My name is Sel McDonald.

Chairperson Lay: Oh, wait till you get to the mic please.

Ms. McDonald: My name is Sel McDonald. Thank you for letting me speak today.

Chairperson Lay: One more time in the mic please for our records?

Ms. McDonald: Sel McDonald. Thank you for letting me speak. I'll try to be brief. I have lived West Maui 40 years and love it until I can't get out of my driveway. I live very close to the proposed

project about one and a half to two blocks north on Front Street. Ninety-five percent of the time I cannot get out of my driveway onto Front Street. I think maybe due to the guest to the island from Lahaina to Kapalua see the signs on the highway saying Lahaina exit and they all wanna be by the ocean. I understand that. That's what they came here for, but I can't get out of the driveway. If I've left enough room for my car to exit my driveway. Most of the time there's a car parked over my driveway two or three feet on one side and a couple of feet on the other. And I jump outta the car run out on the street and watch for the traffic as far as I can see, jump back in my car, and go onto Front Street. That's a problem. But we have many other problems also.

Schools. I've been very active with Kamehameha III School over the years installing playground equipment and benches and water coolers and landscaping that the State could not afford to do. And I know the keikis practically hang from the ceiling. I don't think Harry and Jeanette would be happy knowing that the children have no place to go to school. And we figured 200 family residences could be as many as 400 families living there as other people have testified. A lot of families live with each other and I don't know where 31 children came from. Where did that figure come from? My thinking is it could be two or three or four or five or six or seven hundred little children in those residences. Where are they gonna go to school? I don't know. Maybe that's not your problem or our problem, but I feel sorry for the kids 'cause they'll be many children there.

Anyway, just wanted to speak about the traffic already on the Front Street. It's bad every place I realize that but I just want you to know my little problem and thank you so much.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time? Seeing no one, we're gonna close public testimony and take a 10-minute break.

A recess was called at approximately 11:37 a.m., and the meeting was reconvened at approximately 11:47 a.m.

Chairperson Lay: ...back to order. Commissioners, we're now gonna go off the agenda to address an issue that involves this agenda item. We're gonna be moving onto Item D-1.

D. COMMUNICATIONS

- 1. MS. MICHELE LINCOLN, President of the PROTECT AND PRESERVE KAHOMA AHUPUAA ASSOCIATION (PPK-AA) submitting a Petition to Intervene dated June 5, 2014 on the request by STANFORD CARR DEVELOPMENT, LLC on behalf of the HARRY and JEANETTE WEINBERG FOUNDATION, INC. for a Special Management Area Use Permit for the development of the proposed Kahoma Village Project 201-H Project and related improvement located on approximately 21.4 acres on the northeast corner of Front Street and Kenai Street at TMK: 4-5-008: 001, Lahaina, Island of Maui. (SM1 2012/0007) (D. Dias)**

Ms. Lincoln is submitting a Petition to Intervene on behalf of herself as President of PPK-AA and PPK-AA members MARK and LINDA ALLEN,

PATRICK and NAOMI GUTH, and CONSTANCE B. SUTHERLAND.

a. The Commission may take action on the intervention request.

* **AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.**

b. If the Commission grants the intervention request, the Commission may choose to act on the following matters:

- 1) Selection of the hearings body/Hearings Officer**
- 2) Selection of the Mediator**
- 3) Selection of the member of the Commission to preside at the prehearing conference(s) if the Commission is the hearings body.**

If intervention is granted, the parties at that point the parties would be:

- 1) Protect and Preserve Kahoma Ahupuaa Association (Intervenor)**
- 2) Stanford Carr Development, LLC on behalf of the Harry and Jeanette Weinberg Foundation, Inc. (Applicant)**
- 3) Maui County Planning Department per Maui Planning Commission Rules of Practice and Procedure**

Mr. Spence: Commissioners, this is the Petition to Intervene by Ms. Michele Lincoln for the Protect and Preserve Kahoma Ahupuaa Association and perhaps Corp. Counsel could start out with a just a couple comments on how to proceed?

Ms. Thomson: Thank you. I just wanted to give you kind of a basis so that you can listen to the presentation with your rule in mind. So this rule 12-201-41 of the Maui Planning Commission regarding Petitions to Intervene. So intervention is granted to...the things you consider are whether the applicant has a property interest in the subject property. Whether they lawfully reside on the property or whether they can demonstrate that they are so directly and immediately affected by an application before you that their interest is clearly distinguishable from that of the general public. So the first two categories don't apply to this Petition to Intervene. The third may apply. So all others, anyone who doesn't meet one of those three may be granted intervention provided that the Maui Planning Commission can deny the petition if the petitioners interest is the same as others admitted as parties. Whether granting the petition would render the proceedings inefficient and unmanageable or whether granting the petition would not aid in the development of a full record and would overly broaden the issues. So those are the grounds that you would deny a Petition to Intervene if you chose to go that way and when we get into the discussions later, I can remind you of the rule if you need any assistance.

Mr. Spence: I would think the party...let the parties come up and-

Chairperson Lay: Petitioner?

Ms. Michele Lincoln: Thank you. My name is Michele Lincoln and thank you for allowing us this opportunity to participate in this matter. I would like to start just by saying that I did not make because I thought today was just about the intervention whether we get status but I do have that I guess part of my point is we do have information and things that will be pertinent for example, karst question you had and I'm happy to leave this copy, but I did not make enough for all the Commissioners 'cause I didn't realize we were gonna actually ...(inaudible)...the issues.

Thank you for allowing us to participate. My name is Michele Lincoln. I'm the President of Protect and Preserve Kahoma Ahupuaa Association known as the PPK-AA. The members include...if I could I point to my members, is that okay? Mark Allen could you stand up? He is our Vice-President. His wife, Linda, had to leave but she is our Treasurer. Constance "Connie" Sutherland is our Secretary and Patrick and Naomi Guth, Naomi made it today. Thank you very much.

We have submitted a signed petition with 562 signatures that we collected in a very short time. We have an active group with various supporters organizing rallies, Facebook participation, sign waving in addition of collection of signatures. So thank you for your consideration on our intervention.

I apologize in advance if I use the word, "I" instead of "we" as I will be representing the PPK-AA. We feel that this will make it helpful and not complicating. The proceeding since the group will remain on me to be the main spokesperson. We will not render the proceedings inefficient or unmanageable.

We...(inaudible)...don't like the idea of an association like ours coming up and telling Weinberg what they should or should not do with their land. And we would be demanding a lot less of our rights if they instead would do what is right and obey the law. We have standing to intervene and we have filed a timely petition. We, as intervenors can advocate public interest as long as we are among the injured which we are. While I was in the Kahoma Ahupuaa but not within 500 feet of the project area the other intervenors do own homes within the 500-foot distance. We have knowledge of issues that the Commission may not have been made aware of and can provide insight that will make for a complete record. The members of the PPK-AA that have property within the 500 feet project will be greatly affected by the developer. And they have tried unsuccessfully to work with the developer.

Our members will have a daily impact of additional traffic that will add to an existing problem with the ingress and egress. The additional street parking that will be necessary for public beach access will directly affect the residents. It's already an exiting problem and will make it worse. All pedestrians are forced to walk the narrow streets as there are no sidewalks and like the developer's traffic analysis says, we're encouraging more walking, but you're encouraging them to walk into neighborhoods where there are no sidewalks. So what they're asking them to do is especially hazardous for parents pushing strollers and walking their children to the public beach. The roads and existing neighborhood are substandard and emergency vehicles are impeded now. So when you put that extra traffic and that extra foot traffic, I mean, you're trying to get a ambulance in for one of the neighborhood or a fire truck and if something happens at the beach they need to have access not just for the 28 or 30 residents there, but they need to have access, emergency access

for the beach goes as well.

The tsunami evacuation is already congested in this area and an addition of 203 homes will put the existing neighborhood in eminent harm. We believe that clearly distinguishes them from the general public. The general public's life is not at risk, theirs are.

The storm water drainage goes parallel to their properties and the additional runoff will impact them as well as coastal waters.

The Motion in Opposition states on Page 5 that the court held one whose legitimate interest is in fact injured by an illegal action should have standing. Polluting federally protected waters is illegal. Therefore, we have standing as it is a public trust issue. This is a major area of concern. As the polluting of Mala and Baby Beach will adversely affect the public and in this case the neighborhood as it is in their backyard.

Safety issues aside, it will directly affect the neighborhood. The congestion, traffic, tsunami safety issues, the lost of scenic vista and open space all contribute to property values and quality of life. The sale and rental values of others will be affected. These do set us apart from the general public and entitle us to intervene. The applicant states we barely address what injury in fact that the petitioner will suffer.

Naomi Guth is a native Hawaiian and her testimony is included to show how it will negatively affect the cultural and historical importance of the property. The fact that the applicant missed that important information leads us to believe that it's vital we are granted intervention status. Naomi Guth was born in the Pioneer Mill Hospital in Lahaina. She was raised in Lahaina at Puunoa Place adjacent to this project area. We believe that raises to the level of making it clearly distinguishable from the general public. The applicant believes that the most efficient manner to conduct the...(inaudible)...proceedings is to simply allow us to present our issues and concerns to you in the context of this public hearing. That certainly would be more efficient and beneficial to the applicant but would not allow for cross examination and additional information that will help the commission in rendering a righteous decision.

The PPK-AA questions the County of Maui's decisions regarding this project up to date and find them not to be righteous. We are seeking wisdom and discernment from this Planning Commission as not to delay the applicant in a contested court case. The life of the land is perpetuated in righteousness and that's why we're asking for intervention status.

The County and its elected officials have approved and fast tracked this project with full knowledge of a violation of the Clean Water Act by the Lahaina Wastewater Reclamation facility. The applicant intends on using the Lahaina wastewater reclamation facility for this project which now makes them culpable in violating Federal Law. The County would be deliberately violating...deliberately violating Federal Law by approving the addition of more contamination through the injection wells to Federally protected waters.

The habitat for the endangered Blackburn's Sphinx Moth was destroyed by the applicant when they cleared the land and cut down the trees. That violates the entire regime for coastal zone by

allowing an action before an SMA Permit has been approved.

The current laws regarding storm water management state, new construction is the source of pollution. According to the Department of Health Water Quality Report, Mala is under evaluated and at risk. The karst system is a super highway for pollution to enter the oceans. In the subdivision the use of household chemicals, pesticides, fertilizers, motor oil, corroded metal, wood preservative, roof tops all attribute to pollution. During a storm not all the water goes into the detention basins which itself percolates down to the karst that goes directly into the ground and out through the karst system to Mala and Baby Beach. It does not need storm water for pollutants to enter the ocean as washing cars and irrigating lawns are also a factor. The project is affecting Federally protected waters. It's clearly another Federal violation and potential future Federal court case with costly implications to the applicant and the County.

The County is us, well the Mayor and the County Council and all the heads of the various departments pay the fines that they're responsible for incurring? No, we're gonna be paying the \$100 million and counting fine. It will be us, the tax payers. Maybe as part of the sentencing the Federal judge would consider allocating 20 or 30 million dollars to the conservancy fund for the private park so at least the people can benefit from the illegal activity of the County decision makers.

The County in addition to these egregious acts are not following the law on multiple issues. They may not have federal consequences but they will be a burden on the tax payers as well. Infrastructure must proceed development that's not a suggestion, it's a law. There is no guarantee of fresh water for the project. Water availability should not be speculative but definitive. Water is the source of life so that seems pretty fundamental in approving the project. Adequate traffic infrastructure is lacking. The current flow from this area to the Lahaina bypass is through the Cannery Mall parking lot. The area residents because of current traffic are forced to endure noise, congestion, pollution and the project will be adding to an existing problem. The project does not address the eminent harm as a result of the tsunami evacuation in this highly congested area.

The schools are overcrowded and cannot service all the students. The County Council continues to approve projects knowing that our schools are at or over capacity. Do they realize these statistics are our children? And our future is dependent on them. Teachers and staff are daily dealing with kids that bring family issues with them to school. In some instances, English is not their first language. Others have special learning or special needs or learning disabilities. Some kids are bullied and others are bullies and the list goes on and on. Having adequate infrastructure...(inaudible)...to support growth seems absolute. Some here, like myself, only have the benefit of a high school education, but we need to be able to function in an educated system like this to ensure good governance. With higher education costs skyrocketing it is more important now than ever to ensure that we are preparing our children with a good education at the local level. We must improve infrastructure before development. It's not just the law. It's the right thing to do.

Various community plans are not in compliance. The new Maui Island Plan makes recommendations but they do not supercede the other plans that are already in effect like the community plans. I've read the minutes of the Planning Committee from 1995 that indicates that the Committee's desire was for that entire project area to be a passive park. A passive park is one

that does not have ball fields and tennis courts and all that. It's a park. It was established in the West Maui Community Plan that there would be a new community-oriented park along the south bank of Kahoma Stream between Front Street and Honoapiilani Highway. The Committee voted for the project district as requested by the land owner. The change was made and the project was to include a six-acre park. We contest it should not be developed at all based on the Maui Island Plan which states, and I quote, unit counts maybe further defined through the entitlement process in response to infrastructure and environmental constraints. The lack of adequate infrastructure and the polluting of Federally protected waters would emphatically deny the project in its entirety. The Maui Island Plan also defers to the boundaries of the park and location of recreational uses to be further defined with community plan updates and project review and approval process. The approval process will not allow for the subdivision, therefore, the passive park would be an alternative that meets requirements provided by law. Even in the event that all the infrastructure and environmental issues could somehow over time be resolved it does not change the fact of the historical significance and cultural importance of the project area.

Lahaina is rich in history and this is the last of the open space on Front Street. Past history of the surrounding area developments shows serious lack of consideration for burials that were there. It appears history is repeating itself. The applicant plans to locate burials as the project is in progress. When I was child and I learned about archaeology in school I was given the impression you use spoon size instruments and screens to sift. Though I have a love for history that seemed a little boring to me. But if someone had suggested I could have used a backhoe I'd had been all in. I'm not sure how effective a backhoe will be in consideration of the fact that Hawaiians do not use caskets so the remains will be bone fragments. Considering the significant cultural and historical importance of the area it appears the applicant may need to learn a little more Hawaiian history.

The Kahoma Stream ran through a portion of the project area. The project site included the edge of a fishpond built by Kamehameha I, who united the islands. He gathered his troops on this land. It was the homestead of David Malo the famous Hawaiian historian gifted to him by Kamehameha III. Malo aided Kamehameha III in drafting Hawaii's first Declaration of Rights. David Malo graduated from Lahainaluna and there's an annual David Malo Day celebration at the school. He is the beloved historical figure to the west side community. A man of prophetic vision Malo wrote in 1837, if a big wave comes in, large and unfamiliar fishes will come from the dark ocean and when they see the small fishes of the shallow they will eat them up. The white man's ships have arrived with clever men from big countries and they know our people are few in number and our country is small and they will devour us. Yes, we did.

Queen Liliuokalani wisely said, I could not turn back time for political change, but there is time to save our heritage. You must remember never to cease to act because you fear you may fear. The way to lose an earthly kingdom is to be inflexible, intolerant, and prejudicial. Another way is to be too flexible tolerant of too many wrongs and without judgement at all. It is a razor's edge. It is the width of a blade of pili grass. We need to protect Hawaiian history and culture because we're in the Hawaiian Islands and if we don't protect and preserve then all will be lost.

Finally, we would continue on with demanding all of our Hawaiian constitutional rights, but what we really desire is for everyone to do what is right, to be pono. The State moto is, the life of the land

is perpetuated in righteousness, but it's more than just a State motto, those words were first spoken by Queen Kapiolani in 1825 as she was baptized into the Christian faith. Kamehameha III, son of Kamehameha the Great adopted it as the motto of the Kingdom of Hawaii. It is included in the Constitution of the State of Hawaii, Article 15, Section 5 and is Hawaii Revised Statute 5-9. Where it seems to be lacking is in its application. We do not understand why the County decision makers to this point have continued to disregard laws because it's the people that ultimately suffer. The death of the land is perpetuated in unrighteousness. The life of the land is perpetuated in righteousness. We choose life. We humbly ask to be granted permission to intervene. We will have a beneficial impact on these proceedings and we will not delay but assure a complete record will be developed. Thank you.

Chairperson Lay: Commissioners, at this time do you wanna break for lunch or should we hear the closing arguments? All those in favor of lunch?

Ms. Wakida: I have a question.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: What is the process now at this point? She's made her statement and then what happens next?

Chairperson Lay: Director?

Mr. Spence: Mr. Nakamura would...he would state the reasons why they filed a Motion in Opposition to Intervention and state the reasons why. I know there's other procedures within the rules that ultimately this, you know, the Commission will decide whether intervention should be granted or not so that...but the applicant's Memo in Opp should be addressed. Can't tell you time...(inaudible)...

Ms. Wakida: You mean, that this point, the Commissioners ask questions or we wait until the other side makes a presentation?

Ms. Thomson: Chair, I would recommend waiting until both sides have presented and then you can freely ask questions of both sides and then you can make your decision and if you need, you know, further information either in executive session or in open session depending on the subject matter you would make a decision either to grant or deny the Petition to Intervene.

Chairperson Lay: Okay, with that understanding those in favor of lunch? Okay, Commissioners who wants to take lunch now? Okay, gonna break for lunch reconvene at 1 o'clock.

A recess was called at approximately 12:07 p.m., and the meeting was reconvened at approximately 1:01 p.m.

Chairperson Lay: Planning Commission is now called back to order.

Mr. Craig Nakamura: Good afternoon, Mr. Chair, Members of the Commission and Staff. My name

is Craig Nakamura. I represent the applicant in this matter. And I guess the process now is you know, I get to comment on the Petition to Intervene and give you the reasons why we're opposed to it. And before we do that I just wanted to double check on one thing Mr. Chair, the public hearing on this matter has been held and closed, right Chairman?

Chairperson Lay: Yes.

Mr. Nakamura: Okay, thank you. And as we go through this, you know, we heard a very good and passionate argument on behalf of the petitioners in this case. I want us all not to lose track of why we're here and the application that's before us as I think everyone on Maui knows there's a great demand for affordable housing and any housing of any type in Lahaina. I think we're all aware of people that have to commute. There's probably thousands of people that commute there daily from this side just to get to their jobs over there and part of this project is gonna I'm sure alleviate some of those problems. We have Mr. Stanford Carr, our client, who is very well known and respected developed. His roots are on Maui and he's known for building very high quality projects. This is a great opportunity for the residents of Maui. It's the first time in many years that we'll have this opportunity and I think we should keep this in mind in reviewing this project.

Why are we here? The Coastal Zone Management Act was adopted by the Legislature in Hawaii and it's been called the Comprehensive State Regulatory Scheme to protect the environment and resources of our shoreline areas. So it's basically an act to...it's been adopted to protect the shoreline areas. Our Legislature specifically found that special controls on developments within an area along the shoreline are necessary. Okay, so we're protect and there are things that we need to consider with respect to developments along the shoreline. And on Maui, there has been a designated area which is called the SMA Special Management Area which I think is in this case is makai of the highway. And in order to carry out the policies of the Coastal Zone Management Act the Legislature authorized the Counties to establish these Special Management Areas. So we're here on a Special Management Area Permit.

A Special Management Area Permit can be approved when findings are made that the development will not have any substantial adverse environmental or ecological effect except however where the substantial adverse effect is practicably minimized and clearly outweighed by public health, safety or compelling public interest. It has to be consistent with the objectives, policies and guidelines of the CZMA and it's gotta be consistent with County Planning and Zoning.

So we're here on a process, an application process for a Special Management Area. We would normally have a hearing, public hearing and a applicant's hearing as we did this morning in which the Commission is allowed to review the application. People from the public if they want are allowed to participate or become parties, actual parties to the proceeding and the procedure and this is called the contested case hearing and they can participate by filing a Motion to Intervene. That's what's been done in this case.

And so, it's from what I know it's relatively rare, a contested case hearing is relatively rare but it's conducted like a mini trial. Okay, so instead of having a public hearing setting like this usually the Commission will appoint a hearings officer and there will be witnesses produced by both sides, the applicant and the intervenor and you will be allowed to ask questions and so forth. And after the

entire hearing is done, the hearings officer would make a decision and then make recommendations to the Planning Commission. So that's why we're here today.

We're here to discuss and review whether or not the petitioners will be allowed to intervene in this project. And our rules as the Corporation Counsel read to you, our Planning Commission Rules allow intervention in two different ways. Okay, the first one is intervention as a matter of right, as a matter of right. That's sometimes called mandatory intervention and there's a standard for that. The standard is you're allowed to intervene as a matter of right if you have a property interest in the land if you reside on the land or if you can demonstrate that you will be so directly and immediately affected by the matter that their interest is distinguishable from that of the general public. Okay, so there's three things.

Then we have to look at who are the petitioners in this case, okay, because we need to see if they qualify to participate as a matter of right. The petitioners are the PPK-AA for the first time I think today we've heard who the members of the PPK-AA are and they are other individuals who have petitioned in the case who are Michele Lincoln who gave the presentation on the petition, Mark and Linda Allen, Patrick and Naomi Guth and Constance Sutherland. Michele Lincoln is not a resident of the immediate area as you I think you heard her say. She lives mauka up in Lahainaluna Road area and the other individuals live in the subdivision on the makai side of the project.

So we go back to the standards. These petitioners they don't have a property interest in the land clearly. They don't reside on the land clearly. So they only way they can qualify is if they can demonstrate that they will be so directly and immediately affected that their interests are generally distinguishable from the general public. Okay. So they have to show...in other words, they have to show some specific kind of effect on them. Something different than how the general public would be affected. Some specific effect. Court cases say that persons need to show what they call, injury in fact which is injury to a recognized interest and not a political or intellectual grievance. So we need to look at that, at these concerns that they're raising and see if they in fact are injury in fact. What kind of injury are these people actually suffering? Okay.

And what we heard in the petition was basically a laundry list. I mean she went through very well spoken a lot of different things from drainage to traffic to environmental concerns, to archaeological concerns. I mean, a whole laundry list of things that they were concerned about. Nowhere we would say in any of that proposal did they show that they suffer an actual or threatened injury in fact, nothing. And none of these concerns are uniquely confined to these petitioners. Okay, in other words, they're not specifically members of the general...they are considered to be members of the general public. All of their concerns that they're raising are issues that would be addressed by the applicant in the general, in the regular process. They're not specific injuries that these people are suffering.

Court cases have also held that the Planning Commission and the Planning Department Staff adequately represent the general public's interest in this matter. Therefore, petitioners shouldn't be allowed to intervene as a matter of right. The second way they're allowed to intervene is what is called permissive intervention. Okay, and our rules also address that. They're allowed permissive intervention unless the position of the application is the same or substantially the same as a party already admitted to the proceeding, the admission of additional parties will render the

proceedings inefficient and unmanageable or the intervention will not aid in the development of a full record and will overly broaden the issues. As the first argument is similar to what we talked about before. The concerns of the petitioners are the same as that of the general public. You heard the presentation of the various...of a couple of the consultants on behalf of the applicant relating to traffic and drainage, some of the points, the key points that were raised by some of the people that testified at the public hearing. Going through this application process you'll see that all of the concerns are being addressed. There's...we have the archaeologist, we have a list of other consultants that you saw Ms. Suyama put before you that are here today basically to answer any question that you have that any person could raise regarding this project.

In addition, many of the concerns raised by the petitioners have already been raised at prior hearings. You heard many of them say that they have been working or attempting to work with the applicant. That they've been through other proceedings. There have been several hearings before the Land Use Committee of the Maui County Council. There has been a Draft Environmental Assessment for this project that many of the petitioners have specifically commented on and there has been an Urban Design Review Board process among others. So they've had the opportunity to comment and have commented on many of the specific issues that they've raised today. In other words, these are basically repetitions of previous arguments that they've raised. If went through a public hearing we expect nothing different. The same issues would come up again, they've already been addressed. They'll be addressed again or excuse me, if we went to a contested case hearing that's what would occur. Both sides would be allowed to present witnesses. It'd be basically the same issues. You know, we'd have the same testimony just as we heard this morning. And then in this case we feel that as result the contested case hearing really isn't necessary. The only result will be a delay of this application and that is not warranted. So we ask that the petition be denied. We have a entire list of consultants here. We'd be happy to address any concerns that any of the Commissioners raised and we'd be happy to answer any questions at this point. Thank you.

Chairperson Lay: Commissioners, at this time I'll open up for questions? No questions. Okay. I'm looking for a motion. Commissioner Duvauchelle?

Ms. Duvauchelle: I need to disclose I'll be recusing myself from voting as I'm employed by one of the principals on the application.

Chairperson Lay: Okay, so noted. Commissioner Medeiros?

Mr. Medeiros: I move to deny.

Chairperson Lay: Have a motion to deny by Commissioner Medeiros?

Mr. Hedani: Motion to deny the intervention?

Chairperson Lay: To deny the intervention.

Mr. Medeiros: Yes.

Mr. Hedani: Second.

Chairperson Lay: Seconded by Commissioner Hedani? Any discussion on the motion?
Commissioner Wakida?

Ms. Wakida: I will be voting against the motion. I'm not convinced that the petitioners...let's see I'm getting myself in a double negative. I believe the petitioners do have an interest that's different from the general public. I don't know if one who lives further away disqualifies the other three, four, five. But I think that those living in the immediate area have a personal impact from this or at least they have shown that they expect to have, and so I am going to vote against the motion.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Yeah, I believe that the petitioner has not proven that they have an interest separate and distinct from that of the general public. The petitioner, if they live up Lahainaluna Road that's like a mile away from where this project is going to occur. I believe the Commission is capable of listening and taking into account all of the impacts that the project will produce. Many of the people that testified today live makai of Front Street. The impacts that they are talking about the project creating are impacts that they themselves contribute to the west side. Anybody that flushes their toilet on the makai side of the street, that sewage ends up at the Lahaina wastewater treatment plant and that effluent from the treatment plant ends up on the reef. So they're just as guilty as anybody in this subdivision of polluting the waters of West Maui. It's not distinct, it's not separate from the system that they're railing against in this particular case. If we wait for the Department of Education to get their act together we'll all be dead before anything gets built. The department is incapable of producing additional inventory without the help of development as has been evidenced by testimony that they delivered relative to Pulelehua. In this particular case the project is mauka of the highway. It's not along the shore front. All of the people that have talked, many of the people that have talked are abutting the shoreline and the impacts that they're bringing up about runoff from their properties applies to them as well as to this project. The project is superior to many of the properties that have been complaining today because it has implemented retention on site, implemented rain garden systems to biologically filter the runoff from the project before it even enters the ground water. I don't think that...but from what I've heard my personal belief is that there are no lava tubes under this particular area. The area has been cultivated in sugar cane for well over 30 years, we've heard 40 years. And to my knowledge and I started working in West Maui in 1973, the project has always been zoned for apartment use since 1973. If I had my preference I would like to see 300 apartments built on this property rather than 200 because that's the level of demand and that's level of need for housing in West Maui. What I heard for the most part all morning is I'm not against affordable housing, but not in my backyard. Have them go live some place else not close to where I live. It's a typical NIBY approach to the problem and it's something that I cannot support. I don't believe...they've offered anything different in terms of information that would, would...that they have suffered an injury.

Chairperson Lay: Director?

Mr. Spence: Just by way of clarification. Commissioner Hedani, when you said the project mauka of the highway did you mean, mauka of Piilani Highway or mauka of Front Street?

Mr. Hedani: This particular project is mauka of Front Street, makai of Honoapiilani Highway.

Mr. Spence: Right. Okay. Thank you.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I agree with Commissioner Hedani. There is a need for affordable housing, a severe need. I disagree with the 300 apartments. Now there's been a lotta talk about kids and the children and we gotta think about the children. The bottom line is this, kids...they need a home, they need a roof, everything starts there. We deal with the rest after. We not only have a homeless problem, we have a hidden homeless problem and the hidden homeless is the blue collar guy working families that have to take care of their kids or move in with their parents and you have two, sometimes three generations living in one household. Why? Because the average house in Lahaina is gonna run you seven, eight hundred thousand dollars. This will give working families the needed break that they deserve. You know, they deserve this. They're busting their butt working every single day trying to raise their family and you're denying them a roof because it's in your backyard? No, I'm sorry. I don't get to choose my neighbors and they don't get to choose theirs, you know. Working families living next to a working family is in my opinion a good thing.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi: Yes, Chair. In listening to the testimony this morning, I get concerned when people present petitions especially in this particular petition the same family is signed twice on the petition and I think the petitioners should be able to distinguish when there's a similarity in families. It's like doubling up the numbers of opposition and I don't think that's a good idea about doing a presentation. But in looking at also the question that I asked earlier about drainage, it doesn't really seem to impact the water situation that's flowing or it's gonna affect the community in that area. And thirdly, in listening to the principal of Kam III School, the number of families that are generated or children that are generated in that particular complex, 203 complex the statistics are pretty accurate about the number of children that's generated with the number of units that are in that area. And I think if anything else, it should be the Department of Education's responsibility to plan ahead of time in constructing schools so that they can accommodate the overflow. But I don't think the overflow is gonna be that major in this development and I agree that it's longstanding that we have affordable housing for those families who are working in that particular area instead of doing all that traveling.

Chairperson Lay: Commissioners? Commissioner Hedani?

Mr. Hedani: You know I've heard a lot this morning about converting the entire project into park space. The Legislature just approved \$20 million for the acquisition of acreage of Honolua for park space. The Pali to Puamana Plan for the west side creates open space essentially park space from the Pali all the way up to Puamana. By my computation that comes out to about 60 acres of land that the Parks Department is gonna have to figure out how to manage and how to develop properly so it can be used by the public. There's no lack of park space. There's no lack of open space that has been set aside you know for the future. In this particular case, the community has developed a park plan within the plan itself, financed by the development and operated by the development

that would be superior to a traditional park development because it includes things like rain gardens to filter its water. I don't think, and I was a participant in both the Maui Island Plan as well as the General Plan, I don't think the intent was to preclude development from occurring on this site. It's a Project District it includes...(inaudible-technical difficulties with PA)...I kinda get too emotional and talk too close to the mic, but it includes open space and it includes the intent of the General Plan and the Maui Island Plan from my perspective.

Chairperson Lay: Corp. Counsel?

Ms. Thomson: Thank you. I just wanted to kind of redirect the conversation so we're considering the Petition to Intervene. And so what you're looking at here is whether the petitioners have shown either that they should be admitted under the mandatory part of that rule, if they have shown that their interests are clearly distinguishable from that of the general public. So that's something you're considering and that would be more of a mandatory intervention. Other intervenors can be admitted if you decide that they will add to your decision making. However, the two prongs of permissive intervention that you should be looking at, you can deny a petition if it will render these proceedings inefficient and unmanageable or whether it will not aid in the development of a full record and will overly broaden the issues. So you're looking at the status of the intervention based on the information that the petitioner has given you and what they've presented orally and in writing. So have they shown that their interests are clearly distinguishable from that of the general public or you can grant intervention if it will assist you in your decision making, but you can deny it if it would render these proceedings inefficient, unmanageable or if it would not aid in your development of a full record.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I'll just reiterate that I...while not all of the points brought up the petition are indistinguishable from the general public, I felt that they had presented enough that were...where they had personal impact because of lack of access...the vehicles by congestion at that intersection. So I will stand by my decision to vote against.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: For the record, I believe that the petitioners in this case will render the proceedings unmanageable and will not aid in the development of a fuller record.

Chairperson Lay: Any more discussion on the motion? If not, we're gonna vote on the motion. All those in favor of denying the intervention raise your hand.

Mr. Spence: That's five ayes.

Chairperson Lay: Those opposed.

Mr. Spence: One opposed and one recused. Motion carries.

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

VOTED: To Deny the Petition to Intervene.
(Assenting - J. Medeiros, W. Hedani, K. Ball, M. Tsai, R. Higashi)
(Dissenting - P. Wakida)
(Recused - S. Duvauchelle)
(Excused - J. Freitas)

Chairperson Lay: And now we're gonna go back to Agenda Item 1, we can continue.

C. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. **STANFORD CARR DEVELOPMENT, LLC on behalf of the HARRY and JEANETTE WEINBERG FOUNDATION, INC. requesting a Special Management Area Use Permit for the development of the proposed Kahoma Village Project 201-H Project and related improvement located on approximately 21.4 acres on the northeast corner of Front Street and Kenui Street at TMK: 4-5-008: 001, Lahaina, Island of Maui. (SM1 2012/0007) (D. Dias)**

The proposed Project will provide a total of 203 residential units of which 101 will be single family dwellings and 102 will be multi-family units. The 102 multi-family units shall be residential workforce housing units. Park space is also contemplated within the project.

Chairperson Lay: We just finished public testimony. At this point, we're at where Commissioners you have questions for the developer? Commissioner Wakida?

Ms. Wakida: I don't think the developers made his presentation.

Chairperson Lay: They did.

Ms. Wakida: Colleen did but there was nobody following her?

Chairperson Lay: There were those two, two presentations, yeah.

Ms. Wakida: From traffic and drainage. Were they done?

Chairperson Lay: Yeah.

Ms. Wakida: Okay, thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Well, I'll start. My question is to Director, if you could please help clarify for me and maybe members of the public the process by which the developer received a resolution to...for this

project to go forward without conforming to the community plan?

Mr. Spence: Okay, thank you. The process by which the developer went forward with this project the Chapter 201-H in the Hawaii Revised Statutes has a provision. The State Legislature recognizes how long the entitlement process with you know, having to go through various community plan amendments and granting zoning, et cetera. So what they did was they passed 201and it's been through its various iterations, we're on No. H now, I think when I started we were on 201-C. But what it does is it allows an applicant to file an application with the, in our case, the Department of Housing and Human Concerns. They file an EA or an EIS. So you still have to go through that process, but once that's done, it goes straight to the County Council. Once the County Council receives an application for a 201-H approval, the Council has 45 days to act on it. Okay, instead of the normal process which could take a couple of years coming through the Department and that's even after the EIS process.

What 201-H allows an applicant to do is to ask for exceptions from County Law which could include amendments to the community plan, it could include an exemption from zoning instead of for instance we have some 201-H projects built on Agricultural land. It gives that kind of broad sweeping authority to the decision making body with the County Council. They can also get exemptions from paying certain fees like inspections, the building permit fees, they...but all of it has to be tied into an affordable housing project. It's not for any project. And there's certain requirements laid out in the law on what qualifies and what does. But for...if an applicant can meet certain criteria, the State Legislature found that it's so important to be able to get affordable housing on line that they said okay, you can go through this fast track process and you can get some exemptions from the normal process and the normal fees, et cetera.

So in this case, I forget when it was...20...last year, 2013 I believe, they went before the County Council, I have it marked. Okay, gosh it's in February 7, 2014, just this year, the County Council granted the resolution saying okay, you can go ahead with this and you can have all these exemptions from the normal process. And so...but that does not...that process...(inaudible)...grants exceptions from community plan amendments, and those sorts of things. It does not exclude them from Special Management Area Law which is State Law. So that's why we're here today. So you can grant certain exemptions and not others and one of them is the Special Management Area.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: At what point is the public notified about this if there was any objections of this, you know, not so much the affordable housing law but just that they're not following the community plan. How is the public involved in this?

Mr. Spence: I'll...two questions, there are two answers to that. The...they still have to do an EIS which they did or an EA I forget which. But they went through that environmental disclosure process and that's a public process. So, there's notification in the papers and whatnot. Members of the public are invited to submit comments as well as the different public agencies. They are...I'm not familiar with whatever community outreach. It sounds like there was some that the developer took upon himself because you know some people complained the EIS notification isn't sufficient.

I don't know who reads the Environmental Bulletin besides attorneys. But the, you know they

do...you know everybody expects developers to do public outreach so there is some kind of awareness of what's going on in their area. They would get people, maybe you can ask them for more specifics but it's expected that, you know, they involve the public early on.

The 201-H process before the County Council is also a public process and you know, the County Council expects, you know, some sort of notification to the neighbors and invite them to participate. So it's a public process all the way through as is the Special Management Area process. Just a comment on...in...just a clarity on what the community plan actually says because they have an exception from...the Council granted an exemption from the community plan, but it's not a huge exemption. It's not like from Ag to Multi-Family. It's an exemption from some of the specifics within the community plan. This property has been designated and Zoning, Apartment Zoning was probably granted in the 60's. The 1983 community plan had a combination of multi-family and park and then in the latest one in 1998, '96, '96 plan project district where there's supposed to be like a six-acre park plus the remainder of it to be divided equally between commercial and residential. So this property has always been slated for development, ever since the '60s where then zoning was granted. So it's their exemption from the community plan, I would say actually is less intense because it's not going to have that nine acres for commercial. 'Cause, you know, it's gonna be residential and a good portion of it gonna be affordable house. So it's actually less intense than what the community plan says should build there.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi: Yes, I have a couple of questions for the applicant.

Mr. Stanford Carr: Good afternoon, Commissioners. My name is Stanford Carr.

Mr. Higashi: This morning there was a presentation done about the conceptual site plan as far as traffic was concerned and I agree that traffic can be a problem especially during morning traffic or afternoon traffic and this particular drawing has on Front Street going in—

Mr. Carr: Yes.

Mr. Higashi: —during morning hour instead of having—

Chairperson Lay: Please remember to speak into the mic, Commissioner.

Mr. Higashi: —instead of having them make a left turn coming from Kaanapali into that subdivision if it can be done so that there's only a right turn going in to prevent congestion in that particular area. Is that something that you folks would consider?

Mr. Carr: In fact we have vetted and discussed that amongst many of the Council members as we would...as a result of the public hearings as well as a follow up to a site inspection by the Council members along with our traffic consultant. The conclusion was that even with this development the impact would be a level of service A or B for this intersection and that the...we have visited...we have done for three years traffic analysis of the surrounding area of the existing property characteristics and how many cars are generated through Front Street and Kenui for the last three

years. By not allowing for a left-hand turn into the Kahoma Village and but to have further proceed to direct them to Kenui will further impact Kenui. What we are doing is providing for a sidewalk with the blinking lights. It's a new product that really it flashes so that when people walk across the street that that flashing light, the LEDs would cause cars driving along Front Street to slow down. And that was for a purpose to make it safer for pedestrians. But we found that by doing what was suggested it would actually negatively impact the traffic along Front Street rather than improve it. Furthermore in order to make it for a safe entry into Kahoma Village we have a divided median strip a the main entry.

Mr. Higashi: Okay, second question is usually when develop occur we're concerned about access for public parking and I heard one of the presentation talking about 13 parking space available for public to park in that particular area or is it just open parking.

Mr. Carr: No. Aside from our on street parking in Kahoma Village as well as providing for guest parking for visitors to come to the community, we're dedicating to the County 30,000 square feet of property fronting Front Street and Kenui Street, along Kenui Street, 30 parking stalls, public parking stalls will be provided for the neighborhood in addition to curbing, sidewalks, shade trees, and street lights so that pedestrians will have a much safer access along Kenui and along Front Street.

Mr. Higashi: And my last question is I see you have a nice park there.

Mr. Carr: Correct.

Mr. Higashi: Is that gonna be exclusive for the residents in that area or is it open for the public?

Mr. Carr: It's public access is permissible. So it's developed by us, maintained by the association, but open to the public.

Mr. Higashi: Oh, okay. Thank you.

Mr. Carr: You're very welcome.

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

Mr. Medeiros: One for the Planning Director. This is affordable housing or workforce housing whatever you wanna call it, but how do we keep it that way? You know, couple of months ago, ...(inaudible)...we had an application for a TVR in a neighborhood that when it was developed was affordable housing. You know, I want the development to be maintained as affordable and workforce housing. I don't want speculators to come, buy the property, and set up...apply for a TVR and turn it into a vacation home, you know. I want people who live here and you know, retired or working to have a chance of getting that roof.

Chairperson Lay: Director?

Mr. Spence: I know that the question of remaining affordable for, you know, whatever, forever-

Mr. Medeiros: No, not forever.

Mr. Spence: Okay, but...so that's for an extended period of time that's always a question in our thinking and also one on the County Council. So I mean, as with specific for this project perhaps the applicant would want to say something. But I would also noted that it's within the purview of this commission to add a condition to whatever...if the concern is vacation rental or the conversion of affordable units to vacation rentals, we can put a condition on the SMA Permit.

Mr. Medeiros: Good. I get to...(inaudible)...

Mr. Carr: Commissioner Medeiros, with respect to the concern of TVRs, we will have a recorded document that runs with the land. In our CC&Rs and bylaws of the association that none of the units can be used for transient vacation use in perpetuity. I mean, it's just, it will be...(Inaudible)...association law. So it is intended that this project be for primary residence. We will be working with the Department of Housing and Human Concerns with respect to the affordable housing agreement. Mind you that the Council is currently overhauling the affordable house, workforce housing ordinance. There are some issues with respect to changes in Fannie Mae financing with respect to deed restrictions on the conformance of mortgages. They're making it assured that they're sellable in the secondary market. So we will be addressing those issues along the way.

Mr. Medeiros: ...(inaudible)...since the representation was made, I don't have to add a condition. Yeah, I'm all good.

Mr. Carr: Thank you.

Mr. Spence: Mr. Chair, I would agree with Mr. Medeiros sentiment. The applicant has made the representation that they'll be doing things with, you know, through the association and the CC&Rs perhaps deed restrictions, they'll work that out but the representation is they won't be available for short-term rentals. So I'm satisfied.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I have a question for the Director. The term "affordable housing" and the term "workforce housing" in my understanding are not synonymous. For example, if a developer comes in and wants to build a hotel, they're required to put up so much workforce housing or something along those lines. Am I correct? So...and we've had a case a project a year or so ago in which a developer said, oh I already built the workforce housing back in 1995. So I'm wondering what this developer's status is here? Are they also including this as workforce housing to be banked against some future project?

Mr. Spence: I don't...yeah, I think that's something the applicant might wanna answer, but I know they do have an exemption from workforce housing law. I mean, because they are promoting...normally workforce housing kicks in when somebody comes in with a market project and there's a requirement, workforce housing law requires that a certain percentage of affordable units either be built on site or money be contributed. But since this is and there is other criteria,

since this is being proposed as an affordable housing project under 201-H, you know, the terms are a little bit more flexible. So...but as far as other things, I think they should respond to that.

Mr. Carr: Yes, Commissioner Wakida, the Director is correct. The process of which entitled this project through the 201-H statute, 51 percent of all the units must be affordable pursuant to the County's definitions. So we are not building these affordables for credits for use of any other project. That would be a double dip so it stands alone.

Ms. Wakida: Thank you.

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

Mr. Hedani: One last comment I'd like to actually congratulate the developer in this particular case for coming up with a project that I believe is innovative, incorporates a lot of the smart growth principles that we've been talking about for a long time. It deemed environmentally sensitive and this is not the first time that we've seen this. They came to us with the Environmental Assessment. We had an opportunity to comment on it. It's been something that we looked at before. In fact, we've requested that they make improvements to the project like the addition of curbs, gutters, and sidewalks to Kenui Street as well as Front Street and the developer has responded positively by incorporating all of those improvements into the plan that we're looking at today. So I'd like to thank them for that.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Somebody I'm gonna ask the consultant a question. I'm gonna ask the traffic guy, Mike, a specific question. Your traffic impact analysis has all the data on the traffic and so forth. Have you taken into consideration what ...(inaudible)...seasonal variations don't that count at all?

Mr. Packard: Yes, so when we...standard operating practice is to take the counts during the high season which are when schools is in session. And these counts were taken during a weekday. They're supposed to be taken on Tuesday, Wednesday or Thursday which was considered the most, the highest consistent peak hour during a school year. So every time we did a new study it was taken on a Tuesday, Wednesday or a Thursday when school was in session. It was considered to be the highest time in the area. There is some seasonal variation in the area but it really is very negligible in impacts especially during those commuter hours which are the highest hours and the large amount of traffic at any one particular time.

Mr. Tsai: So you don't take into consideration during winter time like, you know, two weeks Christmas, New Years when you have a lot of traffic?

Mr. Packard: The short answer is no. Because if we planned for traffic such as that then we'd be constantly building roads that are to the capacity to a level of traffic that is only there two weeks of the year. A mall per se does do studies that consider that type of traffic, yet they mitigate for that they're not...they're still not building to be able to accommodate say Christmas time traffic which is often why you get lack of parking in malls during Christmas time. If you built to the biggest absolute need, 99 percent of the rest of that time, we'd have unused roads so why not leave that

grass sidewalk in instead of road?

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

Ms. Wakida: I have a question for Mr. Carr. And I wonder if there's a site plan that you could put up on the screen? Maybe Danny has one? Yeah, that will do. Okay, thank you. Tell me about what is planned along the Honoapiilani Highway edge of the property? I don't mean the green portion but what's between that and the highway?

Mr. Carr: It's a, it's a linear park. That's the first buffer between the highway and the townhouses.

Ms. Wakida: And what is between the buffer and the highway? Is there...

Mr. Carr: It's basically open green space, landscaped open space. You're talking about as far as a wall?

Ms. Wakida: Yeah, is there anything at all planned there?

Mr. Carr: We are planning a I believe a sound wall, yes.

Ms. Wakida: I have a concern I have, if I lived in any of those multi-family units of the affordable units and I wanted to go to Safeway or Foodland Farms or Barnes and Noble, I would wanna go up to that top corner of the property because that's the shortest route.

Mr. Carr: Hopefully you'll walk down towards Front Street and walk towards the Cannery Mall. There's only a right, a right-turn exit onto Honoapiilani going south off of, from Kenuei. There's no left-turn permissible.

Ms. Wakida: No, I'm sorry, I'm talking about walking.

Mr. Carr: Walking.

Ms. Wakida: Walking or biking and I know that, you know, right where it is that you want walkable, bikeable communities now that to me is a real essential point and people are gonna climb over that barrier that's there now and walk along there and there really isn't any protection for people and yet it's the absolutely closest, it's the closest spot for people to access that commercial area.

Mr. Packard: We don't really want to encourage people in high numbers walking or biking along Honoapiilani Highway because it's a major State facility of which has shoulders that can accommodate biking and walking but in our project we're building sidewalks that connect up to existing sidewalks over into these areas and so the intent in the complete streets movement and proper design is to address areas differently and it's to address them per the type of mode that they carry. Honoapiilani is built to carry vehicular traffic. These other side roads are neighborhood type roads therefore it would be best served which is why the project is designed such as it is to walk down towards Front Street and over to those sidewalk lined areas that lead to those businesses.

Ms. Wakida: I understand. But I'm telling you that I don't think people are gonna wanna do that. I think they're gonna to defy that and there's gonna be a problem right there in that corner 'cause that's the way people are gonna wanna get to places quickly.

Mr. Packard: Okay.

Chairperson Lay: Please when you're coming up to the mic identify yourself for the record.

Ms. van Ammers: Fiona van Ammers, civil engineer, SSFM. Actually there is a planned sound wall around, along the property line between the highway. The wall will continue on the side maybe...if you're familiar there's a sound wall on the highway closer to Lahaina side. So the wall will continue down on the park side so it actually discourage people from getting to the highway. They won't be able to get around.

Ms. Wakida: Well, I would just like to reiterate that I think that's unfortunate because I think we really want this to be walkable that's the way people wanna walk even...I understand the other traffic issues that you're dealing but it is currently a busy walkway along there. There's a lot of people that walk along that shoulder.

Chairperson Lay: Commissioner Higashi?

Mr. Higashi: Yeah, ma'am can I ask you a question? You know where the park is?

Ms. van Ammers: Yes.

Mr. Higashi: Is there an access that goes across that you can go to the Cannery in between the buildings there? You see there's...you know, halfway between that street there?

Ms. van Ammers: You mean crossing this way?

Mr. Higashi: Yes.

Ms. van Ammers: This is a huge channel. You wouldn't be able to walk in this, you wouldn't even be able to walk down the bank. It's a concrete channel.

Mr. Higashi: They don't build a crosswalk or whatever across, a bridge or whatever, crosswalk?

Ms. van Ammers: It's not legal to do that. This is owned by the Department of the Army.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I don't know, maybe the Director could answer this question because I just wanna understand the affordable definition. It says in our report that 51 percent will be sold to 110 or 120 percent of the median income of Maui. Do you know what the median income of Maui is?

Ms. van Ammers: I'll ask Mr. Carr.

Mr. Spence: I don't. Unless Danny knows that or...

Mr. Dias: For a family of four, \$75,800.

Ms. Wakida: Thank you.

Chairperson Lay: Okay, back to what we were just talking about earlier access to the Cannery Mall area. On your bottom left-hand side where you got that bridge that goes over towards the Cannery Mall is there gonna be an access point over there 'cause I'm thinking that you're suggesting that people go on the bottom instead of closer to the highway?

Mr. Carr: Commissioner Lay, yes. There is an existing sidewalk along the bridge I believe on both sides so we will be improving Front Street with wider shoulder as well as sidewalk for a pedestrian access to the Cannery. And there is an existing sidewalk along the bridge to access the Cannery Mall

Chairperson Lay: Okay. 'Cause for me with the kids—

Mr. Carr: Yes.

Chairperson Lay: I would rather them be on the bottom road too just because of traffic wise.

Mr. Carr: Correct. Absolutely.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Well, I was wondering if your question was, was there access through the corner of the property over to that bridge or do they have to go all the way out through the main entrance?

Mr. Carr: They have to go through the main entry. And the reason is that becomes a safety issue with respect to the homeowner there of if you were to provide a pedestrian penetration. It would encourage people that are outside of the community that may come in and that's...we've seen issues with that characteristic in planned communities.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Okay, I don't know if this is a question you can answer, Fiona has to answer, you guys talk about the widening of Front Street. How much widening you guys gonna do? It's one of the slides she actually brought up and I couldn't see it.

Ms. van Ammers: I'm sorry could you repeat the question?

Mr. Tsai: Yeah, in one of your slides you had talked about widening Front Street and I couldn't see it, but by how much are you gonna widen that? Yeah, right there.

Ms. van Ammers: I can't really even see that.

Mr. Carr: Four-foot shoulder, six-foot sidewalk, and additional about four feet of landscaping.

Chairperson Lay: If you just repeat that for everyone please?

Ms. van Ammers: I'm gonna explain. So it's a six-foot shoulder so you...right now you have a two-lane road travel lane in each direction. So we're gonna add a six-foot shoulder so you can have a bike lane for example, and then right next to that would be a sidewalk, six-foot sidewalk and then a four-foot landscape buffer between the sidewalk and the property line.

Mr. Tsai: Is that on both sides or...

Ms. van Ammers: No, just on the frontage side to the property.

Mr. Tsai: Okay. Thank you.

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

Ms. Wakida: Yeah, ...drainage specialist up here. I'm a little concerned about his drain, the one that...one of the, one of the testifiers talked about I think it was lower-

Ms. van Ammers: Along Front Street crossing.

Ms. Wakida: That one, yeah. The existing drain that comes out. That seems kinda sketchy to...are you...is this project expecting to drain into that?

Ms. van Ammers: The current site condition it actually already drains into that.

Ms. Wakida: Right.

Ms. van Ammers: So in the developed condition we plan to maintain what the existing condition is. So on site we'll detain, we have underground and above-ground detention to control the runoff so that we can maintain the existing flow that runs through that pipe.

Ms. Wakida: Because that's that's water that's just going directly into the ocean without any buffer as far as I can see. Can't you make provisions to retain all pre and post development water?

Ms. van Ammers: That...and so the County standard is to detain the net increase due to your project. You do make a good point that right now it's running directly into that culvert, but with this project we'll actually improve the water quality because you'll be going through detention. Right now, it does not.

Ms. Wakida: So the water...let me understand, the water going into that culvert is coming from a retention basin?

Ms. van Ammers: In the proposed condition, yes. So the developer plans on installing detention system.

Ms. Wakida: And there's no way that you can retain that water?

Ms. van Ammers: It's not the County standard to do that, so that would be something that we would work with Public Works to do, but feasibility that's not likely for a project of this size.

Ms. Wakida: 'Cause there is...you know, you're a block from the ocean. You're directly feeding into the ocean, so I would think exceeding County standards would be...

Ms. van Ammers: We actually plan to exceed County standards, but realistically and feasibility for the project, the cost associated with retaining or detaining all runoff is not typically logistical.

Ms. Wakida: Well, I understand. I do know that, we're all aware the cost to our reef is long lasting.

Chairperson Lay: Public Works, Rowena?

Ms. Dagdag-Andaya: I just had a couple comments here. As far as our drainage rules, what Fiona said was correct. We do whatever is the net increase. So whatever is generated off the site or they'll maintain the existing conditions but whatever they generate, they need to keep on site. That's one thing that our drainage rules do. Another thing that we had done within the past couple years which came before this Commission is adopt rules for storm water quality. So now all developers are subject to our storm water quality rules. So they need to do certain best management practices to ensure that the water quality is in a better, much better quality as it leaves the site. So there are several standards that have been adopted and so whatever is existing right now, whatever runoff is coming off of the site now does get improved as the site gets developed. So there's two things that happen with our existing rules so a) they keep whatever is on site and maintain the existing drainage pattern, and b) the storm water quality and also improves. And I believe earlier Fiona had mentioned low impact development strategies such as rain gardens, I think swales and in working with SSFM they've...I know for a lot of their projects and working with Fiona, those are things that she looks into and this is pretty consistent with us as we try to move towards kinda like a green street strategy. And also with some of their traffic improvements, we've been very impressed some of the complete streets elements that they've brought into this particular project. A lot of times when affordable housing or workforce housing projects come before us they ask for exemptions from street improvements such as curb, gutter, sidewalk, but for this one they're including sidewalks, bike lanes and improvements for pedestrian safety. So I just wanted to add that as well.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Your catch basin that we're talking about at that location. Does it take water from Front Street?

Ms. van Ammers: No.

Mr. Hedani: So it comes only from the site?

Ms. van Ammers: Yes.

Chairperson Lay: Commissioners? Commissioner Wakida? I have a question, but it's not drainage. It's has to do with photo voltaic, would that be Mr. Carr or somebody else?

Mr. Carr: That would be me, Commissioner Wakida.

Ms. Wakida: Great. It says in your report that you are providing the option I think for photo voltaic for the single-family market homes. My question is can you...are there any provisions for metering accessibility from other units such as the multi-family and affordable units?

Mr. Carr: Yes, there may be permissibles. We are working with the utility companies. In fact, we just met with them last week Friday and again on Monday because of what's going on with respect to net metering throughout our State with respect to PV. Typically in the case of multi-family units it's limited to PV for only the...utilizing the rooftop above your unit. In this case, the multi-family here are townhouses. So no one lives above your or below you so it makes it a lot more flexible. The problem right now with most of the islands and districts is it's saturated with PV and so there is an issue. Hawaiian Electric Industries is trying to collaborate with ourselves, the developers, as well as with the PUC in how to address some of the challenges they have with the overloads. Right now they've got, on Oahu for example, 280 megawatts of rooftop energy being produced between 10:00 a.m. and 2:00 p.m. during the day.

Ms. Wakida: Yeah, well actually my question was not for now but provisions, where provisions or can provisions be made so that buyers in the future should they want to hook up to PV, their meter is in such a place that that's possible?

Mr. Carr: Yes, we do incorporate that into our design guidelines and CC&Rs.

Ms. Wakida: Thank you.

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

Ms. Wakida: Oh yeah, I had a bunch, but they're getting more and specific. I have a question about your homeowner's association. Have you done a project similar where you had market affordable and a homeowner's association?

Mr. Carr: Yes.

Ms. Wakida: And how are the dues structured in those projects?

Mr. Carr: Sure. They're structured based on we bring in a consultant to assess, do studies with respect to replacement, repairs and reserves following the statutes. So we work with our intended property manager. So our current based on the designs projected AOA fees for the townhouses is about, townhomes is \$279 a month, the single-family cluster homes are \$170, and the single-family alley loaded project is \$210, and the difference is the multi-family becomes more because of the statutory replacement reserves.

Ms. Wakida: That 279 is per unit?

Mr. Carr: Correct. Correct.

Ms. Wakida: That's, that's more than the single-family home?

Mr. Carr: That's correct. And the reason is because of statutory multi-family laws. We just have, you know, multi-family they must provide, set aside money for reserves for future repainting, reroofing the building, rechaulking, all the maintenance. So whereas on the single-family, these people are responsible for their own home. They maintain their own home, paint it, we have CC&Rs that, the covenants and restrictions that state that they cannot allow the home to go into disrepair, they must maintain their front lawns, you know, they can't have any abandoned vehicles fronting their properties or driveways, but the reason why it is more is because the State statutes require that they set aside monies for the future to replace and repair different aspects of the multi-family building. So that's common in all projects.

Ms. Wakida: All right. I understand that. But I am a little concerned about affordable housing, family of four making \$80,000, how they're gonna afford another \$279 for maintenance?

Mr. Carr: It's all underwritten as part of their mortgage much like depending on the interest rate. But whether...again, it's a requirement by our Legislature. We have to follow the State Law. You must mandatory budget these funds for replacement reserves. It's not an option for us. And you know, studies are done to adequately address what the cost will be and including incorporating inflation factors because the liability then comes back to us if there's any shortfalls as well. So we're just following the laws that are written before us.

Chairperson Lay: Commissioner Wakida, any more questions? Just kidding.

Ms. Wakida: Just give me a minute. It's probably a moot point, but I would just like to have your opinion on this. Why did you choose not to make a greenway along the Kahoma Stream side? In the original community it asks for a six-acre park along that stream there and you, you know, you chose to develop in other ways. Of course with fewer houses than the maximum, but I was just wondering what your thinking was?

Mr. Carr: First of the property line that's within the Kahoma flood stream control stream is under the jurisdiction of the Army Corp of Engineers so we cannot encroach on it. Second challenge was that you have a large buffer because you have a maintenance road that exists all along that flood control stream. When the flood control stream improvements were installed in 1986, this property though owned by Weinberg for the last 40 years was 24 plus acres. Over three plus acres was taken to effectuate the Kahoma flood control improvements and that diminished the size of their property. That was partly their contribution to the community, you know, 26 years ago, 36 years...no, 26 years ago. But we are not permitted to encroach onto Army Corp property. We have to stay away in fact. One of the reasons why the sewer force main and we've collaborated with the County is to redirect it through Front Street and up Kenui Street is because the existing force main is really under the embankment there because they covered it up when they made the improvements.

Chairperson Lay: Commissioners, just as a reminder we do have three more public agenda items

on our schedule today. Commissioner Wakida?

Ms. Wakida: Do you know how far it is to Kam III, the elementary school?

Mr. Carr: Yeah, it's maybe mile and a half, two miles down Front Street.

Ms. Wakida: It's over a mile.

Mr. Carr: Okay.

Ms. Wakida: Because the school bus doesn't pick up children under a mile.

Mr. Carr: Okay.

Ms. Wakida: So you're sure it's over a mile?

Mr. Carr: I understand. However, I believe the students in our school...in our residences will be going to Princess Nahienaena School. We have been talking with Heidi Meeker, from Facilities Branch of DOE. We've worked with them on a number of school projects over the last 20 plus years. Our contribution from this project to DOE so about \$750,000 for them to use within the district.

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

Mr. Hedani: I'd like to hear the staff recommendation.

Chairperson Lay: Asking for staff recommendation at this time, so if you have any questions make it good at this point so we can move on? Commissioners, any more questions? Thank you very much. Can we get the Department's recommendation?

b) Action

Mr. Dias: Thank you, Mr. Chair. Before I give the recommendation I just wanna just for the record normally when we have a Petition to Intervene that gets denied we ask the applicant's legal representative to produce the Decision and Order for us, so I asked him on the side and he's agreeable to that so I just wanted to say that for the record.

Moving along to the recommendation. The Maui Planning Department recommends approval of the Kahoma Village Project subject to six standard conditions and four project specific conditions.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Move to approve as recommended.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Commissioner Tsai of approval and seconded by Commissioner Medeiros. Any discussion on the motion? Commissioner Medeiros?

Mr. Medeiros: Start now.

Chairperson Lay: Commissioner Duvauchelle?

Ms. Duvauchelle: I will be recusing myself from voting on the SMA also.

Chairperson Lay: Any more discussion on the motion? Commissioner Hedani?

Mr. Hedani: I'll support the motion. I believe this is a very worthy project for support. I think it's one of the few projects that are gonna be coming on line that will develop affordable housing for West Maui. With the County's policy of workforce housing because it's so stringent virtually nothing has been developed within the last five years. Within the last 10 years in West Maui nothing's happened and this is the first project to come along that might produce housing for the west side people, for people that want to reside in West Maui. For the Department of Education, the principal is still gonna get the students coming from the people that live on that side except they're people that are living in cars, where the students don't have a home that they're coming from when they get to school. And this would give them an opportunity to live in a real home.

Chairperson Lay: I'd to say, oh go ahead Commissioner Tsai?

Mr. Tsai: Yeah, I made a motion. I just commend on the applicant on the good job they did. I think they covered all the bases and, you know, in the due diligence they put forth.

Chairperson Lay: And as for myself, I've got kids and affordable housing is hard to come ...(inaudible)... out there and I'm glad to see them coming along so we can get them in their own home. Any more discussion? Commissioner Wakida?

Ms. Wakida: I have a lot of friends on both sides of this issue and have really tried to make myself...to educate myself on this. A park, total park was never really on the table for this. It was always for some kind of housing. I will be supporting the project and will be expecting the developer to do a first class job of this as they presented. And I also hope that...if there's a big impact to the Puunoa area and I hope the County will step up and be a lot more vigilant on keeping that area clean and garbage free and improving it and helping the residents so they don't have a lot of illegal trespasses to get down to the beach so that making the legal beach access is more accessible and user friendly.

Chairperson Lay: Any more discussion on the motion? If not, can we get the Director to repeat the motion?

Mr. Spence: t he motion is to approve as recommended by Staff.

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

Mr. Spence: That is six eyes and one is excused...recused, pardon me.

Chairperson Lay: Motion carries. Congratulations.

It was moved by Mr. Tsai, seconded by Mr. Medeiros, then

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

Chairperson Lay: Take a five-minute break.

A recess was called at approximately 2:20 p.m., and the meeting was reconvened at approximately 2:28 p.m.

Mr. Spence: Commissioners, we are on Item C-2 of your agenda this afternoon. General Growth Properties is requesting a SMA Permit for renovation of Whaler's Village. Our Staff Planner this afternoon is Mr. Kurt Wollenhaupt.

- 2. GENERAL GROWTH PROPERTIES, INC. requesting a Special Management Area Use Permit for the renovation of Whalers Village with improvements to common area, internal access entryways and driveways and the net addition of 15,400 square feet of gross leasable areas for shops and restaurants and other related improvements on property situated at 2435 Kaanapali Parkway, TMK: 4-4-008: 001, Kaanapali, Lahaina, Island of Maui. (SM1 2013/0018) (SSA 2013/0064) (K. Wollenhaupt)**

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Mr. Chairman, I'll be recusing myself on voting on this particular item because Whaler's Village is a member of Kaanapali Operations, but I will be participating in the discussion.

Chairperson Lay: So noted.

Mr. Spence: Take it away, Kurt.

Mr. Kurt Wollenhaupt: Good afternoon, Members of the Maui Planning Commission and to the members of the public who are listening on our television station. Today's application is a Special Management Area Major Permit. The reason that we're here today is that the proposed cost of this project is over \$500,000 therefore triggering what we call SMA1, and SMA Major. As indicated in the agenda it's to obtain a Special Management Area Use Permit for the proposed Whaler's Village renovation and expansion with associated improvements located at 2435 Kaanapali Parkway on

approximately 8.51 acres at Maui Tax Map Key (2) 4-4-008: 001 in Lahaina.

The applicant today is Whaler's Village General Growth Properties Incorporated represented by Munekiyo & Hiraga. Mr. Mich Hirano will be doing the power point presentation and their team is here today along with the General Manager of Whaler's Village, Ms. Corinne Arquero.

General Growth Properties is proposing a renovation and expansion of the Whaler's Village and if any of you have been out there recently it's probably time to...(inaudible)...renovation in order to update it to what current expectations are for retailing and dining experiences. Trends have changed over the years and in order to ensure that the premiere Kaanapali Beach Report maintains itself as a strong tourist destination the Whaler's Village has seen the need along with General Growth Properties to remodel, expand, and to renovate. The Whaler's Village is owned by W V SUB, LLC, and as indicated previously managed by General Growth Properties who also manage the Ala Moana Shopping Center over in Honolulu.

Just by way of history of the project the project has gone through a number of different reviews. The Maui Urban Design Review Board did review this and the applicant did make modifications and changes in order to incorporate some of their comments regarding energy saving measures, pervious paving and a screening of mechanical equipment. Outside of the Department, Current Planning Division this project was reviewed by the Board of Variances and Appeals regarding their required parking. That decision is noted in the decision and order that's in the application known as Exhibit 4 in that the project was granted a variance regarding parking. The reasons are given but due to the unique location of the Whaler's Village and a walkable area it was deemed by the BVA that that variance would and was granted.

The land use designations for this project are Urban. It is within the Urban Growth Boundary. The West Maui Community Plan notes it as Business Commercial. County Zoning is BR Resort Commercial and as indicated previously it is within the Special Management Area therefore requiring a higher level of review.

The presentation is going to go into the renovation, into the 15,400-square foot expansion, but I do want to just make a brief comment to the Commissioners that we're here for the SMA review. Those requirements are noted on Page 5 and 6 and just also make everyone aware the SMA was established for special controls on development within the shoreline area necessary to avoid a permanent loss of valuable resources and to ensure that adequate access by dedication or other means, to publicly owned and use beach as recreation areas is provided. So this debate today really just focuses on the impact of this shoreline resource. The SMA is not to be used as a catchall for everything that one might consider about the project. So sometimes the SMA conditions morphed into more than actually SMA applicable items.

With that, I believe that all of the requirements for noticing were met and that without further ado, Mich Hirano and his team will give the presentation. I just wanted to indicate there were three supplements that were given. One was on some additional comments from agencies. And then there were two additional supplements on support letters and that we were given a letter today by Ms. Salvador regarding this project. So those are all the accompanying attachments.

Mr. Mich Hirano: Thank you, Kurt. Good afternoon, Chairman Lay, Members of the Planning Commission. My name is Mich Hirano with Munekiyo & Hiraga. Our firm is representing the applicant, General Growth for the SMA Permit before you this afternoon. We've prepared a power point to just provide some background information on the project and I'd like to just go over the power point with you.

First of all, I'd like to just introduce the project team. Kurt had mentioned that the applicant is General Growth Properties. With General Growth today is Francisco Gutierrez, who is the Director of Development and Corinne Arquero, who is the General Manager at Whaler's Village. PJRA are the architectural firm hired by General Growth in the plans before you this afternoon. Landscape architect is Walters Kimura Motoda and Myles Nishida is the landscape architect from that first who is present this afternoon. And the civil engineer is Otomo Engineering. Mark Matsuda is representing Otomo Engineering and will be available to answer any questions on drainage or engineering. Munekiyo & Hiraga are the planning consultants.

I'd like to just give a little orientation to the Commission. This is the project boundaries approximately. It's kind of a L-shaped parcel. It's 8.5 acres. This is a parkade or parking lot, four level parking lot on the north side of the project. Whaler's Village is a collection of buildings for the shopping center. There are about 11 buildings and they're basically single-story buildings built on three levels. There are two entrances or sorry, three entrances to Whaler's Village. This is Kaanapali Parkway. There's an entrance off of Kaanapali Parkway into the center. This is a boardwalk. This is the Pacific Ocean and Kaanapali Beach to the west and there's a boardwalk along, connecting the full resort to Whaler's Village. Whaler's Village sort of sits in the middle of Kaanapali Resort. There's the Whaler on Kaanapali Beach which is a hotel condominium unit. The West Maui Resort and Spa is to the south of the Whaler's Village. This is a beach access, public beach access for the beach between Westin Resort and Whaler's Village. Whaler's Village has approximately 557 parking stalls. There are 20 beach parking stalls that are open 24/7 and are monitored by the Whaler's Village security. And then there is the access from the parkade through the breezeway into the Whaler's Village itself.

The project goals are to revitalize and refresh and I say revitalize and refresh because as I go through the presentation and you'll see the project improvements approximately 50 percent of the budget and the budget is upwards of \$22 million, over half of that budget is really dedicated to the revitalization and refreshing of the common areas of the shopping center. They also create a unique and shady signature gathering place, and again, as we go through the presentation you'll see a lot of landscaping improvements, common area improvements and amenities for the public. To provide a sense of arrival and strong identity of place for visitors and when you think of Whaler's Village when we were going out in the community outreach the whale and the skeleton of the whale is really predominant lasting memorable sort of feature of Whaler's Village and it was made very clear that, you know, that is a very distinct sort of identity to Whaler's Village and so the applicant has retained that identity and has really tried to enhance it in a more modern kind of theme.

The other two project goals are to improve circulation and way finding. What isn't really obvious in the slides is really Whaler's Village is built on a number of layers, multiple layers. There are three floors to the center and they are accessed by stairways, ramps and elevators and the idea as part of the renovation is to bring a more common element to the main level and so I'll go over some of

those features. And then finally to infuse a sense of discovery, culture, education showcasing West Maui and again, this takes on the whale theme and making it a more contemporary kind of theme in terms of a more...trying to make it a more interactive educational theme and moving away from the history of whale, whaling but more into the protection and enhancement of the whale and the environment.

The project components are very simple. It's to refresh and update the center. As I mentioned, improve internal circulation, provide ADA compliance, Americans With Disabilities Act compliance, landscaping improvements and then approximately 15,400-square foot expansion of new retail and restaurant space. And the new expansion is basically of the existing areas that are under utilized and the opportunities to expand retail without impacting the character of the center.

So in terms of the expansion, the existing shopping center covers approximately 110,836 square feet. The renovation program is really to...there will be a small component that will be demolished and then there will be an addition, new space created updating and creating new space of 21,400 square feet with a net expansion of 15,400 square feet bringing the total center gross leasable area to approximately 126,236 square feet and it represents about 14 percent increase in the overall gross leasable area.

Project need. Originally built in the 1970's. The last major renovation was 16 years ago. So this is a comprehensive revitalization to improve the overall customer experience. And as well, to maintain Whaler's Village amenity for Kaanapali Resort we have to keep that in mind because the Village, the Whaler's Village is a real amenity to the resort. It provides, you know, not only the first-class exclusive shopping that is available on Maui, but also provides restaurants and a lot of services for the resort.

This is a montage, a photo montage of existing conditions at Whaler's Village. As you can see it's a collection of small buildings, single-story, very human scale type of center built on a number of levels. This is the entry pavilion. This is the food courtyard. The watch tower. And as you can see there's a lot of dated type of I guess materials and motifs to it and the idea is to provide a sort of a new, refreshed renovation to these features.

This is the main level street plan. I'm going to show to levels. The third level at Whaler's Village there are no improvements proposed for that so I'm not showing that level. But this is the main level, street level. As you can see there is a entry off of Kaanapali Parkway, bus drop, shuttle drop off. All the resorts have shuttles to Whaler's Village. This is the main entrance into the center. This is the parking lot and again, there's another entryway, a breezeway through. This is ABC Store on the east side of the center. This is a gift shop to the right. Again, the boardwalk., the beach, the main access point of the center. The purple...what you see in the purple are the infill and expansion areas. Right now, the handicap parking, accessible parking is along this strip and they are coming through sort of a service entry and the idea with this renovation and discussions with KOA was to relocate the handicapped accessible stalls under the parking arcade on the first level and then have the ADA access into the center using the main breezeway from the parking lot. This is Tommy Bahamas on the main level and there'll be an expansion to the north of Tommy Bahamas. This is the existing service entry and there'll be a small infill of a retail component. And this is Fish and Pasta, Hula Grill, and behind Hula Grill...I'm sorry, behind Fish and Pasta will be the main part of

the renovation and this represents about an 8,000 square foot expansion and 4,000 of that is existing. So you know, about half of it will be demolished and then rebuilt as a single...on this level a single-story retail component with retail just wrapping right around the building.

This is the food court and entertainment areas. So the food pavilions and kiosks are in the lower level. They're off the building underneath this level. Here's the new expansion of the retail...food component in this area. I'm sorry, the food is over on this side and across there there'll be...this is under that 8,000 square foot addition. This is the level underneath so there'll be a food component here.

The main part of this is really the stage. This is the heart of the center. There's a walkway or there will be a walkway around the upper level so that you can look down on the food court. And a lot of the features here are to enhance the experience of just sort of a resting place and a place for respite, get away from the heat under shade. There'll a...there is an existing stage here but it's really to just make this a more, I think welcoming place for the public. As you can see this is the existing center. There's the entry pavilion, the whale, as you can see here this is the main level and this is the lower level and then I'd like to just show you what the refresh would look like. Again, the changes are really, you know, it's a refresh as you can see. There will be sort of the canopies have been or this canopy has been updated and sort of modernized this level has been enhanced. As you can see from the heart of the center which is the stage, is to create more landscaping around the stage making it more inviting. I think about 12 to 14 new palm trees, mature palm trees will be established in the center court to make it...to provide shade and then a lot of benches and public areas of rest around there. So really it's trying to make this... revitalize the center by making this the heart of the center and a very active space.

And then just the infill pieces and the components. This is that, as I mentioned, this is an area that's about 8,000 square feet, it's...(inaudible)...Fish and Pasta is right here. You come up from the beach, Kaanapali Beach, you walk through the center. Right now, then you come up a series of steps and then more steps to kind of make your way around the center and out either to the parking or to Kaanapali Parkway. The idea here is to consolidate this area of the center into one level. As you can see from this section, Fish and Pasta is raised up a bit, a few steps above the grade, and then again, you're climbing steps throughout there so it's really to make this a more continuous walkway to help with the way finding and also to have it ADA compatible.

This is an infill area, a building behind the fish and pasta. As you can see, that's...and we're kind of looking at it across the way. This is taking it from the other side. So we're looking at the back of that building now. As you can see we're right here. This is that breezeway that I had mentioned where right now it's a service entry. So it's really to join these two buildings with a single-story retail breaking up sort of the height by having a roof tower that protrudes a bit higher just to create an interesting elevation similar to what is existing and then this is looking back onto...I'm sorry, and this is looking back onto that behind Fish and Pasta. So you'll see that infill and then you'll see that wrapping around of the retail space around this area.

This is looking across to the north here, sorry to the south. Just along this piece here and again, it's creating more retail behind an existing building. Part of the renovation and refresh is to help way finding new signage. This is the entrance through the parkade or parking garage into the

center with the ABC Store in this area. There's going to be, right now there's mosaic of the whale, sort of a sealife kind of mosaic and the idea is to tie in I guess, decentral the museum interest throughout the center and try to also make the displays a little more interactive. And you know, here this...later from public testimony, the people who are managing the museum and are working with NOAA to get more of the interactive displays available for you know, the public to experience.

Landscaping plan, a lot of this is a existing landscaping plan. There's landscaping along Kaanapali Parkway. There'll be a new monkey pod into the entrance. We understand from the KOA, that you know, it was mentioned that the monkey pods are kind of the feature as you come into Kaanapali and the Parkway and so this just again, enhances and reenforces that theme of, the landscaping theme for the Parkway with a new monkey pod. There will be more shade trees. Again, in the center area and the court. A little more shade tree and some more vertical foliage in the entranceway. This is the entrance from the boardwalk and it's just to enhance the signage and entry from, from the boardwalk.

This is a picture of the boardwalk entry. This is the existing boardwalk entry. As you can see, you know, it's not a lot of change to it, but updating it and making it just stand out a little more. And then this is on the Kaanapali side, the Parkway side. There's an existing whale sculpture. It's again, to just dress up the base of it. Keep the signage the same. This is the entry pavilion as you see and this is the probably the area of the new monkey pod tree. So it's really just a infill is really I think the buzzword for this renovation.

There are sustainability measures that are incorporated into the project. Part of this an ongoing improvement is the energy management system for lighting and the H-vac system. So again, major capital improvements not on things you would see, but are really providing energy efficiency by the Center. Installation of new energy efficient LED fixtures. Additional recycling bins, lot of recycling that will be done, you know, by separating glass and plastic from the food court. Specifications on sustainable materials. So as a contract spec there will be emphasis on sustainable materials that are used for the project. Recycling of demolition materials. Use of low flow consumption fixtures.

And also we went to Urban Design Review Board they strongly suggested the installation of photo voltaic panels at the parking garage. With that, the applicant, General Growth Properties took it back senior management, sorta worked the numbers, and is really...makes it a feasible project so they've actually put it on in terms of a budget, dedicated a budget to this. We are seeking approval for the photo voltaic but it was recently presented at the KOA Design Review Committee and I think we would like consideration of this subject to approval by KOA as we go through the design elements. So as I say, we have photo voltaic panels system on the parking structure. And it provides about 9 percent of the overall energy of the center will be offset by the photo voltaic so it's a fairly significant contribution to sustainability.

So this a plan view of the arrays, the PV arrays on top of the parking structure. So there are three or two and a half sort of rows of the arrays. And this is what they would like in elevation. So this is the parking structure, the upper part of the parking structure and they'll be mounted on these columns and they will have the PV panels on top.

There are some drainage improvements that are being carried out as well. There's a area that is

problematic for the center just in front of the ABC Store. There's a courtyard area and some big monkeypod tree and again, it's to take some of the standing water that happens after sort of a heavy rain and make those drainage improvements in the center. So this is the existing area and there's a nice sort of seating area and vegetation, monkeypod tree there. The drainage pattern on the Whaler's Village is there are two systems. One there's a drain line from this area coming down connecting to a main drain line in Kaanapali Parkway and going north. And there's another one that comes down this beach easement drain line, and that takes drainage from this area of the center and feeds into a main drain line and going in southerly direction. So this improvement would actually connect up to the southern one and would flow to the south. There really is no increase drainage because most of the area is already covered impervious surfaces so there's no increase in the runoff caused by the development.

And then this just gives you an idea of the type of amenities, a lot of public amenity common area improvements, but you know, there'll be...so the wooden benches, there are benches, planters, the type of surface, floor surfaces, lighting, waste receptacles and lighting. Again, more material reference images and it really reflects what is there now with a bit of updating. A lot of use of rock, wood, synthetic wood material finishes, shingle roof.

In terms of outreach, this project we've been working with the applicant for over two years. First we did the parking variance which allowed the expansion to be formalized. During that period there was a lot of outreach that was done for the project. We met with the neighbors numerous times. More recently we've met with the Whaler on Kaanapali Beach, the condominium just to the north of the center. They brought up some issues regarding current operations at the center, were somewhat concerned about potential impact by expansion and so applicant had met with them, had met with some of the tenants to see what can be done from an operational point of view to improve the I guess the neighborly relations. And those meetings are ongoing. They've been ongoing for 23 years, they've been neighbors for that length of time. So they're working out their, you know, their differences, their issues, some of the problem from operations that have been encountered. But they seem to be just normal resort type of activities that I think both sides are improving on, trying to improve on so that there'll be less impact from that on the other.

In terms of project cost and schedules, over \$22 million, 13.5 million in hard costs of construction. In 2015, construction will be phased over a 18-month period so that the center will remain open during the renovation. And General Growth respectfully request the Maui Planning Commission's approval of an SMA Use Permit for the proposed Whaler's Village revitalization project. So thank you.

Chairperson Lay: Commissioners, at this time I'm gonna open up to public testimony.

a) Public Hearing

Chairperson Lay: Jeff Blayer? Is Jeff Blayer here?

Mr. Jeff Blayer: Hello Commissioners and Director. I am Jeff Blayer and I live in Kahana. I own Totally Hawaiian Gift Gallery which was along side the breezeway next to ABC in Whaler's Village. I'd like to address the proposed renovation and expansion of Whaler's Village fine shops and

restaurants.

The shopping center as Mich said along the Kaanapali Beach board shopping center and the board walk in the heart of Kaanapali. Whaler's Village is an important part of the Kaanapali Beach Resort. The museum is an important part of the Kaanapali Beach Resort. I actually have one of the displays from the museum in my store and my clerks have been taught to explain to the visitors and customers about the whales as they explain about Niihau shell leis, the koa, the Hawaiian quilts and other parts of our cultural heritage. The renovation and the expansion will improve the customer experience at the shopping center and help ensure that the customers and visitors are happy. That's pretty much our job to keep Maui as one of the top of the premiere destinations in the world. Whaler's Village renovation will help keep them at the top of this competitive market. The addition of 15,000 square foot of space at Whaler's Village will diversify shopping and design...dining options in the resort. In addition, it will allow the expansion of some of the existing tenant spaces and development within the shopping center footprint. As such, the whole project is expected to create an improvement on the resort as whole. Whaler's Village and General Growth representatives have met with us multiple times during the planning process and they've shared their plans with us. We are excited for these improvements and hope that you will help us with your approval and consent. Mahalo.

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

Ms. Laurie Nunez: Aloha Planning Commission Members. We're the Nunezs and we live in West Maui. Our company, Oceanology independently operates and manages the Whaler's Village Museum. It is the third most visited attraction on Maui. And this year we're proud to be celebrating our 30th anniversary. Now General Growth Properties owns the museum but they take great pride in providing information about Lahaina's rich whaling history as well as Hawaiian culture to our many visitors and locals as well. So we do support capital improvements to Whaler's Village as well as Whaler's Village Museum which will bring added value to businesses, the community, and enhance the visitor experience. As you've heard and seen Whaler's Village sits on Kaanapali Beach which was voted America's best beach, but this also is the Auau Channel fronts, it's right in front as you view out from the museum and look out to the beach, this the Auau Channel and it's the most protected area of ocean in the Hawaiian Islands where approximately 12,000 humpback whales arrive each year. Hawaii is the only state that has humpback whales that come in to mate, breed, and nurse their young. So with our very unique partnership with the Hawaiian Island Humpback Whale National Marine Sanctuary and NOAA, that's the National Oceanic Atmospheric Administration, we've been able to create really exciting outreach programs that educate, inform and entertain our visitors. And as Jeff Blayer just mentioned, we also reach out to the local business and local business owners and we help train them and their staff. We also sit on the Board of Directors for the Hawaii National Marine Sanctuary Foundation. This is the first local chapter of the National Foundation which supports the sanctuary. And over the years the museum has really hosted so many groups from national, state, and local schools. So none of this would have been possible without the support of General Growth Properties and what we feel is it's impressive dedication to community outreach as well as ocean awareness.

Mr. Wayne Nunez: We full endorse General Growth Properties.

Chairperson Lay: Please identify yourself too.

Mr. Nunez: Oh, Wayne Nunez.

Chairperson Lay: Thank you.

Mr. Nunez: The other half. We fully endorse General Growth Properties taking steps to revitalize Whaler's Village. The Village received approximately 3.5 million visitors every year. With those numbers upgrades and improvements to the infrastructure and exterior are necessary. The betterment of Whaler's Village will improve the overall experience for the visitors, and increase foot traffic and income to the businesses. Management has been very informative about its upcoming plans and has been thoughtful and respectful to shop and restaurant owners and the surrounding community. They've assured us that they will take every step necessary to ensure the renovation process will be as smooth as possible. Whaler's Village management's open door policy when it relates to voicing our opinion and operating suggestions and reassuring and refreshing. In the end the minor inconveniences of the upgrades are outweighed by the increase in potential income. The businesses increased property values and enhanced visitor experience. Thank you.

Chairperson Lay: Commissioners, any questions for the testifiers? Seeing none, thank you very much. Does anyone else wish to testify at this time? Step forward to the mic, identify yourself, and you have three minutes.

Ms. Shelley Kekuna: Hello Commissioners, I'm Shelley Kekuna. I'm the Executive Director for the Kaanapali Beach Resort Association. So we serve as the marketing arm basically. I'm also a 25-year veteran in Hawaii tourism so I've kinda been around the block and I've seen what other resort destinations are doing as well as travel with the Maui Visitor's Bureau. So I'm very aware of the current trends are, what it is that we need to do to stay in the forefront of those trends that we maintain our designation as one of the greatest spot centers to come and visit. I'm also a resident of West Maui and our shopping over there is not so great compared to what you have on the east side. So even for special occasion or day to day things, it's really wonderful to have the center. The Village is a wonderful place for all of us to be able to go to, and it's due for an upgrade. It really needs to be brought up to the standards that we're all used to living with and seeing when we go to other destinations. So it's a great amenity for the resort. It's a great amenity for the west side. The proposed addition of the 14,500 square feet of newly leasable space will really be a wonderful contribution to the West side. Also, if it's not that we're gonna have an adverse impact on anything at the...excuse me, on the resort as a whole. Everyone that I work with there, all the general managers are very much in concert with approval on this particular project.

The management company, General Growth has been very forthcoming. They've been very transparent with us. They've asked for our opinions. We appreciate that very much and we thank you for considering giving us the SMA. Thank you very much.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you. Any one else wish to testify at this?

Ms. Mila Salvador: Aloha, Chairman, Commission Members and Staff. I am Mila Salvador, General Manager of the Whaler Condominium. A copy of this testimony was provided to staff to distribute when you consider the Whaler's Village Shopping Center Special Use Permit application.

The Whaler Condominium is a property adjacent to the shopping center. The center seeks an SMA Use Permit for expansion of its retail space. In its application the center wants to expand its retail space by almost 14 percent. This means that the cooling tower used to provide air conditioning will be expanded or forced to work for great amounts of time. This also means more deliveries in the loading docks. The result is greater noise pollution.

We ask that you impose conditions in the permit requiring the center to address noise pollution both present and that created by the expansion. The noise levels from the center are offensive presently. This is a short clip of the noise that our owners are subjected to regularly. (She then played a recording of the noise.) We informed the center of the noise problem over a year ago. Although when we met the center...we met, the center's response was limited. This lead us to hire DL Adams Associates, an acoustic and noise engineering consultant to write a report on the existing noise levels. From the report we learned several things. First, a Hawaii statute sets acceptable noise levels. For condominiums, resorts, and commercial settings, the maximum permissible limit is 60 dBA from 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m., dBA is a total sound measured under A-Weighting System.

To put those levels in context, a 50 dBA level would be the sound levels found in an average office, an ordinary conversation or in an average restaurant. A 60 dBA level would be the sound levels found in a noisy office, using a vacuum cleaner and from the squealing of tires on a parking ramp. Second, the noise levels from the center are excessive. The noise consultant took eight sound readings on two days in August of last year at various times from 12:55 p.m. to 8:38 a.m. Most of the readings were taken about 90 feet from the property line. Of the eight readings five exceeded the allowable sound levels. Third a readily available option will address the cooling tower noise problems. Most cooling tower noise comes from the discharge fans at the top. The noise from the discharge fans goes right over the top of the existing 10 to 12-foot cooling tower walls. Our consultant says that increasing the height of the wall to six feet above the top of the cooling tower and adding acoustical absorption materials to inside of the enclosure would significantly reduce the noise from the cooling tower.

So the center met with us recently to discuss our concerns. In a letter dated June 19, the center said that it would install energy management systems and variable frequency drives on the motors in the cooling tower. We would like those two items together with the installation of a wall to six feet above the top of the cooling tower—

Chairperson Lay: Please conclude.

Ms. Salvador: I'm almost done. Thank you. And the installation of the acoustical materials inside the cooling tower enclosure to be included as conditions to the permit. And lastly, the center also said that it would limit the use of load dock to deliveries between 8:00 a.m. and 7:00 p.m. We also would like the hours shortened from 8:00 a.m. to 5:00 p.m. and incorporated as a condition in the SMA Use Permit.

Chairperson Lay: Thank you.

Ms. Salvador: I appreciate your attention. Mahalo.

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

Mr. Tsai: I'm sorry, I didn't get your name, ma'am?

Ms. Salvador: Mila Salvador.

Mr. Tsai: Mila, help me understand. When you say you represent the Whaler Condo is that the one—

Ms. Salvador: The Whaler on Kaanapali Beach, yes.

Mr. Tsai: So you're next door.

Ms. Salvador: On the south side.

Mr. Tsai: Okay, so—

Ms. Salvador: I'm sorry on the north side.

Mr. Tsai: Okay, so where was that clip taken. You're saying that's 90 feet, 75 feet from the—

Ms. Salvador: The south side of our property.

Mr. Tsai: Okay, so is that at ground level?

Ms. Salvador: Yes.

Mr. Tsai: Can I have Kurt maybe pull up the slide or Mich, I'm sorry. Maybe you can tell me where the cooling tower she's referring to on the aerial photograph?

Vice-Chair Ball: Maybe we can do that during the—

Chairperson Lay: Yeah, let's do testimony and ...(inaudible)...questions run through after Mich, okay?

Mr. Wollenhaupt: Okay.

Chairperson Lay: Okay, thank you. Thank you. You must be Richard?

Mr. Richard Moon: Yes.

Chairperson Lay: Richard Moon. I found the page.

Mr. Moon: Aloha and good afternoon, Commissioners and Members of the Commission. My name is Richard Moon. I'm an owner and officer of Leilani's and Hula Grill Restaurants in Whaler's Village. Leilani's have been there for 32 years, and Hula Grill for 20 years. I'm a resident of West Maui for over the last 40 years. I'm here to support Whaler's Village SMA application. I just want to let you know there's a great synergy between Whaler's Village and the shopkeepers in the Village to perpetuate this premiere resort destination.

What Whaler's Village needs to continue to refurbish its buildings and branding, its image. Whaler's is the third leading attraction on Maui as was noted earlier. It's the number one attraction for visitors on West Maui. Again, it's a very important component, very important to present as a great image to the west side visitors and for the community alike. It needs to be a shining star. It's really important.

The proposed expansion will help the Village sparkle, add shops for visitors and the community and improve ADA access and help walking traffic flow within the Village. Our restaurants serve both visitors and locals. We are very excited about the Village plans. We expect to be before you in the near future with our plans for remodeling our restaurants because we need to update and get our branding up to standard too. We're not looking for expansion, we just want to get ADA compliance, a refreshing looking to our structures that are over 40 years old.

And just wanna remind the Commission that Kaanapali, I think you all know this was, if I'm correct, it was the first planned resort in the world. And so there's great vision 40 plus, 50 plus years ago to create this to integrate hotels, resort, golf destination for people to come and it was really designed to have a very intense and not be a rural residential community. Our neighbors are a hotel, they're not a resort for a residential unit. Just wanna let you know that I support the Whaler's Village SMA plan and please help them get it done. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you. Does anyone else wish to testify at this time? Seeing none, we're closing public testimony. Commissioners, questions? Commissioner Tsai?

Mr. Tsai: Okay, I guess, Mich.

Mr. Hirano: This is The Whaler on Kaanapali Beach. This is the parkade. Access into...and this is the loading zone in this area. I'd like to mention something that the testifier didn't mention was that this access to the loading zone is between 8:00 a.m. and 7:00 p.m., but rule they could open it at 7:00 a.m., but being good neighbors they open it at 8:00 and then they start loading. The cooling tower is right here and The Whaler is right here.

Mr. Tsai: So what's the current height right now of the...is there sound...is there barrier, sound barrier wall?

Mr. Hirano: I'd like to just ask Francisco...Nick is the maintenance person at Whaler's Village. He's here.

Chairperson Lay: You have to come up to the mic please? Speak into the mic.

Mr. Nick Galindo: My name is Nick Galindo, Operations Manager for Whaler's Village Shopping Center. The surrounding wall for that is 20 feet. So the cooling tower extend about six feet above that.

Mr. Hirano: Six feet above the—

Mr. Galindo: Above the 20 feet.

Mr. Hirano: So it's 26 feet in the air.

Mr. Galindo: Twenty-six feet. If you were to, suggesting six foot of wall extension. Right now it's 20 feet.

Chairperson Lay: Please speak into the mic.

Mr. Galindo: Right now it's 20 feet.

Mr. Tsai: I'm sorry, I'm a little confused. You're saying that the wall is 20 feet, the cooling tower is 6 feet below.

Mr. Galindo: No, higher. It's six feet...It's six feet higher than that wall.

Mr. Tsai: So do we have...do the applicant have an issue to increase the height of that wall?

Mr. Francisco Gutierrez: Hi, good afternoon. My name is Francisco Gutierrez. I'm the Development Director for Whaler's. We just...I mean obviously we've been working through the years through a lot of these issues with the neighbors. And we do intend to be good neighbors. And we do of course, intend to be in full compliance. We were just made aware of these noise levels late last week. So we're kinda reacting to it. We're gonna be taking independent readings to verify because we're are committed to be in full compliance, number one. That's even more important than being good neighbors and we will make whatever modifications we need to make to the cooling tower to make sure that we don't exceed allowable noise levels.

The SMA application that we're submitting include changes to the energy management system which are actually upgrades to the cooling tower which we believe will probably decrease the noise levels that it creates. So we can also take measurements after those improvements go in and verify that we are now in full compliance. And if we are not, then we go ahead and install noise proofing through more walls or barriers. Whatever we need to do to be in full compliance are the way we'll do. But we do think that some of these are great and some of them are already ongoing. We're already buying some of these equipment. We're waiting for it to come so we can install. So I think things are only gonna get better from that point of view.

Mr. Hirano: I'd just like to add as well, you know, I think the applicant needs to verify the sound levels and secondly, we understand that the recording is not the cooling tower, but it's the clean out of the grease interceptor and that happens quarterly. So that wasn't the cooling tower noise you heard that was a regular clean out of the, as I understand it, the grease interceptor at Hula Grill

Restaurant.

Chairperson Lay: Please identify yourself too?

Mr. Galindo: My name is Nick. Just a correction. That sound is from...that's the gas truck to fill up the propane. That's the gas truck. That's not the grease interceptor, but it's almost the same thing, same sound. But that's the gas truck filling up the propane tank.

Mr. Hirano: I'm sorry, I stand corrected. That was the filling up of the propane. And the retrofit of the motors should help the cooling tower noise because that's the start up and putting the load on the towers and equipment has been ordered to upgrade those...that machinery in the cooling tower.

Chairperson Lay: I have a quick question on this noise issue. Who polices this as far as decibels and during the...(inaudible)...hours?

Mr. Hirano: It's Department of Health noise standards.

Chairperson Lay: Department of Health?

Ms. Dagdag-Andaya: Correct.

Chairperson Lay: So they would contact the Department of Health if they have questions about that...(inaudible)...monitor. Commissioner Wakida?

Ms. Wakida: Well, so in conclusion, Mich we can assume that you will be making your own determination on the noise levels and will be doing whatever you can to mitigate those noises including, how often do they go fill up the propane tank?

Mr. Hirano: It's quarterly, approximately quarterly.

Ms. Wakida: Yeah, so being aware of those...

Mr. Hirano: Yes, those are the things, operational things that the applicant's working with the tenants as well to see if they can be scheduled at maybe in the mid-afternoon when people aren't in their units.

Chairperson Lay: Or the first working day of the month at 11:45? Commissioners, any more questions? Commissioner Hedani?

Mr. Hedani: This is just a comment basically. The rendition of the photo voltaic panels that we saw that was presented was reviewed by our Architectural Review Committee but they'll probably need to be modified from what you saw in the presentation that was made today. The Committee had concerns about how it's viewed from public spaces. So if anything, it would be screened from view from public areas surrounding the property better than what was represented in the presentation in order to secure our approval for the project to move forward.

Chairperson Lay: Commissioners, any more questions? Can we get the Department's recommendation at this time?

b) Action

Mr. Wollenhaupt: Oh, just to comment on the photo voltaic, I don't know if there's a...some states do have laws that limit the amount of screening that's required because it reduces the efficiency of the photo voltaic so that would all have to be reviewed at statewide level to ensure that we don't tread on screening issues.

But that being the case, the Department is recommending the granting of the Special Management Area Permit for the Whaler's Village for the refreshment and renovation as outlined in today's presentation staff report. That would be subject to the conditions that are noted in the green pages. There are 13 conditions of which I will not go through all 13, but the first one would be that the project's initiated by June 30, 2017, and the project would be completed within five years after the date of initiation. Other conditions concern ground monitoring disturbance in the event historic resources are found best management practices shall be used during the construction phase. That the public beach access parking stalls will be maintained and monitored and that the applicant will be responsible for all infrastructure improvements required by Title 18 of the Maui County Code. Therefore in consideration of the foregoing, the Planning Department recommends approval of the report and the SMA prepared for today's meeting as its finding of fact, conclusion of law and decision and order and authorizes the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Mr. Tsai: So moved.

Chairperson Lay: Motion by Commissioner Tsai.

Mr. Medeiros: Second.

Chairperson Lay: Seconded by Commissioner Medeiros. Any discussion on the motion? Seeing none, can we get the Director to repeat the motion?

Mr. Spence: The motion is to approve as recommended by Staff.

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

Mr. Spence: That's six ayes and one recused.

Chairperson Lay: Motion carries. Congratulations.

It was moved by Mr. Tsai, seconded by Mr. Medeiros, then

VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.

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

Mr. Hirano: Thank you very much, Commissioners.

Mr. Spence: The third public hearing, Mr. Timothy John Heheman of He-Man Services requesting a Land Use Commission Special Use Permit and a Conditional Permit for a commercial landscaping baseyard in Lahaina. And our Staff Planner is Mr. Paul Fasi.

3. MR. TIMOTHY JOHN HEHEMAN of HE-MAN SERVICES requesting a State Land Use Commission Special Use Permit and a Conditional Permit to operated a commercial landscaping baseyard in the State Agricultural District at 4260 Hine Way, TMK: 4-3-010: 028, Lahaina, Island of Maui. (SUP2 2013/0020) (CP 2013/0003) (P. Fasi)

Mr. Paul Fasi: Good afternoon. Thank you. I'm gonna be very brief in my presentation. It's been a long afternoon. We do have the owner here, Tim Heheman as well as Jordan Hart from Chris Hart & Partners. I'll go over the governmental regulatory regulations.

The applicant's request, he's requesting two permits, a State Special Use Permit and a Conditional Permit. You do have jurisdiction and decision making authority on the State Special Permit. The Conditional Permit will have to go before the County Council upon your recommendation. The applicant is requesting to continue to use his existing two-acre property for a landscaping baseyard business. He has been in the location for over 12 years, approximately 12 years and he does have the support of his neighbors. If you look in my report, Appendix A has 12 letters of support from his surrounding neighbors.

Basically the area is, is an area about 16, 2-acre lots. It is designated in the Maui Island Plan as Rural and then this is like an oasis or an island surrounded by the larger Urban Growth Boundary. So it's a little bit unusual that the Maui Island Plan designates this one agricultural community as Rural. The land use designation, State Land Use District is Ag. As I just mentioned it's in the Rural Growth Boundary. It's in the West Maui Community Plan as Ag. County Zoning is Ag. Since it is State designated Ag, they do need a...that's the reason for the State Special Permit. The Conditional Permit is required to establish uses not specifically permitted in the Ag District so therefore a Conditional Permit is warranted. It is similar and compatible to other existing uses in the normal ag environment. There is directly adjacent or close to this particular parcel there is a commercial nursery. There is a, I guess a church parking lot that's adjacent to the property as well. So it's not like a real country setting. You know, it's a small rural semi-urban development here. It's in close proximity to the West Maui Airport as you can see in some of those pictures.

I don't have too much more to add to this. It is not contrary to the Countywide Policy Plan. It will help strengthen the local economy as do all these small type individual proprietorship businesses. It is a compatible use within the neighborhood. If there aren't any questions for the Department,

I'm gonna let Jordan Hart do his brief presentation and give you an idea of what's involved. Thank you.

Mr. Jordan Hart: Good morning, Commissioners. My name is Jordan Hart from Chris Hart & Partners. Thank you very much for hearing our item. I recognize it's a long day. I'm gonna try and go as quickly as possible. I'm here with Tim Heheman who is the owner of the property. As stated, we're requesting a State Land Use Commission Special Use Permit and a Conditional Use Permit. The applicant resides onsite. He's operated this business for 12 years. This is a request for a continuation of existing use. There's no additional development of any sort proposed with this action. Commercial services operate out of two existing storage structures and one administrative trailer. Services provided include a tree and landscape maintenance, irrigation, pest control and resort management. The uses onsite are administrative, vehicle and equipment storage and maintenance. The applicant currently has approximately 25 employees who service West Maui from the baseyard in 20 vehicles approximately. The baseyard operations occur Monday thru Friday in the morning at about 7:30 a.m., employees arrive and load up in their vehicles and they take off by 8:00 a.m. In the afternoon, they return at about 3:00 p.m., they unload their vehicles, clean the equipment for tomorrow's take off and then they depart the property by 4:00 p.m. During off hours approximately 20 service vehicles are stored onsite.

This is a regional aerial location map. As you can see this is the Kapalua Airport. This is the subdivision, the subject parcel, this is the Villas at Kahana Ridge, this is Honoapiilani Highway. This is a zoom in of the subdivision. The applicant has approximately 17 letters of support which are included in the staff report including most notably each of the abutting neighbors within his subdivision. The large parcel is owned by Maui Land and Pine, the Kurose property is in support, the Markison property is in support, the Nakamura property is also in support as well as the Shay. These are the parcels that abut my client in his neighborhood. This is zoom in of an aerial to give an idea of how the property works. This is his dwelling. This is the first storage structure, the administrative trailer, the second storage structure. This would have been an off hour photograph. This is an example of the vehicles parked for storage when there's no operation going on. This is a site plan. The residents on the right-hand side, storage structure, the administrative trailer, storage structure. This is a carport for PV system. The parcel is a flag lot that accesses off Hine Place. This is a detail of the driveway apron.

As stated, the parcel is in the State Land Use Agricultural District, Community Plan Agricultural, and County Zone Agriculture. This a photograph of the approach from Hine Way. This is a photograph from halfway up the driveway towards the property. The first storage structure. The administrative trailer. Second storage structure. This is employee storage this was taken while the vehicles were out. This is as the vehicles are starting to return. These are parked under the carport and this is when the majority of all vehicles have come in at the end of the day and been cleaned. This is a photograph down the driveway towards Hine Way. And that's pretty much my introduction of what the project is and we're here to answer questions as well as the applicant is also here.

Chairperson Lay: At this time, we're gonna open up to public testimony.

a) Public Hearing

Chairperson Lay: If anyone wishes to testify, please step up to the mic, identify yourself, and you have three minutes. Seeing no one, public testimony is closed. Commissioners, questions? Commissioner Wakida?

Ms. Wakida: Yes Jordan, perhaps you can answer. Is the applicant here?

Mr. Hart: Yes.

Ms. Wakida: Oh, I'd rather speak to the applicant.

Mr. Tim Heheman: I'm Tim Heheman, owner of the property.

Ms. Wakida: Thank you. Tell me a little bit about what kind of cleaning is involved? Jordan mentioned that the trucks come back and there's cleaning, could you tell me what that involves?

Mr. Heheman: That would be the loading and unloading of the landscaping equipment, the mowers, the blowers, that kind of stuff. Then the trucks are emptied every night and all the equipment is stored inside the structures. And then if there's any leaves or just green waste inside the back of the trucks that is cleaned out and put in the green waste dumpster right there and that's what he's required to do.

Ms. Wakida: Do you clean out your pesticides sprayers?

Mr. Heheman: No, we don't. No. Those are all done by a PCO licensed operator. He handles all that.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: And along that line, where do you store...could you tell us a little bit about your storage on the pesticides and fertilizer?

Mr. Heheman: Okay. All that's done in that building right there. In that, the last bay where there's that white truck is in front of, so that's always locked. It's got a mandoor and then inside that building or that bay is another locked door where all the pesticides are. So it's double locked.

Ms. Wakida: Good. All right, thank you.

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

b) Action

Ms. Fasi: Thank you. Section 205-6 Special Permit in the Hawaii Revised Statutes there are six criteria, five criteria. The applicant does meet all five criteria for approval of a Special Permit. The Conditional Permit, you're gonna make a recommendation to the Council. There are six standard conditions that match the Special Permit, State Land Use Commission Special Permit so the

conditions are the same. In consideration of the foregoing, the Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the June 24, 2014 meeting as its finding of fact, conclusions of law, and decision and order and transmit said decision and order to the State Special Permit and...excuse me, to transmit said decision and order of the State Special Permit to the applicant and its recommendation of the Conditional Permit to the County Council.

Mr. Hedani: So move.

Chairperson Lay: Motion by Commissioner Hedani.

Vice-Chair Ball: Second.

Chairperson Lay: Seconded by Commissioner Ball. Any discussion on the motion?

Vice-Chair Ball: Does the Council set the time frame?

Ms. Fasi: For the Conditional Permit?

Vice-Chair Ball: Right.

Ms. Fasi: That is correct.

Chairperson Lay: Any more discussion on the motion? Seeing none, can we get the Director to repeat the motion?

Mr. Spence: The motion is to grant the Land Use Commission Special Use Permit and recommend approval to the County Council of the Conditional Permit as recommended by staff.

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

Mr. Spence: That's six ayes.

Chairperson Lay: Motion carries. Congratulations.

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

VOTED: To Approve the State Land Use Commission Special Use Permit and Recommend Approval of the Conditional Permit to the County Council as Recommended by the Department.
(Assenting - W. Hedani, K. Ball, M. Tsai, S. Duvauchelle, P. Wakida, R. Higashi)
(Excused - J. Freitas, J. Medeiros)

Chairperson Lay: Commissioners, do we carry on or do you wanna take a quick break?

Vice-Chair Ball: Carry on.

Chairperson Lay: Carry on. Okay

Mr. Spence: Commissioners, No. 4, C-4 is Dennis and Cynthia Hudson requesting a Bed and Breakfast Permit for the Maui Hale Olina Bed and Breakfast in the Rural District of Maui Meadows. And Livit isn't here.

Mr. Tom Croly: Probably on her way.

Vice-Chair Ball: Next.

Mr. Spence: I don't see the applicant for the Unfinished Business either.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE JUNE 10, 2014 MEETING AND REGULAR MINUTES OF THE MARCH 25, 2014 MEETING

Mr. Spence: Acceptance of Action Minutes of June 10th, and Regular Minutes of March 25th.

Vice-Chair Ball: So move.

Mr. Tsai: Second.

Chairperson Lay: Motion by Commissioner Ball, seconded by Commissioner Tsai. Those in favor raise your hand. Acknowledged.

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

VOTED: To Accept the Action Minutes of the June 10, 2014 Meeting and the Regular Minutes of the March 25, 2014 Meeting.
(Assenting - K. Ball, M. Tsai, W. Hedani, S. Duvauchelle, P. Wakida, R. Higashi)
(Excused - J. Freitas, J. Medeiros)

Mr. Spence: Commissioners, Director's Report.

G. DIRECTOR'S REPORT

- 1. SMA Minor Permit Report (Appendix A)**
- 2. SMA Exemption Report (Appendix B)**

Mr. Spence: You have the SMA Minor and the Exemption Reports just acknowledging receipt of those.

Chairperson Lay: Verbal acknowledgment. All those in favor say, aye.

Commission Members: Aye.

Chairperson Lay: Those opposed?

3. Discussion of Future Maui Planning Commission Agendas

a. July 8, 2014 meeting agenda items

Mr. Spence: Future Planning Commission Agendas. On July 8, 2014, two public hearing items. We're gonna discuss the Short-Term Rental Home Bill and the Bed and Breakfast Ordinance and make recommendations to the County Council.

Chairperson Lay: Now do we break?

Mr. Spence: Yeah, it's probably a good idea.

Chairperson Lay: Let's take five-minute break everyone.

A recess was called at approximately 3:40 p.m. and the meeting was reconvened at 3:45 p.m.

Mr. Spence: Commissioners, we're on Public Hearing Item No. 4, Dennis and Cynthia Hudson requesting a B&B Permit for a one-bedroom bed and breakfast located in the Rural District in Maui Meadows. And our Staff Planner this afternoon is Ms. Livit Callentine.

C. PUBLIC HEARING

- 4. DENNIS and CYNTHIA HUDSON requesting a Bed and Breakfast Permit in order to operate the Maui Hale Olina Bed and Breakfast, a one bedroom bed and breakfast located in the Rural District, Maui Meadows at 631 Kumulani Drive, TMK: 2-1-018: 078, Kihei, Island of Maui. (BBKM T2013/0004) (L. Callentine)**

This application is being brought to the Maui Planning Commission as there is at least one permitted Bed and Breakfast operation located within 500 feet of the subject property.

Ms. Livit Callentine: Good afternoon, Commissioners. Livit Callentine here for the Planning Department and thank you for hanging in there today. I know it's been a really long day and you've gotten a lot done. So as Will just described this is a Bed and Breakfast Home Permit. This is in the Rural District in Maui Meadows. It is a one-bedroom accessory dwelling located...bed and breakfast room on a property that has two dwellings. The main dwelling is occupied by the owners who live there. You can see all the exhibits, the location map in Exhibit 1, the site and parking plans Exhibit 2, floor plans Exhibit 3, and so on and so forth. I did a site visit. Everything was in

order. It's a beautiful place. And aerial photography of the site. You can see in Exhibit 5 and 6, we find this to be in compliance and conformance with all State and County regulations that are reviewed in accordance with this type of a permit. The Police Department reviewed this application, and noted that they did not believe that this would result in any noticeable impact on police services or on traffic in the area.

The reason that this is coming before you today is, is it would have normally just have passed right through administratively because it's a good project and well-documented but there is another B&B, in fact, there are two other B&Bs within 500 feet of this property and you'll see that clearly noted on Exhibit No. 7. So I won't go through each and every one of the standards. I would imagine you would rather I not recite all of the standards. But just to let you know that we did receive several letters of support and we received no protest letters. This morning I placed on your desks an updated packet for this item. You should have it in front of you. It's got a cover sheet on it, it's says the Item No. C-2, or sorry, C-4. So as of yesterday we had received one additional letter of support and it was from a property owner across the street. Still we have no protests. So what I gave you was a copy of the support letter this morning, an updated map which shows the location of all of the senders letter...of the letter's property locations and a list of exhibits to the Department's report updating that to reflect the additional letter of support. And finally in our recommendation, I've revised one of the conditions to reflect some housekeeping. We simply inserted the wrong number of bedrooms and the wrong number of guests. I'm not sure how that happened, but anyway, we seek to correct that today as well.

So the applicant or Tom Croly, the applicant's consultant has a very short presentation he would like to show you if that is your pleasure.

Mr. Tom Croly: Aloha, Commission. Tom Croly on behalf of Dennis and Cynthia Hudson who are here. And they are neighbors and friends of mine in the Maui Meadows neighborhood. Maui Hale Olina Bed and Breakfast Permit is the reason that we're here. And it doesn't read well our picture here. Dennis and Cynthia are residents and live full-time in the main dwelling on this property. And they are applying to use the ohana dwelling that you see pictured here for their bed and breakfast use.

Dennis and Cynthia retired here to Maui in 2011. Their daughter graduated from University of Hawaii and their grandson, Gavin was born in Honolulu and they have ties here to Hawaii. Their dream was to have a quiet place that they could accommodate friends, family and people who would like to peacefully visit Maui and seek a place for rest and rejuvenation that perhaps couldn't afford the resorts of Wailea. Their members of the Apostolic Ministries of the Pacific AMP Church and would like to be able to use their cottage to accommodate visiting ministers and speakers for their church as well.

This property is in Maui Meadows as we've discussed and the reason that we're here before you today is because they are within 500 feet of another permitted bed and breakfast. The map on the left-hand side shows all of the permitted short term rentals and bed and breakfasts in Maui Meadows. There are presently 12 permitted bed and breakfasts in Maui Meadows and two are within 500 feet of the applicant. Just for a reference of what that means, there's 625 lots in Maui Meadows, so less than 2 percent of those are being used as permitted bed and breakfasts. There

have been no complaints in Maui Meadows I'll note for any of the permitted bed and breakfasts including the ones that are within 500 feet of the applicants. All of the B&B owners live on the property and all of them are subject to higher property tax rate also paying their GET and TAT, both of those are requirements of the application to show that they are paying those taxes. And as Livit pointed out the properties are inspected for safety and compliance with the law.

This application has full support of its neighbors and you'll see the neighbor letters of support in there. And I wanna say these folks really did it right. The first thing they did is become neighbors in the neighborhood. My wife came to know Cynthia walking through the neighborhood and talked to us and said, you run a bed and breakfast, gee we would like to do that, how do you do that? And they went about talking to their neighbors next about what they wanted to do and I think that was very important. Their neighbors had no objection for what they wanted to do and they have written several letters of support that are in there in your packet. You can see in the map that I show all of the properties around them are supporting them with letters of support and one neighbor with just no objection to the application.

They also have not operated prior to the granting of this permit which I hope will happen today. And that's something that I think it's important that people understand that they don't have the right to operate prior to getting their permit. I let these folks know that. And unfortunately it's been more than six months since they applied but they're waiting their turn and I just...I say that for the people who are out there who are considering getting a permit. Yes, there is a process and you have to go through it before you can operate. This is a model of how to go about this, and I hope that the Commission sees fit to grant this permit. I'm available for any questions, and Cynthia and Dennis are here for any questions that you might have. Thank you.

Chairperson Lay: At this time I'm gonna open up to public testimony.

a) Public Hearing

Chairperson Lay: If anyone wishes to testify step up to the mic, identify yourself and you have three minutes. Seeing no one, public testimony is closed. Commissioners, questions? Commissioner Wakida?

Ms. Wakida: Just one for Livit. Apparently there is not a cap on B&Bs only on Short-Term Rentals.

Ms. Callentine: There is a cap on B&Bs and the cap on B&Bs...

Ms. Wakida: I mean specifically for Maui Meadows?

Ms. Callentine: No, there is not a cap on B&Bs in Maui Meadows. It's for the overall Kihei-Makena Community Plan area.

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

Mr. Hedani: There was cap on Short-Term Vacation Rentals in Maui Meadows? Is that cap hit at this point?

Ms. Callentine: That has been met.

Mr. Hedani: Okay, thank you.

Ms. Callentine: And it was, it's five. The cap is five in Maui Meadows on Short-Term Rental Homes, and that cap has been met. We have five active permitted short-term rental in Maui Meadows.

Unidentified Speaker: Legal?

Ms. Callentine: Permitted and legal, yes.

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

Mr. Tsai: That includes the B&Bs or is that different?

Ms. Callentine: There's two separate codes and two separate cap amounts and...well, each short-term rental...there are 100 short-term rental homes permitted to be...overall the cap for short-term rental homes in the Kihei-Makena Plan area is 100. But in Maui Meadows is 500—five I'm sorry, five. Thank you. As for the B&Bs, yeah right, they really like 'em there, no...for the B&Bs the same community plan cap applies there is no subneighborhood cap for B&Bs.

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

b) Action

Ms. Callentine: Most certainly. The application for the bed and breakfast home complies with Maui County Code, Title 19.64.030, Standards and Restrictions for the reasons stated in the Maui County Planning Department's report to the Planning Commission dated June 24, 2014 for Docket No. BBKM T2013/0004. The Maui County Planning Department recommends approval based upon the following...upon the standard conditions of approval. And as I noted earlier for housekeeping purposes, Condition No. 5 which is shown both in the recommendation that you received in the mail from Carolyn and also the updated version that you received today in the packet which reflects that the B&B Home Permit is limited to one guest room within the accessory dwelling. The owner/proprietors live in the main dwelling. The total number of guests shall be limited to up to two adult guests and up to minor guests per bedroom being rented. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt our report and recommendation and furthermore Pages 5 and 6 of the revised recommendation and the additional testimony provided to the Maui Planning Commission on June 24, 2014, and for its meeting of June 24, 2014 as the 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. Thank you.

Chairperson Lay: Motion?

Mr. Tsai: Move to approve as recommended.

Mr. Higashi: Second.

Chairperson Lay: Motion by Commissioner Tsai, seconded by Commissioner Higashi. Any discussion on the motion? Seeing none, can we get the Director to repeat the motion?

Mr. Spence: Yes, the motion is to approve as recommended by Staff.

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

Mr. Spence: That's six ayes.

Chairperson Lay: Motion carries. Congratulations.

It was moved by Mr. Tsai, seconded by Mr. Higashi, then

**VOTED: To Approve the Bed and Breakfast Permit as Recommended by the Department.
(Assenting - M. Tsai, R. Higashi, K. Ball, W. Hedani, S. Duvauchelle, P. Wakida)
(Excused - J. Freitas, J. Medeiros)**

Chairperson Lay: Next agenda and final?

Mr. Spence: Commissioners, Item E, Unfinished Business, Ms. Paula Daian requesting a Short-Term Rental Home Permit in order to operate the Marlin House Short-Term Rental Home in R-1 District in Paia, and the Staff Planner is also, Livit Callentine.

E. UNFINISHED BUSINESS

- 1. MS. PAULA DAIAN requesting a Short-Term Rental Home Permit in order to operate the Marlin House Short-Term Rental Home located in the R-1 Residential District at 165 Maoli Place, TMK: 2-6-065: 061, Paia, Island of Maui. (STPH T2013/0018) (L. Callentine) (Public hearing was conducted at the June 10, 2014 meeting)**

Ms. Livit Callentine: Yes, good afternoon again, Planning Commissioners. And this project was brought before you two weeks ago. You deferred it at that time with no specific direction to the Department. So the applicant took it upon herself to make several changes and improvements to the property and to the application. And so I put a packet on your desk this morning with the title, Item E-1, Unfinished Business for this particular project. Included in that packet is a submittal from the applicant listing the changes that she has undertaken following your deferral on June 10th, No. 2 is an exhibit from, submittal from the applicant. What she has done is she has actually removed the gazebo and I have copies of this. I'm just gonna actually pass one on each side and let you

pass 'em around if you would. So she took it upon herself to remove the gazebo and the barbeque grill which you'll see in the before picture and it's gone in the after picture. She also went with a copy of the house rules she went around to all of her neighbors closest to her and she has submitted if you look at Exhibit 4 of this, she submitted seven letters from neighbors and a petition with 24 signatures, some of those signatures are duplicate names from the letters and staff has not had time to actually verify which one of these folks are owners and which ones are renters but the applicant has done this and that is shown in Exhibit 7 of the handout that I gave you this morning. The red on the map, the red dots are the properties where letters or signatures of support were generated from. Those are homeowners according to the applicant and the yellow dots are tenants who've also recommended support, and the blue zero parcel is her parcel. So she's got that labeled and so forth. So that's what I have to present to you today.

Now the applicant, Paula Daian is here and I believe that she would very much like to say a few words if you would desire and let her.

Chairperson Lay: Sure.

Ms. Paula Daian: Hello everybody, and yeah thank you very much for giving the opportunity to be again today. And for all the Commissioners that were not here last time, I want to repeat that it's very important for us to have this house available for our family. They come from far away. They've been through a lot in the last couple of years. So we want to...we really want that they have a place to stay and a place they call home when they come to Maui. And they come like between three to five months during the year. So they stay a long time in Maui. And that's why this house which I'm not rented as a long-term rental because it needs to be available for our parents. If our parents come here and the house is rented then they will not have a place to stay. So we also want to open this house as a short-term rental and offer it to our community because there's other families of other Maui residents that are looking for places to rent affordable places in the northshore area of Maui and we want to also help our community in that way when the house is vacant.

We did a couple of changes and I want also to speak a little bit about our family just a little introduction and I made photocopies for you.

Ms. Callentine: Yeah, they have it.

Ms. Daian: They have it, okay. I live in Maui for 15 years and I came as a professional water sport athlete. Everybody in my family is involved in water sports and we love the ocean. My sister, Marlina is here, she's the second manager and well, she's also a surfer and my husband and her learned fishing from our Hawaiian friends, but we fish from the ocean, we cultivate the land and we also share food with our community. This is the culture that we learn from our Hawaiian friends. So we respect the culture, we respect the community, and we love this island and I think that that is something important because we have this house in Paia for five years and we've had an excellent relationship with all our closest neighbors many of them are friends.

And there was only one opposition in this whole process and actually was neighbor in our backyard and that is part of another neighborhood. So we never see each other. In five years, I never meet

them because our houses are divided by a fence and also a lot of plants so for me to see my neighbor I have to go in the fence on site, like shouting. So anyway we heard that they were having some problems with our application and we only heard from when they presented letters to the County and immediately we went to talk to them and actually...just to talk to them were like I have to go six times through the neighborhood trying to find them because you never know, sometimes you arrive there and they are not home. So difficult, but finally we meet each other, we reach an agreement and me and my sister and my family we wanted to avoid any discomfort that we can create and we do it with all our neighbors no matter what is the case. We like to live in harmony. So we immediately remove the gazebo and the barbeque area so there's no problems in the future.

And yeah this is what we like to do, when we first move to this house one of the neighbors on the side he had a problem with some plants that we put and he was scared that it will affect the fence and it's been like four years and we trim those plants. So their fence don't get damaged. So this is an example of how it to...no, it's really nice to live in harmony is the best thing we can have especially with our closest neighbors. So for us it's not a big deal, you know, we care for them. So I think it's fair.

So what we learn from all this process is that it's very important to have communication with your neighbors. So we decided it would be a very good idea to print the house rules and go through all the neighborhood, at least our closest neighbors and talk and inform them about those rules. So we print the house rules, we give our phone numbers to all our neighbors and we told them that it's very important that if they ever experience any discomfort they can always call me or my sister and we will be there for them because we respect our community and the people that live here and we don't want to create any issue of concern for them. So yeah, we have a lot of letter from support from all of our neighbors and yeah, actually we ...(inaudible)...big friendship with most of them. So at this time of the process nobody is really opposing and really hope that the Commission today give us the opportunity to show that we respect community and yeah, we want to do the best we can.

Chairperson Lay: Thank you. At this time, we're gonna open up to public testimony. Does anyone wish to testify at this time? Seeing no one, closing public testimony. Commissioners, questions for the applicants? Commissioner Wakida?

Ms. Wakida: I have a question for Livit.

Ms. Callentine: Hi Penny.

Ms. Wakida: Hi Livit. There's one apparently outstanding--what I do with it--letter opposing from Tine Hoenig on Kepela Place. Where on your map--

Ms. Callentine: I'm sorry could you just refresh on where you are right now, exhibit? Are you in the report in an exhibit?

Ms. Wakida: I'm looking at a loose piece of paper with a...it's not stapled on with a--

Ms. Callentine: What's the name of the person?

Ms. Wakida: Tina Hoenig.

Ms. Callentine: Okay, so Tina Hoenig, this was interesting–

Ms. Wakida: My question is on the map where is this street that she lives on?

Ms. Callentine: Well, it's in Maui Lani. It's not even anywhere near there.

Ms. Wakida: That's what I–

Ms. Callentine: That's what I found out, that's why it doesn't show up on the map.

Ms. Wakida: Okay, that's all I needed to know.

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

Ms. Callentine: Yeah, I guess we never did that before did we?

Vice-Chair Ball: Never?

Ms. Callentine: Well, I mean, on this project yeah, I know. Okay, so we find that this application complies with all of the applicable standards of the Short-Term Rental Home Ordinance in accordance with Section 19.65.030, Maui County Code which they are listed in your department report today. The recommendation is that the Planning Commission approve this permit and base it on 23 standard conditions and in consideration of the foregoing, the Director, the Planning Department recommends that the Planning Commission adopt the Planning Department's report and recommendation for the June 10, 2014 meeting as its findings of fact, conclusion of law, decision and order and also the additional information that submitted today to you and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Vice-Chair Ball: So move.

Mr. Tsai: Second.

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

Ms. Wakida: I usually have very strong reservations about short-term rentals. I'm a little more amenable to B&Bs. They applicant, however, seems to have made a really strong effort and a successful one to contact all of her neighbors, get on board with all of them. So I'm appreciative of that, of her energy.

Chairperson Lay: Any more discussion on the motion? Can we get the Director to repeat the motion?

Mr. Spence: The motion is to approve as recommended by staff.

Chairperson Lay: Excuse me, Commissioner Hedani?

Mr. Hedani: My only comment was I wouldn't disagree with anyone who can dive to 120 feet and has the balls to surf Jaws.

Ms. Daian: Actually, we are two different. She's the diver.

Ms. Daian sister Marlana: But I surf too.

Mr. Spence: The motion is to approve as recommended by Staff.

Chairperson Lay: All those in favor?

Mr. Spence: That's six ayes.

Chairperson Lay: Motion carries. Congratulations.

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

**VOTED: To Approve the Short-Term Rental Home Permit as Recommended by the Department.
(Assenting - K. Ball, M. Tsai, W. Hedani, S. Duvauchelle, P. Wakida, R. Higashi)
(Excused - J. Freitas, J. Medeiros).**

Chairperson Lay: Do we have anything else on our agenda for today?

G. DIRECTOR'S REPORT

4. June 26, 2014 contested case hearing at 9:00a.m. on the following appeal:

ISAAC HALL, attorney for JAMES BENDON, ROBERT and MARGARET KAPLAN, CYRUS MONROE, and PETER SIRACUSA submitting an appeal dated December 19, 2013 of the issuance of an SMA Exemption for the milling and resurfacing of Runway 2-20 at the Kahului Airport at 1 Kahului Airport Road, TMK: 3-8-001: 019, Kahului, Island of Maui (APPL 2013/0012) (SM5 2013/0350) (SMX 2013/0324) (P. Fasi) (Matter was previously discussed at the April 22, 2014 Maui Planning Commission meeting)

The Commission and the public were notified of this appeal through the January 14, 2014 Maui Planning Commission agenda.

Pursuant to the Maui Planning Commission's Special Management Area Rules

and its Rules of Practice and Procedure, the parties in the subject appeal are:

- a. Appellants - James Bendon, Robert and Margaret Kaplan, Cyrus Monroe, and Peter Siracusa**
- b. Applicant - State Department of Transportation, Airports Division**
- c. Appellee - Department of Planning**

Mr. Spence: Just the notice that on the 26th the contested case hearing is gonna start for the appeal of the SMA extension of the resurfacing of the Kahului Airport.

Chairperson Lay: I thought they settled.

Mr. Spence: Oh, canceled it. Okay, never mind.

No hearing is scheduled on June 26, 2014, due pending Settlement Agreement.

Chairperson Lay: With that, Planning Commission is now ...(inaudible)...

H NEXT REGULAR MEETING DATE: JULY 8, 2014

I. ADJOURNMENT

The meeting was adjourned at approximately 4:10 p.m.

Submitted by,

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

RECORD OF ATTENDANCE

Present

Keone Ball, Vice-Chair
Sandy Duvauchelle
Wayne Hedani
Richard Higashi
Ivan Lay, Chair
Jason Medeiros
Max Tsai (in attendance at 9:50 a.m.)
Penny Wakida

Excused

Jack Freitas

Others

Will Spence, Director, Planning Department
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works