

**MAUI PLANNING COMMISSION
REGULAR MINUTES
MAY 27, 2014**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Keone Ball at approximately 9:04 a.m., Tuesday, May 27, 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.)

Vice-Chair Ball: We'll get this meeting started. I'm the Vice-Chairman Keone Ball. Ivan I believe is probably looking for parking. So when he gets in, we can switch out.

B. PUBLIC TESTIMONY

Vice-Chair Ball: Let's see, 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 which is now, instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. So if anyone would like to testify now that cannot be here when the agenda item is present may come forward now or they can testify when the agenda item comes up but not twice. Yes?

The following individuals testified at the beginning of the meeting:

Dick Mayer - Item C-1, ATC Makena Holdings, LLC - SMA
Mike Moran - Item C-1, ATC Makena Holdings, LLC - SMA

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

Vice-Chair Ball: Would anyone else like to testify at this time? Seeing none, public testimony is closed and we will start the public hearing. Deputy Director?

Ms. McLean: Thank you, Chair. There are two public hearing items on the agenda today. The first one is a request from ATC Makena Holdings, LLC for a Special Management Area Use Permit for the proposed Makena Resort H-M Project consisting of 148 total units. The project will include the redevelopment of the Makena Beach and Golf Resort into a new resort community including the renovation of the existing 310-room hotel into 46 fee simple units, and the additional of 12 multi-family units, 5 spa hales, 9 beach cottages and a new hotel with 76 units and related improvements. Also proposed is a new club consisting of a new spa facility, fitness center, a restaurant and other accessory amenities on a 23.89-acre portion of the Makena Beach and Golf Resort property located at 5400 Makena Alanui Road, TMK: 2-1-005: portion of 086 in Makena. Ann Cua is the Staff Planner for this project.

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

- 1. ATC MAKENA HOLDINGS, LLC requesting a Special Management Area Use Permit for the proposed Makena Resort H-M Project consisting of 148 total units. The project will include the redevelopment of the Makena Beach and Golf Resort into a new resort community including the renovation of the existing 310-room hotel into forty-six (46) fee simple units and the addition of twelve (12) multi-family units, five (5) spa hales, nine (9) beach cottages, and a new hotel with seventy-six (76) units and related improvements; also proposed is a new club consisting of a new spa facility, fitness center, a restaurant, and other accessory amenities on a 23.89 acre portion of the Makena Beach and Golf Resort property located at 5400 Makena Alanui Road, TMK: 2-1-005: 086 (por.), Makena, Island of Maui. (SM1 2013/0013) (A. Cua)**

Ms. Ann Cua: Good morning, Chair and Members of the Commission. Just, I'm gonna make just a couple of points before I turn it over to the applicant who has a pretty extensive power point for you. We have coordinated our presentations. This is an infill project. All of you are familiar with the existing hotel. Just to clarify a couple things. As our Deputy Director read into the record, the existing or the amount of units that's proposed for this project is 148 units. Existing on site is 310 units. Like many other projects that come before you, we normally talk about the amount of units that people are proposing. Normally we don't talk about the amount of bedrooms. In this particular case when we went to the Urban Design Review Board in December of 2013, that question came up. So the existing bedrooms on site right now are 330, but the number of proposed bedrooms with this proposed project is 337. So again, pretty typical of when you review a project where we just talk about units. One unit sometimes has one bedroom. Sometimes a unit has four bedrooms. So again, that's the difference between the 148 units versus 337 bedrooms.

One more thing I wanna touch upon is the mention of the EIS/EA process. As you just heard in your training which I believe was at your last meeting there are a number of triggers for Chapter 343, the environmental review process and none of those triggers exists with this project. The project is zoned. It's community planned. If they needed a community plan amendment that would be a trigger. They're asking for a Special Management Area Permit but as you know, that permit in and of itself is not a trigger for Chapter 343 compliance. If they needed a Shoreline Setback Variance, if they were doing work within the shoreline setback area that would be a trigger. All their work that they're proposing is outside of the 150-foot setback, so again no trigger with this particular application.

Another point I wanna mention is that most of you are aware because I don't even know if any of you were on the Commission when the zoning change application came forward to the County in like 2000 I think is when we came to the Commission. And Makena did receive a zoning change, Makena Resort for 603 acres. And they're subject to 40...about 44 conditions. I wanna make clear that this particular property is not subject to that overall change in zoning application. This property has been and continues to be zoned H-M for hotel use. And so the conditions of zoning that went through the County Council are not...or this project is not subject to those conditions. So those are my opening remarks to maybe answer any questions that you might have been thinking of or anything that was raised here.

And so now I'm gonna turn it over to the applicant. And when the applicant is done, I'll come back, talk to you a little bit about our analysis and then proceed with our recommendation. So with that

I'd like to call Mark Roy from Munekiyo & Hiraga.

Mr. Mark Roy: Thank you, Ann. Good morning, Vice-Chair, Members of the Commission. Thank you. On behalf of the ownership of Makena Resort, thank you very much for the opportunity to be here before you today. Most of you I think are very familiar with the location of this project. It's the Makena Beach and Golf Resort as Ann mentioned. Formerly operated as the Maui Prince Hotel. It's located on a piece off of Hotel zoned land known as H-M. You'll hear that a lot during the presentation today. H-M refers to the parcel and it's also the same name as the zoning, it's H-M Hotel zoning.

It's located in the heart of Makena Resort and is also within the Maui Island Plan's Urban Growth Boundary. In regards to surrounding land uses we have Makena Alanui Road and the North Golf Course along the east side of the property. To the south is the 17th hole of the now closed Makena South Course as well as the Maluaka Condo project and Maluaka Beach Park. On the north side there's a mixture of vacant lands as well as Keawalai Church and various single-family homes as well as Makena Landing further up the coastline at the top of the slide, actually off the top of the slide here.

There's a dedicated public access easement called the King's Trail and you may hear that at various times during the presentation today as well. This runs along the western edge of H-M and actually separates it from Maluaka Beach and the ocean. It also connects the cul de sacs of Makena Keoneoio Road which terminates at the cul de sacs on either side of the King's Trail.

Just touching on a bit of background. The existing hotel as Ann mentioned contains 310 hotel rooms. It was built in 1983 by the Seibu Group. These were the original developers of Makena Resort. As Members may recall, much of the Makena Resort was purchased in 2010 by ATC Makena Holding, LLC following foreclosure action.

Since that time, ATC has invested substantial funds into renovating and trying to reinvigorate the existing hotel operation, but has not been able to transform it into a long-term financially viable operation. Recognizing the need to adapt to evolving market trends and define Makena Resort as really a leading global destination, ATC has partnered with Discovery Land Company and is now proposing to redevelop H-M into a new kind of resort community. We're excited to share these plans with you today.

I'd like to touch...before we do so, I'd like to touch briefly on the project team. Applicant as I mentioned is ATC Makena Holdings, LLC. Development partner is Discovery Land Company. The team is split into two groups really. The design team which is headed by a land planner, Vita Landscape Architects. There are several architects working on this project as there are...as you'll see today there are different components that make up this project. Have a landscape architect as well as also civil. And the second grouping of consultants is the technical consultants. These are the consultants that prepared all of the supporting studies that were filed with the SMA application. So we have sustainability report, flora/fauna survey, cultural impact assessment, archaeological studies, traffic reports and so on, and Munekiyo & Hiraga is us, we're providing local planning support for this project.

The proposed project will cost around \$230 million and will essentially repurpose the existing hotel

property. It will create a new kind of resort community. One that will consist of several components. I'd like to run through these components for you today. First, the existing hotel structure will be retained and converted from 310 units into 46 luxury condominium units as well as a new restaurant. Second, there will be new residential structures added to the site including nine beach cottages, five spa hale units oriented around the new spa facility, and two, six-plex apartment building containing 12 multi-family units. As a final component as you heard during testimony today, there'll be the addition of a new hotel containing 76 rooms which will partially offset the loss of rooms in the existing hotel structure. These uses as you imagine will be complimented, complimented, excuse me, by various site improvements as well as other accessory facilities to create a cohesive resort community.

Following completion there will be a lower number of units on the site as Ann mentioned even though there will be more buildings than there are today, 148 units compared to the 310 hotel units that currently exist in the hotel structure. Though the number of bedrooms will stay relatively the same, they actually slightly increase as you've heard there will actually be a reduction in infrastructure demand associated with this project and this will be primarily due to the lowered daily population and average occupancy associated with this new community.

Touching on schedule briefly. SMA and construction permitting, so building permitting and so forth is expected to take the next year or so to complete with initial phases of construction coming on line in 2015. All going well, full occupancy is targeted to occur sometime in 2018. So that's about a three-year or so construction period that's being targeted here.

Like to now introduce Ed Divita with Discovery Land Company. Ed will be taking you through the concept development and community outreach process that has been so important for this project as well as going through the core sustainability principles that are being embraced to guide development of this project moving forward. Ed.

Mr. Ed Divita: Thank you, Mark. My name is Ed Divita. I'm a partner with Discovery Land Company and on behalf of ATC Makena and Discovery Land Company, I'd like to thank you very much for the opportunity to present our project here today.

Makena is a very special place with a rich history and a great community and to address the challenges with the Makena H-M project we've assembled a world class team that we're very excited about and they're going to be sharing with you today more details about the project. Discovery Land was founded in 1997. And our guiding principle was to create beautiful communities where families and friends could spend time together and create memories that would be lasting, but also to have the amenities and the facilities and the activities did exceptionally well within the setting. We're very excited to share this vision with you today.

Here's a beautiful picture of Makena at Maluaka Beach. Discovery has had the opportunity to lead development on many projects across North America ranging from Hawaii to the Bahamas. And Makena is among the most beautiful places we've ever had the opportunity to be. So it's a great opportunity and very exciting for us. Our core philosophy is to enhance the natural characteristics and the cultural heritage of each property in order to create a project that has an innate sense about it for the place. For Makena at H-M our priorities in this manner are to focus on lifestyle, also activities, the workplace, as well as an appropriate architecture style. And our designers have been

drawing from the traditional and vernacular architecture using locally available materials and the local workforce in order to make this possible.

One of the most satisfying aspects of this project over the past few years has been the opportunity to meet many folks within the community. Of course we can't meet with everybody, but we've really enjoyed the meetings and garnered an incredible amount of feedback over the course of the process. Concurrent with the planning and design, we formed a number of community groups with various interests and we had regular meetings where we provided updates about the plans. Took the input and made refinements to the plan. So the plan that we're presenting to you today includes those refinements.

Our priority in reaching out to the community started with the local neighbors, the people closest to Makena. So neighbors, lineal descendants of the Makena area and kupuna, and we created a group that we referred to as the, "cultural focus group" with the priority on the history of Makena, it's current status and the future and how our plans for H-M Property could integrate into Makena in an appropriate way for...to have an enduring position within the community.

In addition, we had a group of a more broadly interested people from Maui including Mr. Mayer who spoke earlier today and those meetings we also presented the plans and they touched on more broad issues.

In addition, we presented progress plans to the Makena Community Association at various points and obtained their feedback and advice. So thanks to the many meetings and the many honest feedback and criticism that we received along the way we're proud of the project that we're able to present.

Sustainability is also a long-term strategy for us at Makena H-M. And we've created a framework of seven sustainability principles. And these principles are intended to guide us throughout the project in the design phase, the ongoing design, during construction as well as in perpetuity for operations. The seven principles fall into two categories. The first are commonly held standards. These were important. They're what we consider go-to principles and things such as managing resources responsibly and operating sustainably and providing mobility choices such as walking paths, bike paths, golf cart paths as alternatives to the vehicles.

The second group is our principles that reflect ideas that are a little more far reaching. They're...but we feel that they're an opportunity to integrate these into the design and construction and planning will allow us to have a project that looks to the future in terms of guiding sustainability. These principles will be integrated into the presentation from the various consultants as we go on, on three main foundations. The first being environmental sustainability which we, you know, is an obvious priority, but we'll also touch on the economic sustainability and employment as well as the cultural and historic sustainability.

At this point, I'd like to turn the podium over to Don Vita to present the project planning.

Mr. Don Vita: Thank you, Ed. Good morning, Planning Commission Members. I'm Don Vita from Vita Planning and Landscape Architecture, and I will be presenting the design team's proposal for the H-M Property.

Our design intent was to use the disciplines of architecture, landscape architecture, sustainability and cultural research. To envision this area as a new, as a new area that seamlessly integrated with the existing Makena neighborhood.

Taking that goal as a starting point there were three site planning principles that began to emerge during our work. The first was to keep the existing view corridors and create new view corridors throughout the property and locate our development along those view corridors. Secondly, to retain the existing character of the landscape that is on the mauka side of the hotel. It is this character as one drives along the Makena Alanui Road, the existing monkey pods and the coconut grove around the hotel entry that many of us associated with the Makena Resort as it is today. And lastly, to maintain very important open space, pedestrian, and visual connections from the King's Trail into the H-M property.

With these guiding principles in mind, I'll just quickly walk you through the planned components. The resort, the experience starts at the resort entry, the existing resort entry where there is a greeters station...where there is a greeters station, greeters station and sales hale located, continues down the entry road with existing monkey pods to the south end of the hotel where the entry pavilion is located. At the hotel, near hotel entry, existing hotel entry is the new 76-key room hotel. The hotel conversion that was described earlier consists of what will be converted to residences and also consists of a beach club and associated amenities. The existing lobby area of the hotel will be converted to a spa with five spa hales circling the existing coconut grove. Along the southern edge of the property next to an open lawn will be eight beach cottages with one additional beach cottage located on the north side of the hotel. Two multi-family, three-story buildings are located closer Makena Alanui Road. And the parking for all of these facilities is located in mauka portion of the site with a combination of surface parking located mostly on existing surface lots and then a new multi-level parking structure.

This diagram begins to highlight some of the circulation, our different types of circulation including roads and parking, cart, bike, pedestrian trails, pedestrian only trails, and where parking for all those occur. The intent of this design is to make sure that the site is very pedestrian and cart friendly thereby limiting the number of vehicle trips that would be generated once residents arrive at Makena. Parking is relegated to the more mauka portions of the site with cart and bike parking located strategically throughout the property.

Public beach access occurs along the northern boundary with additional beach parking located here. There are approximately 100 existing public beach parking spaces within the Makena Landing, Maluaka area in the County Parks and the ATC is willing to provide an additional 10 spaces that would be open for use by the general public.

Hawaii is blessed with a rich architectural legacy from the ancient structures to the kamaaina homes of Charles Dickey to the more modern masters such as Vla Ossipoff. And we look to these traditions to help us in form our architectural concepts. And first reflecting the diversity on the existing Makena neighborhoods we wanted to create a diversity of architectural style and scale. And second, we want to utilize contemporary interpretations of both modern and historic Hawaiian architecture within the buildings, the new buildings at Makena. And lastly, sorry lastly, sorry on the larger buildings and this is perhaps the most important we wanted to make sure that through the use of materials, color, texture, shade devices that those buildings blend seamlessly and begin to

recede into the landscape.

The first building one encounters as you arrive at the resort are the smaller sales center and greeters hale. These are paniolo buildings using rustic materials such as lava stone and native woods to provide a welcoming impression as one first arrives. The 76-key resort hotel is also located near the existing entry and is positioned to maintain the existing view corridor from that entry through an open air, one-story open air arrival building. The hotel gradually steps up into...as one progresses into the site minimizing the amount of visual mass that is closer to the higher. The elevations are inspired by Ed Killingsworth who is the architect that designed the Kapalua Bay Hotel and several other iconic Hawaiian hotels. And using the shade devices, changes in material we created a very rich and lively facade that kinda makes the structure. The hotel also responds to existing topography stepping towards the ocean as the site slopes makai.

This perspective shows the hotel conversion. The new Molokini Wing, the new restaurant located here just mauka of the existing pool, and new pool area. Repositioning this 80's style hotel for current market conditions as you can imagine was a challenge, a design challenge, but also a compelling story from a sustainability perspective. Instead of, instead of raising the building we took a surgical deconstruction approach which has a lot of benefits from when one gets into sustainability which will be described in more detail later on in the presentation.

The mauka side of the hotel will be transformed by removal of the large porte cochere and the lobby and an introduction of detached walkways with vertical gardens allowing much more light into the new units and much better air ventilation as well. This will greatly reduce the visual mass of the hotel when viewed from the highway or arrival. Many of the devices that...many of the shading devices in color that you'll see in the following slides were actually recommendations that were incorporated as a result of our UDRB recommendations.

The new restaurant is a one-story structure with a grass roof and richly detailed with warm woods and stone located just adjacent to the existing hotel kitchen and mauka of the existing pool. It has a large lanai that flows out onto a coconut fringed lawn kinda reminiscent of some of the older Hawaiian estates.

This before and after shot taken from the makai northwest corner of the property clearly shows our intent of trying to make sure the hotel begins to blend much more discretely with its existing surroundings and landscaping.

The lobby area as I mentioned will be transformed into a spa with a fitness pool and five spa hale will be located and arranged in the tropical gardens in that area. These were smaller two-bedroom units that were inspired by the Halekulani Cottages. The beach cottages are arranged on the southern boundary line in a mauka-makai orientation and they're basically two-story and were intended to really appear as a collection of older kamaaina homes again utilizing lava rock, wood sidings, and wood shingles all in muted earth tone colors.

The three-story multi-family residential buildings closer to the roadway take the idea of creating garden buildings one step farther by generous setbacks that created large areas for lanais. Large trellises to create deep shade and building planters that really help to disguise the materials used there all combine to create a building that really seems as if it's growing out of the landscaping.

The parking structure has...consolidates most of the onsite parking needs into one area thereby freeing up more site area for gardens and is wrapped in with green walls and surrounded by dense landscaping. It is also located eight feet below the elevation of Makena Alanui Road which will ensure that the parking itself is screened.

Landscaping plays a critical role in knitting together the diverse architectural type and scale of the H-M Project, and again, we wanted to take our queues from the existing neighborhood in that respect. So we tried to retain many of the existing trees on site which helps reinforce the site planning principles that were described earlier. Secondly, we will be utilizing Polynesian introduced or native materials wherever possible. Third, we'll be using water conservation techniques and plant materials that are consistent the Maui Planting Plan. And lastly, utilize green or low impact infrastructure techniques such as rain gardens and...to manage our onsite storm water runoff. The landscape itself will be informal Hawaiian style in character utilizing various indigenous species and preserved on site. Landscape lighting would be very low key and really trained upon special areas such as arrivals or artworks that were produced by local artisans.

In summary, there is a rich architectural style and diversity of architecture within the surrounding Makena neighborhoods and so appropriately our proposal includes reflection of all those styles whether it's the more modern interpretations of the hotel conversion or hotel or the kamaaina structures of the spa hale and the beach cottages or the paniolo inspired greeters hale and sales center. All of these combining with the unifying landscape are intended to make sure that our proposals knit seamlessly with the existing Makena neighborhood.

I will now turn the presentation over to Jim Heid, who will describe our sustainability initiatives in detail.

Mr. Jim Heid: Good morning, Commissioners. Thank you for this opportunity to share what I think is a pretty interesting story around specifically environmental sustainability. Earlier Ed talked about our overarching principles around sustainability and I'm going to talk specifically about the environmental sustainability. In particular some of the key impacts and benefits that we've seen coming out of this. Before we talk about what we're doing, it's important to talk about what we're not going to do and Don touched on this. In the develop decision to retain versus tear down the existing building has far reaching environmental benefits.

A reuse strategy really in adapting the building for a new market saves a lot of environmental impacts especially when you think about the transportation for removing demolished material, having to place the demolished material. You can even calculate the greenhouse gases that would be captured or sequestered in that material and would have to be replaced with new material. So of the data is up there, I won't go through that. But the key thing in what this diagram is showing, this is a computer model that shows the white is the portion of the building that's gonna be retained and the red and is the portion that will be removed and about 75 percent of the existing building we'll retain in place and this has far reaching impacts in terms of air quality, greenhouse gas emission, truck transportation issues through the existing neighborhoods. And so that's our foundation in terms of sustainability.

Then we go onto the more traditional things that as Ed called the go-to principles and we wanna

start with energy. And in all of our sustainability approach we've taken a conservation first approach which is we try to reduce demand as much as possible and then supplement the remaining requirements with new technologies or alternative methods as much as can be done. And this is probably most evident when we talk about energy. We've bundled a number of low tech conservation strategies. Things that our forefathers or ancestors knew. Where you place the building, how to do capture natural ventilation, where do you use landscape to add shading, how do you treat the buildings with the overhangs and some of the work that Don was showing to really try and use just natural passive of shading. And then we've combined that with some of the high technology solutions that are available today. Things like efficiency, really increasing the efficiency of the mechanical system, energy reducing windows, and advanced energy management systems that allow you to continually fine tune the building. Now what all this means is really important is we've set an efficiency goal and in order to set that we've looked at the Hawaii Clean Energy Initiative which requires a 30 percent reduction over a baseline model which is I think about a 2007 model. So what we've done is we've looked at that and we believe that by retrofitting the existing hotel as proposed in this submittal we can actually meet that, meet the Hawaii Clean Energy Initiative substantially. And what this means besides 30 percent and those numbers it's we save enough energy through the retrofit to power 600 homes on Maui per year. That's a pretty significant impact in terms of just being thoughtful about how we design for energy.

For new construction beyond the retrofit we'll be looking to a number of energy focused green building programs such as Hawaii Built Green, Energy Star and LEED. Now once we've reduced the demand then we look at how do we replace the existing demand with some of the renewable strategies or clean energy and so we're looking at solar thermal hot water heaters and preheaters, roof mounted photo voltaics and that's a fine balance because we're trying to protect the views from the mauka lands and at the same time trying to capture and replace as much clean energy as possible. And then there's the other things in just in terms of day to day operations of refine tuning the mechanical systems to capture waste heat from our laundry, capture waste heat from the chillers and reuse that as a part of the energy design. It actually saves us quite a bit of energy.

So let's talk about water next which is another critical resource. And again, we've started with a conservation approach that includes low-flow water fixtures, high efficiency water management, smart irrigation technologies and even some of the things that Don touched on, just drought tolerant plant materials, native plant materials that are climate adapted, and even reducing the overall irrigation area. Now when you do the math on this, this is actually pretty impressive. We've increased the program, the built program in the proposed H-M area by 100 percent and yet we've reduced potable water use within the entire development by 44 percent. And this is done through a combination of first of all, reducing demand. The slide on the left or the graph on the left shows the current water demand of the existing development and the graph on the right shows the proposed water use and then it's broken into what's potable in blue and then the brown is the nonpotable use. So we'll actually be supplementing, finding an alternative use for some of the irrigation through brackish wells.

The third facet is natural resources and in this we've really looked at kind of a natural systems approach which really mirrors much of the ahupuaa philosophy which is intrinsic in Hawaii. Strategies include striving to introduce habitat by using locally appropriate plant materials which as we said are drought tolerant, climate adapted. They use less water and they support biodiversity.

Lighting strategies to keep dark skies in place. Low impact development techniques which will first of all minimize site grading which allows us to retain much of the mature landscape and then use natural systems as Don mentioned to address storm water runoff issues. And for storm water we're going to be looking at those water quantity and water quality using natural filtration, first flush cleansing techniques while designing to retain the post development flows up to a 50-year event.

Now finally materials and waste provide a unique opportunity for this project because this is not only construction. This is about construction and as Ed said, the ongoing operations. And that's where you can really start to have a big impact on the waste side of it and also see the benefits of conscious and thoughtful approach to the materials that you choose.

So for materials selection we've started with a do no harm philosophy which means choosing materials that do not negatively impact the environment from where they're procured are manufactured and then when they're installed. Second, we'll be seeking where economically feasible locally sourced and produced goods in construction and day to day operations and then to maintain harmony with both the setting and also just operations, reduce our operating costs by looking for honest natural materials that will stand local, climatic conditions without extensive maintenance. The other side of this then is the waste minimization and here it's really kind of the closing of a circle of everything that we're doing. The ability to take a long term operating goals, allows us to work with vendors and partners to minimize packaging first of all so we're not even bringing as much material in. Secondly, looking for downstream markets and providing within through the design and operations ways to collect and recycle downstream materials. And then lastly, actually looking at things like green waste. We have a big site. We've got a lot of organics. We're got a lot of green waste, how can we compost that on site and incorporate that into our ongoing maintenance regime?

So that wraps up the environmental. I'm gonna turn it over to Ed to talk about the economic sustainability.

Mr. Divita: At Makena we take responsibility for sustainable economic and...economic sustainability. In fact, the hotel in its current form, the Makena Resort is actually losing money. It's not economically sustainable. The losses for the subsidies are on the order of in excess of \$20 million since ATC has taken control of the property.

In the proposed form, the project will be economically sustainable both from a construction...during the construction period as well as during the operation phase. During the construction period an estimated project cost of \$230 million will be...(inaudible)...that's over a three-year period estimated. And there'll be a creation of 270 new construction jobs per year. The fiscal impacts include 11.5 million in new State taxes as well as County impact fees including building permit fees and park impact fees.

During the operational period upon completion, the economic impacts will be that there is an estimated 285 jobs full-time equivalent that's by comparison to 256 jobs today. And there'll be 5.2 million in sales revenue. And the fiscal impacts on an annual basis include 3.4 million per year in new property tax revenue for the County and 700,000 per year in new tax revenue.

In addition, during the construction period we will also be entering into a Workforce Housing

Agreement with the County.

With that, I'd like to turn the podium over to Rob Iopa to speak about cultural sustainability.

Mr. Rob Iopa: Aloha Commissioners, Rob Iopa WCIP Architecture. Our approach for cultural sustainability is grounded in this Hawaiian proverb, *nana imua nana i hope*, simply put, looking forward, looking back. This served as a reminder that in order to move forward you must also look to the collective generations and knowledge of those that come before us. Our goal is that from learning these traditions, values and aspirations of the host culture and the community will guide the evolution of uniquely sustainable resort community which celebrates the balance of its environmental economic and cultural elements.

With this in mind we look to the traditional knowledge of both oral and written histories. One of the unique features that made Makena extraordinary was its moku or larger land division, Honua`ula. One of the most interesting aspects that made that special was that Honua`ula was the only moku in either district of Maui that included lands off the main island, Molokini and Kahoolawe. The moku were further divided into ahupua`a. As you all know the ahupua`a is a traditional land management system that organized natural and cultural assets to ensure the proper maintenance of environmental economic and cultural resources. The ahupua`a of Honua`ula, the ahupua`a of Honua`ula were organized into mauka and makai regions with farming plots in the leeward flanks of Haleakala and the makais with shoreline fisheries. The collective resources of the regions allowed for balance and modern articulation of sustainable balance is the core principle of this project.

We organized the elements of history and culture into three snapshots in time, a genealogy...(inaudible)... The three periods are yesterday, today, and tomorrow. Yesterday starts from the beginning of Hawaiian time up until the mahele of the land in 1840s. Today starts with mahele, the first distribution of private property in Hawaii to the present day. And tomorrow is our vision for Makena for generations to come.

In studying yesterday, we drew upon the inspiration of Makena's rich history from the Hawaiian proverb Hanau ke aina hanau ke alii hanau ke kanaka, born was the land, born were the chiefs, born were the people. A reminder that not only are we beneficiaries of the land, but also the stewards of the land. This thought guided the social and political elements of this period in time.

In the mauka regions on the slopes of Haleakala villages were established in the 1100's. Farming was the primary occupation and `uala the primary crop. Farmers exercised their intimate relationship with the aina through developing unique farming techniques. Many connections existed between mauka and makai regions such as several noted kilo i`a or fishing sighting places. These sites helped direct fisherman in the makai region. Important cultural elements that defined the mauka region...makai region including the abundant fisheries, sacred fishing grounds, canoe landings and a close relationship with Molokini and Kahoolawe.

The research of today was inspired by this olelo no i`a, the particular proverb draws attention to mauwai wind, a strong natural element of Makena it also hints to the hard working people that lived here and how they persisted to be sustainable and thrive. Many changes took place during today particularly due to the development of industry. The mauka region soon became known as the

potato district growing both uala and Irish potato. This followed by a period of sugar and ranching.

The makai region fishing persisted especially for akule. Makena Landing was built and became the economic center of the moku. Most recently, the makai region has become a resort and golf community and the ocean is also widely used for recreation. Cultural access to Kahoolawe continues from Makena.

Now as we embark into the next evolution of the community life at Makena we have refreshed our values, traditions and relationships that will serve as our foundation. We will connect the knowledge from yesterday, today, and tomorrow through thoughtful design by educating the next generation of community to be responsible stewards and contributing members to this place of abundance Makena.

Mr. Mark Roy: Thanks, Rob. Mark Roy with Munekiyo & Hiraga. I'd like to really briefly conclude the presentation for you this morning and thank you for allowing us to tell the sustainability story behind this project. I'd like to now kind of refocus it back on the SMA application that's before you today for consideration. Since the filing of the SMA application back in September of last year, the project has been reviewed by the Planning Department as well as a range of Federal, State and County agencies. The project has also received a favorable recommendation for approval from the Urban Design Review Board, the UDRB. All comments received during this process as well as the responses to those comments are included as exhibits to the Department's staff report of which I believe you have all received a copy of. As you have heard today there have been a number of revisions to the plans made as a result of the SMA and UDRB review process which we truly believe have improved not only the overall project but its sustainability goals as well. During the process, the project has also been assessed and determined to be consistent with the governing SMA rules and regulations as well as the County's primarily planning mechanisms including the Maui Island Plan, Kihei-Makena Community Plan as well as County zoning. We therefore, stood before you today to respectfully request the Commission's approval of the SMA Use Permit so that the proposed Makena H-M project can proceed to the next phase, the construction phase.

With that I'd like to conclude our presentation for you today. Thank you very much for your time. We're available and would be happy to answer any questions on the project at this point. Thank you.

Vice-Chair Ball: Okay, thank you Mark. At this point we will open for public testimony. Anyone that would like to testify you have three minutes and please identify yourself when you come to the podium.

a) Public Hearing

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

Mr. Dick Mayer: My name is Dick Mayer. I'm on the list there. You can cross me off now. I first wanna say that I was on the Community Advisory Committee that Discovery Land put together for this Makena project...(inaudible)...Makena SMA application. And I found that the best advisory committee that I've ever sat on or been a part of or heard about on the island. They really did a good job of trying to talk with neighbors and then with a few people like myself who have been

generally interested in island wide issues.

Having said that though there are still some concerns which I do have that weren't resolved at ...(inaudible)...committee. And one is segmentation. This parcel that you're looking at right now is one of several dozen probably parcels that are in the Makena Resort and how this project will interact with all of these other projects, a number of which are in the SMA area and which they will be coming to separately and I think it's very important for you to consider not just the impacts of this one parcel, this 24-acre parcel which already has a hotel on it, but how it will interact with all the other pieces along the coastline. This is a cumulative effect and I would hope you would keep drainage issues, beach usage issues, all the other issues that the SMA looks at in mind. And maybe even request from the applicant at some point information on what is planned because they're all zoned for fairly heavy use of apartments, condominiums, et cetera, hotel as well.

Second item. There's been no EIS done for this project for 40 years. Makena Resort did an EIS in 1973-74, and that's all there is...that's lacking. Although their application has a lot of information. It does not have what would be a public domain type of EIS process.

My major concern is the displacement of the labor force. I raised this issue and what will happen to the workers if the hotel is closed down and if it's restructured as an apartment building, the labor force that serves the hotel will not have jobs then. And so that leads to my next suggestion and that is consider carefully in your conditions the phasing of this project. One of the ways to help at least alleviate the problem would be to say that the hotel, the 70-room hotel be built first so that the workers can be transferred to that facility while the hotel itself, the present hotel is under construction. This will alleviate some of the problems that the union workers are concerned about down there and it may be a way of getting around it. And also some of the other units could be built up on the hill prior to the renovation of the hotel so that all the workers really will have jobs during that period of time. One comment that had been made was well we can help them work on the construction project. I don't think the bellhops and the chamber maids will be really suitable for the construction work and so it would be nice to keep them in a hotel employment situation.

Never was it mentioned to us during our discussions, I don't think we even asked about the building itself, the hotel itself being converted into 46 apartments. We assume that these would be residential apartments. I read in the Maui News the other day that these would be used as vacation rentals and that...then further asking questions found out that in fact that there were actually more rooms, more beds available under this new proposal than there were under the old and you'll see that I think in your documents there. There are 330 or 340 or something like that bedrooms available. So there could be much greater impact on traffic and water supplies, etc.

Vice-Chair Ball: Thank you.

Mr. Mayer: Thank you.

Vice-Chair Ball: Sam Garcia....Are there any questions? Jason?

Mr. Medeiros: I wanna expand on that amount of rooms as compared to the original plan?

Mr. Mayer: The microphone.

Mr. Medeiros: Oh, could you expand on the amount of rooms as compared to the original plans?

Mr. Mayer: Right. When we had our discussions we just assumed that there would be 46 apartments and then the 70 rooms in the new hotels, and then some of the other cottages, so a total somewhere around 140, 150 rental units. But at the Urban Design Review Board my understanding is that it was further clarified that the building, the present hotel building when it's converted into the 46 apartments will actually have a very large number of bedrooms available. So that the number of tourists who might be staying there, who might be impacting the beach, who might impact the traffic along Piilani Highway, all of those things there actually may be an increase if those rooms are in a rental pool and rented out to groups of five, six people because they'll have you know, three or four bedrooms. So the total number, and you have it in your document there from the Urban Design Review Board I think is where it came up would be a larger number than the present 310 rooms. At least that's my understanding. And so just the consequence of having a larger impact on the property than the present impact is something that should be considered even though the total number of rental units may go down, the number of people staying on the property may be increased.

Vice-Chair Ball: Any other questions? Seeing none, thank you.

Mr. Mayer: Thank you.

Vice-Chair Ball: Sam Garcia would you like to testify now?

Unidentified Speaker: He had to run out. He'll be back.

Vice-Chair Ball: Mike Moran?

Mr. Mike Moran: Good morning, my name is Mike Moran. I'm testifying for the Kihei Community Association. Thank you to all the members for your volunteer work and your service to the community. At KCA we have not had the opportunity to review the project. So normally when we come to testify we have quite a bit of information. We don't have it this time because we didn't...we're not able to review the project. So we have some general questions which we hope will be addressed.

How will the project impact the transportation arteries that we all use? We have two roads. We have Piilani Highway and the South Kihei Road. That's the only ways out. More people, more cars, we're always concerned with that with any project.

How will this impact Makena State Park? We are a member of the Oneloa Coalition and we commend some of the participants with Makena Discovery Land, Brad Anderson and Sara Agno Miller with Stanford Carr participate in the coalition as well looking out for the benefits of the park, but we hope the whole...all the other entities too are concerned with this jewel of a State Park down in our area.

We're always concerned with drainage issues during construction, after construction. We all know what happens. It happened again in Makena. I believe it was this year, it might have been the end of last year with more mud floods choking our coral reefs.

We're concerned with how it will impact the beach in the area. We asked the question will the developers enlarge the public park area around the beach? We question where they're going to get the water for the project. Water is always an issue in South Maui? How will the project impact cultural sites? I think that's our issues of concern. Mahalo for the opportunity.

Vice-Chair Ball: Thank you. Any questions of the testifier? Seeing none, thank you.

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

Ms. Lucienne deNaie: Aloha and greetings, Planning Commissioners. My name is Lucienne deNaie. I'm testifying on behalf of the Sierra Maui Club Maui Group. We'd like to say mahalo to Discovery Land for reaching out to community groups like ours. But the Commission should keep in mind that this project has gone through a number of partners and wonderful things were promised under some of these partnerships. They don't always materialize. So we hope that this is what happens, but make good conditions so that we know that this is what is going to happen.

Just an example the Maluaka Beach Park was supposed to be expanded as a part of the rezoning, but the new partners who took over who were old partners too changed the direction of that and Discovery Land had to come in and renegotiate it. So there are slips that happen.

Makena Resort has avoided upgrading their EIS for the reasons mentioned by your Staff. But your Staff did not mention that EISs can be upgraded by a Supplemental EIS based not on any of those other triggers but based on the fact that things have changed. Now if anyone thinks nothing has changed in Makena for 40 years, I don't know, you haven't been reading the newspapers, but lots of things have changed in the last 40 years. And this project really should have updated review in every phase.

The steep site combined with the additions of the new parking structure, more pavement, new hotel, spa, et cetera will impact drainage patterns. We heard there's gonna be rain gardens. I hope you will ask how many, what their capacity would be, will every building have a rain garden, what will be the capacity of the rain gardens to handle the runoff versus the actual additional runoff that's gonna be generated? Those are all good questions for this Commission to get the answers to because this is coastal zone management issue is keeping our waters clean and not having additional runoff enter the ocean.

We suggested during the Urban Design Review Board that more pervious surfaces be used in the project. I don't know if that's been taken seriously or not, but this is definitely a usable technology today where water can go through the surfaces. We also want to point out this is not a simple remodel. The actual number of room units is increasing as was mentioned where there's now lawn and landscaping will be buildings. Also, there's a matter of phasing. We understand that the number of jobs will remain about the same, but will they continue through the construction process. The idea of building the new hotel first would really make sense so that people could have jobs to transition to. And we hope that there is some way that this Commission can discuss that and find out exactly what is going to happen because this is people and families lives at stake.

Also, one thing to keep in mind you were shown maps of the different buildings and things. There's a reference to bike trails and pathways, will those be public or will they be private? It was our

understanding from earlier meetings that most of this site will become private for the owners only now where is now is the public space. So you and your families can go down, have lunch, enjoy the koi pool, show it to your grand kids, but will that be the future? If you could ask for a map to show where the public and private spaces will end up here, I think that would be very useful for your deliberations.

Vice-Chair Ball: Thank you. Any questions for the testifier? Jason?

Mr. Medeiros: If you could expand on the Maluaka expansion that's not going to be happening?

Ms. deNaie: Oh, it will be happening I believe now. But it was a condition of zoning that Maluaka Park expand by a half an acre, this was 2008. The Dowling Partnership was amenable to that, but they lost control of the land. The ATC folks came in, they proposed the expansion to the north where it had always been to the south. And so Discovery Land has now agreed, the County Council had to get involved, the Discovery Land has now agreed that the expansion would be to the south. But it was a...it's been, what four years, five years.

Mr. Medeiros: Okay, so they'll have the expansion?

Ms. deNaie: They will have the expansion. And there will be some sort of a trail although it does not appear to be where the traditional trail was. That was another point I wanted to make but I've run out of time.

Mr. Medeiros: As long as we're not losing the expansion.

Ms. deNaie: No, we are not losing it to the south. You know, that was thing. It was always gonna be some park expanded but it would have been to the north where people weren't used to using it and where people really wanted was the south expansion. That little point where everybody hangs out...(inaudible)...

Mr. Medeiros: Okay.

Vice-Chair Ball: Thank you. Any other questions? Next to testify, Bruce U'u.

Mr. Bruce U'u: Good morning, Commission Chair and Planning Commissioners. My name is Bruce U'u. I'm the Apprenticeship Coordinator for the Hawaii Regional Council of Carpenters formerly the Hawaii Carpenters Union and I come before you and humbly ask you for your approval in this Makena project.

As you know, currently and ongoing graduations upcoming and done and every year my office get flooded with applications and I just speaking on behalf of the Carpenters Union. I can speak on behalf in any other trade, but it gets flooded. And they're looking for jobs and honestly I can't hire 'em not how it's currently ongoing in construction and we get a lot of applications. And you know, to the point, you know how Maui works where the parents call you instead of the kids yeah, so cross your fingers and you come out with a, you know there's not enough jobs for me, not enough demands for me where I can hire and put your son through training. But a project like this gives us the opportunity to hire. A project like this that is three years in the making of construction as a

incredible opportunity for our kids here on the island to get educated into the apprenticeship program.

And I don't know if it's been touched on, I came here earlier, I left, I was hungry. I'm sorry. But there's a potential for 270 construction jobs on this project, this phase. This phase that's before you, the application before you for three years. And we're not talking about the Hawaiian Cement, we're not talking about Service Rentals, we're not talking Miyake, we're not talking Honsador, we're not about all the supply companies, we're talking direct construction jobs. And it's a huge benefit, the journeymen, you know when they hear a job like this, they're excited, they're looking forward to work, and you know, you can't put everybody to work, but like I say it's something that people look forward to, and I hope with your guys blessings today that it moves forward and we can have some opportunities upcoming.

You know the saving grace for us during this down time of the economy was Andaz and was also the bypass job in Lahaina and Lahaina Highway. It kept some people working but not much. I think what happened in Oahu you have the military work which is like 17 percent of the construction jobs that they could lean on that with the CIP projects. Kept those guys busy, but on Maui we took a smokings is what I'd like to say and hopefully something can happen with this project. That's all I have to say.

Vice-Chair Ball: Any questions? Wayne?

Mr. Hedani: Bruce, thank you for testimony.

Mr. U'u: Thank you for your service.

Mr. Hedani: Glutton for punishment.

Mr. U'u: Yeah, right.

Mr. Hedani: Bruce was also a member of the Planning Commission if you don't know. And he also serves on the Cultural Resources Commission I believe right now. From your personal perspective Bruce as native Hawaiian as a person that's interested in things that are Hawaiian on the site. Have you developed an opinion as to whether or not the proposed construction is pono?

Mr. U'u: You know, what...good question by the way, and everything is...like I would say, well you have the neighbors here so that's one you can ask who has Hawaiian blood. But I feel it is pono. It's already existing. You know, so when it's existing and entitled and zoned from my perspective as a professional perspective being on the Planning Commission I always give it consideration because it is zoned. As it being pono, yeah, I think it has been pono and I feel this project more than others have been pono by bringing the right groups. My first thing as being Hawaiian is you go ask your neighbors how you doing. You know, you no go outside. I believe talking to the residents which for me is pono. And I like that concept of what they're doing.

Vice-Chair Ball: Anyone else?

Mr. U'u: Thanks for the tough one , eh Wayne.

Vice-Chair Ball: Thanks Bruce.

Mr. U'u: Thank you.

Vice-Chair Ball: Sam Garcia here?

Mr. Sam Garcia: Aloha and good morning. My name is Sam Garcia. Our family has had property in Makena for almost 50 years. We adjoin the Makena Resort. We are surrounded on three sides by Makena Resort. My background, I was the hotel assistant manager for 15 years as it was being constructed. I was also the regional market director. So I'm well aware of the resort, very familiar with it. I'd like to speak briefly to two points. One is the process that the Makena group has been taking to get to their plan which is point 2. The process is something I've never seen before. They've been extremely open. They've asked our focus group on a cultural basis as well as a committee basis from the community what we thought about the plan every step of the way. They've listened to our input and they're proceeding with a project which point no. 2 is their plan which I think is extremely viable. Coming from a marketing perspective as well as from a neighborhood perspective. So I applaud their process and their plan and I wish them well. Thank you very much.

Vice-Chair Ball: Any questions for the testifier? Anyone would like to testifier? Last chance. Can we get the recommendation then from Ann?

Ms. Cua: Thank you, Mr. Chair. Before I go onto the recommendation, you know, you have our analysis. I only want to highlight a couple of points. The first thing I wanna highlight was based on some testimony given. I just kinda wanna clear the record. I was the Staff Planner on the original Change in Zoning application from 2000, and they have a condition...Makena Resort has a condition of zoning that talks about expansion of the beach park at the south end of Maluaka Beach such that the beach park shall comprise at least 1.5 acres of land area for public use and beach access. I think what you heard from a testifier was that when this owner, ATC Makena acquired the property they changed the location of where that expansion was gonna be. So I do wanna clarify that. I was present at the Council meeting when the issue was raised. When this owner took over the property the location, the previous owner had already been trying to satisfy that condition and had been working with the Parks Department and selected a site, submitted a map, Parks was okay with it. When this owner came in, they just picked up the ball from where the previous owner went. So this owner did not change the location. The location was like I said determined by the previous owners along with the Parks Department. When it came to the attention to the County Council, the question of how far south is this expansion supposed to occur because the previous area that was proposed by the previous owner was still south of Maluaka. The place...the area where this owner is now planning to expand is south, south, it's further south. And I think that is the preference of the community. So I just wanna clarify that.

One other comment. You know, obviously the project is complying with zoning. The one comment I wanna bring about the community plan, the Kihei-Makena Community Plan has a policy under Urban Design Standards that talks about limiting resort development throughout the region to 35 feet in building height for sites near the shoreline. Building heights may gradually be increased up to 75 feet in land resort, in land resort development provided that important mauka-makai vistas are maintained. So obviously this project has an existing building, but the one point I do wanna

make is that the new two-story wing that the hotel conversion is proposing is less than 35 feet, and as the project moves inland the project site or the buildings will increase only up to 75 feet for new structures. So in that case, the project is consistent with that community plan policy.

Agency comments. I know you probably read your report and you've seen that. Even though this is a huge project and an infill project the agency comments are relatively benign. The application was transmitted to the normal State, County, Federal agencies and we really have not received any significant comments with regard to this project. A lot of agencies had no comments at all.

Parks Department had their standard. Parks assessment is gonna be required. They've already indicated to you that they're gonna be paying that parks assessment.

In terms of Housing, they're subject to the Workforce Housing, Chapter 2.96, Maui County Code. I believe they've already done a draft housing agreement that has been reviewed by the Housing Director and I believe is up at Corp. Counsel at this point in time.

In terms of archaeological review which is always a huge issue for any project especially in an area sensitive as Makena Resort. An initial archaeological inventory survey was done for the resort back in 1979. An additional inventory survey was conducted in 2013. It was sent and transmitted to the State Historic Preservation Division and it was accepted by them in March, on March 24, 2014. The AIS identified one site consisting of five archaeological features. The one point I do wanna make with regard to this is that although the archaeological inventory survey which was accepted by the State Historic Preservation Division did not recommend preservation for one feature called Feature A, after input from the community as well as the Urban Design Review Board, the applicant decided to preserve that Feature A and as a result modified the design of the parking structure to be able to keep that area and to avoid disturbance of the feature. In addition to that, State Historic Preservation Division approved a monitoring plan for construction which all the items identified in the monitoring plan is covered on Page 31 of our report.

In terms of meetings with the neighbors, when application that's gonna come before you for public hearing comes to any of the Planners, one of the first things we talk to them about is about meeting with neighbors, meeting with the community especially those within a 500-foot radius who's gonna receive notice of the public hearing that's coming up at the Planning Commission. So we spoke to the applicant early on about this. And as you saw today, as you heard from people that testified, this applicant really did go above and beyond in terms of their public outreach and you know, we believe that it's really made a difference in this project. There has been changes made to the design as a result of that. And that's what happens when you reach out to the community. You know, when you start the project rather than coming to the meeting, you've only talked to a few people and then you have people testifying and I've never heard about this or I have concerns about this. So you know, from the Department's standpoint, we're really happy that they've done that much outreach.

And then finally in terms of testimony, we've received one letter in support of the project from the Makena Homeowner's Association. We've not received any letters of opposition to this project. So with that, that concludes the Department's analysis. If you have an questions, I'd be happy to answer that. I think you haven't taken any questions from the applicant as well. So I don't know if you wanna do that before we get to the recommendation.

Vice-Chair Ball: What we'll do is we'll take a ten-minute break right now and then we'll get into the questions from the Commissioners. We'll take a ten-minute break.

A recess was called at approximately 10:23 a.m., and the meeting was reconvened at approximately 10:33 a.m.

Vice-Chair Ball: Let's reconvene the meeting, and we'll go to questions from the Commissioners. Yes, Sandy?

Ms. Duvauchelle: I have a disclosure. I'll be recusing myself from voting on the project because I'm employed by one of the principals on the application.

Vice-Chair Ball: Okay, thank you for the disclosure. Questions from the Commissioners? Jack?

Mr. Freitas: I have two questions.

Vice-Chair Ball: Okay.

Mr. Freitas: For the applicant.

Vice-Chair Ball: Mark will be representing.

Mr. Roy: Well, we have the full team here with us today so we'll do our best to answer any questions you have and I can point you to the right expert in the room to be sure.

Mr. Freitas: Yeah, I'd like to talk to the developer. So who's the—primary, please?

Mr. Roy: Okay, I'll call Ed Divita to come to the podium.

Mr. Freitas: Ed, I have a couple questions for you. One is do you have the financing in place for the project?

Mr. Divita: We do have the financing in place...

Vice-Chair Ball: One moment, Ed. Can you just identify yourself for the record?

Mr. Divita: My name is Ed Divita, I'm a partner with Discovery Land Company. So we do have a substantial financial entity that's in place, and Mr. Chuck Sweeney who is one of the members of ATC Makena is here, but my understanding is we do have the financing in place for the project.

Mr. Freitas: And the second question is, are you folks ready to go with the project or will we see a return for a time extension?

Mr. Divita: We are, we are absolutely ready to go. So all we need to do is finish up the construction documentation, get it into the Building Department for permit approvals and we'll be ready to go as fast as we can. So we'll be as timely as possible moving forward.

Mr. Freitas: I'm happy for that because it's a good project.

Mr. Divita: Thank you.

Vice-Chair Ball: Penny?

Ms. Wakida: Mr. Divita please? This is probably a question for you. One of the testifiers raised a concern about the hotel workers, the existing hotel workers and the fact that they may be out of work for a while and there was the recommendation to build the hotel units first. Would you like to comment on that?

Mr. Divita: Certainly, yes. Without a doubt in order to do the improvements we do have to close the hotel. So there will be a time period when the existing hotel is closed down. And thereafter then the hotel employment will increase again in that portion of the facility.

Regarding the phasing. The project views of all the elements are towards makai. And the construction access, we've been talking with several large general contractors and they all agree that the construction access is ideal through the existing entry. And so the schemes of phasing are right now set up to work from makai to mauka and as the makai elements are completed you know they would have, they'd be able to, you know, be enjoyed with their views out towards the sea and then the back sections would then be completed. And then we'd back out through the construction access. So that's our current plan.

Ms. Wakida: Yeah, it sounds reasonable, but I think the concern was displacing the current workers and trying to find some other suitable employment within your operation. Can you comment on that?

Mr. Divita: Yes I can. There's currently 256 full-time equivalent workers at the hotel. And it's important to preface the answer to that question that, you know, the workforce is like a family at Makena. You know, I personally know many of the workers. Mr. Sweeney knows more than I do. They're a big part of what Makena is and that's for the future and long term. Within Discovery Land Company our workforce is one of the most important aspects you know, of the company because that's what makes, you know the project a project and what makes it great. So it's very, it is very important. We've...Mr. Sweeney and his operations team together with some of my partners have been working on a plan for the transition. Upon SMA approval we'll start to implement that plan in coordination with the union. There have been ongoing discussions about how to do that with the union. Somewhat specifically I can state that between approval and the start of construction there would normal attrition. There's statistics on that. So that would be part of the reduction from 256. In addition, we plan to have a very dedicated placement program with other Maui entities and others to find jobs during the next 12-month period before construction starts. That would be a priority. We'll also be able to keep many employees during the construction phase because the golf course will continue to operate. There's restaurant up near the golf course that will continue to operate. There will be visitors and marketing prospects so there'll be valet. There's landscape maintenance throughout the community so a number of employees will be able to stay on board. We've talked to the construction unions about the possibility of taking workers with certain specialities such as the engineering group in the back of house and having them temporarily join the Construction Workers Union to become part of the team as well as there's opportunities for housekeeping. And

as soon as we can get started with the construction and start to deliver early phases then we can bring back you know whatever employees do have to be displaced. And if some employees have to be displaced at the start of construction we intend to have an augmented severance program which would be in excess of what the union requirements are so that we can help the employees get through it.

Vice-Chair Ball: Richard?

Mr. Higashi: I had a question in relation to what Mr. U'u mentioned about construction and employment when you start construction. We've experienced on Maui having outside companies come in and instead of trying to employ the people on Maui they went and recruited people from outside because of costs or whatever. Is your intent to coordinate things with the local industry to encourage more employment?

Mr. Divita: Absolutely. Our intent is to have the construction employment come from local resources as much as possible. We've been in communications with several of the largest general contractors that are of the scale that can handle a project of this size and the front runners have absolutely indicated to us that there are Maui residents that want to come to work that have been on their crews that have participated in similar projects here. Some of those workers are currently commuting or temporarily residing on Oahu because of work that's available there that's not here in Maui. So they're actually excited about bringing the crews back over, having them be home and work on the project.

Mr. Higashi: I want to commend the company for the comprehensive report. I mean I was really impressed with what took place and the involvement with the community which is great.

Mr. Divita: Thank you.

Vice-Chair Ball: Max?

Mr. Tsai: Yeah, this is not part of this SMA Permit but with regards to the employment, I know you guys have closed down the south course is there a plan to reopen that or what is the future plan? Perhaps you can use some of the resources you have?

Mr. Divita: When Discovery Land Company became involved in the project which is now close to four years the South Course was already closed by the time we got involved. Quite honestly all our energy had been going into this H-M Project so we haven't really been thinking about that. You know we will, we will get to that, but I really, you know, I really don't know what the future lies for that.

Vice-Chair Ball: Jason?

Mr. Medeiros: Okay, you said that the current employees you have plans to take care of them and ensure that they have jobs during the transition period. Whenever I see a hotel conversion okay, there's a tendency for them to when they come back to out-source, you know. Is there any guarantees that these positions won't be outsourced? That these employees will be coming back to union scale jobs not...(inaudible)..the union that is there now has to come back. I'm saying that

union workers enjoy benefits and wages above the out-source jobs. Is the company guaranteeing that that will be met when the new hotel opens up and you know, are you guaranteeing that the hotel will be built?

Mr. Divita: Okay, well, I could try to answer that question in two parts. From Discovery Land Company's perspective, we absolutely want the local workers and the workers who are already at Makena and familiar with the property that we've met are ideal for the future. So that is absolutely a priority. I think I would like in terms of guarantee, I'd like to turn it over to Mr. Sweeney to speak to that 'cause he's involved in the hotel operations.

Mr. Medeiros: Good, I just met him.

Mr. Divita: Okay.

Mr. Charles Sweeney: Thanks Ed. I think those are very good questions and we've spent a good deal of time here in the last three years speaking with the ILWU. I've personally been involved in all the discussions. And we extended the contracts et cetera. What I have said all along is that it will continue to be a union hotel. It will continue to be represented by the ILWU both in the golf courses and the condominium regime which is essentially partially a hotel.

The level of service that no one's talked about on this Discovery project in this condominium is much higher than the current hotel. So the housekeeping staffs would be larger. The service delivery staffs would be larger. These are mega rich people who are used to a lot of attention. We met a few weeks ago with our heads of most of...business agents for most of the labor unions here in Maui and this is gonna be union construction project and it's gonna be using as many people that can work here that want to. One of the things that he touched on for a minute was the amount of construction going on on Oahu. There are jumping cranes everywhere, and we got concerned because did we have the labor force here on Maui to effect this job? But a lot of people are going over, you know, for short spells want to come back and stay at home and work. So back to your question, yes it's gonna be a union operation. Yes, they'll come back. People can choose to take their severance at this point, but their positions...we have guaranteed their positions and their seniority. That has been my discussions directly with the ILWU.

Mr. Medeiros: And then the...yeah, I know you gotta work that out with the union. I was just curious during this transition, you know, there's some people that will not be able to get work immediately, would benefits be extended to them?

Mr. Sweeney: Yes, we're working on that now trying to come up with a soft landing for people who...listen there's no unemployment in this island especially for these people. They're all highly trained. They're excellent in the business. I'd find it very hard for people who want a job wouldn't get a job. However, there's gonna be that instance and we're trying to come up with a soft landing. We've been working on it for a year and a half. As you know, it gets pretty expensive when you get into COBRA and all these other things. We're trying to figure a way to come up with some resources to extend the health benefits to help them beyond whatever the union contract says. We've gone beyond that.

Mr. Medeiros: Mr. Sweeney, while I agree with you there are a lot of jobs available in tourism, most

of them are for casual positions and they do not pay benefits and that's what I'm worried about.

Mr. Sweeney: Well, if they're non-union hotels you mean? Union hotels all have benefit packages.

Mr. Medeiros: Casual positions do not.

Mr. Sweeney: Well, even there, I think I forget the hours, but we'll do the best we can. That's all I can do right now, and we're working hard on it to be as fair as we can, more than fair let me put it that way.

Mr. Medeiros: And a question that all of my friends are asking me, you know, sorry to put you on the spot.

Mr. Sweeney: No, it fine.

Mr. Medeiros: All these guys are golfers and they asked me you better find out if it's gonna be a private course or a public course you know, 'cause we wanna play? You know, I mean—

Mr. Sweeney: I understand.

Mr. Medeiros: You know, if I don't ask that question I won't be able to go to the shopping center, okay.

Mr. Sweeney: Well, let me give you the answer, you might not like it, but it's gonna be the answer. Discovery in order to sell the condominiums, to sell property golf is a very major component. So the north golf course, and if I can back up for a minute, it's gonna be private. It's not gonna be public. The south course will be private. The north course will be public. But that's got a transition period for a while. During the golf course construction, just recent...this will give you an indication how we try and work through these things, I'm sorry to tell you your friends won't like that answer but I want to tell...(inaudible)...

Mr. Medeiros: At least I get one answer.

Mr. Sweeney: There is an answer, it's private. And now the south course has to be rebuilt and we don't need two courses. So but back to the construction of the north course which we just went through. When we closed the club house, no one lost their jobs. Our bartenders were out working irrigations systems and everything. In fact, a couple of them told me they were the healthiest they've ever been, they lost weight, they're outside, but nobody lost their job. Everybody kept working. So if that's an indication of how we try to treat everyone, and I'm sorry to tell you it will be private for the first 18 anyway.

Mr. Medeiros: Okay, so the first 18 will be private, the second will be public?

Mr. Sweeney: We'll get to...well, that will reverse. The course could be...one course is gonna be public.

Mr. Medeiros: One course is public, one course is—

Mr. Sweeney: One course is private.

Mr. Medeiros: –private. Right. So there's gonna be–

Mr. Sweeney: It will be.

Mr. Medeiros: They're gonna get to play someplace?

Mr. Sweeney: Yes.

Mr. Medeiros: Okay. Now, one other things, you know, don't get me wrong, I like the project you know, and I like that you're working to take care of the employees, however, you know when I look at what's happening, you know, and it scares me because you have the hotel here, up here and you have the new condominium, you know, although it's you know, short-term rentals.

Mr. Sweeney: They're not short-term rentals. These are private residences. Somebody mentioned that earlier, a person who came up to speak about short-term rentals. These are not short-term rentals. These are owned. Individuals own these units.

Mr. Medeiros: Okay, it's sort of like a KOR. Okay.

Mr. Sweeney: You might be better off with Ed, but I'll stay with you if you want me to.

Mr. Medeiros: Yeah, yeah, stick around.

Mr. Sweeney: You wanna talk to somebody who knows what they're talking about.

Mr. Divita: The intention of the residences are that they are private residences. It is possible that from time to time people might rent their residences, but it's not the overall plan to have the units be, you know, rented on a regular basis. And from Discovery's experience on 17 projects of similar scale and nature, it's actually quite a low percentage of people that actually do rent their units out. The analysis was performed during the fiscal economic study and I believe–Tessa will you help me with the–8 percent. So it's estimated at about 8 percent would be rented.

Mr. Medeiros: Okay. No, the reason that I brought that up was because when I first initially looked at it, I just went oh no, it's a gated community. Basically that's what it looked like when I initially looked at it. And there's a lotta people on Maui myself included that have serious issues with gated communities. It's not the Maui I grew up in.

Mr. Divita: Well, there is–

Mr. Medeiros: I understand you guys have the right to do that and everything, it's just that you know, I like having access. You know, I like things being more public than private and with you having that part-time as a rental unit you know, there'll be some ways for local people to see the property. You have a beautiful property. You have all these pictures and everything and you know, while these pictures are really nice, you know, I would really like you know, like a site inspection so you guys could show me. You know, I just one local boy, you know, you guys show me the

project, you know, on site.

Vice-Chair Ball: Any other questions? Penny?

Ms. Wakida: I'm gonna switch gears a little bit here. I'm really impressed with the efforts of sustainability particularly in using an old building and not tearing it down, adding to the landfill and all that sort of thing. I have a question about your energy. I see that you make a big effort to reduce energy, but the Hawaii Clean Energy Initiative, I have a question about your energy. I see that you make a big effort to reduce energy but the Hawaii Clean Energy Initiative also says that 40 percent of Hawaii's energy is to be renewable by the year 2030. And maybe you could comment on the limited use of PV photo voltaic panels in this project?

Mr. Divita: Certainly. And Mr. Heid, who's with us, I'm gonna allow him to address that question. He's been working on the technical aspect for us.

Vice-Chair Ball: Please identify yourself too for the record please?

Mr. Jim Heid: Jim Heid, Urban Green. Thank you for that question. It's been a subject of a lot of analysis and work that we've been doing on our part, and you're right, the Clean Energy Initiative looks for 40 percent what they call "clean energy" which includes renewables or capture, things like the waste heat recapture from the chillers and things like that. We have done an analysis to try and understand if we could get to the 40 percent, but the amount of roof area or the amount of photo voltaic spread that we would be required exceeds the amount of roof area that we have and that assumes that all of the roof area was available for PV. And in some fact some areas have you know, elevator shafts and terraces and things like that so we have a limited roof area. And then there's also the visual issue. So the plan is to try and capture as much of PV on the roof as we can and we think it may be somewhere about in the range of about 10 percent of the remaining demand. So then in order to hit that initiative we'd have to find another place for the other 30 percent and we're thinking about other alternatives that might be more holistic for the entire project. But at this point, the site really is kind of constrained for how much we could put on the specific H-M property in order to meet the 40 percent objectives. So we're kind of limited by size of area more than anything else. We pushed—

Ms. Wakida: Yes, I understand. But maybe you could explain a little bit more because the existing building looks like a flat roof building and I understand there's elevator shafts and air-conditioning equipment and so on up there. So it appears that you've got a flat, a lot of flat roof space up there. Maybe you could address that?

Mr. Heid: Sure. Well, the quick, the quick kinda short, back of the napkin math is that in order to fulfill...if you take what we have calculated our remaining demand to be and you say what's 40 percent of that and translate that into PV panels, we need a 100,000 square feet of photo voltaic panels and we have about 24,000 square feet of roof area. So we would just by virtue of roof area we just don't have enough real estate, if you will, and you're right, the roof is set up properly for locating it and all of that, it's just there isn't enough square footage on that particular roof to meet the total requirement.

Ms. Wakida: Well, I'm not suggesting you meet the total requirement. I'm suggesting that you use

as much of it as you can.

Mr. Heid: Yes, and that is the plan. So we think we could probably get somewhere between 8 and 10 percent. If you look at Andaz it was 4 percent. So we're actually, I think we will be able to beat that number with, you know, with being thoughtful about where we put the—

Ms. Wakida: So what I'm reading in here is that the photo voltaic from what I got out of this is just for your cart parking.

Mr. Heid: That is, that is one of the uses, and that's probably a lower scale use. I think we're...until we've run the full kind of electrical analysis of the building loading and demands it's hard to kind of calculate through how much, how much will be supported by PV. But the...are you looking at the sustainability report or are you looking at the application?

Ms. Wakida: I don't know. It was in one of these and you were listing out what you were going to use PV panels for and the only thing listed was for golf cart recharging.

Mr. Heid: Right, and I think that was because that was, that is a...as we were kinda putting together the laundry list of things that we would be doing towards sustainability, that's I guess in the industry what we call the low hanging fruit. But we're currently in the process of looking at how much photo voltaic we can get on the roof to offset the electrical demand within the building itself.

Ms. Wakida: So your intention is to increase the amount beyond what you have in your report?

Mr. Heid: That is correct.

Ms. Wakida: Thank you.

Vice-Chair Ball: Okay, any other questions? Jason?

Mr. Medeiros: Would the company object to my asking for a site inspection?

Mr. Roy: Maybe if I could first offer a response to the Commission's question regarding public access. We do have a slide that speaks to that. Maybe if I could ask Tessa to pull it up. And this was the exact question that came up also at Urban Design Review Board in terms of the public can access pretty much anywhere in the hotel grounds today. You can go down visit a friend, have dinner at a restaurant, stroll down to the beach. And I know there's a great affinity with the existing hotel.

With the proposed project it is moving to the concept of a different kind of resort community as we talked about. However, the general public can get access to the project and the comment that came up at the Urban Design Review Board was is there a way to put a trail in or facilitate access down to the beach, to the King's Trail to make sure that people can access down to the beach 'cause that's really where most people go. As we've talked about there is a new hotel as part of the plans for this project. The new hotel will be open to the public of course it being a new hotel there are facilities within the hotel such as a restaurant that will be very similar to today's conditions in terms of I can go down with my wife and have dinner at the restaurant. And the ownership of

ATC has now included a public access trail and it's a little difficult to see on this slide but you can see the dashed, the dashed blue line, excuse me, that comes and connects...this is Makena Alanui Road along the top side of the project site. There's gonna be a public access trail that allows uninterrupted access for any member of the general public all the way down through the project. This is the new Molokini wing so you would actually come down and go down to the cul de sac area and the King's Trail which connects the two cul de sacs and have full access to Maluaka Beach. And as Don mentioned during the presentation there are 10 dedicated beach access parking stalls being volunteered by ATC Makena and where my laser pointer is here this is actually surface parking before you would access the parking structure and the thought process there we've been in conversations with the Department on this is that it would make a lot of sense for those parking stalls to be provided in close proximity to the trail that provides access down to the beach.

The club in itself, the hotel conversion, obviously the beach cottages, the spa hale and the spa, it is a private club and so it's for members of the club only. But in terms of access being provided there is access that provides uninterrupted access for the general public between Makena Alanui Road and Maluaka Beach.

Vice-Chair Ball: Questions? Wayne?

Mr. Hedani: Mr. Roy, while we're on the subject of public beach access, I know you recounted some numbers earlier. How many stalls exist for public beach access to Maluaka Beach at this point and how many will exist when it's done?

Mr. Roy: Sure. We have a slide that speaks to that. It actually shows, we took an aerial photo of the area so the prominent structure here is the existing hotel. There are a number of County facilities, beach park facilities in the area and I'll just go from left to right to orient Commission members although I know you guys are probably very familiar with this area.

We have Makena Landing. At Makena Landing there are 31 parking stalls. There's also north Maluaka which is right across the street from Keawalai Church. Has a shower and a comfort station, restroom facilities that has 25 marked parking stalls. And then if we jump over H-M to Maluaka Beach Park this is the south cul de sac that I was mentioning during the presentation. It's actually broken into two separate areas. You've got the cul de sac which is always prime parking. Everyone wants to get that stall as they go down to Maluaka Beach. There are 10 stalls down there that are striped. And also further back along the roadway there are now 50 additional parking stalls provided at that facility as well. Now, we recognize that Makena Landing really if you're going down....the Commission's question, going down to Maluaka Beach, you wouldn't go down to Makena Landing and walk. It's just too far of a walk. But Nos. 2, 3, and 4, these facilities are utilized by the public in order to access Maluaka Beach. In total, 1, 2, 3, and 4 is a total number of stalls of 116 parking stalls. So I guess what you would need to do is just subtract the 31 which is 85—thank you, Tessa—85 stalls in direct vicinity of Maluaka Beach.

I would note that, and this has come up previously in Ann's comments and some of the other comments today, ATC Makena is the owner of Makena Resort, does have conditions of zoning. They don't apply to this project or this particular project site, but there are conditions of zoning that require additional parking stalls to be provided in the area. I think there's somewhere in the region of an extra 14 stalls or thereabouts that would be provided that haven't already been provided. And

so those are a work in progress. I can certainly speak in terms of the ownership forging progress in terms of complying with those conditions, but they have not yet been put in place. So there are an additional number of stalls to come in in the future. Plus now we're got the 10 additional beach parking stalls with this project.

Mr. Hedani: Okay, for the 10 stalls that are being added on the project site on the mauka portion of the property because they have to go through your greeters gate you know, in order to access those sites, those parking stalls it looks like it's about 2,500 feet between those parking stalls and the beach. Is there a way to shuttle them to the beach? Via cart or something?

Mr. Roy: Can we pull up the public access slide? Let me just understand the question. So that public access trail between Maluaka Beach and the public beach access parking it is quite a sizeable distance. It is a bit of a walk. Certainly you know if I was going with a cooler and my two kids it is a bit of a walk. I'll have to defer to Ed Divita with Discovery Land Company or someone representing the ownership in terms of that specific option being available.

Mr. Divita: Okay, there is a greeter station, but there's not a gate. And—

Vice-Chair Ball: Please identify yourself?

Mr. Divita: I'm sorry. My name is Ed Divita. I'm with Discovery Land Company. There is a greeter station and not a gate in the proposed plan. And when we're in operation, you know, when the construction is completed and we're in operation I think it's reasonable and possible for us to provide a shuttle service from the parking down to the beach for people that would need that.

Mr. Hedani: Okay.

Vice-Chair Ball: Any further questions? Penny?

Ms. Wakida: This may be a question for Ann?

Ms. Cua: Yes.

Ms. Wakida: I'm interested in that strip of land between the project and the ocean. Is that State land?

Ms. Cua: Are you talking about the—

Ms. Wakida: Between the beach and the project.

Ms. Cua: Are you talking about that—is that King's Trail you're talking about? Yeah, that's privately owned. Privately owned by ATC Makena.

Ms. Wakida: The property below the King's Trail, between the King's Trail and the beach?

Ms. Cua: Yes.

Ms. Wakida: Is privately owned?

Ms. Cua: Yes.

Ms. Wakida: By?

Ms. Cua: ATC Makena.

Ms. Wakida: And so, but that isn't part of this project?

Ms. Cua: No, it is not.

Ms. Wakida: Okay. How do the hotel guests access the beach?

Ms. Cua: Through the, through the property.

Ms. Wakida: That property, the trails or...

Ms. Cua: It's just basically open like what...you know, when you go to the property now, do you know where the pool is, a lot of people where the pool is just walk down to the beach right from there.

Ms. Wakida: Okay, I'm not familiar with that strip of land there along the coast so I don't know what the vegetation is and so on.

Ms. Cua: So according to the applicant there are trails. I know when we've gone to the hotel property and go by the pool area we've crossed the King's Trail and just straight to the beach.

Ms. Wakida: Okay, thank you.

Vice-Chair Ball: I have a follow up I guess while that slide's up. That doesn't represent, that yellow line does not represent the TMK of the property or does it?

Ms. Cua: It does.

Vice-Chair Ball: So then Penny's question is I guess that parcel in front of that that is not—

Ms. Cua: Here?

Vice-Chair Ball: Right.

Ms. Cua: Yes.

Vice-Chair Ball: And so that is owned by—

Ms. Cua: ATC Makena.

Vice-Chair Ball: So it's a separate TMK number?

Ms. Cua: Yes.

Vice-Chair Ball: Anybody else, questions? Wayne?

Mr. Hedani: I'm not sure who should answer this question. Maybe Mr. Sweeney. I heard a number that was tossed out for employees and the term was FTE, Full Time Equivalent Employees. I need some straight talk in terms of what we're talking about in terms of employees. Are we looking at over 200 full-time equivalent employees that are half-time employees with no benefits or are we talking about full-time employees?

Ms. Cua: I'll let the applicant answer that.

Mr. Roy: Commissioner Hedani, there was a fiscal economic impact assessment report done for this project. If it's okay with the commission, I'd like to ask Tessa who had a lot of involvement in the preparation of that report respond to it. It sounds like a definition related kind of question with FTE.

Ms. Tessa Munekiyo-Ing: Tessa Munekiyo-Ing, Munekiyo & Hiraga. So at the existing hotel right now I think the number that's been presented is 256 full-time equivalent. That includes 221 full-time employees and 71 part-time employees and the way FTE is calculated is full-time employees plus half of the part-time employees. So again, existing is 256 FTE including 221 full-time employees. Under the proposed project we mentioned the total number of jobs would be 285 FTEs. That would be 248 full-time employees and 74 part-time employees.

Mr. Hedani: Thank you. That was remarkably clear.

Vice-Chair Ball: Any further? Yes, Penny?

Ms. Wakida: I have a question that may not be able to give me a totally clear answer but I'd like to ask it anyway and that has to do with the current agreement that the developer's working on regarding the workforce housing.

Mr. Roy: Sure. As part of the SMA application process, and I'll offer some background if there are more specific questions at that point, Commissioner Wakida, we'd be happy responding to those questions. As part of the SMA process we have consulted with JoAnn Ridao, Director of the Department of Housing and Human Concerns. There have been meetings that have occurred. We recognize that this project will trigger workforce housing requirements with the new residential product that will be provided on the site. We've had a couple of meetings with the Department and we're happy to report as Ed I think mentioned in the presentation that the Department and the applicant are at I think it...in some level of agreement in terms of how ATC would fulfill those requirements. We have a draft Affordable Housing Agreement that has now been completed, has been submitted back to the Department of Housing and Human Concerns, and is now to my understanding being review by the Department of Corporation Counsel.

Ms. Wakida: Can the developer share with us any of the information in the draft agreement?

Mr. Roy: My understanding, sure we'd be happy responding to any questions regarding the agreement. My understanding is the intent is that ATC Makena as a company owns a number of affordable housing credits for projects that have been completed already. Workforce housing units that have already been provided to the marketplace. The intent is that the affordable housing requirements for this project would be fulfilled through an agreement that would involve the use of those credits to fulfill the applicable requirements.

Ms. Wakida: Just one last question, are you familiar with how long ago that workforce housing that created these credits was established? In other words, when was that workforce housing built? How long ago?

Mr. Roy: If you give me a couple of seconds to convene with the applicant. We do have an answer for that question. They were actually...the credits were derived from two projects. The first was the Hale Mahaolu Ehiku Project in Kihei, an affordable housing project that was in 2010. And the second of the two projects was the Waiehu Kou 4 Project. It was actually a DHHL project back in 2008. Those are the years for those two projects from which the credits were derived from.

Ms. Wakida: Thank you.

Vice-Chair Ball: Max?

Mr. Tsai: I have a question regarding the renewable energy. So I think that gentleman over there?

Mr. Roy: Jim Heid.

Mr. Tsai: Jim, yeah. Hey, Jim well thought out plan. I actually had a privilege to do a site visit under the previous ownership and my understanding is that 100 percent of the water for the hotel is being, is recirculated or renewed from the reclaimed facility off site. Are you guys gonna retain that with this new expansion project?

Mr. Heid: Currently...I mean, the short answer is yes. But the water that the hotel is generating is reclaimed and used for irrigation. So it would be the same concept. Yes.

Mr. Tsai: Are you gonna be expanding the need? Looks like from the slides you're actually gonna reduce the amount of water usage.

Mr. Heid: We are gonna reduce the amount of water usage and also reduce the amount of irrigated area in this initial, in the H-M parcel, correct.

Mr. Tsai: Thank you.

Vice-Chair Ball: Wayne?

Mr. Hedani: I'm not sure if this was answered earlier but let me ask it again. In terms of water retention because the project is flying without the benefit of an EA or EIS, I'm gonna ask questions that are related to the environment. The amount of water retention on the site, how close are they to a 100 percent retention on the project site?

Mr. Roy: Let me offer a brief summary of the drainage plan for the project and we have Adrienne Wong with ATA here with us today and she's absolutely the expert with drainage and she'd be happy to review the drainage system design.

Mr. Hedani: I agree with that matter, I know she's very good.

Mr. Roy: There will be a full, comprehensive drainage system put in place for this project. It's essentially a complete overhaul. There's a lot of design that has gone into it and as you know when you go from a certain condition to a proposed condition there's an increase usually with drainage across the site. This project is being designed to meet the County drainage rules for storm water system design. So the Commissioner's question and it may not be the same question that you're asking, I'm not sure, but they are retaining at a minimum 100 percent of the increase between predevelopment and post development.

Mr. Hedani: Okay, let me revise the question to make it a little clearer yeah. The change or the delta is what's normally addressed in the County requirements. Our esteemed prior Chairman for the Planning Commission established some totally unrealistic goals for anybody that comes before the Commission relative to retaining a 100 percent of whatever falls onto the project site. So the question that I have is how close are we to retaining that unrealistic goal of 100 percent of whatever falls onto the project site?

Mr. Roy: Okay, at this point I will turn it over to the expert. But what I would offer up before we do so is with the comprehensive drainage system design there is mitigation of some off site flows occurring with this project. And when you factor everything in, not only are they taking care of the increase, a 100 percent at a minimum. But when you look at everything which I think is the Commissioner's question is there's actually a 42 percent improvement if you compare existing versus proposed. So it's a 40 percent reduction in overall flows across the site, but at this point I'll hand it over to Adrienne unless that answers your question?

Mr. Hedani: That answers my question.

Mr. Roy: Okay.

Vice-Chair Ball: Penny?

Ms. Wakida: Along this topic maybe Adrienne would like to address this one.

Mr. Roy: Sure.

Ms. Wakida: One of the testifiers brought up the use of rain gardens and was interested in the project was using these and if so, how many? It's a concept relatively new to me, but going on now in Lahaina. Maybe that could be addressed?

Mr. Roy: Sure. We have a slide that Adrienne can certainly walk you through in terms of that question.

Ms. Adrienne Wong: Good morning, I'm Adrienne Wong. I'm with Austin, Tsutsumi and

Associates. As far as rain gardens, in our calculation we've not included our drainage calculations with the rain gardens, but if we do that it will decrease the runoff.

Ms. Wakida: Well, I guess my question is have rain gardens being incorporated into the project?

Ms. Wong: Oh yes, they are.

Ms. Wakida: Could you point out perhaps some of the locations?

Ms. Wong: The rain gardens will be incorporated in this area here. The parking structure and H1. Oh, excuse me, the beach club.

Ms. Wakida: Thank you.

Vice-Chair Ball: Wayne?

Mr. Hedani: This is a economic question, Mark. If a 310-room hotel is not economically feasible, how is a 70-unit hotel going to be economically feasible?

Mr. Roy: That is a good question. I think Ed Divita would like to respond to that question.

Mr. Divita: So the 70-room hotel would be...would have a higher average daily rate because it would be upgraded compared to the 310-room hotel. So it would be able to compete in the market with other Wailea hotels that have a higher average daily rate.

Vice-Chair Ball: Max?

Mr. Tsai: Do you have a price point for your ...(inaudible)... residences?

Mr. Divita: Ed Divita with Discovery Land Company. I do have some ranges that I could refer to. Okay for the residences they vary in size and we estimate now that the price ranges for each unit would range between \$1.9 million and \$6 million.

Vice-Chair Ball: Anyone else? No questions? Wayne?

Mr. Hedani: I guess this is for the architectural types. When I looked at the plan in general, when I looked at the plan in general what I saw was architecture that represented three different projects basically, and there was no unifying architectural theme that tied the entire project together. My first impression and I hope this is constructive, my first impression was that it was designed by people in Montana and New York for buildings that would be perfectly in harmony with Montana and New York as opposed to Hawaii. There are flashes of Hawaiian themed architecture, but they're flashes of Hawaiian theme architecture and it's not a theme that's carried throughout the entire project. I guess most critically on the section mauka of the property we have a six-story building basically that's visible from th public side of the highway and it's for the number of units that's there it appears to me to be inordinately massive from that perspective of the project. Is there a comment that they can provide me on that?

Mr. Roy: For the new hotel, I think you're referring to the new hotel that's up towards--

Mr. Hedani: Right. You have two buildings I believe that's six stories on the mauka side?

Mr. Roy: Right. So on the slide here, if I can just get my laser pointer, this is the location for the new hotel. This was designed by a local architect out of Honolulu, WCIT Architecture. Rob Iopa is with us today. Maybe if it's okay, I can invite him to respond directly to that specific concern?

Mr. Hedani: I like the hotel component. You know, as he mentioned it's reflective of what was done at the Kapalua Bay Hotel and it does reflect that and I don't have a problem with that. The concern that I had was the appearance of the building that's closest to the highway.

Mr. Roy: Oh, the multi-family units. So on the other side of the property on the south eastern corner there are two buildings. These are the six-plex buildings, 12 multi-family apartment units.

Mr. Hedani: Right.

Mr. Roy: Maybe we can go to the elevation slide? And we do have Don Vita who is the overall land planner for the project, and maybe if I could just ask Commissioner in terms of a specific comment or concern relating to this design component it was...what was the specific concern? And we can respond to that concern.

Mr. Hedani: I guess architecture is architecture and it depends on, you know, who's looking at it whether they like it or don't like it. The question that I have is will all of the recommendations that were made by the Urban Design Review Board...(sound system noise)...sometimes I talk too much...were all of the concerns that were addressed by the Urban Design Review Board addressed and represented in that?

Mr. Roy: They absolutely are. We went to the Urban Design Review Board. UDRB offered nine comments that we actually looked at the comments after the meeting and really thought that there was really good input to the project and we went through the process of responding to each and every comment and each comment has been specifically responded to. The ones that touch on design there have been design revisions to the plans that had been completed and reviewed with the Planning Department and the response has gone back to the Urban Design Review Board with all of the revised plans in conjunction with each one of their comments. There was one specific comment relating to the multi-family component which we're looking here is if you were driving down Makena Alanui Road and you're looking now at the post UDRB, the revised version of the plan. The concern that was expressed at UDRB was that the roadway facing the side of these buildings was a little too, was a little too vertical. Since that time, the architect has gone back into the design and he's essentially broken up the massing of the walls that face Makena Alanui. And I can certainly go through some of the specific design changes that were made. I think it's of the realms of seven or eight, but what you're looking at now is really the post UDRB version where the intent was to break up the massing and really use the landscaping as well to minimize the appearance of those structures from Makena Alanui.

Mr. Hedani: My only comment to that Mark would be that a lot of times you know the photograph looks really good or the illustration looks really good, the tough part is making it actually work when

you're operating a hotel. For example, like the planters that are shown with landscape planting on top of the planters usually end up as trellises with no planters because they just can't seem to get the plants to grow properly on the trellises. But given the scope of the project, given the amount of labor force that they're directing into the project on a per unit basis I think that may be entirely possible.

My only other comment architecturally was that the swimming pools for the beach cottages I think it was. There's individual swimming pools adjacent to many of the units. My comment was if you dove from one end of the pool you would hit your head on the other end of the pool because they're so small, you would knock yourself out.

Mr. Roy: Thank you for the comment.

Vice-Chair Ball: Any other comments? Seeing none, can we get the staff recommendation?

b) Action

Ms. Cua: Thank you, Chair. I'll try and be as brief as possible so we can get this—

Vice-Chair Ball: You got a half an hour.

Ms. Cua: —before your...since your lunch has arrived. The subject application complies with the applicable standards for a Special Management Area Use Permit and as such the Planning Department is recommending approval of the Special Management Area Use Permit subject to a number of conditions. Condition No. 1 through 6 are your standard conditions.

Project Specific Conditions. No. 7. That the project comply with applicable requirements set forth in Chapter 2.96 which is the Workforce Housing Ordinance. Further the applicant shall enter into a residential workforce housing agreement prior to issuance of the first building permit for the project.

No. 8. That the consideration be given to continued public access through the property which is recommended by the Urban Design Review Board.

Condition No. 9. That green street principles shall be incorporated through the project where feasible such as using landscape planting to enhance the drainage system, also recommended by the Urban Design Review Board.

10. That where feasible consideration be given to preserving in place or relocating any wiliwili trees that exist on the property. Again, another recommendation from the Urban Design Review Board.

And the final recommendation from the Urban Design Review Board that we want, that we felt was important to include as a condition, that the applicant consider using porous concrete in certain areas of the project where feasible.

Condition No. 12. That ground disturbance activity shall be carried out in compliance with the archaeological monitoring plan that was approved by the Department of Land and Natural

Resources State Historic Preservation Division on October 24, 2008.

13. That in the event historic resources including human skeletal remains are identified during routine construction activities all work shall cease in the immediate vicinity of the find. The find shall be protected from additional disturbance and the State Historic Preservation Division, Maui Section shall be contacted immediately.

Condition No. 14 is the best management practice condition.

15. That a copy of the approved National...NPDES Permit if required shall be filed with the Planning Department and the Department of Health prior to approval of the grading permit.

16. That wastewater generated must be discharged into the Makena wastewater treatment plant. And this is recommended by the State Department of Health.

Condition No. 17. That the applicant shall provide the Department of Planning with a copy of the certified shoreline survey map for the project within one-year of the date of approval of this SMA Use Permit. Additional time to satisfy this condition may be granted by the Planning Director upon submittal of a time extension request by the applicant no later than 30 calendar days prior to the specified compliance deadline.

18. That a copy of the approved noise permit, if required shall be filed with the Planning Department prior to issue of a building permit and this is recommended by the Department of Health, State Department of Health.

Condition 19. That to the satisfaction of the Department, the proposed development shall use drought tolerant plants and native plants in its landscaping scheme as well as low water use irrigation fixtures where possible. Additionally, the development shall employ indoor and exterior water conservation measures as outlined by the Department of Water Supply. Evidence of plans for the fulfillment of this condition shall be submitted as part of the preliminary compliance report.

20. The applicant shall responsible for all infrastructural improvements as required by Title 18, Maui County Code. And I won't continue with that condition. It's pretty specific.

And we would like to, the Department would like to add two additional conditions as a result of testimony that was given by the public as well as the presentation made by the applicant.

21. That the applicant shall provide 10 public beach parking stalls and public beach access throughout the property during daylight hours.

22. The applicant shall provide periodic shuttle service for users of the public beach access between the public beach parking stalls and the beach during daylight hours.

Mr. Freitas: So move to approve.

Mr. Tsai: Second.

Vice-Chair Ball: Any discussion? Penny?

Ms. Wakida: Ann, the applicant did state that they had planned to increase their photo voltaic use so I am gonna hold them at their word and not...I don't think I need to put in a condition then about that would you agree?

Ms. Cua: It's you know, the applicant has made representations here today and we have a condition that talks about compliance with representations made to the Commission.

Ms. Wakida: Okay.

Ms. Cua: That would be covered in that condition, but if you feel strongly enough that you wanna add a condition that's your choice.

Vice-Chair Ball: I think, I think by their representation.

Ms. Wakida: I agree. I think that they're making a concerted effort.

Ms. Cua: Yes.

Vice-Chair Ball: Wayne?

Mr. Hedani: Ann, what does ATC represent? I know what the C stands for. What does the A and the T stand for?

Mr. Roy: I'll do the best I can to respond to the question. I've been working on this project for a while so I should know it.

Mr. Hedani: Should be ATCS according to what I heard today.

Mr. Roy: So ATC, the three letters, so it's three main entities involved. A is reflective of AREA is a company based out of New York. The T is Trinity. Chuck Sweeney is associated with Trinity. He's here today. The C is Carr of Stanford Carr. Together those three make up the ownership of Makena Resort.

Mr. Hedani: Thank you.

Vice-Chair Ball: Jason?

Mr. Medeiros: You know, you guys already explained that they made a representation about the workers and them bringing them back and being union and everything and they're gonna try to soften the thing. So I still would like...earlier I asked, I was outta line then, was asking about if I could see the property and you know look...if they could walk me around, we do a site inspection so I could you know see it physically what they're gonna do. I would really appreciate that. I really like the presentation. I really like the project, but for me to...I gotta answer to my friends you know what I mean?

Vice-Chair Ball: And the answer to that, any site inspection would defer action today. It would require a motion by you and a second to create that action to do a site inspection. Any of that

would defer whatever we...would hold this vote today.

Mr. Medeiros: I mean how long would that deferment have to be? Like just going be a couple weeks.

Ms. Cua: It could take a while.

Ms. McLean: We would have to find a date when the Commissioners would be available to do the site visit. That's something the Commission would do as a group. So we'd have to find a date that we had at least a quorum available to do that, and then we'd need to find room on a future agenda for the item to be posted again for you to take action. So it's unlikely that that could happen during the course of your regular meeting schedule. So it's unlikely that all could happen within a month's time. I'd guess more like two months.

Ms. Cua: That's correct.

Mr. Freitas: Point of order? We have a motion and we have a second on the floor, does that supercede the request for a site visit?

Vice-Chair Ball: We're in discussion.

Ms. McLean: Those motions are on the floor and can either be withdrawn or they can be voted on. If those motions were to fail then the floor would be open for a new motion.

Mr. Freitas: I'm the maker of the motion. I won't withdraw my motion because I think we've had adequate discussion. I can understand his concerns. He physically wants to go and visit the property. I think they would not object for him to physically go and visit the property am I correct?

Vice-Chair Ball: Corporation Counsel wish to...

Ms. Thomson: As the Deputy Director said, there is a motion on the floor and a second so it's currently being considered by the body. That motion would need to either be defeated then a subsequent motion could be made for a site visit for deferral based on a site visit and then that could be taken up by the body. As far as an individual Commissioner doing their own investigation, that's frowned on I should say. Because the body is considering this project, it would you know, it would really be in the best interest of the body to conduct a site if the Commission feels that that's necessary.

Mr. Medeiros: So the only way that I could even suggest that is to vote against the project that I support? Doesn't make any sense to me.

Vice-Chair Ball: Wayne?

Mr. Hedani: From my perspective, I'm familiar with the property. I'm familiar with the surrounding area so I'm comfortable from the standpoint of considering the motion that we're talking about today. In general, I thought when I first looked at the project I kinda liked the old design of the Maui Prince Hotel. I thought the hotel was not successful not because of what it was, but because like

in Las Vegas if you only had one hotel in Las Vegas it wouldn't be as nearly as successful as Las Vegas is today. And it's the economies of scale and the concept of the entire resort master plan that kept the hotel from becoming successful. If there were three hotels there, it would be much more successful than a stand alone all by itself trying to make it on its own. Be that as it may, I think the efforts that they've made to soften the appearance of the hotel as it blends into the natural landscape as much as I like the original design, I think have improved the project from that perspective. Although there are some perspectives if you look it that were presented to us made me look at roof lines that kinda resembled the Maui Seaside Hotel which I think could be improved, but in general I think the project as a whole softened the entire project and from the standpoint of what I've heard would be economically viable from a real estate standpoint as well as reducing probably the burden on the hotel portion of the property to the point where the hotel could be successful.

Vice-Chair Ball: Max?

Mr. Tsai: I second the motion. I feel like the applicant has done a pretty tremendous job in preparing and covering all their bases. I think the...with the change going in our economy and so forth I think that's the direction where hotels are heading. Obviously Andaz is selling part of their units as well and it's just, you know, to survive and to make it in this dynamic economy it's what you gotta do. So I'm in support of what they're doing.

Vice-Chair Ball: Jack?

Mr. Freitas: I made the motion to approve this project. I believe they went way beyond what was basically required. I think they did a extreme job. We have had projects come before us and I think this is one of the cleanest ones we've had.

Vice-Chair Ball: Wayne?

Mr. Hedani: I had one question for Ann actually. When I looked at the site plan there was a white space to the bottom left of the project--

Ms. Cua: Yes.

Mr. Hedani: Is that owned by--

Ms. Cua: Yes.

Mr. Hedani: What is that?

Ms. Cua: That's owned by another entity and that's why it's, it's basically not part of this project.

Mr. Hedani: Okay. From the standpoint of...I was looking at that thinking that that was part of beach access parking, but it's not. From the standpoint of beach access parking whenever a new hotel or project comes on board I would basically look at, you know, requiring 10 stalls on one side, 10 stalls on the other and having the public gain additional access to beach parking. They've made a commitment with 10 stalls. I think from my perspective because Maluaka Beach is such a small

beach, I don't think we wanna overburden it with public parking to the point where nobody enjoys the beach as much as they enjoy it today and I think with the amount of stalls that they have at Keawalai Church and on the, on the other side of the property to the south I think it's pretty much maxed out in terms of what stalls should be provided for that particular beach.

Vice-Chair Ball: Richard?

Mr. Higashi: I have a typo for Staff. No. 16, condition spelled wrong. It's waste, wastewater.

Ms. Cua: Thank you. Thank you very much.

Vice-Chair Ball: Anyone else? Jason?

Mr. Medeiros: I'll be supporting the project only because to get a site inspection I gotta vote against a project that I like. I cannot bring myself to do that. So I'll support the project.

Vice-Chair Ball: Okay, it sounds like it's time to vote then. All in favor of the project say, "aye" or raise your hand please? That's six ayes—

Ms. McLean: Six ayes and one recusal.

Vice-Chair Ball: Motion carries.

Ms. Cua: Thank you very much.

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

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

Vice-Chair Ball: Okay, Commission do you wanna take lunch now 15 minutes early and then come back?

Commission Members: Yes.

Vice-Chair Ball: And then we'll get started on the next item. Okay, we are in recess.

Ms. Wakida: At 1 o'clock or...

Vice-Chair Ball: No, at quarter to 1:00 is when we're coming back.

A recess was called at approximately 11:45 a.m., and the meeting was reconvened at approximately 12:55 p.m.

Vice-Chair Ball: I'd like to call this meeting back to order at 12:55. If the Commission does not have any objection we'd like to move the agenda around a little bit due to the State Department of Transportation having a travel conflict later on in the day. So what we'd like to do is move up Director's Report, F-1 to now and we'll push Public Hearing Item 2, back to right after F-1 is completed. If there are no objections we will do that. Seeing none, it is so. So what we'll do is we'll go F-1, Director's Report.

Ms. McLean: Thank you, Chair. This is notice from the Planning Director to the Commission of his intent to process an administrative time extension request from the State Department of Transportation and this is for a two-year time extension on a Special Management Area Use Permit condition to initiate construction of the proposed Honoapiilani Highway shoreline protection project and related improvements at TMK: 4-08-003: 006(por.), in Olowalu. Jeff Dack is the Staff Planner.

F. DIRECTOR'S REPORT

- 1. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension request administratively:**

MR. GLENN OKIMOTO, PhD, Director of Transportation, STATE DEPARTMENT OF TRANSPORTATION requesting a 2-year time extension on the Special Management Area Use Permit condition to initiate construction of the Proposed Honoapiilani Highway Shoreline Protection Project and related improvements at TMK: 4-8-003: 006(por.), Olowalu, Island of Maui. (SM1 2009/00001) (J. Dack)

Mr. Jeff Dack: Yes, good afternoon. Approximately three years ago the Commission approved a Special Management Area Use Permit and Shoreline Setback Variance for what's about a 900-foot long section of proposed boulder fill along the mauka...excuse me, makai side of the Honoapiilani Highway. It starts just when the Olowalu, when you heading north from here on the highway and just as you pass the end of the peninsula I guess you could say where Olowalu juts out into the ocean. It begins right there and extend about 900 feet north. And those folks who travel that area know there's some Jersey barriers in there and there's things...it's kind of been degraded over time.

It was the subject of significant damage about 10 years ago. The DOT did a quick fix. They were putting some boulder fill in there around that time frame and then promised to come back to the County with a permanent solution which they did and which your Commission approved in 2011.

As you can see from the letter that they have sent you and understanding that they're doing...in order to do that they needed to some work in the shoreline and even some work in the water. You can probably imagine the broad array of agencies they need to get approval for them to do that and so that's the principle reason they're requesting a time extension. They have some of those other approvals beyond the County's but they still need some other from Federal or State agencies. So they're requesting a two-year time extension at this time. They have the met the...they have the reason...that's the reason in their letter.

They have also concluded and the Department agrees that there haven't been change circumstances in the SMA or to the project area in that last three years and Staff would concur with their request for a time extension and suggest that hopefully the Commission would be willing to waive a more extension further review. We do have to two representatives, actually three. We have Karlynn Fukuda from Munekiyo & Hiraga here today and then also Karen Chun from DOT, and Jim Hatashima, pardon me, garbling the name there from Sato & Associates, the engineers in case you have any questions. And they might like if have a moment take a little bit of time to update you on some of their approvals. They recently received their Conservation District Use Permit and Karlynn Fukuda would like to speak to you a little bit about that, but again, the Department's...we're suggesting and hope that you be willing to waive the review of this extension and allow the Director to approve it. Thank you.

Ms. Karlynn Fukuda: Good afternoon, Chair and Members of the Maui Planning Commission. My name is Karlynn Fukuda of Munekiyo & Hiraga. And as Jeffrey pointed out the DOT is requesting a two-year time extension to initiate construction on the Honoapiilani Highway shoreline protection project. It's about 900 feet as Jeffrey mentioned of boulder fill. And I just wanted to share briefly the major milestones that DOT has completed since the time we got the SMA Permit as well as the Shoreline Setback Variance from the Commission.

In April fo 2012, the Department secured a Department of Army 404 Permit Approval. In June of 2013, they received their Section 401, Water Quality Certification Permit by the State Department of Health. In March of this year, they received concurrence on the Endangered Species Act, Section 7, by the U.S. Fish and Wildlife Service, and then in April of 2014, of this year we received our Conservation District Use Permit approval from the Board of Land and Natural Resources. All of these approvals are needed to actually move towards construction of this project.

And then I would like to share the ongoing coordination items that we have which we are endeavoring to complete which is the Federal Highway Administration Categorical Exclusion Approval, the National Marine Fishery Service Coordination, the National Historic Preservation, Section 106 Act Consultation, and I would like to also note that they haven't initiated design of the construction for the actual moving ahead with construction. So as Jeffrey mentioned we have Karen Chun who is the Project Manager from DOT, Highways and Jim Hatashima from Sato & Associates, who's the project's civil engineer available to answer any questions you may as well as myself. Thank you. Yes, Mr. Freitas. Sorry, that's not my job. Sorry.

Mr. Freitas: Good for you. Go ahead. He as sleeping, you got him.

Vice-Chair Ball: No, I was thinking actually. Does that conclude your presentation?

Ms. Fukuda: Yes, that concludes the comments that we have.

Vice-Chair Ball: Okay, let's open this up for public testimony then at this point. If there is none, then let's take some questions from the Commission if that's okay. Jack?

Mr. Freitas: I can understand what do you call, some of the permits that you haven't got yet...(inaudible)...where the regulations that you folks created, but the one that I cannot understand is why the design is still not done for the project.

Ms. Fukuda: I can have mister...oh, Karen Chun actually speak to that from DOT, Highways.

Ms. Karen Chun: It's not that the design hasn't been done, oh sorry, excuse me. I'm Karen Chun with the State Department of Transportation. I'm the Project Manager and to explain your question, we in the process to get your Section 106 approved you have to go through that process before you complete your final design. So while we've started design we have to get input from the community to make sure that they're in concert with our design and it's not affecting anything historic which we don't think it is but we still have to go through that process. So while we do have a substantive portion of design done, it's not final yet until we finish that permit. Does that answer your question?

Mr. Freitas: Yes.

Ms. Chun: Okay.

Mr. Freitas: And these other permits that you are required to get, how long will they take? Will they take two years before you start work?

Ms. Chun: We hope to complete it within in this calendar year and then go to bid some time in 2015 is what we're looking for. But until we do the process it's process driven kinda permit. So while we anticipate six months we have to go through the process. So we're actually looking to advertise some time in 2015 even though we're asking you for the two-year extension.

Mr. Freitas: And how long will this project take to complete?

Ms. Chun: One year once we initiate construction.

Vice-Chair Ball: Wayne?

Mr. Hedani: Karen?

Ms. Chun: Yes.

Mr. Hedani: You're just the person I wanna talk to.

Ms. Chun: Okay.

Mr. Hedani: This particular project doesn't involve any walls, right?

Ms. Chun: No.

Mr. Hedani: While we have DOT here I wanted to pass along to you that prior engineering design of wall along the shoreline because this Commission is charged with the responsibility of ensuring access to view access to the ocean is a sensitive point for me. I've seen designs done by State Highways where the wall is actually lower than the height of the guardrail. In other words, they intentionally designed the wall to taper down from the guardrail so it's less than probably two and a half feet high. In the two projects that I have seen DOT do on an emergency basis without coming to this Commission, I've noted that we have walls that are like four feet high and the

purpose of the wall being four feet high my guess is that so that you don't see the headlights of oncoming traffic coming from the ocean side?

Ms. Chun: I can't speak on those projects but I can take what you're saying into consideration.

Mr. Hedani: But because I drive a Miata and I also have a Fiero, I cannot see the ocean for like 1,500 feet of wall for the two projects that were completed. So as a request to DOT in the future for any walls that you decide to put in along the shoreline my request is to go back to the old design which is like two or two or two and a half feet high so that everybody can still enjoy the view of the ocean while they are protected from headlights coming from that direction.

Ms. Chun: I can take that back to my other designers.

Vice-Chair Ball: Anyone else? Okay, seeing no more questions. The Department's recommendation?

Ms. McLean: Chair, the Department is requesting that the Commission waive its review and allow the Director to approve the time extension administratively.

Mr. Hedani: So move.

Mr. Medeiros: Second.

Vice-Chair Ball: Moved and seconded. Any discussion? Seeing none, all in favor?

Commission Members: Aye.

Ms. McLean: Seven ayes.

Vice-Chair Ball: Seven ayes. It's unanimously carried. Thank you very much.

Ms. Fukuda: Thank you.

It was moved by Mr. Wayne Hedani, seconded by Mr. Jason Medeiros, then unanimously

**VOTED: to waive review and allow the Planning Director to approve the time extension administratively.
(Assenting - S. Duvauchelle, W. Hedani, R. Higashi, J. Freitas,
J. Medeiros, M. Tsai, P. Wakida)
(Excused - I. Lay)**

Vice-Chair Ball: Okay, we'll go back to Public Hearing, C, Item 2. David Gomes, General Manager of Hawaiian Cement requesting amendments of the State Land Use Commission Special Permits. Paul Fasi is the Planner.

Ms. McLean: Chair, if I can just to read this into the record? This is a request from Mr. Dave Gomes, the General Manager of Hawaiian Cement for a State Land Use Commission Special

Permit and County Special Use Permit amendments to add 51.697 acres to its existing site, obtain a 15-year time extension for the State Special Permit and a 14-year time extension for the County Special Use Permit and request amendments to existing permit conditions and this is at TMK: 3-8-004: 001(por.), in Kahului. Paul Fasi is the Staff Planner.

C. PUBLIC HEARING

- 2. MR. DAVE GOMES, General Manager of HAWAIIAN CEMENT requesting amendments to its State Land Use Commission Special Permit (SUP) and County Special Use Permit (CUP) to add 51.697 acres to its existing site, obtain a fifteen (15)-year time extension for the SUP and a fourteen (14)-year time extension for the CUP, and request amendments to the existing permit conditions; subject parcel is 51.7 acres of State Agricultural land at Maui Tax Map Key (2) 3-8-004:001 (por.), Kahului, Maui, Hawaii. (P. Fasi)**

Mr. Paul Fasi: Good afternoon Commissioners. Thank you. We are discussing an amendment to two permits, State Land Use Special Permit and a County Special Use Permit, both are for time extensions, 15 years... 14 years and 15 years respectively. The reason for the one-year difference is so they end at the same time.

The requested amendments are to extend the boundaries of the 24.4-acre quarry site by adding 42 acres. To add 9.6 acres to the existing quarry site. Number 3, to delete Condition No. 16 which relate to an old map. And Number 4, 15-year and 14-year time extension for the two respective permits.

The land use designations are State Land Use District is Ag. On Maui Island Plan it is undesignated. It's in the Wailuku-Kahului Community Plan as Ag, County Zoning is Ag. It is not in the Special Management Area.

As far as government regulations pursuant 205-6, Hawaii Revised Statutes certain unusual and reasonable uses within the Ag District and Rural District other than those for which the district is classified which may be permitted. And this current use right now is operating under a current State Land Use Commission Permit. So today, this body is gonna make a recommendation to the State Land Use Commission. It still needs to get approval from the State Land Use Commission. You will be making a decision on the County Special Use Permit today.

So anyway, getting back to the State Land Use Commission, Section 205-6, this has been deemed an unusual and reasonable use. It has been in existence for 22 years at this site under Hawaiian Cement. It has previously been quarried under another entity previous to the 22 years. So it's been there for quite a while at that site.

The County Special Use Permit requirements within the Ag District as long as they have approved County Special Use Permit, it is listed as a special use with an approved Special Use Permit. And that I believe it is mining and resource extraction, Item No. K, I believe. Okay, mining and resource extraction that's the category it falls under. I'm gonna turn it over to Karlynn Fukuda, Munekiyo & Hiraga, just to save us some time 'cause I don't wanna repeat myself. She's would just gonna be repeating what I say.

As far as other governmental approvals, like I said, it will need a State... approval from the State Land Use Commission. There has been eight letters of support that I passed out earlier. You have in your hand. That was just received by the Department recently. So, I'm gonna turn it over to Karlynn. She has a really good presentation and will probably answer most of your questions. Thank you.

Ms. Karlynn Fukuda: Good afternoon, Chair and Members of the Maui Planning Commission. My name is Karlynn Fukuda of Munekiyo & Hiraga, Inc. We are before you today regarding the request for amendments to the State Special Use Permit and County Special Use Permit for the Hawaiian Cement Puunene quarry. Joining me today are David Gomes, the General Manager of Hawaiian Cement on Maui and Kirk Tanaka of R.T. Tanaka Engineers, the project civil engineer.

As Paul noted, the request we have before you today are amendments to the existing State Special Use Permit and County Special Use Permit. The use permit requests are needed due to the proposed quarry use. The Planning Commission as Paul said will make a recommendation to the State Land Use Commission on the State Special Use Permit while you do have approval authority on the County Special Use Permit.

Generally there are four amendment requests that we have before you today. I'd like to review them briefly here and then go into further detail when we're discussing the request by permit. These requests will provide Hawaiian Cement Puunene quarry with the ability to access additional rock material that is needed to support the construction industry on Maui.

So the first amendment request that we have here is to extend the boundaries of the existing Puunene quarry site by adding 42 acres for quarry use. The second request is to add an approximately 9.7-acre portion to the existing quarry site. The third request is to delete Condition No. 16 of the State Special Use Permit which is related to the submittal of a boundary to reflect the previously permitted 105 or approximately 106-acre quarry site. And the last request is to request a time extension for both the State Special Use Permit and the County Special Use Permit which currently have about a one-year time difference because of I believe the approvals that the permits went through. I would like to also note there were two previous amendments to the permit boundaries, to amend the permit boundaries for the Puunene quarry the last one being issued in 2006.

I have the regional location map here to give you context for the location. So here we have Mokulele Highway, Kahului on this end, Kihei on this end. This is the approximate area of the 100... I'm sorry, approximately 350 acres that Hawaiian Cement has under lease from A&B Hawaii for the quarry. Hawaiian Cement received approvals back in 1992 for the Puunene quarry. And as I previously mentioned they did receive two amendments to extend the boundaries of the quarry. I would also like to note that in their lease agreement with A&B Hawaiian Cement can only have 30 acres at a time in active quarry use.

This next slide is to review the existing permitted lands at the Puunene quarry as noted in yellow. So the 172 acres that I mentioned earlier would make up this area here, this area here, this area here, and this fourth area here. This area noted in green is the approximately 42-acre expansion that they are asking for today. And then this triangular piece in blue is the approximately 9.6-acre portion that was previously quarried. I would also like to note that this 24.4-acre portion is the area

that they are currently quarrying and that this approximately 42 acre portion has not been quarried as of yet although they do have approvals for that.

This aerial map again provides an approximation of the 350-acre boundary area that Hawaiian Cement has with A&B. Again, you can see the existing...this is where they have the concrete aggregate and rock crushing processing and this is the area that they are currently quarrying. And this is the approximate area of the 42-acre expansion site. I would like to note that so access to the quarry is provided off of the signalized intersection here of Kaamaina Road and Mokulele Highway. There is also the Maui Humane Society again to give you reference and the Army National Guard is located here. At its closest point, the quarry is about a little over a mile away from Mokulele Highway. So...

The proposed amendments to the State Special Use Permit and County Special Use Permit are not anticipated to have additional impacts as the proposed site is located adjacent to the existing quarry sites. As such the existing quarry infrastructure would be utilized to support the new area. The Puunene quarry also plays an important role in supporting the construction industry providing needed materials for roadway paving as well as the construction of buildings. I also like to note as I previously noted that based on their lease agreement, Hawaiian Cement can have no more than 30 acres in active quarry use and that their lease agreement also calls for restoration of lands once the quarry has been completed, quarrying has been completed.

I would now like to go through the amendment request for the State Special Use Permit and County Special Use Permit specifically. I would like to note that the amendment requests are similar for both the State Special Use Permit and the County Special Use Permit and so the proposed amendments under applicability to each permit is noted here in the matrix.

So with the first amendment that we are requesting which is to extend the boundaries of the existing Puunene quarry site approximately 42 acres. That amendment request is being sought for both the State Special Use Permit and the County Special Use Permit. The second request with the addition of the approximately 9.7-acre portion to the project permitted area. In discussions with the State Land Use Commission, it was determined that there was that blue triangular portion that I noted earlier that had accidentally been quarried although it had not been included in their previous permits and it was unclear as to why that area had not been included in the Permit area because it was adjacent to two other quarry sites. And so we are asking for approval of inserting that portion into the permits for both the State and the County.

The State Special Use Permit going onto the third amendment request is that we would like to delete Condition No. 16 of the State Special Use Permit which required Hawaiian Cement to submit an updated map of the boundaries of the previously permitted areas. And as noted in the staff report in December 2007, Hawaiian Cement's civil engineer had actually submitted that to the County of Maui and so we would like to ask for deletion of this condition because we've met the requirements of the condition which was the submittal. That condition or that request is not applicable to the County Special Use Permit because that was not a condition of the County Special Use permit.

The last amendment request that we would like to...that we are seeking today is a 15-time extension to the State Special Use Permit which would allow for the expiration to be in July 2032

and for the County Special Use Permit it would be a 14-year time extension which would also bring it in concurrence with the State Special Use Permit for expiration in July 2032. I would also like to note that Hawaiian Cement's lease with A&B does expire in 2032 with the option for renewal. So there's continuity in the dates there.

We'd like to request that the Commission approve the Planning Department's staff report and recommendations to the State Land Use Commission on the proposed amendments for the State Special Use Permit. And we would also like to respectfully request that the Commission approve the amendments to the County Special Use Permit today. The Puunene quarry plays a vital role in the construction industry for Maui and is needed to support various projects including the one that the Commission just approved this morning, the Makena HM project. So this concludes my presentation and we are available to answer any questions you may have. Thank you very much.

Vice-Chair Ball: Thank you. At this time, we'll open the floor for public testimony. Seeing none, public testimony is closed.

Mr. Freitas: So move to approve.

Vice-Chair Ball: Hold on. Questions for the applicant? Sandra?

Ms. Duvauchelle: Karlynn, what is the closest structure to the quarry with the expansion? Is it like a mile, two miles?

Ms. Fukuda: It's probably at least, at least a mile.

Mr. Freitas: More.

Ms. Fukuda: Actually it's more because if you're talking about the expansion area here--

Ms. Duvauchelle: Moving away.

Ms. Fukuda: Yeah, the nearest structure that I could think of is the National Guard, the Army National Guard buildings that are here. So we're basically moving mauka away.

Mr. Freitas: More than a mile.

Ms. Fukuda: Yeah, so... It's probably more than a mile away because you know, at its closest point here it's... I think we're looking at a little over a mile to Mokulele Highway.

Ms. Duvauchelle: Okay, thank you.

Vice-Chair Ball: Penny?

Ms. Wakida: Karlynn, when the land is depleted... how does the company determine that the land is depleted?

Ms. Fukuda: In terms of the rock material?

Ms. Wakida: Of quarrying, yes.

Ms. Fukuda: I believe that they, you know, are able to test and go down as they are actually quarrying the material and there have been instances where they've come across rock material that's not suitable and so they won't utilize that material.

Ms. Wakida: And that would be, can you give me an idea of how deep we're talking?

Ms. Fukuda: I believe if I'm not mistaken it's about 20 feet, about 25 feet on average going down, about 25 feet.

Ms. Wakida: Okay.

Vice-Chair Ball: Go ahead Penny, you can ask your second question.

Ms. Wakida: Oh, my second question. Has any of the land been depleted, considered depleted so far?

Ms. Fukuda: So there is about 30 acres that based on their lease agreement with A&B they have to restore the lands that are done with quarrying. In some instances like this area here although they've quarried, you know they're moving back towards this way so they can't necessarily return all of this land because they're using their equipment to transport the mined material back to the crushing operation that's here. But there is...and it's kinda hard to see, but there's a portion here about 30 acres that has been restored and returned back to A&B for their use.

Ms. Wakida: And can you briefly tell me what this restoration process involves?

Ms. Fukuda: It essentially involves, they are required to remove the top soil and stockpile it before they actually do the quarry. So then they are required to refill approximately 18 feet, sorry, not 18 feet, 18 inches, put that top soil back in, but Hawaiian Cement has actually been doing more probably about two feet of fill and returning it back to A&B.

Ms. Wakida: Well...may I ask one more? Well, if they're digging down 25 feet and they put in what did you say?

Ms. Fukuda: Two feet.

Ms. Wakida: I mean, then we've got a 23-foot hole. I don't get it as far as restoring the land.

Ms. Fukuda: Well, the soil is returned so that they can utilize it for agricultural purposes and that's the requirement of their lease agreement with A&B.

Ms. Wakida: But they don't fill the hole back up?

Ms. Fukuda: Right, they don't fill it because they've removed the rock that's...that was underneath that soil, so...

Ms. Wakida: So I guess I don't get the picture of how it's being put back into agricultural use then if it's a big hole in the ground?

Ms. Fukuda: Well, they're...you know, that's A&B's or HC&S's option is to be able to utilize that area for, you know, whether it be seed crop, seed cane crop or you know other agricultural use, but that's the requirement that Hawaiian Cement has been asked to do. So once the land is turned back over to A&B or HC&S, I mean that's up to them to utilize how they wish for agricultural use.

Vice-Chair Ball: Wayne?

Mr. Hedani: That actually answers my question I think. During quarrying operations, Karlynn, is there a storm water retention area or is storm water 100 percent retained on site?

Ms. Fukuda: I will defer to Kirk Tanaka, but there are retention basins that they I believe temporarily install so that the water, so if there is a storm event, it's not filling into the quarry hole.

Mr. Hedani: Okay.

Mr. Kirk Tanaka: Good afternoon, Chairman Ball and Members of the Commission. My name is Kirk Tanaka of Tanaka Engineers. We're the project civil engineers. To answer Commissioner Hedani's question, yes there would be surface retention, temporarily to pick up any storm water associated with the quarrying operations or the site itself without having to overflow into the adjacent gulch. On the north side of the expansion area there is...there's also a low spot right here on the north side of the expansion area which tends to pond the runoff even today. But, yeah, I'm sorry, it was confirmed. Last time I was out there they had a crop on it, but so they are still, HC&S are still actively cultivating cane in the 42 acres.

Vice-Chair Ball: Anyone else questions? Seeing none, can we get the recommendation from Paul Fasi?

Mr. Fasi: Thank you, Chair. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the May 27, 2014 meeting as its finding of fact, conclusions of law, decision and order and authorize the Director of Planning to transmit said decision and order on behalf of the Planning Commission. Planning Department based on the facts presented in the Department's report finds that the proposed amendments will not have a significant, adverse environmental or ecological effect. And the proposed amendments are consistent with Chapter 205, HRS, the Countywide Policy Plan, the Wailuku-Kahului Community Plan and applicable County Zoning ordinances, in sum the Department recommends a full approval and an approval of recommendation to the State Land Use Commission. Thank you.

Mr. Freitas: So move to approve.

Mr. Hedani: Second.

Vice-Chair Ball: There is a second. Discussion? Did you say...did you remove that 17 or whatever it was, 16, sorry?

Mr. Fasi: You make a recommendation to the State Land Use Commission.

Vice-Chair Ball: Okay, we're taking these together. There was a motion and second. All those in favor?

Ms. Wakida: Wait, could we repeat the motion please?

Vice-Chair Ball: Yes.

Ms. McLean: Okay, the motion would be to recommend to the State Land Use Commission that they make the following amendments to the State Special Use Permit and for the Commission to approve the County Special Use Permit with the additions of adding a new approximately 42 acre site including an already used 9 plus acre site. The two time extensions, the 15 and 14 years, and for the State Land Use Commission Special Permit deleting Condition 16.

Vice-Chair Ball: Got that? All in favor say, "aye" and raise your hand please?

Commission Members: Aye.

Vice-Chair Ball: Any opposed? Carried. Seven ayes.

Mr. Fasi: Thank you.

Ms. Fukuda: Thank you very much.

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

**VOTED: to recommend approval to the State Land Use Commission (LUC) on the proposed amendments to the State Land Use Commission Special Permit; and to approve the proposed amendments to the County Special Use Permit as written and submitted in the Department of Planning's Report and Recommendation report dated May 27, 2014.
(Assenting - S. Duvauchelle, W. Hedani, R. Higashi, J. Freitas, J. Medeiros, M. Tsai, P. Wakida)
(Excused - I. Lay)**

Chairperson Lay: Okay, we are moving on to Item D-1. Director? Deputy Director?

Ms. McLean: Thank you Acting Chair. This next item relates to an Appeal that was filed on the issuance of an SMA Exemption for the milling and resurfacing of Runway 2-20 at the Kahului Airport. I believe the item today even though there are potential action items listed on the agenda today is just to receive an update from the parties. Paul Fasi is the Staff Planner on the project. We also have those representing the appellants, the applicant who is the State Department of Transportation, Airports Division, and the Appellee, the Department of Planning.

D. UNFINISHED BUSINESS

1. **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**

No timely Petitions to Intervene were filed on the subject appeal.

The Commission may take action on the following matters:

- a. **Report on the results of the May 12, 2014 mediation session**
- b. **Selection of presiding officer on prehearing conference(s)**
- c. **Determination of first prehearing conference date and time**
- d. **Selection of date(s) for contested case hearing if the Commission is the hearings body.**

Mr. Paul Fasi: Thank you. At its regular scheduled meeting on April 22, 2014, the Maui Planning Commission had a prehearing conference on this matter and the following motion was approved, the mediator would be Judge McConnell who was the mediator on the day. The hearings body is this Commission. The next Commission hearing date is scheduled for well, May 29th, the day after tomorrow, Thursday, will be their next mediation meeting. So the Planning Commission on April 22nd requested an update of where the mediation went for that day so that's why we're here today. There was no resolution as far as I know. The Planning Department was not a party to being present during the actual discussion. They just introduced the item and basically we were excused and I came back at 4:30 to lock the doors was the Department's involvement in this matter. So we do have both parties here. They will give you the update on what happened, and that includes me 'cause I still don't know what happened. Thank you.

Vice-Chair Ball: Okay, thank you.

Ms. Julia Verbrugge: Good afternoon, Commission Members. My name is Julia Verbrugge, the attorney for the Department of Transportation. We had a productive mediation first session and we're hopeful that the one on Thursday, May 29th will resolve it. So we'll have more information

after then. But because of the time sensitive nature of this repaving project, although we're very hopeful and cautiously optimistic that we'll settle we were wondering if we could still go ahead according to the agenda and looks like there's determination of the first prehearing conference date and time, selection of presiding officer and selection of date for contested case here. We were wondering if you go ahead with that just as a parallel in case we don't settle. But again, we're hopeful that we will. I'd just like to plan ahead and have a backup plan in case it doesn't work out.

Mr. Isaac Hall: Good afternoon Members of the Maui Planning Commission. My name is Isaac Hall for the appellants. Yeah, the first session was productive to the extent that we agreed to continue the mediation. And I think it got approved by the Planning Department to have another session which is on May 29th. I have to say what the rules say is that the party...this is 12-201-53, Parties to a contested case proceedings shall participate in mediation prior to any prehearing conference and the initiation of the contested case proceeding. So I guess until we know whether the mediation has been successful or not we don't move onto a prehearing conference at which the contested case is scheduled or we get into contested case matters according to your rules. So I would oppose doing that now. If you want to have another review hearing, you wanna schedule that, that's fine with me.

Ms. Verbrugge: Well, my understanding was that the first eight-hour mediation session is that was mandatory prior to setting the prehearing conference. So that was my understanding, but of course, we will defer to what the Commission decides.

Mr. Tom Kolbe: Good afternoon, Tom Kolbe on behalf of the County of Maui. We plan to participate in the mediation. However, I think that in terms of setting further hearings we ought to go ahead and do that at this point. I don't see the need for us to exhaust all mediation. However, I think that in terms of setting further hearings we ought to go ahead and do that at this point. I don't see the need for us to exhaust all mediation before we event set dates and so, I guess what the County would ask for is that we set a further status conference in this matter so we can come back and address these issues, but at least go ahead and set some contested case hearing date as well as a motions deadline so we can file motions in this case. Thank you.

Mr. Hall: I think the problem is with your rules it say that the mediation, we gotta do mediation first, finish it then go onto the contested case. To have a prehearing conference today calls for a whole bunch of things that we're not ready to do. In other words, if you wanna set a contested case, your rules allow for the issuance of subpoenas, witness lists, discovery, I don't know that you wanna get into all of that today, but that's what we'd have to do if you set a date for contested case hearing. You'd have to decide when subpoenas, you request subpoenas and when they're gonna get issued. What kind of discovery we're gonna do. And when witness lists are gonna get exchanged and when prehearing, precontested case hearing briefs are gonna get submitted. All that sort of stuff usually is done, I don't even think with the whole Commission unless it's the whole Commission gonna be the hearing officer I suppose with the whole Commission, but I don't know whether anybody wants to do that. I still think we ought to...all of that to me would be wasting everybody's time if mediation is successful.

Vice-Chair Ball: Director?

Ms. McLean: Thank you. The action that the Commission could take today if it chose to and I think

Richelle can confirm this is deciding whether the Commission wants to serve as the hearing officer or whether you want to appoint one. So that decision is one I believe the Commission could make today if the Commission chooses. And I don't believe the action before the Commission today is to set, is to establish the time line for discovery or anything like that. It would be deciding if they're gonna be the hearings officer, if they're gonna choose one, and in either case when that first prehearing conference might be and that date would certainly be one after the parties believe that mediation would be completed or would reach impasse. I think those two things could occur today if the Commission chose to go that direction. If the Commission chooses not to be the hearings officer, you could have discussion with the parties to see if there's agreement on a hearings officer. However, we don't have a list in front of us and we don't know availability of the hearings officers who might be, who might be considered by the parties. So I'm not sure if we'd be able to go that far. We'd just have to check with Staff and see if that's been discussed among the parties.

Ms. Thomson: I agree with the Deputy Director's analysis. The rules say that prior to prehearing conference that the parties have to participate in mediation. So I don't see any reason that we couldn't set both a date that may be moved, you know, determining the progress of the mediation. But I don't see why we couldn't go ahead and set a date on that and also select a hearings officer.

Vice-Chair Ball: Okay. Jason?

Mr. Medeiros: Question. I was under the impression that that was already decided that this body would be the hearing officer at the last meeting. I was under that impression. Correct me if I'm wrong.

Vice-Chair Ball: I remember that also. Okay, so we figured that one out. Do we want to set a date is the second question. One, do we want to set a date; two, what is the date that we wanna set?

Mr. Hall: Excuse me, are we talking about the prehearing conference?

Ms. McLean: Yes.

Vice-Chair Ball: Do we want to set a date for prehearing conference? Yes or no? Wayne?

Mr. Hedani: Let me take one step backwards.

Vice-Chair Ball: Okay.

Mr. Hedani: In the case of the Maui Lu that we saw the hearing schedules, all of the legalese and the gyrations that they had to go through took over a year. And the question that I have for the group although we did cross that bridge I believe as Jason said, is do we wanna take on that responsibility or delegate it to somebody that can do it for us while we're taking on other business? 'Cause it's gonna consume a lot of your time.

Vice-Chair Ball: I believe we've already done it, so I don't think we can revisit that. However, I have a question, did you have a suggestion for a date, either party have a suggestion for a date? Yes or no on a date?

Mr. Hall: Would it be one of your regular dates?

Vice-Chair Ball: I'm asking you what date you want, yeah.

Mr. Hall: Well, would it be on your...(inaudible)...

Vice-Chair Ball: No, we'd have to put it, yeah a special date probably.

Mr. Hall: Special date?

Vice-Chair Ball: Well, it probably be the only thing on the agenda. Use the mic, please.

Ms. McLean: If we could ask, if we could ask Clayton about the upcoming...what our schedule looks like for the next several weeks?

Vice-Chair Ball: Okay, Clayton?

Mr. Yoshida: Yeah, I think at this point in time Mr. Chair, Members of Commission, we are committed till the July 8th hearing date. We have various applications that have been public hearing items that have been scheduled for the June 10th and June 24th hearing, and then on July 8th, we were gonna bring forth the short-term...review of the short-term rental home ordinance and the bed and breakfast home ordinance which is for short-term rental home ordinance it's part of the ordinance that there be a two-year review after its adoption. So I think the earliest if it's a regular meeting date would be July 22nd.

Ms. Verbrugge: My understanding is that the repaving right now is scheduled to start in July. I just checked with our client he said mid-July, around July 14 or 15. So if it would be possible to have it earlier we would appreciate it.

Vice-Chair Ball: Penny?

Ms. Wakida: No, I change my mind, thank you. I got my question answered.

Vice-Chair Ball: Jason?

Mr. Medeiros: I'd like to move that the Planning Commission schedule a special hearing date that the majority of us can make.

Vice-Chair Ball: Okay, I think they're conferring right now. Paul?

Ms. Fasi: I've just been advised per Clayton that it could be a special date. So if the parties wanna confer together and select a date then it would be a special date pending your approval.

Vice-Chair Ball: Let's take a 10-minute recess.

A recess was called at approximately 1:44 p.m., and the meeting was reconvened at 1:51 p.m.

Vice-Chair Ball: Let's call the meeting back to order at 1:50.

Mr. Hall: We met and we're gonna suggest either June 9, 10 or 11.

Vice-Chair Ball: We actually have a date. Director?

Ms. McLean: Thank you. After discussing a little bit with Staff and Corp. Counsel, just get back to some of the basics here. The Commission previously decided to serve as the hearings body for this matter. So that decision's already been made. Now the next step in the process is to have a...and this is assuming that mediation is not successful. The next step in the process would be for the parties and the Commission to set a date for a prehearing conference. And what the prehearing conference would do is to set out a schedule and would set out dates and deadlines for presenting documents, witnesses just framing, framing the proceeding in terms of the time lines and when the parties will be putting their cases together. The Commission as a group can sit in on that prehearing conference or the Commission can select one of its members to be a presiding officer and so that would be a little bit easier, a little bit faster just one of your members meeting with the parties to set that schedule and determine those dates. The Commission would still ultimately hear the case but just the scheduling and sorta the administrative side of it, you could select a presiding officer to do that. If you selected a presiding officer to do that then that person would pick dates with the parties that work for the parties. If the Commission as a group decided to do that you could do that at the June 10th meeting because that's not hearing the whole case, that's just establishing the schedule so that probably could be accomplished even though it will be a full day, you probably could have time to do that at your June 10th meeting. So those are two options for you today. Number one, do you want a presiding officer to meet with the parties separately or do you wanna lay out that schedule yourselves in which case it could be on June 10th date works for the parties if that's what you decide to do.

Vice-Chair Ball: Jack?

Mr. Freitas: I'd like to nominate Wayne Hedani as the presiding officer.

Mr. Hedani: Something about being led by the unwilling. I'm on vacation on that 9th, 10th and 11th although I will make the Planning Commission meeting scheduled for the 10th. But I won't be available on the 9th or 11th.

Ms. Thomson: You wouldn't need to meet with them on those dates. You could meet with them prior to your ...(inaudible)...

Vice-Chair Ball: Penny?

Ms. Wakida: If I understand Michele correctly, on June 10th, the Planning Commission...the commissioners, all of the commissioners could preside over this prehearing conference determined date and time, so...and it may not take very much time. Am I understanding that correctly?

Ms. McLean: That's my belief is that if the Commission chose to conduct the prehearing conference as a group, then setting out the schedule with the parties wouldn't take...

Ms. Wakida: Wouldn't be onerous.

Ms. McLean: –a huge part of the day.

Ms. Wakida: Of the agenda. I think that's the fairest thing to do. I don't know that anybody particularly has additional time unless they have some—unless Jason's volunteering for that?

Mr. Medeiros: I would lean more towards the June 10th, however if you need somebody to go I would be willing to do it if you guys want me to do it at an earlier time I will open up my schedule, but the June 10th is fine with me. I prefer everybody having a voice, you know, but it's you guys choice.

Ms. McLean: If we could ask the parties, you had said June 9, 10 or 11. Those are the best dates for you whether there's a presiding officer or a special—so if those are the dates available, the presiding officer would theoretically save time, but if those are the dates that work for the parties then we're talking about June 10th anyway.

Vice-Chair Ball: Okay.

Ms. Verbrugge: Sorry, so I'm sorry, were you...was Mr. Medeiros saying that he may be available to meet at a earlier date? If so, I would be willing to meet earlier. My concern is that, again, we are grateful that the Commission is paying for the mediation and we're hopeful that we'll settle. My concern is that you know, the small chance that we don't settle that we're gonna have to start repaving in July just to keep the runway safe. I just wanna have to avoid having to fly over here with a prelim injunction fighting that or having to shut down Runway 2-20, hopefully we won't have to, but I'm just trying plan ahead worst case scenario, but again, you know, we've been working pretty well with appellants in good faith.

Vice-Chair Ball: Jack?

Mr. Freitas: I got a question. Is there an injunction right now against the project or no?

Mr. Hall: No, there's not.

Mr. Freitas: Thank you.

Vice-Chair Ball: Sounds like the Commission wants to do this together on June 10th? Penny?

Ms. Wakida: This is only setting dates and we're not—

Vice-Chair Ball: Right.

Ms. Wakida: –so if Jason wants to be the appoint person for setting those dates, I welcome him to do that.

Vice-Chair Ball: Is that a first and a second?

Ms. Wakida: Do you need a motion? Jason, you made a motion earlier?

Mr. Medeiros: I didn't make a motion. I just offered my services. If that's that route you guys wanted to take.

Ms. Wakida: You offered Wayne's services? Oh Jack did.

Mr. Medeiros: I was gonna offer his, but ...(inaudible)...

Ms. Wakida: Oh, that's correct. Do you need a motion?

Vice-Chair Ball: Yes.

Ms. Wakida: I move to appoint, let's see...to have Jason represent the Planning Commission at the pre conference hearing.

Vice-Chair Ball: Is there a second?

Mr. Hedani: Second.

Vice-Chair Ball: Okay, all in favor of that? Unanimous.

Ms. McLean: Five ayes.

Vice-Chair Ball: Motion carries.

It was moved by Ms. Penny Wakida, seconded by Mr. Wayne Hedani, then

**VOTED: to select Mr. Jason Medeiros as the presiding officer for the pre-hearing conference scheduled on May 29th.
(Assenting - S. Duvauchelle, W. Hedani, R. Higashi, J. Freitas,
P. Wakida)
(Excused - I. Lay, M. Tsai)**

Vice-Chair Ball: With that now, now we need to choose a earlier date.

Mr. Medeiros: Yes.

Vice-Chair Ball: Use the mic.

Mr. Medeiros: Okay, so all I'm doing is scheduling a date. You know, they're meeting on the 29th, so if they can contact me after that if there's no agreement then I can work with them find a date that everybody can work with. I'll be contacting you guys too, you know, so if you guys can too.

Vice-Chair Ball: Okay, so after the 29th, we'll ask Tom to contact Jason if need be to put together a meeting. Yes?

Mr. Medeiros: Yes.

Vice-Chair Ball: Okay.

Mr. Hall: One thing that Commissioner Medeiros might find or the Commission might find helpful is if we say, that is the parties some number of days before this prehearing conference submit something to you telling you what we think we're gonna wanna do during this contested case so that you can get an idea of what it is we wanna do before that prehearing conference and we can get an idea of what kind of time might be involved in your setting. In other words, I wanna call a bunch of witnesses or I don't or I'm gonna be asking you for subpoenas or I'm not going to be asking you for subpoenas or that sort of thing. Or I can get ready for a contested case in two weeks or I think I need more, but if you have that in advance it may help you in scheduling it. Just a suggestion.

Mr. Medeiros: Yeah, please do because I'm gonna be leaning on Corp. Counsel as to what I can and cannot do and these guys are the ones that are gonna be guiding me. I don't make decisions myself.

Mr. Hall: Maybe we submit these to the Commission three days in advance? I was gonna suggest we submit that kind of information to the Commission three days, whatever in advance of this hearing, prehearing conference or whatever is you think reasonable.

Vice-Chair Ball: Tom?

Mr. Kolbe: Well I guess just to clarify. After the mediation on 5-29 what I will do is contact Mr. Medeiros and I can let the Planning Commission know also, we can set up a time where perhaps Ms. Verbrugge can be telephonic for setting of dates from Honolulu as opposed to flying over and then we can agree on a time that we'll all meet and I think the idea of three days or some prior notice to Mr. Medeiros as to what we're looking at would be helpful and then we can, yes, announce what's gonna, what dates are at the June 10th hearing in terms of when we'd actually be scheduling a contested case hearing if that works.

Vice-Chair Ball: Director?

Ms. McLean: Another possibility is for the Commission to choose that contested case hearing date today and then the parties work backwards from that date given that the agendas get full in advance with our public hearing notice requirements it looks like the second meeting in July would be the first one that the Commission would have an opportunity to do that. Would the parties have a problem with setting that as a contested case hearing date now and then working back from that in setting the schedule with Jason?

Unidentified Speaker: July 22?

Ms. McLean: July 22nd is the second?

Mr. Yoshida: Yes, afternoon of July 22nd.

Mr. Medeiros: I thought that I was getting involved because July 22nd didn't work for them because it's scheduled....(inaudible)...

Ms. McLean: Well, July 22nd would be when the Commission would potentially make its final decision on. Can you use the microphone. Just wanna make sure—

Mr. Hall: That would be a contested case hearing date.

Ms. McLean: Right.

Mr. Hall: Yeah, after that you gotta do proposed findings and all that.

Mr. Kolbe: If could just weigh in briefly on this. I think the reason that we were talking about using Mr. Medeiros is to kind of speed this up a little bit because there's some immediacy in the light of the fact that the construction and the repaving was supposed to begin on July 15. If the settlement doesn't...isn't effective then at least it's the County's position then to go ahead with the, as soon as possible hearing that you can have on the issue to at least get a oral ruling and to the extent that we can find some other date for a special meeting between now and July 15th that's what would probably be what the County is looking for. It's really Ms. Verbrugge's has probably largest interest here ...(inaudible)... in terms of getting this thing heard before this Commission before the 15th. So my request I guess would be that why don't we try to find some date prior to July 15th to have the evidentiary hearing? That was the reason I suggested that we at least set something now. In the event that settlement is not fruitful on Thursday, we'd at least have a backup plan which would be some date prior to...prior to the repaving commencing.

And the other issue is I really think that in terms of whether or not they need to issue subpoenas, et cetera, you know, the County and probably the Department of Transportation would be willing to, you know, make witnesses available to accommodate petitioners if they need to subpoena a bunch of people and otherwise I think the issues are relatively straightforward.

Vice-Chair Ball: Clayton, do we have room on agenda in June?

Mr. Yoshida: Room on any agenda between now and July 22nd?

Ms. McLean: The two June meetings.

Vice-Chair Ball: Is there any room to put this on on any of those June meetings. If not, we will have to consider a special meeting.

Mr. Yoshida: Well, you see what we have for June 10th. I think I've circulated the agenda items. June 24th we have the Kahoma Village SMA which was the 201-H project and there is some opposition in the community on that as well as we have the SMA for the expansion of The Whaler's Village project as well as the He-Man's landscaping baseyard out in Kahana Conditional Permit and a B&B Permit for a B&B home in Maui Meadows. So that's—

Vice-Chair Ball: That long already?

Mr. Yoshida: Yeah, that sounds pretty full. Again, we had reserved the July 8th meeting for the review of the Short-Term Rental Home Ordinance and the Bed and Breakfast Home Ordinance because the ordinances passed the ordinance...the Short-Term Rental Home Ordinance back in May of 2012 so it calls for a two-year review.

Vice-Chair Ball: How do the members feel about a June 17th special meeting?

Mr. Hall: That's gonna be way too early to have a contested case hearing. If we only set the dates on June 10th, it's a week later.

Vice-Chair Ball: Well, you're gonna meet earlier than June 10th, right 'cause that's what Jason's accommodating? That's why we're having him...

Mr. Hall: I would suggest setting it in early July.

Ms. McLean: But that won't accommodate—

Mr. Hall: 'Cause you're not starting till July...when are they starting?

Vice-Chair Ball: July 15 is what the testimony.

Ms. Verbrugge: July 14 or 15. Sorry, I think it's that Monday. I do understand appellant's concerns. I would push for and we are available on that date, I will push for an earlier date just because again, I wanna avoid having to...there's no injunction in place, but we want...because wanted a hearing and a decision from you folks before we started repaving even though there's no injunction technically we have an exemption so we could start repaving but we were hoping to work with the appellants, if we're not able to, then hoping to having a hearing and to have it heard before we start repaving. So that date actually works for us.

Vice-Chair Ball: June 17?

Ms. Verbrugge: Yes.

Mr. Hall: I would strongly object to a date that early. There's no way we're gonna be able to prepare for a contested case one week after we have a prehearing conference. I don't think this commission has ever done that before.

Ms. McLean: The Commission won't be conducting the prehearing conference on June 10.

Mr. Hall: No, no. This is the evidentiary hearing I think. Isn't that we're talking about now?

Ms. McLean: We're talking about the evidentiary hearing but the prehearing conference can occur anytime that Jason and the parties are available. The Commission is not going to conduct the prehearing conference on June 10th. That can happen anytime.

Mr. Hall: We don't know when it's gonna be set. ...(inaudible-not speaking into a mic)... There's no time to get witnesses ready, to issue....

Vice-Chair Ball: Isaac, can you use the mic please?

Mr. Hall: Oh, I'm sorry. There isn't any to do any of the things your rules allow an appellant to do, issue subpoenas, serve them, get witnesses there, prepare the witnesses.

Ms. McLean: Well, I thought that the issue was if they wanna begin work on or near July 15th that the Commission would have to make its recommendations and findings prior to that which means—

Mr. Hall: That's right.

Ms. McLean: —the evidentiary hearing has to occur prior to that.

Mr. Hall: That's correct.

Ms. McLean: So I don't know where on the calendar those steps can be accommodated if the evidentiary hearing doesn't happen.

Mr. Hall: Well, the findings can be expedited and the same way everything else can be expedited. We might as well start with when you make a final decision on it and move backwards from that if you're gonna do this.

Ms. McLean: Let's just say hypothetically if the Commission made its decision at its meeting on July 8th, when would the...when in your thinking in terms of timing would the evidentiary hearing have to take place?

Mr. Medeiros: Question?

Vice-Chair Ball: Uh huh.

Mr. Medeiros: I leave myself available. You guys are meeting on Thursday. If I made myself available on Monday you know to set a date for them would that help?

Ms. Verbrugge: We would have no objection to that as long as that didn't push the hearing too far so that we wouldn't be able to start repaving on July 14th. My only concern is whether the Commission have to vote on the exact date? Do we have to do something right now with the Commission right here for the date that's my only concern.

Vice-Chair Ball: Corporation Counsel?

Ms. Thomson: Right. Since the Commission is the hearing officer, the Commission does need to agree on a date for the contested case hearing. So I think that's what to focus on right now. I understand that Jason can make himself available for the prehearing conference pretty much at the communes of the parties is what it sounds like. What I'm hearing is that we should try to pick a date either end of June or at the, you know, at the latest in early July given the timeline of the project.

Mr. Freitas: I go with June 24th.

Vice-Chair Ball: We have a regular meeting that day.

Mr. Freitas: We do?

Vice-Chair Ball: It's full, yeah.

Ms. Wakida: Question?

Vice-Chair Ball: Yes.

Ms. Wakida: For Clayton, beside the short-term rental and the B&B ordinances will that take the whole meeting on July 8th is that what you said?

Mr. Yoshida: Well, based on my Hana Advisory Committee experience we went there for two, four-hour meetings on this subject matter. So we have maybe 24 proposed amendments for Short-Term Rental Home and 27 proposed amendments for B&B.

Ms. Wakida: Okay.

Ms. McLean: I do believe that we could schedule the Commission's vote on findings on July 8th. That's probably the best date to aim for given the timeline. So then working back from that date is when the parties think, you know, we would need at least a week, more like 10 days to put the packets together with the proposed findings of fact and so forth so that is putting us to the last full week in June as the latest that that evidentiary hearing could occur. So if there's another date that week of, that full week of June 23rd, otherwise you're looking at the prior week which the appellant is saying is not enough time.

Vice-Chair Ball: Is this room available that whole week?

Ms. McLean: I think it's more important to find a date and then we'll find a place if this room isn't available. Thursday, June 26th?

Vice-Chair Ball: Penny?

Ms. Wakida: What...Michele, what happens at an evidentiary hearing?

Ms. McLean: That's essentially where both parties put on their case. They have their witnesses, they have all the documents prepared, they make their arguments.

Ms. Wakida: And then, so then what happens at the, you know, the July 8th. You said that would be the...

Ms. McLean: Then on July 8th, the parties, and please chime in if I'm leaving any details out, the parties will present to the Commission their proposed decision essentially. They'll each prepare a document of findings of facts, conclusions of law, and decision and order and the Commission takes from those documents and makes its decision.

Ms. Thomson: I'll just add something too. Your rules, this is 12-201-81, if the entire commission served as a hearings officer, the commission may render its decision at the conclusion of the hearing. So alternatively, the Commission may request that the parties submit proposed findings of fact, et cetera and then you would come back. So it's possible since you're serving as the hearings officer you can render a decision that day on the record or you can request that the parties come back with a proposed findings of fact, conclusions of law. So those are...since you are serving as a hearings officer it does depend on your comfort level at the end of the hearing.

Ms. McLean: I don't believe there'd be time on July 8th to hear the whole case and make a decision.

Unidentified Speaker: I'm okay with the June 26th.

Ms. McLean: 26th?

Vice-Chair Ball: Okay, one, two, Jack?

Mr. Freitas: Okay.

Vice-Chair Ball: Four, five, maybe?

Ms. Wakida: Yeah, maybe.

Ms. Duvauchelle: Yes.

Vice-Chair Ball: Seven.

Ms. McLean: Are you available on June 26th for a special meeting for the evidentiary hearing? Does that date work for the parties.

Mr. Hall: Yes. Is there a time you wanna start?

Vice-Chair Ball: We'll get there.

Ms. McLean: Let's assume 9:00 a.m. for now.

Vice-Chair Ball: Yes, Penny?

Ms. Duvauchelle: It works for me.

Ms. Wakida: Yeah, hopefully.

Mr. Medeiros: And Chairman, I just wanted to make one thing perfectly clear. I'm just there to schedule the stuff. When the actual meeting come it's Keone's or Ivan's ball game not mine, okay? I'm not volunteering for that part, okay? That's work.

Vice-Chair Ball: Okay, so we're gonna have a special meeting of the Planning Commission on June

26th and we're gonna start at 9:00. Okay?

Ms. McLean: July 8th would be the decision.

Vice-Chair Ball: At our regular meeting.

Ms. McLean: Please settle.

Vice-Chair Ball: A request to settle by the Director and by the Commission. All right, so we got all the dates, yes? Jason will be...Tom will be in contact with Jason then if things go sideways on Monday then, yes?

Mr. Kolbe: Correct.

Vice-Chair Ball: Okay. Thank you very much.

Mr. Hall: Thank you.

After further discussion ensued among the appellants, the applicants and the appellees, said bodies unanimously consented to schedule a special Maui Planning Commission meeting for the contested case hearing on June 26, 2014 at 9:00 a.m., with the location to be determined.

(Present: S. Duvauchelle, J. Freitas, W. Hedani, R. Higashi, J. Medeiros, M. Tsai, P. Wakida)

(Excused: I. Lay)

Vice-Chair Ball: All right, moving on. E, Acceptance of the Action Minutes of the May 13 meeting and Regular Minutes of the January 28, 2014 meeting.

E. ACCEPTANCE OF THE ACTION MINUTES OF THE MAY 13, 2014 MEETING AND REGULAR MINUTES OF THE JANUARY 28, 2014 MEETING

Mr. Freitas: So move.

Mr. Medeiros: Second.

Vice-Chair Ball: All in favor?

Commission Members: Aye.

Vice-Chair Ball: Any opposed? Unanimous.

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

VOTED: to approve the action minutes of May 13, 2014 meeting and regular minutes of the January 28, 2014 meeting as presented.

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

Vice-Chair Ball: SMA Minor Reports. Director?

F. DIRECTOR'S REPORT

2. SMA Minor Permit Report (Appendix A)

3. SMA Exemption Report (Appendix B)

Ms. McLean: Are there any questions on the Minor Permit Report or the Exemption Report?

Vice-Chair Ball: Seeing none, moving onto discussion of future Planning Commission agendas, June 10th.

4 Discussion of Future Maui Planning Commission Agendas

a. June 10, 2014 meeting agenda items

Ms. Wakida: This is not a agenda item, but I would like to suggest to the Commission a site visit to Lahaina. On the 24th we will be having the Kahoma Affordable Project. There's a lot of interest in that project from the community and as Clayton said a little bit earlier that there may be a lot of testimony and I don't know how familiar the rest of the Commission is with that spot, that land there. So I would suggest a site visit and anything else in that area that Clayton thinks we should take a look at on the west side.

Vice-Chair Ball: Okay, there's a motion for a site visit.

Mr. Medeiros: Second.

Vice-Chair Ball: Second. All in favor raise your hand? Discussion?

Ms. Duvauchelle: I have a question.

Vice-Chair Ball: Yes?

Ms. Duvauchelle: So does that mean that...let me ask the Deputy Director, so then the decision would not be made on the SMA application on the 24th. It would just be a site visit or one in the same? How does that work?

Ms. Wakida: I'm sorry. The site visit wouldn't be on the day of our meeting. It would be in advance. So it would be an extra time to put in.

Vice-Chair Ball: Once in a while the Commission goes out and does site visits.

Ms. Duvauchelle: I haven't got to go yet. Okay, good. I thought you meant on the day.

Vice-Chair Ball: So there's a motion and second. Any further discussion?

Ms. Thomson: When would you do it?

Vice-Chair Ball: That will be the poll once it passes.

Ms. Wakida: Well, I was actually originally throwing it out for interest to see if the rest of the Commissioners were interested.

Ms. Duvauchelle: Yeah.

Vice-Chair Ball: In favor of the motion, raise your hand? Three, four, five. Opposed? Yes?

Ms. Duvauchelle: I'm sorry, I don't think I can vote. I have to disclose...I'm sorry, I got so caught up in the meeting. I have to disclose that I work for the principal of the project. I'm sorry I can't vote.

Ms. Wakida: She could—

Ms. Duvauchelle: Oh, I can vote, okay.

Ms. Wakida: You can still go visit.

Mr. Medeiros: You don't have a voice.

Vice-Chair Ball: Okay, so that's five to two. Those not in favor? Two. Five to two. Thank you. So the motion carries. So you will try to put something together I guess.

Ms. McLean: Yeah, we can poll the staff or poll the members.

Mr. Yoshida: So when can we get a quorum for the site visit. The hearing is on June 24th.

Vice-Chair Ball: Okay, the five people that voted for this are probably the five that are gonna go so what date say you?

Unidentified Speaker: Thursday the 17th I guess.

Ms. Wakida: I heard somebody mention the 17th is a good time.

Vice-Chair Ball: That's the off week?

Ms. Wakida: The off Tuesday if that works for everybody?

Vice-Chair Ball: So the...what are we on the 10th, then we'll have a proposed tour I guess.

Mr. Yoshida: What time do you wanna assemble?

Vice-Chair Ball: Morning.

Mr. Yoshida: I mean, like 9 o'clock, 10 o'clock.

Vice-Chair Ball: The five people that are probably going what time? What time can you get to the west side?

Mr. Medeiros: Nine.

Mr. Tsai: 9:30.

Mr. Medeiros: 9:30 is better.

Vice-Chair Ball: 9:30, Clayton. Okay, got that?

Ms. McLean: And we'll poll and confirm with members and with the applicant.

Vice-Chair Ball: Okay.

It was moved by Ms. Penny Wakida, seconded by Mr. Jason Medeiros, then

VOTED: to schedule a site visit on June 17, 2014 at 9:30 a.m. to the proposed Kahoma Village Project site. [Said project is scheduled before the Maui Planning Commission on June 24, 2014.]

**(Assenting - S. Duvauchelle, R. Higashi, J. Medeiros, M. Tsai,
P. Wakida)**

(Dissenting - J. Freitas, W. Hedani)

(Excused - I. Lay)

G. NEXT REGULAR MEETING DATE: JUNE 10, 2014

Vice-Chair Ball: Okay, with that meeting's adjourned.

H. ADJOURNMENT

The meeting was adjourned at approximately 2:23 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Vice-Chair
Sandy Duvauchelle
Jack Freitas
Wayne Hedani
Richard Higashi
Jason Medeiros
Penny Wakida
Max Tsai

Excused

Ivan Lay, Chair

Others

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