

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
JUNE 28, 2016**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:07 a.m., Tuesday, June 28, 2016, 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.)

Chair Tsai: Good morning, sorry for the delay. Today is June 28, 2016. The Maui Planning Commission is called to order.

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

Chair Tsai: Going to open the floor for public testimony. So anyone wish to testify on any agenda items may testify now if they cannot stay for when the item comes up or you can wait. You can choose one or the other but you can't do both. Anyone wish to testify right now?

Vice-Chair Medeiros: Mr. Chairman? I'd like to ask for a personal favor. I'd like to ask for a moment of silence for the loss of Mayor Elmer Cravalho. He just passed away.

A moment of silence was observed by the Commission in memory of Mayor Elmer Cravalho.

Vice-Chair Medeiros: Thank you.

Chair Tsai: you have a sign up list?

Ms. McLean: Livit can you see if anyone signed up?

Chair Tsai: All right, public testimony is now closed. We're gonna go to our first agenda item. It's a workshop.

Ms. McLean: Thank you, Chair. The first item is a workshop conducted by the Public Works Department on their review of drainage and traffic reports. This is relatively brief just to give the Commissioners an overview of what Public Works looks at so that when you see drainage and traffic reports as part of an application you'll have an understanding of what they have already considered.

**C. Workshop conducted by the Department of Public Works regarding their review of Drainage and Traffic Reports** (previously scheduled for the April 26, 2016, May 10, 2016, and May 24, 2016 meetings)

Mr. John Smith of the Department of Public Works did a PowerPoint presentation regarding drainage reports and Mr. Nolly Yagin of the Department of Public Works did a PowerPoint presentation regarding traffic reports.

Mr. John Smith: ...(inaudible)...I'm with the engineering side. We're on the fourth floor over here and in Engineers we have our Chief and then we have a couple different sections. The Traffic Section will be giving a presentation next. They all the traffic reports and I'm in the design section which the design section does all the storm drainage. So anything related to storm water that comes through the County will come to our office. I'm just one of the engineers. I don't know everything. I was asked to present to you. I'll do my best and hopefully can answer your questions. We have a little thing to take notes if you wanna grill me later.

I set this thing, it's short. It's just a few slides and so I'm not gonna take a lot of your time today. But just in general an overview. When projects come into our office we look at a few things right off the bat. We look at what were the assumptions that were made by the design engineer? Obviously we look at their calculations. We look at their design parameters. We compare it to projects in the area and look at maybe other projects that were part of a phase earlier that had been approved before. We compare it to that. We compare notes. And then we look at the overall impact. And I would note that we do give special consideration to larger projects or projects that are in sensitive areas. So if it's in the SMA, it's near a gulch, if it's a bigger project we pay a lot more attention to those projects than we do the single family stuff.

The way the water quality or the storm drainage rules are set up in the County is there's two sets of rules. I'm gonna get into the details of them but basically from an engineer's standpoint there's two main things that we think about. We think about quantity of water, the quantity of stormwater is generated and then we think about what's the quality of that water? How clean is it as it leaves the site?

The storm drainage rules that deal with water quantity are these under MC 15, design for the...of storm drainage facilities in the County of Mau. And these rules who can prepare them, not just anyone. They have to be prepared by a licensed civil engineer. And that's who can do it and that's his name, but here's the details just so you guys all understand...(inaudible)...understand what the rules say. And this is just quantity, this is not quality, okay. There's basically three ...(inaudible)...if a new development comes in it can't damage any of our, any of the County's facilities. It can't damage the streets, structures or the grounds. It can't interrupt traffic. And this is the big one, there can be no adverse effects to downstream or adjoining properties.

Mr. Carnicelli: I'm sorry to interrupt. When you say downstream does that also include the ocean?

Mr. Smith: Yes.

Mr. Carnicelli: Okay, thank you.

Mr. Smith: So in general if you read through the rules that's what it boils down to. I'm not gonna get into the calculations today and I don't think you want to. When we look at the quantity we look at the velocity. So at the end of the pipe or at the end of the channel where it comes out of that we look is that an erodible, is it gonna cause damage at that point. Has the engineer mitigated the flow

so that the velocity slows down when it leaves the site? How much additional runoff have they created or are there any other adverse effects associated with that site. If you're not familiar with stormwater drainage, you know, I just put this slide together just to give you an idea if you're out running around what are we talking about. When it comes to handling stormwater quality what most engineers do is they design ponds and you'll see them all over Maui great big basins. Most of them are dry here but some of them are wet, but in general you're gonna see this. We are seeing in more densely populated areas a lot of people are going underground with the storage now. We still see that, but the whole idea is there's a volume that they have to detain of water per our rules before it can leave the site so it makes it act as if it was before it was developed. Does that make sense?

Then we have the water quality rules. Now these aren't dealing with the quantity, these are dealing with smaller storms, the one and two-year storms, more frequent storms and when you look at water quality in general those smaller storms are what create the heavily sediment laden waters that come off. So stuff builds up on the parking lot, it doesn't take much of a storm to mobilize all that sediment and just flush it down the system. So these rules are in place to make sure that the water that comes off the site is clean, okay.

There's two triggers. ...(inaudible)...which is subdivisions. So if you come in for a subdivision you're gonna go through the water quality rules. If you come in through the Building Code or if you trigger something that triggers the Building Code then we're gonna go through the water quality requirements and same exact requirements. It has to be prepared by a civil engineer and usually what we see is in the overall drainage report you'll have a section that deals with the first set of rules and then you have a section that deals with these rules in the calculations.

What do the rules say? I'm not gonna go through every little thing here but basically remove suspended solids. It applies to flows that are generated onsite. Meaning we're not cleaning up stormwater that is dirty offsite. So all just on that particular site. And it targets like I said the smaller frequent storms. User examples, these may not mean anything to you, but there are...the low impact, well low impact development or clean development that movement is, you know, it's fully developed now, it started 20, 25 years ago and now it's all across the country and there are hundreds and hundreds of different techniques that designers can use to clean stormwater on their sites. This is just a example of a few of them and that's the point of these rules. It promotes, it promotes designers to do that, okay. One of the...you know, permeable pavement. You've seen the typical design is to just pave everything with asphalt and it's all impervious and now we're seeing in order to meet these rules we're seeing designers put in pervious concrete or pervious pavement. You're seeing a lot more swales and then there are, the one at the very bottom there are commercially manufactured devices that the designers can put in line, in the pipe that will take out the suspended solids and we see a lot of that too.

This is a simple example of one of those. So if you look at the picture in a traditional design 20 years ago there would be that inlet right next to the curb. And it would just go straight into a pipe and then out off the site and there would be no treatment. And what we see in these designs is it goes through there, then it goes through the swale and it picks up a lot of the pollutants before it actually exits the site. Infiltration is a big deal too. You do it at every site, but infiltrating and recharging the groundwater, we, you know we encourage that wherever they can.

This is, this isn't an MS4 presentation. You probably heard that term by now MS4. MS4 stands Municipal Separate Storm Sewer System. The County...I'm just...I'm giving you guys this because it does tie exactly to what I'm talking about today. The MS4 that the County has that the Department of Public Works administers is a DOH driven program specifically aimed at water quality cleaning up our stormwater. One of the five or six elements in that program, the six main elements that we are obligated to do under our permit is post construction, stormwater management and new and redevelopment. So a lot of the requirements in the permit that we have to follow are...we're already doing. But there are other measures in these elements that we need to do that's actually beefing up how we do this work. And just a couple of things to look at. You know I talked about low impact development and you know, we're already doing that. But now because of that permit we have an obligation to train our reviewers to train our staff. We have an obligation to hold workshops which we already started doing last year. So we're bringing in people in the industry and construction that are part of the development process and we're training them on what does it mean to clean up your storm water. So that's a program and that's a buzz word you're gonna hear a lot of. It's here to stay. The program is increasing. Right now it's just in the Wailuku area, but it's most likely going to expand. I just wanted you to understand that there is another mandated program out there that goes right along with what we're doing. That's enough for one small session. I know it's kind of boring stuff, but I'm happy to answer questions before Nolly comes or I can hold them until after that. It's up to you. Thank you for your time.

Chair Tsai: Quick question. John maybe this is directed to the Deputy too, you brought up, you know we see a lot of applications for 100 percent retaining of runoff or other requirement that we have. What kind of mechanism do we have to verify all that to make sure a developer once construction is done that it's done correctly?

Mr. Smith: Well, there's a couple things. One is you know, DSA has inspectors so when a plan's approved and during construction our inspectors go out and make sure...I don't wanna jump ahead of you...they run out in multiple times throughout the project to make sure what we approved is built. That's the first thing and as part of the MS4 Program which I just mentioned, we now have an obligation to start to track those developments over time to make sure that they're not only there but they're being maintained.

Ms. Dagdag-Andaya: So in addition to that, we through the MS4 Program you know, we're also going to be providing additional training and get more support for our staff because of this enhanced service that we'll need to provide through the MS4 so it's a continual...I mean, it's a continuous process. I think John has been doing a really great job at leading this MS4 Program from the very beginning. And we're really lucky to have him on board. So before it was just stormwater volume that we were looking at. Now we're looking at stormwater quality and that's just happened within the last I guess four years.

Chair Tsai: Thank you. You guys actually go out and test it? I mean, I know the whole, you know...

Ms. Dagdag-Andaya: No not test we don't...we're not...

Mr. Smith: There's no requirement for testing, like you're talking about like lab testing?

Chair Tsai: Yeah.

Mr. Smith: No, it's all visual.

Ms. Dagdag-Andaya: But even in John's presentation he did make mention that in some cases you know we do give special consideration to projects that are larger or are being built in sensitive areas. So in that case, sometimes we work with State Department of Health.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: John, back to the second to the last slide.

Mr. Smith: This one or the...

Mr. Hedani: The one that was before the last before Mahalo.

Mr. Smith: I think it's this one. Is that it?

Mr. Hedani: Can you cover what MEP and LID is? I know BMP is Best Management Practice.

Mr. Smith: Yeah, sorry I should have defined that. MEP it's a regulatory term. It's Maximum Extent Practicum and that can be defined a number of different ways. That's a whole, probably a whole other long discussion. But it's basically do the best you can I mean in layman's terms. And what was the other one?

Mr. Hedani: LID.

Mr. Smith: It's either...I've seen it two different ways, Low Impact Design or Low Impact Development, kind of means the same thing. It's this whole green or sustainable design. I'm sure you've heard lots about that. I don't know if...I mean, some people use...they say, just say LID, LID design. Does that help?

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: So I have a question that's I guess more specific that I'm trying to wrap my brain around and it's the area between Launiupoko and Puamana there's now, you know, the big drainage, catch basin there, that's there. But I guess my question is that was actually done four or five years after everything mauka was developed. And so as someone that you know has surfed out there and sees the reef it's just like, it was like the reef already died and then we put this in after-the-fact. So I guess my question is is how does this, you know, if the new changes, you know the design how did that not happen beforehand? I mean, I'm kinda putting you on the spot for that particular thing but maybe you can just tell me how the process works and why that happened after-the-fact.

Mr. Smith: Well just to...so I understand exactly which one you're talking about. There's a large drainage channel that was constructed a couple of years ago then finalized recently and it's right next to...(inaudible)...

Mr. Carnicelli: Yeah, the one that you moved the road for and everything like that. I mean, I don't know. I mean I'm not an engineer, but I'm assuming that that's what it was for.

Mr. Smith: At Hokiokio is that where the crossroad? Is that, it's right next to Puamana?

Mr. Carnicelli: Yeah, yeah, yeah.

Mr. Smith: Well, that project was developed I think separate from all of this stuff. So I don't think that there's...I mean it was developed to reduce sediment that goes to the ocean.

Mr. Carnicelli: Right.

Mr. Smith: But I don't think it was...had anything to do per se with what we're talking about today. That was a project that was developed by the NRCS, National Resources Conservation Service in conjunction with the County. And it was...it was...that thing started the planning process I think in the 60's or 70's so it's, yeah...

Mr. Carnicelli: So then if I could follow up then I guess, and maybe this is more, it's directed for you is 'cause if I look at Ukumehame, Olowalu, Launiupoko, Makila, you know it doesn't seem like there's any of this...you know, there's no catchment for drainage in any of those developments all across the west side there.

Ms. Dagdag-Andaya: Well, I think what John had...well, the project that we were talking about was the Lahaina Watershed Flood Control. And that project...I mean, it's almost...you kinda need a master plan effort in order to do a big project like that. And what happened was 60's or 70's I know the NRCS they came up with that project, the design. They worked with the County. So it went through a real big master planning effort. We also have a master plan for Lahaina Town. Now as far as the other lands I don't know...I don't think...I'm not aware of one, a master plan for those areas John, I don't know if you know.

Mr. Smith: I think there is a master plan for Lahaina Town.

Ms. Dagdag-Andaya: Okay, but further south?

Mr. Smith: I don't, I don't believe so.

Ms. Dagdag-Andaya: Yeah, so it would have to take like, we have several groups like the watershed groups in West Maui. They've been meeting for years now. And sometimes the work begins with those groups in coming up with a master plan for drainage and stormwater quality.

Mr. Carnicelli: So if I'm understanding you, then is what we're talking about is more master plan stuff rather than okay, here's a development come before you and you know, the water quality and water volume is part of that development but it's no...that's not how you're looking at it. You look at it more from a master plan perspective?

Ms. Dagdag-Andaya: Well, I think there's two ways of looking at it. You wanna jump in on that?

Mr. Smith: Yeah, I think you're talking about watershed planning really. So, and there are a number of watershed plans in place in West Maui and those plans at the planning process will identify things like potential changes in rules you know that will affect that down the line. So that overall but specifically what I'm talking about today is just going to affect those individual developments that comes through.

Ms. Dagdag-Andaya: And the MS4 Program has been around for many years now it's just in the last four years we were...there was a trigger when we reached a certain population threshold it kicked us in the Kahului-Wailuku area into an urbanized status which triggered this requirement to get a permit and create a MS4 Program. So although it's really not...technically it's only supposed to be specific to Kahului and Wailuku but in talking with staff and with other stakeholders we decided, you know, to take it island wide at this point. Because no matter...you know, the kind of changes that we create in our ordinances you know, it's hard to just limit it to Kahului and Wailuku. So Lahaina is also another area we've been talking with the watershed groups there, Tova's group...I can't remember what the name of her group is. But we've been getting a lot of great support from the nonprofit organizations in trying to implement changes. But yeah, as I mentioned earlier storm water quality wasn't something that the County was looking at specifically in the past but now that's something that our staff is taking a really good look at.

Mr. Carnicelli: Thank you.

Mr. Nolly Yagin: Good morning Commissioners. My name Nolly Yagin. I'm with the Traffic Section of the Engineering Division. Just a little about us. We handle things such as anything to do with roadway operations things like a simple no parking complaint and we go as far as litigation. We handle federal aid projects, capital improvement projects. We run the whole gamut of anything that happens to the road we pretty much get involved. We administer the Safe Routes to School Program. And we review things like subdivision and private development reviews.

Also with me today is Kurt Watanabe. He helped me prepare this thing. We kind of...this was a long process to get this to where we could even understand it. So we were requested to share some basic info on these TIARs and go over some of the things that we look for when we review these reports.

So the first thing is what is a TIAR? TIAR it stands for Traffic Impact Analysis Report. What it does is it forecasts traffic. It provides just an idea of what traffic may look like when a development comes in and it's just an idea. It provides also things like traffic volumes that result and it also does things like identifies concerns and it also makes recommendations on future improvements. The key here is that it may provide what it looks like. It doesn't provide an exact picture of what a development will be 'cause people tend to adjust it...(inaudible)... They see traffic they'll avoid it. So that's...and this is also not a worst case scenario. It's a reasonable picture of what a development ...(inaudible)...

As far as the TIAR there's some things that we need to expect from these reports for one it does vary in complexity depending on the development so a larger development will have a much larger study area, a much larger study and you can expect the opposite, a smaller development will have a smaller study. That's the kind we like to review the thin reports. It also does help to ensure safe

and reasonable traffic after the development is done. One of the things that it doesn't do is it doesn't show impacts to other travel modes. So sometimes reports talk about things like people walking within a development or even bus stops but you need to know that these reports they don't forecast that at all. That's not what you should be looking at in a traffic report. And it doesn't show also how people will react to a development. For instance say if a development puts in a bus stop that's no indication that people will ride the bus more.

So when is a TIAR needed? It's typically done for all new development but it's not necessary for all. Our Department follows ITE Guidelines and what ITE Guidelines say is that a traffic analysis is required when there are 100 or more peak hour trips, directional trips actually. So meaning if there's 100 or more inbound or 100 or more outbound trips you should do a traffic report. There's also a rule that rarely comes up but ITE also recommends that if a development generates say about 750 or more daily trips they should do one also. And just for a rule of thumb 100 peak hour trips if you use the current trip generation rates you're looking at about 70 single family homes so that's something that you could remember also. When a development hits 70 single family there should be a traffic report.

Ms. Dagdag-Andaya: Can I add one more thing? So ITE stands Institute of Transportation Engineers. So these transportation engineers come from different parts of the United States and gather up every so often to come up with guidelines or review the guidelines and that's what it stands for.

Mr. Yagin: We go one step stricter I think. Even if we do not hit that 100 trips, peak hour trips we will request that a traffic report is done when there are things like a changes or if a development accesses onto one of our busier roadways then we will ask for some type of an assessment. If it accesses near a intersection or even provides drive-thru service that's something that we look at also.

So as far as what goes on in, what goes into a TIAR depending on the consultant it may be different. They may have different ways of putting together their report but the basic sections of a TIAR should include the project's background, description of the existing conditions. There should be a section on future conditions without the project and I'll go a little more into that, a little bit, and future conditions with the project. Sometimes those are...that year is called the horizon year. Some consultants may call it another name but that's the more common term. A final section should be Findings, Conclusions and Recommendations. And they should have a lot of exhibits, tables. We like pictures. We don't like them writing everything down. We'd rather have as much pictures as possible so anything to help present the information clearly it's part of our comments.

So a little more detail in that project background section. What it should do is provide a history of the project site whether it was undeveloped, previously occupied, it should say something about that. A description of the development whether it's a residential subdivision, whether it's a some type of office building, a bank or something. It also should show the project's driveways and access points cause we do wanna know where the traffic is gonna enter and exit this project.

Along with the description there should be an exhibit showing the entire study area. So for instance if we take Kehalani Village Center right there at Longs it should show the study area limits so I mean the study area limits could be as far as Waikapu. But it should show that limits clearly as a

picture and not just describe it. It should also so a description of the existing and relevant roadway network within the study area so everything like speed limits, it should talk about lane requirements. It should also talk about whether an intersection is signalized or not, possibly some observations.

Ms. Dagdag-Andaya: And there have been instances where we've worked with the developer from the very beginning of the project when they just start out their planning and have asked for them to extend their area out. So I mean, there's a certain rule when it comes to the project background and determining the limits. But in some cases what we have done is ask them can you look out even further? They're not very happy with that but it helps us get a better picture.

Mr. Yagin: Yeah, and just to add onto what Rowena said, usually when we ask for additional study area it's because they've kind of caught us by surprise. Like they should meet with the Department or with the County at least to shore up that study area before they leave. Yeah, 'cause I guess the rule of thumb is the larger the study area the more expensive the study.

The section on Existing Conditions. It should show the current traffic pattern so it should show volumes of existing intersections. It should make some notes on observations. The traffic consultant should have seen the site. They should have gone to the site, looked at it during the peak hours and not just rely on some numbers that are provided to them.

Just a note on the traffic counts. Typically when traffic counts are older than two years we ask them to update it. It's a good rule of thumb to find out when the traffic counts were taken. Some important things too are that traffic counts we prefer that they not be done during the summer months when school is out. Also, traffic counts they should be taken Tuesday, Wednesday, Thursdays that's more typical. Mondays and Fridays they tend to be lower. Mondays tend to be higher in sick leaves and leftover vacation time. Fridays people tend to wind down a little bit earlier so we try to avoid those days also. It also should do an analysis of those study intersections so basically tell us when the peak hour is, any delay times and even come out with a level of service. Level of service seems to be a really popular term. It's A thru F. Basically it grades the intersection. That's about it. It's not something that should be focused on solely, but it's just a good picture. So F is bad, A is good.

Ms. Dagdag-Andaya: But that's only for delay. It's not like the grade, it's just...I know it's A to F but it's basically the amount of time the traffic sits at the intersection.

Mr. Yagin: Yeah.

Ms. Dagdag-Andaya: So it's not like oh, this is a bad intersection. It's bad in terms of the delay is big but sometimes an LOS A isn't great especially when you're looking at land use because you know sometimes you need that delay in order to slow down traffic and the way to make sense out of it is if you have like a really thriving downtown area or a thriving area, a commercial area with a lot of pedestrians, bicyclists and a mix of cars sometimes you know the higher delay means you know, slowing down the traffic and allowing people to walk across the street or ride their bikes. So you can kinda look at it that way as well.

Mr. Yagin: Yeah, and just some, just some notes. Whenever you have an LOS A it's great no delays, but that also could be a sign that the roadway maybe a little bit overdesigned basically what

that comes down to is increased maintenance and not enough cars to actually make use of the road. So LOS A is not exactly the greatest thing. I mean it's great when you wanna go somewhere, but...

Mr. Robinson: Nolly could I ask you a question?

Mr. Yagin: Sure.

Mr. Robinson: I wanna get back to you guys, not you guys, I don't want to say it that way. I want to get back to the policy of looking at three days out of seven and what is the reasoning for only looking at three instead of all seven?

Mr. Yagin: Well okay, so say we take...let's pick a church...well, okay rule of thumb is Tuesday, Wednesday, Thursday that's a typical...

Mr. Robinson: Who's...yeah but whose rule is this that's what I'm trying to say. What are this...we're gonna pick Tuesday, Wednesday, Thursday?

Mr. Yagin: It's a nationally, I won't say approved, but it's an accepted time frame of traffic.

Mr. Robinson: And so is the focus on working people or is the focus on all people?

Mr. Yagin: It's, it's on all, I mean 'cause say if you take your counts on a Sunday, obviously it's gonna be very low unless you're by a church. If you take Mondays, when we look at our...when we look at things like the State's 24-hour counts Mondays tend to be on the low side. I mentioned sick leaves, but I don't know if that's it, but it may be it.

Mr. Robinson: Well, there's more holidays on Mondays and...(inaudible)...

Mr. Yagin: Yeah, and that's the thing too, we try to avoid counts close to holidays also. It's just people tend to change their patterns on holidays as well. Tuesdays, Wednesday, Thursdays they tend to be where people are already into the work week, commute patterns are a little more normal, but it's...yeah, with every development Tuesday, Wednesday, Thursday is a typical, but say like, like I said a church obviously you wouldn't wanna take the traffic counts. It's doesn't make sense to make the traffic counts during the weekday when most of their services are on Sunday.

Mr. Robinson: You know it's for Maui and with the timeshares and everybody checking in on Fridays and Saturdays and ...(inaudible)...my concern is that I see traffic on Fridays and for Fridays not to be included that's what I wonder why we...I mean, I understand you don't wanna do every day maybe or there's majority, but for Fridays it's always to me personally the worst traffic but yet that's not considered in the standard.

Mr. Yagin: Yeah, we try to avoid close the weekends just because it...in our data, in our historical data it's shown that Fridays tend to be a lower travel day or driving day than say a Tuesday, Wednesday or a Thursday. It just comes out that way.

Mr. Robinson: So we're looking for the peak driving times and those peak driving times are the Tuesday, Wednesday, Thursday and that's why they use that while every other day is not peak so we don't wanna classify it that way is that what we're saying? Makes sense if that's what it is.

Mr. Yagin: Yeah, that's what it is, but like what I'm saying is that traffic tends to be pretty dynamic yeah. So I mean, Fridays our data shows that Monday and Fridays tend to be lower than the rest of the week and that's why we'd rather it be a more typical condition which we see as Tuesday, Wednesday, Thursday.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I know you're dealing with County streets basically and County approvals. Kinda like what Commissioner Carnicelli was talking about in West Maui because I work in West Maui. Honoapiilani Highway 20 years ago had maybe 40,000 vehicles on it. Today I'm guessing it's probably closer to double that 60,000 or 80,000 vehicles per day. The biggest problem I see in West Maui is when I'm not sure if it was the County or the State adds signals to Honoapiilani Highway that just totally screws up the traffic all the way to Maalaea and all the way back to Kapalua two specific signals, one at Laniupoko Park and the second one at Hokiokio where the bypass ties in. Who requires the signals to be put in those places? I mean, the right of way is huge they can put in a refuge lane you know for people that are trying to cross and make left turns, but those two signals have got to tie up 80,000 vehicle trips per day every day. Is there a way to change that or is there a way to eliminate those signals?

Mr. Yagin: Well, the first part of the question, who screwed it up? It's not us. Okay, well...okay so it's State jurisdiction. They have nationally accepted warrants so there's eight warrants. And typically when you satisfy any of the warrants then they'll look at it a little closer. I don't know what warrants were satisfied, but some factors involved are safety. For one, it's a higher speed roadway there. People coming out of Launiupoko need to...they need to make a left turn out there sometimes. It could be...and a traffic signal provides that safe exit out of that road so they do have some responsibility safety wise. If it sacrifices volumes safety pretty much takes priority. Yeah, so I mean, one of the other things that I wanted to mention was that you mentioned the two traffic signals. People look at traffic signals as fixes for intersections, but traffic signals also cause traffic. They do. They stop the main line. People gotta stop. If there's pedestrians it even gets worse. I think Launiupoko is like 19 seconds. So for every time somebody pushes the button you've got 19 seconds of extra red light.

Chair Tsai: Well, thanks Nolly I gotta put you on the spot here and expand on Commissioner Hedani's point. I think what's really personally it's on the South side you got two major traffic lights on Piilani Highway and Kihei South Road between Lipoa basically and the Kihei what is it...sorry, Safeway Shopping Center and the two lights...I mean, they're better now it's synchronized but also on South Kihei Road you have the same thing happening to three traffic lights because there's another one across the Azeka Shopping Center which it's absolutely...I don't know how that was ever put in there what the thought pattern was, but you know...

Mr. Yagin: Yeah, and those three specific, those three specific intersections we've kinda taken a look at it also because...well, okay so we've taken a look at it and what we've done was we've done some coordination northbound so what that does is it clears queue from the south heading out of

Kihei. If you go there in the afternoons our observations are that the traffic has changed. But yeah, as far as three signals in a row yeah, that's a problem and we're trying to see if there's a way to help alleviate that.

Chair Tsai: But that is County road, right?

Mr. Yagin: That is County.

Chair Tsai: Okay, thank you.

Mr. Yagin: So we did good.

Mr. Robinson: Nolly, I wanna expand on Commissioner Hedani. So we understand why it's there it's for safety. What is the maximum time allowed we could make the people at Launiupoko to wait for a left turn to minimize the amount of times or a person crossing the street when they press the button what is that length of time so that it ain't every two minutes somebody's pressing it. They park the car, the dad goes first and the kids, and then you know, is there a minimum or maximum?

Mr. Yagin: You know Honoapiilani Highway is, and I think I should be careful if I'm speaking for the State though, but typically...

Ms. Dagdag-Andaya: Yeah, I'm sorry. I don't think it's an appropriate thing for Nolly to respond to because I guess what you're asking for is what are some mitigation that can be done for that intersection, but we really can't speak on that.

Ms. McLean: And if I may Chair? The presentation today is what Public Works looks at when they review TIARs. We could certainly have a posted discussion for another time about various areas of the island if you want to talk more specifically about what improvements are there, but their purpose today is to just give an overview of what they look at when they review traffic studies.

Mr. Robinson: Yeah, and I apologize if you think it's just Honoapiilani Highway. I'm just talking about is the regulations so when we look at a project and we have to, we have to think about the traffic impacts could we put a condition of your stop lights will be at no sooner than a minute waiting time so that we can minimize traffic. Honoapiilani was a good example because we could see it, but I'm more of a what are the rules. So if it's a State rule that says you know what, like he said safety outweighs I understand that, the State rules says if somebody has it the longest a person should be standing by a road is a minute or just information wise, you know, just in the future for just what we could add on as a conditions for a project I think that would you know...

Ms. Dagdag-Andaya: How about we do this, can we have Nolly finish up the presentation then we can take questions after?

Mr. Yagin: So the next section would be your future conditions without the project. So this is some time in the future that...sometime in the future it gives a picture of what the traffic will look like if development wasn't built and we call that our base year. So this section should show the design year or whatever year the development was expected to be built. It should mention growth rates and with those growth rates it should come out with the resulting projected traffic volume. Like with

the other sections it should identify the peak hour volumes, any theoretical delays and resulting level of service. In this section too, the section should identify any upcoming roadway improvements and projects that influence the study area. So if you...you have a grocery store and there's a huge subdivision coming across the street it should mention.

So the next section is how do we, how does the consultant go about estimating how much traffic a development generates? We use the ITE Trip Generation Manual and it's based on the projected land use. So, if it's a single family residential subdivision it should use single family land use codes. I can go into a little more detail at the end on this thing. What happens too is that once you have those volumes the consultant distributes that traffic throughout the network and it needs to be reasonable too. You can't generate all that traffic and just route them through one single intersection. Nor does it make sense to spread them out evenly. I mean, it needs to make some sense. Usually they're based on the existing travel patterns.

What also should be done is they should provide their supporting info and assumptions. A lot of the time they do certain things in the traffic analysis but they don't give an explanation of why they did it. These are technical reports and the truth is though we hate reading technical reports, we hate reading it, it takes forever. So we'd like them to explain it so that we could just read through it and understand it. Just a note too, sometimes we make comment on grammar. We do that. If it doesn't make sense to us if a verb tense then we'll have them correct it as well.

Some things on land use codes that we watch for. It's never a one size fits all thing. For one, the land use codes presented in that are taken from many different locations around the nation. It's not necessarily focused on Hawaii. So that's something that we need to watch out for. Like an example I have there a convenience store. The manual doesn't just give trip generation rates for a convenience store. It breaks them down. Convenience store if it's open 24 hours, if there's gas pumps outside or if they're open less than eight hours a day. So there's different land uses, land use codes and they need to be careful to use the right code.

Okay, the next section is we call it the horizon year and it analyzes future conditions this time with the project. So what it takes is it takes the projected volumes from the base year and it adds on the generated trips and what you get out of this is also the peak hour volumes, resulting delay and resulting level of service as well.

And the last section is one on Findings, Conclusions and Recommendations it should summarize all the horizon year traffic impacts, the effects the development has on the roadway network. It should identify deficiencies things like maybe there needs to be turn lanes, maybe an additional driveway. It also identifies some deficiencies such as if an existing intersection close by is already at capacity and maybe something needs to be done. It makes recommendations on those impacts.

Going onto one of the questions about conditioning things like going as far as detailing how much time should be allowed onto a roadway that's something that should be done later not necessarily as a condition because for one, traffic changes as a development goes. And the longer a development been in traffic patterns change and signal timing needs to be changed as well. So I would, we wouldn't even do that on our comments. We wouldn't make a comment as to how much max time to be put on a signal.

Okay, in summary when we review TIARs these are the things that that we ask ourselves. Are the volumes that they present reasonable? Are the trip assignments reasonable? Is the level of service presented reasonable? If you notice traffic out there I would hope, I would expect that the level of service would not be shown as an A. If it is, it's a fair question the consultant. The assumptions are they reasonable? Do they assume that a roadway is built and what's the likelihood of that road being built? Conclusions and recommended actions are they reasonable? Are they asking for a roundabout on a high speed highway? Is that something that they wanna do? Are there any additional improvements required for lanes, maybe the signal, and is the analysis and discussion clearly written and this is one thing that like I said they've commented on grammar before so it's fair game. I mean if you can't understand the report, I don't think it should be approved. Is there anything significant omitted? Have they...all the sections that I talked about are any of those things left out? That's our ...(inaudible)...

Chair Tsai: Thank you Nolly. You know topic of traffic's always near and dear to all of us so appreciate you taking the time and answer our line of questioning. I do have one quick one, you addressed the general traffic. Are we talking only about vehicular traffic, so you know there's a lot of a people on this island that rides mopeds and so forth and that's not taken into consideration at all or bicycle?

Mr. Yagin: You know, things like that can be shown in the observations but there's no guidelines for us to follow as far as how to project things like that like people walking. You know people studied cars forever and nobody's really...there really isn't any study on how much pedestrian traffic something will generate, bicycle traffic. It should be shown in the report if they're observed uses, but I don't think you can base the report for finding conclusions on that.

Ms. Dagdag-Andaya: You know I'm gonna jump on this? There's...I know Nolly and I have been talking about this as well you know inclusion of bicycles and pedestrians and the traffic reports and it's actually a discussion statewide with other Public Works or Transportation Departments and in fact, you know we're working with a traffic engineer from Portland all the counties, he's wanting to kinda help us or lead us in this discussion of you know rethinking the way we look at traffic reports and looking at more multi-modal solutions because right now the main emphasis on vehicular delay so nationwide I think there's a shift towards looking at multi-modal, bicycles, pedestrians. So that's a discussion coming up in the, you know, next couple months.

Chair Tsai: Thank you.

Mr. Robinson: Question? For the record, the question that I want answered I have to ask for an agenda or do I just look it up myself later? I thought this was a workshop so I'm kinda confused.

Ms. McLean: No, I thought you were asking a question about a specific improvement, the specific traffic lights on Honoapiilani Highway because there was a question about a specific area and another question about a specific area and I wanted the commission to focus on the general presentation. But if your question is about the concept of traffic studies in general then certainly you can ask that question.

Mr. Robinson: I guess I can restate it. Is there a rule for safety reasons for how long a person can stand at a crosswalk if they press a button? You know what is the minimum and the maximum if there is? If you don't know it that's fine I can look it up, but that's was the question.

Mr. Yagin: I don't know of any rules that say that you can make a person wait is that what you mean? Like how long you can make a person wait before they get the green light for crossing? Yeah there's no rules on that. Yeah, there just isn't.

Mr. Robinson: So how is it determined anywhere in our county? Is it by you guys do a study for intersection, you guys do a estimate of what you guys think is appropriate and traffic flow?

Mr. Yagin: Yeah, there will be a study. So the peak hour volumes even pedestrians are taken into account...well, pedestrians I mean if there's one or ten, the amount to cross that's pretty much figured out by formula. As far as waiting, making say a roadway wait some time that kinda goes by feel too. There's nothing that says that we can make them wait this long before we give them the green light. But by observation if that seems to be a good idea then we do it, we can do it incrementally. We can add a delay to a second approach and see how it functions. Yeah, signal programming is that basically you have a set basic program and as people adjust and make their moves drives differently we make adjustments to the timing to see if we can make things flow a little better. So it's a constantly evolving program.

Mr. Robinson: And the program, you guys have a capability of doing it from morning to night, different times of days or is it really 24-hour system? It can vary times ...(inaudible)...

Mr. Yagin: Yeah, the County traditionally has one program 24-hours a day. We've been kinda making the move to do what they call a time of day program so basically morning time you might have different traffic patterns like obviously if there's a school then everybody's going that way in the morning and in the afternoon and we may wanna flip the timing so that it favors going the opposite direction so we're moving in that direction. But our emphasis right now is changing out some of these older controllers that we have lying around. Things that you can only find on EBay at this point.

Mr. Robinson: Thank you.

Chair Tsai: Thank you Nolly. Appreciate it. And thanks for Department of Public Works for coming in to present to us.

Mr. Yagin: Thank you.

Chair Tsai: Yeah, let's take a quick recess and we'll reconvene at 10:15.

A recess was called at 10:09 a.m. and the meeting was reconvened at 10:20 a.m.

Chair Tsai: Just a note to our Commissioners, I've been informed that we're not ordering lunch so we gotta get done by 12 o'clock. Next agenda item please? Deputy Director?

Ms. McLean: Thank you. You have one public hearing item on your agenda today. It's a request from Anthony L. Marletto for a Short-Term Rental Home Permit to operate the Mango Surf Short-Term Rental Home in the R-3 Residential District at 1490 Halama Street, TMK: 3-9-010: 017 in Kihei. Livit Callentine is the project planner.

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

1. **MR. ANTHONY L. MARLETTO requesting a Short-Term Rental Home Permit in order to operate the Mango Surf Short-Term Rental Home in the R-3 Residential District at 1490 Halama Street, TMK: 3-9-010: 017, Kihei, Island of Maui. (STKM T2014/0003) (L. Callentine)**

**This application is being brought before the Commission because there are at least two permitted short-term rental home operations located within 500 ft. of the subject property.**

Ms. Livit Callentine: Thank you Michele and good morning. I would just wanna clarify that Anthony L. Marletto is the sole Trustee of the Anthony L. Marletto Family Revocable Trust which is the owner of the property. That was not made clear on the title page of our report to you. So in telling you that I'm letting you know that that comply with Chapter 19.65.030 (g)(3) which says the trust must, the applicant must be a prevailing member, controlling member of the trust. And since he's the sole member he is also the controlling member.

So this was filed, this application was filed on March 10, 2014 and it was filed on behalf of the applicant by Tom Croly, who's considered the consultant and is here today. This is a for a three-bedroom home. It's the only home on the lot. It is on the makai side of Halama Street. It is coming before you of course because there are...there is an existing rental home operating within 500 feet of the subject home lot and as you'll see there are actually two within 500 feet of the short-term rental home, of the proposed short-term rental home.

The property is a large property in the R-3 Residential District. It's 18,000...a little over 18,000 square feet, and it is located on Halama between Waiohuli Street and Welakahao Road. As you can see from the exhibits in the report if you look at Exhibit 1 you'll see the location map, in Exhibit 2 you see the site and parking plan, and the floor plan is shown as Exhibit 3, and there are several pages of photographs of the property and the home in Exhibit 4. And there are aerial photographs shown in Exhibit 5 that shows you the property with its boundaries and its neighbors. The property was reviewed of course under the restrictions and standards found in 19.65.030 of the Maui County Code as amended and you know, the Short-Term Rental Home Ordinance was just recently amendment so this is the first report we've written that goes through all the new restrictions and standards. None of the changes to the ordinance really actually applied to this one. You'll see some in the future which will be reviewed under the new sections of 19.65, but this one was not actually...this one...nothing changed because of the...nothing changed in our analysis because the ordinance changed. So Tom Croly is here and he has a, as well as the applicant, he has a slideshow he'd like to show. I'd like to turn it over to him at this time Mr. Chair if that's okay?

Chair Tsai: Yep.

Mr. Tom Croly: I'm Tom Croly on behalf of Anthony Marletto who's here to answer questions for you as well. As Livit told you this is for a Short-Term Rental Permit for a property known as Mango Surf as 1490 Halama Street. It's a three-bedroom, two-bath home originally built in I believe it was 1947 and it's been renovated a couple times through the years but this is one of the few smaller modest homes on Halama Street.

The owner, Anthony Marletto lives in Montana nine months of the year and he's flown in today for this hearing and he spends the winters usually here in the home. The home when it's rented would be managed by Tropical Villa Vacations and they are the premiere management companies here on Maui. They handle really the cream of the crop vacation rentals, the Wailea Beach Villa and others in the Wailea resort. They do a very good job of managing vacation rentals. They have a staff of 40 people. They're always available to address any issues and they really do do their job with the highest of ...(inaudible)...

This house being a three-bedroom house will be limited to groups of no more than six people. So the maximum occupancy is six adults. The property is flanked by two other permitted short-term rentals. To the south is a permitted short-term rental and to the north is a permitted short-term rental. This kinda makes it the ideal location for this use. You have the ocean on one side, you have a short-term rental on either side and across the street currently there's vacant lots that are in the process of being subdivided.

As far as regulatory concerns all the rooms have smoke detectors. There are fire extinguishers both in the kitchen and outside by the barbeque area. There are house rules that are posted inside the house and that are also given to the guests prior to arrival. They would be part of the contract that guests would sign advising them that there's no parties that they must park on site. That they must abide by the rules that shoreline out in front of the house is public access and that they can in no way restrict the public's use of that shoreline.

The application history briefly. The applicant purchased this home in February of 2013 and immediately began some renovations to it. The applicant contacted me and had me start to put together the application for the short-term rental home permit and it was about a year before we were able to complete the application and get it in. In April of 2014, we made notice to 133 neighboring properties. The reason that number is so high for the 500 feet is we're within 500 feet of a condominium and once you just clip a little bit of that condominium you now have to make notice to everyone in the condominium of the use. No protests were received from that initial mailing of the notice of application. Prior to this meeting in May of 2016, we went out another notice of the public hearing to again those 133 neighboring property owners and again received no protests from any of the neighbors and today we're here for the Planning Commission hearing.

The neighborhood Halama Street is a place where generally the oceanfront are part-time home of their nonresident owners. There's 46 homes that front the oceanfront on Halama Street and of those, I only counted five that are claiming a homeowner exemption that would indicate that that would be a full-time resident living in that home. There are five short-term rental permits from one end of Halama or four short-term rental permits, this would be the fifth from one end of Halama Street to the other. So even though there's you know, this is a high concentration area it's still roughly 10 percent of the oceanfront homes that have come in to get a permit. Directly across the street as I've already mentioned is a vacant lot flanked by four other vacant lots. You were talking

about one of them just to give you a perspective not so long ago that fronts Kihei Road where there was a commercial project and some wetlands and so forth you may remember that particular thing.

We have letters of support from the six nearest neighbors and these were provided with...to you today. Neighbors on both sides have given letters of support. Neighbors across the street have given letters of support. The neighbor catty-corner across the street there's a letter of support as well as three doors down.

This is an aerial of the particular area and at the far right is a beach access at the end of the access street there and Halama Street is running across. And as I already said, the property to the north is a permitted short-term rental. The subject property is the next property to the south. The property next to them is a short term rental also sending in a letter of support. The property next to that is a second home for somebody who uses part-time of the year and a letter of support has come from them. The property to the south of that is a bed and breakfast that appeared before you about nine months ago or so again with a letter of support. And across the street, the vacant lot, the owners of the vacant lot who are currently in the process of trying to subdivide those lots provided letters of support as well as the owner of the property to the south there. So we have full acceptance in the neighbor of, you know, of this particular project. So we would just ask that the Commission grant this permit for three years. Of course if there are any record of complaints when the permit would come up for renewal then it would, you know, it would be reviewed and perhaps not renewed if there were any problems that were caused but we certainly don't anticipate any. Thank you. And the applicant is here if you have any questions for Mr. Marletto.

Chair Tsai: Thank you, Tom.

**a) Public Hearing**

Chair Tsai: At this point we're gonna open the floor public testimony. Anyone wish to testify on this agenda item, please step forward you have three minutes. Seeing none, public testimony is now closed. Question, comments from the Commission please? Commissioner Carnicelli?

Mr. Carnicelli: Yeah, and I don't know if this is for Mr. Marletto or Mr. Croly, but somewhere in the application I saw that this is, and I saw the phrase, the phraseology to come into compliance. And so my question is has he been...have they been doing vacation rentals prior to this and is now submitting this application to come into compliance with what he's already been doing?

Mr. Croly: No. Mr. Marletto purchased this property and immediately you know, when we say come into compliance understood the need for a permit and has you know, been pursuing getting the permit since then and has not been operating.

Mr. Carnicelli: Okay, thank you for that clarification. And then is there just the one permitted building or is it two?

Mr. Croly: Yes, so there's just one structure on the property, the three-bedroom, two-bath home.

Mr. Carnicelli: Okay, thank you.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Tom, who owns the property to the makai of the residence?

Mr. Croly: To the makai there is a strip there that is Hawaii State land.

Mr. Hedani: So the State of Hawaii owns it.

Mr. Croly: Yes, yes.

Mr. Hedani: Not the County of Maui?

Mr. Croly: Not the County of Maui, right.

Mr. Hedani: The reason I bring it up is when I look at the map and I look at the adjacent properties it looks like and it may be a mapping error the adjacent property looks like it's encroaching onto public land and the question that I have is is there any way that the public can distinguish where public property starts and private property begins?

Mr. Croly: I'm not versed to be able to tell you that other than my understanding that the rear boundary of the property changes. Now again, in this particular case there is a parcel behind there so maybe that is a fixed point. I don't believe this property has a fence so...Oh, it does have a fence?

Mr. Anthony Marletto: ...(inaudible-speaking from the audience)...

Chair Tsai: Sir, can you not speak? If you wanna come forward? Please identify yourself.

Mr. Marletto: Anthony Marletto. Yes, there is a sign there that says private property towards, you know the house. And I have about a four-foot open portable...I mean, it's nice looking fence, but I bring my dog when I come quite often and I don't want her running around.

Mr. Hedani: So you do have a fence along the boundary?

Mr. Marletto: I do, yes. So anything on the ocean side is open, yeah.

Mr. Hedani: Thank you.

Mr. Marletto: Any other?

Chair Tsai: Commissioner Higashi?

Mr. Higashi: Mr. Marletto, when you purchased this property was your intention to live there or is it for rental purpose?

Mr. Marletto: No. My intention...I've been coming to Maui every year since 1983. This is the third home that I've owned since '99. I've looked on Halama for years. I've sold my home, my second home just before this and when this came up 'cause eventually I want to live here. I have a working

cattle ranch in Montana so this time of year, a good part of the year I can't be gone, but eventually yeah, I mean I wouldn't be coming here this long if I didn't plan on being here at some point. But right now I can't be here full time, but that's why I bought it.

Mr. Higashi: Can I ask you what's your rate of rent for this particular property whether it's monthly or weekly?

Mr. Marletto: I don't know what. I've talked to Irene the owner of Tropical Villas and she'll determine that.

Mr. Higashi: So you don't have any idea as to what you're gonna rent it for?

Mr. Marletto: No. That's not my expertise you know that's why I will engage them. I'm sure it will be based on somewhat what's been neighboring although the neighboring houses are much larger. So I can't really answer that. I've never rented any of my other homes. But seeing the amount of occupancies next to me and no problems. The people when I'm there...I'm there at least three months continuously 'cause I don't go...well, you probably know to bring an animal, a dog to Maui is not easy, so when I come I stay for, you know, at least three months. So I see all the comings and goings you know next door and really very professionally handled.

Mr. Higashi: So on this particular property that you bought is it not for you to live in it's basically you're gonna...it's like an investment that you're...

Mr. Marletto: I can't say that. I don't have any plans to sell it. Yeah, I'd like to live here longer, more time but I make my living raising cattle and I can't be here much more right now, but eventually I have a son that lives on my ranch with his family and hopefully next five years he'll take it over, but you know, I can't definitely say...all the homes I bought I haven't placed it and I've never even thought about renting one before but I bought with the idea of being here more and more as I have the time. Does that answer your question or...I didn't buy it for my sole residence, no I have a residence in Montana, but obviously I pay higher taxes and everything by not being a resident. I have an LLC with my cattle ranch and I have to be a Montana resident. So no, I did not buy it to be my sole residence.

Mr. Higashi: Yeah, well the reason I ask...

Mr. Marletto: But I didn't buy it for a rental either. I've been looking on Halama Street you know and I see houses like mine, the lot's probably worth as much as the house is and if I sold it it get torn down and here'd be a quite large home built there. I didn't buy it for that reason.

Mr. Higashi: Thank you.

Mr. Marletto: You're welcome.

Chair Tsai: Tom, maybe you can answer too, on your Exhibit 2 you said there's the main house being it's gonna be the rental unit, right? But why...why...(inaudible)...short-term rental house one and...oh, so that's just for the—

Mr. Marlette: Oh, that's parking. That's why the entrance is off the street.

Chair Tsai: Thank you.

Mr. Marlette: You're welcome.

Chair Tsai: Seeing no questions, can I have the recommendation from the Department Please.

**b) Action**

Ms. Callentine: So as we determined through our analysis this application for a short-term rental home does comply with the applicable standards with all of the State law, the Countywide Policy Plan, the Maui Island Plan, the Kihei-Makena Community Plan and with the County zoning which is found in Chapter 19.65. It's in compliance with all of the restrictions and standards as amended recently and the department...the Maui County Planning Department recommends approval of a Short-Term Rental Home Permit subject to 22 conditions. 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 June 28, 2016 meeting as its findings of fact, conclusion of law and decision and order and authorize the Planning Director to transmit said written decision and order on behalf of the Planning Commission.

Chair Tsai: Thank you Livit.

Vice-Chair Medeiros: Move to accept the recommendation.

Chair Tsai: Do I hear a second.

Mr. Hedani: What the motion?

Chair Tsai: Move to approve. So motion to approve by Commissioner Medeiros.

Mr. Hedani: Second.

Chair Tsai: Second by Commissioner Hedani. Discussion? Commissioner Carnicelli?

Mr. Carnicelli: So my I guess my question is, I mean I haven't been doing this as long as everybody else but the last couple of these that we've gotten we've approved for one year like in the last time we met you know, with the Baldwin Estate and then with the Haiku Mill and things like that it's all been one year and this one's for three years. So I guess maybe I'll throw the question out there being is why is the department recommending this one for three years and not one like we've kind of done recently?

Chair Tsai: Deputy?

Ms. McLean: Thank you, Chair and thank you for the question. Those other permits were special event permits. The recent one the Haiku Estate did have their short-term rental component but it also had the special events with large groups of people and so those were relatively knew and if

you will untested types of events. Short term rental homes are much more standard. The conditions listed here are the standard conditions that the Department recommends for those that we're able to approve administratively. It's a much more routine type of application.

Ms. Callentine: And if I could just add a bit too? When the short term rental home ordinance was enacted in 2012 it provided a process whereby the initial approval would be for one year and then there was sort of an automatic extension at one year for another two years so that they would...and that was something...well, that semi-automatic extension I would call it because a planner would be assigned to notify the applicant that they were almost up to their one year, we asked them would they like to continue the operation and then we do a check of any police reports or any complaints that were filed? If there were any, if they had been any filed or if there was any police reports then that would bring up the application to really review whether we wanted to renew it at that time or not. To my knowledge in the four years we've been processing these applications we haven't, we have consistently extended the permits for the additional two years at that one-year point because there haven't been complaints. We found that these folks are generally as far as I'm aware really in compliance and they wanna keep these permits and so they seem to work really hard to meet all the conditions.

Now the law just changed recently and now the initial permit term may be three years and that is what we've recommended today.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Livit, you know when I look at the aerial photograph for this particular application I like the application actually. I think the house is a beautiful house. I think it's well laid out, it's wonderfully appointed, it would make a fantastic rental property from that perspective. I like the idea that they have a fence that demarcates the line between private property and public property. When you look at the photograph, the aerial photograph of the residence next to it which we granted a Short-Term Rental Home Permit for it looks to me like the property line runs smack dab through the swimming pool for that property and it's probably an oversight from Land Use and Codes or someone that does not know that the property makai of that line is not private property. So they're probably using the vegetation line to identify where the private property ends and the beach starts, but it's not the case for this entire length of beach in this area and I like the fact that they have a fence that tells the public as well as their guests where their property ends and where public property begins. What I'd like the Department to consider is some kind of signage that can be installed at the property line that informs guests that the property makai of the property does not belong to them and is owned by the public and to inform the public that the property makai of that boundary line belongs to them. Is that something the Department can consider?

Ms. Callentine: Oh, I will definitely bring it to the attention of my supervisor and our management staff yes.

Mr. Hedani: What I'd like to do is add a Condition 23 that signage be placed along the boundary of the premises that would demarcate private property from public property visible from both sides.

Ms. Callentine: Are you now speaking Commissioner Hedani about this particular property or are you speaking about in general a standard condition?

Mr. Hedani: I'm speaking about this particular property in particular and in general for all properties that come up for consideration in the future.

Ms. Callentine: Okay, can we have the applicant come back up? I thought he I heard him say that there was a sign already?

Chair Tsai: Is the maker of the motion, Commissioner Medeiros are you okay with adding Condition No. 23?

Vice-Chair Medeiros: I'm all good with it.

Ms. Thomson: Livit can you confirm that mauka, ocean side of this subject parcel is state owned property so it's not just beachfront it's actually a parcel owned by the State?

Ms. Callentine: Yes, yes.

Ms. Thomson: So there's a fixed boundary on the ocean side of this subject parcel?

Ms. Callentine: Yes, as much as any shoreline can be fixed, yes.

Ms. Thomson: So that's what I'm asking is is the border, is the ocean side border shoreline or is it a fixed boundary? I think maybe Tom Croly might know the answer to that.

Ms. Callentine: Yeah.

Ms. McLean: The question is whether this property borders the shoreline or whether there's a parcel in between this property and the shoreline?

Ms. Callentine: There is...and if everyone would look at Exhibit 5 if you have it? The thin black lines are showing the parcel lines. Now there's some margin of error where these lines actually fall and they also differ from different GIS programs that we use. So...but they are shown here with the thin black line so there is one parcel between this home and the water and that parcel belongs to the State of Hawaii.

Ms. McLean: I would want to note for the Commissioner's information that the lines depicted are the tax map key lines. The imagery does not always fall accurately within those lines. So certainly it does look like there's a big encroachment on the parcel to the north. That may or may not be the case. The imagery falling within the lines is not always accurate.

Ms. Callentine: Well put. Thank you.

Ms. McLean: So if Commissioner Hedani wanted to formally make his motion.

Chair Tsai: So it would be an amendment on the motion, okay.

Mr. Hedani: I move that we add a Condition 23 that requires the applicant to provide signage on the makai side of their property demarcating private property from public property and that it also identify from the makai side that property...where the property...private property line is.

Mr. Carnicelli: Second.

Mr. Hedani: You can reword that so it makes sense.

Chair Tsai: You got that Livit?

Ms. Callentine: With your permission I'll just kinda reword it.

Mr. Hedani: Right.

Ms. Callentine: But I think I've got your...you want notification on makai side facing mauka to let people know that's private property on the other side.

Mr. Hedani: Right.

Ms. Callentine: On the other side of that sign you want it to say to the guests and residents of the home, this would be facing makai that anything makai of this demarcation is public property.

Mr. Hedani: Correct. Absolutely perfect.

Chair Tsai: Any discussion on this amendment? Commissioner Robinson?

Mr. Robinson: I was opposed to one of the STRs on part of this block here and I guess my feeling doesn't coincide with the Council's feeling that we're slowly encouraging people to turn beachfront property into hotels. We're encouraging zoning that's meant for one thing into a business enterprise and then being profitable from that. We're allowing, we're turning people who are millionaires into multi-millionaires by just coming in front of our table and asking for stuff and they're not doing it illegally this body is allowing it, we're following the ordinance that was just passed and it's just going to be perpetuated even further. We're now taking away the one-year review to addition to two to just skip that to make it easier so it's three. I'm not in favor of that. I know that just happened in the past year 'cause I remember when I first came here, when I first came here it was that and I would like that to remain in effect if anything. There is a cluster that's starting, there is a limit of how many homes and I don't think I'm the only commissioner here that wish that we could figure out somehow how to fill up the hundreds so all this could stop and so somebody like my child could say, you know what someday I can buy a house on Halama Street if I work hard enough and if I do this, but the way this is going nobody from Maui is gonna buy a house on Halama Street because it's gonna be worth too much. It's gonna be a little hotel and that is my concern. I am one person who cannot stop it from happening but I can at least this gives me a form to voice it. I understand the gentleman from Montana. I think he made a great buy. I think he found an opportunity, purchased the property and he may not have even thought about making it into a short-term rental but his neighbors are doing it and he's like wow, they're making that much money I'd be a fool not to jump on board. I'd like to ask, I'd like to ask that the Planning Department go back to the one-year review with the two-year extension. That's an internal thing but I think that

would be something a little hedge to make it not a guarantee three-year review, we had ... (inaudible) ... criteria. And I'm not going to support this because I have a criteria of a cluster that I can't able to do that. I don't know if it's gonna help. And I just think when we do our planning as a whole and we have hotel and we have single family, the hotel is growing with single family because we're turning single family into mini hotels which has been approved by the Council so I'm not saying anything is illegal, but we keep on contradicting ourselves at this Planning Department saying we're trying to make the zoning simple, we're trying to be consistent with the zoning and yet we keep on changing. We keep on having permitted uses for things that it's not zoned for. So that's my feelings. Thank you for your time.

Chair Tsai: So we have an amendment on the motion, original motion and we need to vote on the amendment. If there are any other discussion regarding? Commissioner Medeiros?

Vice-Chair Medeiros: Yeah, I'm gonna support the amendment. And the reason for this is you know, they are in compliance and the cost of a sign is manini, you know. And if they would refuse to put up signage you know, I mean, come on? We're talking about a lot of money. And the signage how much is that gonna cost? So I'll agree with the amendment.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: The reason I'm bringing the signage issue up is because I've seen this happen before and for the new commissioners that are on the commission if you look at all of Olowalu Peninsula I understand or my understanding is that there's a government beach reserve on the makai side of the property for the entire length of the peninsula of Olowalu. It's about a 100 feet wide and it's a case benign neglect. It's a government beach reserve that was set down by planners 40 years ago so the public would have continuous beach access along the entire frontage of Olowalu Peninsula when the master plan was being drawn up. We've forgotten along the way that that's government property. The people that sold the property forgot that it's government people. The people that have it on the market today after they bought it have forgotten that it's public property. Their advertising says direct oceanfront property which means you own up to the edge of the vegetation line in my head. I think Land Use and Codes has forgotten that it's public property because all of the multi-million dollar homes that have been built in Olowalu are built smack dab on top of government property. I've pointed it out to the Department of Land and Natural Resources and I got no reaction from them basically so it's a case of benign neglect. In this particular case I think it's important that the County undertake some form of effort to preserve what belongs to the public for the public's benefit. And I'd also like to see the Department eventually flag the STR to the north of this particular applicant to see if in fact there's a violation of their construction onto public property. I know DLNR has process where if you made a mistake and built your house on top of their property you can end up with a lease. You apply for a lease and they'll force you to pay them to lease the property from them forever if that's their inkling, but to some degree I think we need to make a conscious effort to identify government property and not just let it fall by the wayside into private hands and that's the reason for that. And I'd also like to see it apply to all STRs that come for review in a parcel that abuts government property.

Chair Tsai: Well taken Commissioner Hedani, and actually on that point so some newer commissioners know that we've had cases in the past with oceanfront properties where there's not

a clear demarcation where the line, property line is and there's issues come up regarding upkeep, vegetation and so forth and this is a good way for us to keep track of it. Commissioner Carnicelli?

Mr. Carnicelli: Yeah, I mean I have to agree with all of Commissioner Hedani's points. You know as a realtor I've actually seen it firsthand. You know just as an aside note. Although I did see that the applicant and Mr. Croly have agreed he said it's not a problem, but I mean for the record, and I think that this would be good practice for us to kinda, to do that. I like what you're doing but like even Baby Beach in Lahaina the vegetation kept growing out and out and out to where suddenly then you know on the mauka side they kept mowing the lawn further and further out and they kept getting more and more property. And actually it was really funny because a friend of mine actually put his beach chair in the middle of their yard and they came out like what are you doing? And he's like no, no, no, there's your property line. I'm actually on you know, public land so kind of refrain from something like that happening. I just think that's...I'm in support of the amendment.

Chair Tsai: Thank you. Any other comments? So seeing none, we're gonna vote on the amendment first. So we have an amendment to add 23. All in favor of the amendment?

Ms. McLean: Seven ayes.

Chair Tsai: Amendment passes.

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

**VOTED: To Amend Recommendation to Include Condition No. 23 Regarding Signage at the Makai Edge of the Property Indicating Where the Public and Private Land Begins and Ends.  
(Assenting – W. Hedani, L. Carnicelli, J. Medeiros, L. Hudson,  
K. Robinson, S. Duvauchelle, R. Higashi)  
(Excused – S. Castro)**

Chair Tsai: Now we're gonna—

Mr. Carnicelli: I'm gonna go ahead and make another motion for another amendment based on the testimony given. Is I think I would like to go ahead and even though it's not the new rules is to change Item 1 to read the old way for it to be one-year, you know plus. Just because we can do three years doesn't mean we have to. It's seems like really all it does, unfortunately it saves you, it saves you time and effort to have to go back a year from now to review this, but I'd like to just, anyways just because we can doesn't mean we have to, so I'd like to go ahead and have the language read the same way as what we used to do is my motion.

Ms. McLean: For clarification do you want it to say, to change that to be until June 30, 2017?

Mr. Carnicelli: Yeah, 2017 and then whatever language is as far as the reapplication, you know like the extension, another two years extension. I don't know how it used to read, but you know if just hold that same language from how it, you know, if you follow what I'm saying, one year so it's June 30, 2017 plus you know the additional two.

Ms. Callentine: I'm not quite sure how that's going to work right now because the Code has been amended so we can't really refer to a Code that's no longer in effect unless we say in accordance with the Code that was in effect previous to. Michele what do you think?

Mr. Carnicelli: Okay, so then if I could, it be more clear then?

Ms. McLean: For the one year.

Ms. Thomson: Just do one year.

Unidentified Speaker: Just leave it at that.

Mr. Carnicelli: Just do one year? Okay. So then my amendment is to change recommendation Condition No. 1 from June 30, 2019 to June 30, 2017.

Mr. Robinson: Second.

Chair Tsai: So the motion to amend it to one year versus three years by Commissioner Carnicelli, seconded by Commissioner Robinson. Any discussion on this amendment? Commissioner Hedani?

Mr. Hedani: I'm in favor of the amendment. I think it's a good thing for any new STR application coming in to have a review after one-year period. In this particular case I'm sure the applicant wouldn't mind coming back to Hawaii for a review of his application. So I'm supportive of the amendment.

Chair Tsai: I have a question, Livit or Deputy, if we do the one-year isn't it automatic renewal if there's no complaints and the Department can renew, the Director can approve?

Ms. McLean: The renewal will be administrative unless there are triggers for it to come to you and that's how the condition reads right now, time extensions by the Planning Director.

Chair Tsai: Right, okay. Any other discussion regarding the amendment? Okay so we're gonna call for a vote on the amendment for one year instead of three. All in favor?

Ms. McLean: Seven ayes.

Chair Tsai: So we passed.

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

**VOTED: To Approve the Short-Term Rental Permit as Recommended by the Department with Amendment to Condition No. 1 and the Addition of Condition No. 23.**  
**(Assenting – L. Carnicelli, K. Robinson, J. Medeiros, L. Hudson, W. Hedani, S. Duvauchelle, R. Higashi)**  
**(Excused – S. Castro)**

Chair Tsai: Let's go back to the main motion if there are no other amendments on this. So we have a motion to approve with the amendments. All in favor of the motion?

Ms. McLean: Six ayes.

Chair Tsai: Opposed?

Ms. McLean: One no.

Chair Tsai: Motion carries. Congratulations.

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

**VOTED: To Approve the Short-Term Rental Permit as Recommended by the Department with Amendment to Condition No. 1 and the Addition of Condition No. 23.**  
**(Assenting – J. Medeiros, W. Hedani, L. Hudson, L. Carnicelli, S. Duvauchelle, R. Higashi)**  
**(Dissenting – K. Robinson)**  
**(Excused – S. Castro)**

Chair Tsai: Next item?

Ms. McLean: Thank you, Chair. The next two items are very similar. These are two communication items relating to two of the Wailuku-Kahului Project Districts. They're termed as "housekeeping amendments" on your agenda. And this is for the commission to formally adopt a Project District Phase 2 map each of these project districts. The first one is for the Wailuku-Kahului Project District 3 Kehalani and this is to designate the residential subdistricts within a residential district of that project district in Wailuku. If that's not confusing enough maybe Danny can make it even more confusing for us.

## **E. COMMUNICATIONS**

- 1. MR. WILLIAM SPENCE, Planning Director, requesting a housekeeping amendment to the Wailuku Kahului Project 3 (Kehalani), Phase 2 map to designate residential subdistricts within the Residential District at Wailuku, Island of Maui. (PH2 920001) (D. Dias)**

Mr. Danny Dias: I'll try my best. Thanks Michele. Good morning, Chair Tsai and Members of the Maui Planning Commission. This morning you folks are handed two revised maps. I don't think they're too different from the ones that you received in our report. Basically the main changes are the titles to those maps. Our Zoning Division basically wanted something like a date that they could refer to in the future because there are some...you know, numerous maps floating out there so they wanted a specific date on there.

Having said that, this is a pretty simple problem with a pretty simple solution but project districts themselves can be kinda complicated so if you don't mind I wanna take about five minutes to just talk about project districts, the approval process and I think that will help tie us into the reason why we're here today.

So project districts as you folks know they're basically for lack of a better term master plan developments, large projects that involve numerous uses like single family residence, multi-family, commercial, schools, parks, et cetera. And the reason why we have project districts is basically as a developer if you have say 200 acres of land it's pretty hard to come in and you know, know exactly what you're gonna do with every single acre in that, on that piece of property. Most projects as you know it takes numerous years to build, you know they don't get built in two years. Kehalani, Maui Lani I wanna say we're approaching 30 years and it's still not completely built yet, it's probably gonna be another maybe 10 years or so. So developers come in for project districts it allows them some flexibility to tweak things, change things according to, you know, usually, you know, market ...(inaudible)...basically and that process, project district process it involves three phases of approval.

First is Phase 1 which is very conceptual, and that establishes project district zoning standards. So project districts sort of have their own zoning code in a way similar to our zoning code. And in Phase 1 it's basically like a concept. It's a conceptual thing. They come in, they say okay, we have you know say 100 acres of land. We envision doing this many single family residences. We think we're gonna do some commercial. We're gonna put two parks in there and we might build a school. That comes to the Commission, the Commission makes a recommendation to the Council. It's ultimately the Council that approves it.

So after Phase 1 there's Phase 2 that normally happens a few years down the road. And Phase 2 to me is really sort of the meat and potatoes approval because that's when the applicant gets pretty specific with what they're gonna do and Phase 2 it's usually portions of the project. They usually come in with you know different pieces at a time, 10, 20 acres at a time. And in Phase 2 approval the applicant provides a preliminary site plan which includes proposals for drainage, streets, parking, utilities, grading, landscaping, building elevations, building sections, et cetera, et cetera, and that's Planning Commission review.

And then lastly, there's Phase 3 approval which is done administratively by the Department. And that is sort of the confirmation that the applicant is actually doing what they said they were gonna do in front of the Commission. So Phase 3 is when the applicant takes what they proposed in Phase 2. They actually draw up specific building plans, et cetera, that's what they're gonna bring to Public Works. The Department reviews it and we basically compare and say okay, is this the same as what the Planning Commission approved?

So having said that, why are we here today? Well, in 1992 at least from what I understand Kehalani Project District received a Project District Phase 2 Approval from the Commission at that time who placed a condition that basically stated that subdistricts shall be approved by the Planning Department during Phase 2 review. And if you look at the maps that's provided to you the subdistricts are basically if you see like SF-7, SF-5. In Maui Lani there's SF-5, SF-3, that's similar to our Title 19 Zoning Code where there's R-1, Residential, R-2, Residential, R-3, Residential. Anyway that condition was placed on Kehalani's Phase 2 Approval almost 25 years ago and so we,

as a department, we've been processing and approving subdistricts doing Phase 3 Approval ever since.

Fast forward to today, our Zoning and Enforcement Division was looking at Title 19 and we discovered that we were actually doing wrong. Title 19 requires that this Commission approve the subdistricts during Phase 2. So we have this sort of discrepancy and that's what we're for today to fix that problem. Because technically although the Commission has reviewed everything that has gone on in these project districts and you have approved everything technically you're supposed to have approved subdistricts during Phase 2.

So you have...I'm just gonna combine my little presentation here, but you have two maps, the Kehalani map and the Maui Lani map. As you can see we're dealing with the single family subdistricts. Most of these are already built. But as we mentioned this is a housekeeping matter and so basically we're just saying that technically we were supposed to have you approve the subdistricts and so that's why we're here today. Thank you.

Chair Tsai: Thank you, Danny.

Mr. Dias: And I should add, we have representatives from Maui Lani and Kehalani here also if you have any questions.

Chair Tsai: All right, thank you Danny. We're gonna open the floor for public testimony at this point. Anyone wish to testify at this moment please come forward? Seeing none, public testimony is now closed. Questions from the Commission? Commissioner Hedani?

Mr. Hedani: Danny, I wanted to point out that there's probably a labeling error. If you look at the right-hand side of the map it shows county water treatment plant, I think we just approved that for the water treatment plant. Next to it there's lao water tank site. If you look very faintly on the map there's a little round circle on there that's the water tank.

Mr. Dias: Okay.

Mr. Hedani: So the water tank site is probably incorrectly labeled on this thing. That's probably part of the expansion of the County water treatment plant area.

Mr. Dias: I'm gonna have Brian Ige address that.

Mr. Brian Ige: good morning Commissioners. Commissioner Hedani that site is for a future water tank. So at some point, DWS is going to need another tank there and that site was conveyed to them.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I think what we're approving today is pretty much the areas that are colored, right?

Mr. Ige: Correct. And there's some undeveloped area mauka. So the modules say 12, 13, 9, 8, 7, 3, and 6 are yet to be developed.

Mr. Hedani: Thank you.

Chair Tsai: Deputy?

Ms. McLean: Thank you, Chair. It's important that the Commissioners look at the maps that were handed out at the meeting today. Those are the maps that we are asking you to consider for adoption and not the one that was in your packet. There are some labeling changes that we requested from the two different applicants and some minor changes to the maps that we wanted to be made. So if you do approve these today we wanna make clear that you would be approving the ones that were distributed at the meeting and not the ones attached in your packet. For example, for Kehalani the map that was included in your packet is addressed master plan for Kehalani and the Commission is not being asked today to approve a master plan for Kehalani. The map that was distributed specifies districts and subdistricts and so that's what's formally before you. A similar change was made to the Maui Lani map.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Danny can you do me a favor and just quickly run through SF-3, 5, 7 since we're voting on that today? I know I'm supposed to know this already but...

Mr. Dias: Yeah, yeah, I probably should know this too. I don't have the exact details.

Mr. Ige: Brian Ige from Dowling Company. We present the landowner RCFC Kehalani. I brought along the Zoning Code with me and basically SF-3 means like minimum lot size of 3,000 square feet, SF-5, 5,000, SF-7, 7,000. So in this map we designated everything SF-3 because the terrain up there is fairly steep and we don't know what the actual lot size will become. As far as the zoning, differences in zoning, there's a little bit of density changes. On the SF-7 for example, the average lot width would be 50 feet. The maximum lot coverage would be .5 and the maximum density would be five units per acre.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Are these any changes to what the original plan was as far as the designation? Was it always SF-3?

Mr. Ige: They weren't designated on the original map.

Mr. Robinson: There was no designation?

Mr. Ige: Correct. And we've been processing this project district, we've been designating SF-3, SF-5, SF-7 when we come in with the Phase 3. So the original Phase 2 map didn't have all these subdistricts noted and that's why we're here today I guess.

Mr. Robinson: One more question. Is there a current SF-3 in this project area?

Mr. Ige: I believe so.

Mr. Robinson: Eleven?

Mr. Ige: I think Kaimana which is at the bottom of the map which was built, developed as a single lot line type development is an SF-3. And I believe The Cottages as well. Primarily on the upper modules, I mean the terrain is really steep and a lot of grading needs to be done. Sometimes the lots end up being a little bit smaller in some areas.

Mr. Robinson: ....(inaudible)...

Mr. Ige: In some areas yes. So that gives us a little bit more flexibility on the mauka module as we get up there.

Mr. Robinson: Chair if I could? I have another question. With that being said because it's now gonna be a SF-3 as far as sizing for utilities, sewer, schools, fees and all that does any of that change--

Mr. Ige: No, it doesn't.

Mr. Robinson: --today because we're doing that. That's all been...you've taken part of that in the beginning part of it.

Mr. Ige: Yeah, we conformed to all the County standards on those, yeah.

Mr. Robinson: Okay, thank you.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: Housekeeping measures always scare me. It's just oh, it's housekeeping. For the record, the No. 2, the little circle doesn't have a designation does it? I don't see...it doesn't have an SF-3, 4, 5.

Mr. Ige: It's noted on the left-hand side just below Waiola Estates.

Mr. Carnicelli: Oh, okay I see. It continues down. Okay.

Mr. Ige: Yeah.

Mr. Carnicelli: My fault. Okay, got yah.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Brian, the site that I was pointing out before is labeled, it's now labeled open space and what you're talking about is a water tank right? So we're gonna have a 25-foot water tank on there so it's not going to be open?

Mr. Ige: Yeah, I mean we labeled it open space, I mean open space allows for utilities and you're correct, I think on the open space the height is limited to 15 feet. So I believe when the Water Department does come in they may have to come into the Planning Commission. Yeah, I don't know what other designation fits for that area to tell you the truth.

Chair Tsai: I'm sorry, on the note, the lot right above that or parcel, SF-3, the County water treatment plant so you're gonna...is that allowed to have the water treatment plant in a SF-3 designation?

Mr. Ige: Chairperson Tsai I will let our planner kinda describe what happened there and I believe they came into the Planning Commission. So Colleen Suyama from Munekiyo and Hiraga is here so she can explain what happened on that one.

Ms. Colleen Suyama: When the maps were being reviewed by the Department they originally asked us to change that site to open space. But what we explained to the Department is that the Water Department has already come in for this site for the water treatment facility and in that they needed to have it remain as single family, SF-3 because of the height of the treatment facility. It's over 15 feet. So if the subzone was changed to open space the approved water treatment facility would not meet the zoning criteria for height. And they would then at this late date of the application process getting your permits they would have then come back in and get a height variance from the Board of Variances and Appeals. So for your information the single family, SF-3 allows for public utilities like the Water Department's facilities and they needed the height, maximum height restriction in the SF-3 to build their facility to be over 15 feet. And that's one of the reasons why it was important that that site remain as SF-3 so we don't create problems, future problems for the Department of Water Supply.

Chair Tsai: Thank you. Commissioner Carnicelli?

Mr. Carnicelli: So I'm sitting here looking at this and I'm going okay, what's already approved and then the stuff that's you know yet to be built out and basically everything that's already been approved SF-7, SF-7, SF-5, 7, 7,7, 7. Here's one, The Cottages is a 3 and all of this new stuff they're all asking for 3 which is 100 percent more density than what is if we were to be consistent by saying okay, it's gonna be a 7 or even a 5. I do have concerns with No. 2, 3, and 7 with that kind of density because on Alu Street there are existing homes that's going to impact their view. If we suddenly put 100 percent more homes in that area it's gonna have that much greater of a chance. And I mean, I just actually just sold a home on that street so I actually know very well there are areas that are fairly steep, there's some areas that really aren't. And so, I'm just really concerned with the fact that we're gonna just rubber stamp a 3, when that's not necessarily what the intent was prior to us sitting here and doing this housekeeping.

Ms. Thomson: Maybe you folks can explain density as to the project district and that density, the requirements are still in play.

Ms. Suyama: Each of the zoning districts has a density and what was explained the SF-3 has a density of five units per acre. So you cannot go over the five units per acre and what I think most developers have found is that even with the restrictions within the zoning code because the topography differences and the need for roadways, et cetera, that normally you cannot meet the

maximum density or the maximum amount of units that you can put there because of that. So what the developer is looking at SF-3 gives him the greatest flexibility in developing the lot and it not necessarily will be that everything will be 3,000-square foot lots they may be bigger than that because of topography. But you know at this point they're not sure until you go in and you actually start designing the subdivision you're not sure what kind of lot configuration, roadway configurations you have and what the lot sizes were gonna be like because of that. And regardless of how many units you have the maximum height is 30 feet within the Kehalani as a residential subdivision. So they take into consideration when they come in for their building permits or their Phase 3. One of the criteria that the developer has to show is that based upon the grading of the parcel that they are within the 30-foot height limitation within that time and they have to show the Planning Department that they're in that site limitation and how they've sited each of the parcels or the buildings that are being built.

Mr. Robinson: Maybe another way to answer it is you know, it's...we know this has been approved but we don't have the approval in front of us and so now we're asking to approve SF-3 which gives the maximum flexibility but do you guys have an amount of how many homes was approved back in the day and then if you were to maximize this would that still be in the same criteria because I know sort of answered to the utilities and all the guidelines. I think that will help us maybe feel more comfortable.

Ms. Suyama: I believe under the zoning district it was more than 2,500 units that would...

Mr. Ige: Okay, to date with all the developed modules that you see with little lots in it we've developed about –

Chair Tsai: I'm sorry, can you identify yourself again for the record?

Mr. Ige: Brian Ige from Dowling Company representing RCFC. So to date we have like on all the developed areas 1,500 units. The maximum zoning total units allowed by the zoning was 2,400. We currently have like modules 14 and 18 or 19 under constructions that's another 225 units. Under design now we have two more units which would be, modules 8 and 9 and those will yield a total of I believe 167 units. So with all those modules today that means we're up at 1,892 units. The remaining units we could build out would be another 508 and we don't think we'll get there.

Mr. Robinson: So is the amount of rooms, the amount of homes that were approved will minimize what you can do with this property?

Mr. Ige: Well, it will be under what's allowable for the zoning and just the terrain it just doesn't make it feasible to develop the maximum yield especially we're at the point now where we're at the steepest part of the property. So if you look up on the hill it's a lot of lots have a lot of slope in it and unfortunately that's the way it goes.

Chair Tsai: Any other questions? I guess the recommendation from the Department.

Mr. Dias: Okay, I guess we'll take up Kehalani first. The Department of Planning recommends that the Maui Planning Commission approve the Land Use Map dated June 23, 2016.

Vice-Chair Medeiros: Move to accept the recommendation.

Chair Tsai: Moved by Commissioner Medeiros.

Mr. Robinson: Second.

Chair Tsai: Second by Commissioner Robinson. Discussion regarding the motion? Commissioner Robinson?

Mr. Robinson: Go ahead, go ahead Wayne first.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: You're talking about the new map right Danny?

Mr. Dias: Correct.

Mr. Hedani: Not the old map that was distributed with the report.

Mr. Dias: Yeah, I don't think old map had a date.

Mr. Hedani: Cause there's no date on the new map.

Mr. Dias: Yeah.

Mr. Hedani: Got 'em.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I'd like to just request that if we could somehow in the next you know year or so fix the problem with the water tanks and the open space. I mean we wanna consistent but we're voting to be inconsistent and I know we can't do it today because it's not on the agenda but if we could maybe do that in ...(inaudible)... because we already voted on the water treatment plant and we did all that stuff so we don't wanna stop it. But I'd like the zoning to match, to match the area and maybe as an internal thing with the department.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Because the budget of the project went from 15 to 23 million now this allows them to build residences on that lot.

Mr. Robinson: Deputy is that possible?

Ms. McLean: Sure. We'll look into it. It might take a little while but we'll...

Mr. Robinson: Say it now.

Ms. McLean: We'll follow up.

Mr. Robinson: Thank you.

Chair Tsai: Any other discussion? Okay, let's vote on the motion to approve. All in favor?

Ms. McLean: Six ayes.

Chair Tsai: Opposed?

Ms. McLean: One no.

Chair Tsai: Motion carries.

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

**VOTED: To Accept the Amendment to the Wailuku Kahului Project District 3 (Kehalani), Phase 2 Map Dated June 28, 2016.  
(Assenting – J. Medeiros, K. Robinson, L. Hudson, W. Hedani, S. Duvauchelle, R. Higashi)  
(Dissenting – L. Carnicelli)  
(Excused – S. Castro)**

Ms. McLean: The next item Chair is a similar request and this is for Maui Lani and again there is a revised map that has ... refers to it as Wailuku-Kahului Project District 1 and specifies just the residential subdistricts because Maui Lani does have other districts that contain subdistricts but today the only thing in front of you are the residential subdistricts. If and when the time comes for them to develop those others if there is approval needed then that will come before you at that time to approve the subdistricts. Today is just the residential that have been approved and developed or underway to date.

**2. MR. WILLIAM SPENCE, Planning Director requesting a housekeeping amendment to the Wailuku Kahului Project District 1 (Maui Lani), Phase 2 map to designate residential subdistricts within the Residential District at TMK: 3-8-007: portion of 131, Wailuku-Kahului, Island of Maui. (PH2 2004/0004) (D. Dias)**

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: So Director I'm not understanding why the ones in yellow here don't have a designation as far as SF-3, 5, 7, you know, now it's just SF.

Ms. McLean: Right, those are districts. So the subdistricts for those have not been approved yet.

Mr. Carnicelli: I see. They're gonna be carved up further than what they are right now?

Ms. McLean: If we could have the applicant's representative let you know what their intention for those areas are that might be a better way to answer.

Mr. Daren Suzuki: Thank you, Deputy Director. My name is Daren Suzuki. I'm the owner's rep for Maui Lani Partners. To answer the question, all of the properties that are in solid yellow that have the SF letters on them those are all the undeveloped Maui Lani residential lands and the intended district from when we came in for the Project Phase 2 approvals was SF-3. So if you look in the map legends you can see where the existing single-family SF-3 is and it is in that red thatched and the blue thatched is the SF-5 and all again the solid yellow ones are the single family undeveloped which the intended subdistrict would be SF-3.

Chair Tsai: From that note, I'm noticing that there's red inside of the...okay, ...(inaudible)...never mind.

Mr. Suzuki: Yeah, as part of the Project District Phase 3 approval when we worked with the Planning Department we were able to intermingle some SF-3s within SF-5 just to provide a variety of lots, a mix of you know various lot sizes within the district.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: So Kehalani had the distinction of having topography as an issue for asking for SF-3, so along those lines is I notice that's all flat land pretty much, but so do you have the same thing with them a maximum amount of homes that you can build and where are you at right now?

Mr. Suzuki: Yeah, we don't have the topography issue as much as Kehalani but you know there's always some topographical constraints. But with Maui Lani currently, I don't know the exact number I think we're at about 1,200 units built so far and our maximum density is 3,500 so not quite half way there.

Mr. Robinson: And do you have an estimation of how many units this will be in this new shaded area that's for the SF-3?

Mr. Suzuki: Basically with SF-3 in our zoning district it is 10 units per acre, and the SF-3 is 3,000 square foot lots. Again, I mean, similar to what was represented with Kehalani there's constraints. We have to do roadways. There's certain park requirements. So not all the time you can max out on the density with 10 units per acre. So I cannot really answer you know your question on what the maximum build out would be, but what I can say is that the maximum density for the overall Maui Lani is dictated by our maximum density which is 3,500.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: Where is the affordable component within this?

Mr. Suzuki: Affordable component we do have for the overall Maui Lani Project District we do have by condition a 20 percent affordable housing requirement on the entire development. When we came in for our village mixed use district project and that's a mixture of commercial and residential use that's where you see all Ace Hardware and Paradise Beverage, that's the Village Center. When we came in for that project we had actually a 51 percent affordable housing condition and that would be where the, you know, where the Mormon church is on the corner of Kuikahi and Maui

Lani Parkway there's approximately 45 acres that kinda surround that are and that's called a...it's located within the single family and the village mixed use residential area and that's where that 50 percent will be placed, 50 percent affordable will be placed.

Mr. Carnicelli: Okay, so that's gonna be the 50 percent affordable for the other piece but then like say these other ones that you're looking for, you know, they have the 20 percent?

Mr. Suzuki: Correct.

Mr. Carnicelli: And where is that going to be?

Mr. Suzuki: There's no specific designation of where it's gonna be. We just have a 20 percent affordable housing requirement on the rest, the balance of the single family. So we've actually...sorry, I wasn't prepared to talk about affordable housing today, but we have, we have probably either...we may be short on the 80 percent and below but as far as overall numbers and meeting that 20 percent we're probably either there or above in terms of existing houses that are already built. So we're pretty much at 20 percent this point. So as development goes on and as houses get built you know, that we would have to comply to that 20 percent affordable housing requirement.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I apologize, did I hear you say that you did not build the 50 percent and that's what that open, that other space is for or....by the church?

Mr. Dias: VMX?

Mr. Robinson: Yeah.

Mr. Suzuki: Yeah, that's not built yet. That's undeveloped.

Mr. Robinson: But that's part of the prior commitment for 50 percent?

Mr. Suzuki: No, where the VMX R is there is a 50 percent affordable requirement on that parcel.

Mr. Robinson: Oh on the—

Mr. Suzuki: But where the yellow is that's surrounding the church that's actually a 20 percent.

Mr. Robinson: So your current, your current build out you guys have already fulfilled your affordable housing requirements?

Mr. Suzuki: Well in terms of the 20...well it's hard...there's no concurrency condition as far as when we have to build our affordable units. But fortunately as we built out Maui Lani we were able to qualify for some of the affordable housing units. So we're pretty much concurrent in our...in terms of our affordable housing and again, I wasn't prepared to address affordable housing but we

may be a little short on some of the 80 percent and below, but the overall numbers would be concurrent with complying with that 20 percent affordable.

Mr. Robinson: And is it safe to say that the SF-3 that you have across the school is that a lot of affordable units there?

Mr. Suzuki: We actually did qualify for a lot of affordable units with the Traditions Project and we've been working with the Human Concerns to qualify those units as affordable.

Mr. Robinson: And how long is your guys waiting list for?

Mr. Suzuki: I think for the Traditions it's all sold out.

Mr. Robinson: It's all sold out, yeah. We need more. Thank you.

Chair Tsai: I have a question since we're on the subject, I mean we're looking at this project going back at least 10 plus years has the criteria for affordable housing changed obviously?

Mr. Suzuki: Well, when we got our entitlements I think at that time it was...the affordable housing requirement was 20 percent. So as new projects came along...so the most recent project that Maui Lani had was this village mixed use project and at that time we agreed to a 50 percent affordable housing requirement.

Chair Tsai: And also I guess is the criteria for what's considered affordable changed during this time too, right for the actual dollar amount what's you know?

Mr. Suzuki: Oh, yeah I think it's based on you know the market and every year it changes.

Chair Tsai: So it does?

Mr. Suzuki: Yeah.

Chair Tsai: Okay. Thank you.

Mr. Suzuki: Thank you.

Chair Tsai: Recommendation from the Department?

Mr. Dias: Thank you, Chair. I just talked to Daren and we're actually gonna ask them to put a date on this map like they did with the Kehalani one just so that we have something solid to reference to. But in any case, the Department recommends that the Maui Planning Commission adopt or approve the map provided this morning titled, Wailuku-Kahului Project District 1.

Mr. Robinson: Chair?

Chair Tsai: Commissioner Robinson?

Mr. Robinson: There is a May 27 on the bottom 2016.

Mr. Dias: Okay.

Mr. Robinson: Gotta look real hard.

Mr. Dias: Oh there we go. Daren just put another date to reflect today.

Chair Tsai: Commissioner Medeiros?

Vice-Chair Medeiros: Move to accept the recommendation.

Mr. Hudson: Second.

Chair Tsai: Moved by Commissioner Medeiros, seconded by Commissioner Hudson. Any discussion? Commissioner Hedani?

Mr. Hedani: Just wanted to say that recently there came out an article that talked about the population of Maui County how it's increasing and the housing units that are being delivered are not keeping up with the migration coming into the island. So I'm happy that Maui Lani and Kehalani are moving forward aggressively in terms of delivering housing.

Chair Tsai: Thank you. Okay, no more discussion let's call for a vote. All in favor of the motion?

Ms. McLean: I think that was six ayes, yes.

Chair Tsai: Six ayes. Okay, opposed?

Ms. McLean: One no.

Chair Tsai: Motion carries. Thanks.

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

**VOTED: To Accept the Amendment to the Wailuku Kahului Project District 1  
(Maui Lani), Phase 2 Map Dated June 28, 2016.  
(Assenting – J. Medeiros, L. Hudson, K. Robinson, W. Hedani,  
S. Duvauchelle, R. Higashi)  
(Dissenting – L. Carnicelli)  
(Excused – S. Castro)**

Chair Tsai: Next item, Deputy?

Ms. McLean: The next item on the agenda is the Acceptance of the Action Minutes of the June 14, 2016 meeting and Regular Minutes of the February 9<sup>th</sup> and March 22<sup>nd</sup> meetings.

**F. ACCEPTANCE OF THE ACTION MINUTES OF THE JUNE 14, 2016 MEETING AND REGULAR MINUTES OF THE FEBRUARY 9, 2016 AND MARCH 22, 2016 MEETINGS**

Mr. Hedani: Move to approve.

Vice-Chair Medeiros: Second.

Chair Tsai: All in favor of approving the minutes from...

Ms. McLean: Seven ayes.

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

**VOTED: To Accept the Action Minutes of the June 14, 2016 Meeting and Regular Minutes of the February 9, 2016 and March 22, 2106 Meetings.  
(Assenting – W. Hedani, J. Medeiros, L. Hudson, K. Robinson,  
L. Carnicelli, S. Duvauchelle, R. Higashi)  
(Excused – S. Castro)**

Chair Tsai: Next one, Director's Report.

Ms. McLean: Next on the Director's Report is a request from applicant Leona Wilson of Lona Ridge LLC has applied for a State Land Use Commission Special Use Permit and a Conditional Permit in order to operate the Lona Ridge Project, an agricultural tourism on existing farm including agricultural related classes, workshops, weddings, photography, filming, catered events, et cetera in the State Ag District at 588 Kulaiwi Drive, TMK: 3-5-002: 010 in Wailuku. And the item before you today is to ask whether the Commission would like to conduct a site inspection and if so, to designate a date and time.

**G. DIRECTOR'S REPORT**

- 1. Applicant requesting that the Maui Planning Commission conduct a site inspection on the following applications:**

**MS. LEONA R. WILSON of LONA RIDGE LLC requesting a State Land Use Commission Special Use Permit and a Conditional Permit in order to operate the Lona Ridge Project, an agricultural tourism on existing farm land including agricultural related classes, workshops, weddings, photography, filming, catered events, art shows, honey tasting and sales in the State Agricultural District at 588 Kulaiwi Drive, TMK: 3-5-002: 010, Wailuku, Island of Maui. (SUP2 2015/0007) (CP 2015/0003) (G. Flammer)**

Ms. McLean: I believe Commissioner Higashi will recuse himself from this discussion?

Mr. Higashi: Yes.

Ms. McLean: Thank you.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I request that if we do the site inspection because it's close if we can tie it in with the meeting and maybe meet there first or meet there after lunch somehow so we don't have to take another week. I'd be open to that.

Mr. Hudson: I concur. I think a site visit would be very good, but I agree with Keaka, Mr. Robinson we should tie it in with the same meeting rather than the next week and then the week after.

Ms. McLean: Perhaps Mr. Yoshida has comments on scheduling?

Mr. Yoshida: Yes, the Maui Planning Commission public hearing on the two applications is scheduled for August 23<sup>rd</sup>. We would suggest that possibly either you July 26<sup>th</sup> meeting or you August 9<sup>th</sup> meeting. The public hearings are relatively light. We have one public hearing for the July 26<sup>th</sup> meeting. It's for a rather large house on Front Street, 7,800 square foot...has a area of 7,800 square feet. And for your August 9<sup>th</sup> meeting we have no public hearing items. So...but then there's always the possibility that we may get a Draft Environmental Assessment or something like that for you to review. So possibly the afternoon of either of those two meetings.

Ms. McLean: Clayton, have those public hearing...the public hearings for July 26<sup>th</sup> been posted for 9:00 a.m.?

Mr. Yoshida: Yes.

Ms. McLean: The voice from beyond is saying yes.

Mr. Yoshida: Yes, because it's less than 30 days prior to the...today is less than 30 days prior to July 26<sup>th</sup>.

Ms. McLean: And for August 9<sup>th</sup>, there isn't anything with a time constraint. What I'm thinking is perhaps to do the site visit first thing in the morning at 9 o'clock and then have the meeting begin maybe at 10 rather than because the site visit has to be posted for a specific time so if you did their meeting first you're not sure what time the meeting is gonna finish and you might be waiting or you might be rushed to try to make it to the site in time if you did the site visit first. Clayton, what would you think of that?

Mr. Yoshida: Yeah, that's up the Commission. I don't know if we have to post the starting the time for the meeting here or we just...

Ms. McLean: Right we would have to, but a site visit is a little bit more, you can schedule that time a little bit better than you can a commission meeting. It's a little more predictable. You can control that a little bit more.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Deputy, is usually with the site visit do we hear from the applicant first and then go view it or do we just have our literature and then go to the site visit? I mean would it behoove the applicant that they describe to us before we go to their site visit so that we understand what we're looking at? I've only been to one so I'm not sure how the criteria is.

Ms. McLean: We could send a modified packet with just a little bit of site information that you could have in advance and then at the site visit itself the applicant would explain the proposed uses and show you the site.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: In abundance of caution because I happen to sign a petition relative to this particular case I have opted to recuse myself from voting or in participating in discussion on this subject application.

Mr. Robinson: August is better for me.

Chair Tsai: So are we saying August 9<sup>th</sup> at 9 o'clock?

Mr. Hudson: I would agree with that August 9 at 9 o'clock 0900.

Chair Tsai: Okay. All right, so...

Mr. Hudson: Will we just meet at the site?

Chair Tsai: Yes.

Mr. Hudson: Okay.

Unidentified Speaker: Do we need a motion?

Chair Tsai: No.

Ms. McLean: ...(inaudible)...just agree.

Chair Tsai: Just agree. So Commissioners? So 9 o'clock we have site visit. We have agenda for following session correct Clayton?

Ms. McLean: On August 9<sup>th</sup> you would have other items on the regular meeting agenda and then the applications for that project would be at the following meeting.

Chair Tsai: All right, moving on.

Ms. McLean: The next item is the Planning Director notifying the Commission of the transfer of an SMA Use Permit and that's a transfer by letter dated May 16<sup>th</sup> from Maui Paradise Ridge to Paradise Ridge Limited Partnership of the SMA Permit for the Paradise Ridge Estates project and

related improvements for property situated at 2757 South Kihei Road, TMK: 3-9-004: 132 in Kihei. And this is on the agenda for notification purposes.

**2. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission of the transfer of the Special Management Area (SMA) Use Permit pursuant to its SMA Rules of the following:**

**Transfer by letter dated May 16, 2016 from MAUI PARADISE RIDGE, LLC to PARADISE RIDGE LIMITED PARTNERSHIP of the Special Management Area Use Permit for the Paradise Ridge Estates project and related improvements for property situated at 2757 South Kihei Road, TMK: 3-9-004: 132, Kihei, Island of Maui. (SM1 2001/0010) (K. Scott)**

Mr. Robinson: Question? I thought SMAs have to come back in for different ownerships? Did they just change their company name?

Ms. McLean: If we can ask the project planner, Keith Scott to clarify?

Mr. Robinson: My question was, I was under the assumption that when you switch owners the SMA has to come back and apply. The SMA is only for the applicant. So is it the same people in the company are they just changing their name?

Mr. Scott: It's not exactly all the same people. I understand that there was some difference in it. The property never changed hands. The permit is allowed to be changed from one hand to another without it coming back to the Commission for approval, but the new permit holder has to adhere to all of the conditions of approval of the original permit.

Mr. Robinson: It's and just for clarification, it's if you have three owners and one leaves, the two still hold it, but if a new owner comes in...

Mr. Scott: Well, it's the ownership entity so you might have an LLC that has three members and one might fall out and the other two are left or a new person may come in and substitute for them but it's the same entity.

Mr. Robinson: Yeah, but are we changing LLCs right now?

Mr. Scott: Yes.

Mr. Robinson: So if we're changing the LLC it's a new company.

Mr. Scott: Yes.

Mr. Robinson: It's a new owner.

Mr. Scott: It's a new permit owner.

Mr. Robinson: But by SMA rules if you're gonna have a new permit owner doesn't it have to come

back and apply again because it's a new permit owner?

Mr. Scott: No.

Ms. Thomson: Depends on how the permit was drafted. Some permits you would restrict the transferability others don't.

Mr. Robinson: So we have to assume that this one wasn't drafted that way because the Director...

Ms. Thomson: Right.

Mr. Robinson: He would check, right? That's part of his check?

Ms. McLean: And the rules would require that the Commission be notified of the transfer.

Mr. Robinson: But we don't know who the new owners are, we just know it's a different name?

Ms. McLean: Who the...what that entity is made up of. What that entity is made up of?

Mr. Robinson: Yeah.

Ms. McLean: We may. We probably have that. We don't have it available today.

Chair Tsai: Commissioner Hudson?

Mr. Hudson: The conditions on the SMA are going to be identical to the previous conditions?

Mr. Scott: That is correct.

Ms. McLean: The permit holder still has to abide by the conditions from the original permit.

Mr. Hudson: So we know who had the original permit and now we know who's getting the new permit.

Ms. McLean: Correct.

Mr. Robinson: No, not true. We don't know who has the new one. We just know the company's name. It's a different company name so it's a different applicant and we don't know who the new applicant is. I mean, you guys might know but we don't know.

Mr. Carnicelli: And we also don't know if the condition of the permit is a transfer of ownership...(inaudible)...we also don't know that. I mean, I get that this is just notifying us of a transfer of ownership is that all it's doing. Is this is just a notification, but we don't know who the new owners are and we don't know what the conditions of that permit are and if it triggers anything. So we're just gonna have to take the Director's word for it.

Ms. McLean: Well at the next meeting or in the intervening period we can provide you with the

original permit and provide you with information on the new owner or that new entity and if for some reason the transfer cannot be approved administratively then it would be scheduled for your approval at a future meeting.

Chair Tsai: Thank you. All right.

**3. SMA Minor Permit Report**

**4. SMA Exemptions Report**

Ms. McLean: You have attached to your agenda the SMA Minor and Exemption Reports. You have any questions on those?

Mr. Hedani: Move to approve.

Mr. Hudson: Second.

Chair Tsai: All in favor?

Mr. Higashi: Question?

Chair Tsai: Oh question.

Mr. Higashi: I brought this up once before with the Director. Why is it that SMAs open is still on at 2008? And I didn't get an answer to why it's still on the book whether it's open, the applicant didn't complete it or what's the reason for it still stated in our report.

Ms. McLean: I don't see any that's, I don't see any that say 2008.

Mr. Carnicelli: The open ones.

Chair Tsai: The open ones.

Ms. McLean: Yes, yes, yes. Okay, those will be open. We typically keep those open...well, first they get...they're assigned that 2008 number at the date of application so sometimes it takes a year or longer before it gets scheduled for the commission.

Mr. Higashi: Right.

Ms. McLean: And then there are conditions of initiation of construction has to be by a certain time and we typically keep them open until the project is completed and we have gotten the final compliance report and okayed it.

Mr. Higashi: So it's open, opened ended?

Ms. McLean: It's open until we close...it's indicated open on this report until we close the file and the project is built and in compliance and finished and we can send the file away.

Mr. Higashi: I was wondering because this is a demolition and this is 2008 and it's eight years old.

Ms. McLean: A demolition that would be strange for it to be kept open that long.

Chair Tsai: Second story.

Mr. Higashi: It's a one-story. It must have been demolished.

Chair Tsai: Well, there's another, another one second story deck, a main dwelling from 2008 also.

Ms. McLean: Okay, I'll follow up on that that is odd.

Chair Tsai: Okay, all in favor of approving the SMA...(inaudible)...

Ms. McLean: Eight ayes, seven ayes.

Chair Tsai: Seven ayes

Ms. McLean: Not counting you.

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

**VOTED: To Accept the SMA Minor and SMA Exemption Reports.  
(Assenting – W. Hedani, L. Hudson, J. Medeiros, K. Robinson,  
L. Carnicelli, S. Duvauchelle, R. Higashi)  
(Excused – S. Castro)**

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

**a. July 12, 2016 meeting agenda items**

Ms. McLean: And last on the agenda discussion of future, of items at future meetings. You have a memo dated yesterday from Mr. Yoshida with one public hearing item and two communication items. Questions?

Chair Tsai: That's it. No questions. Next meeting is July 12<sup>th</sup>.

**H. NEXT REGULAR MEETING DATE: JULY 12, 2016**

**I. ADJOURNMENT**

The meeting was adjourned at 11:58 a.m.

Submitted by,

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

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli  
Sandy Duvauchelle  
Wayne Hedani  
Richard Higashi  
Larry Hudson  
Jason Medeiros, Vice-Chair  
Keaka Robinson  
Max Tsai, Chair

**Excused**

Stephen Castro

**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 (9:00 a.m.-10:09 a.m.)