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TRANSCRIPT OF
AUDIOTAPED PROCEEDINGS
RE MAUI PLANNING COMMISSION
HELD ON FEBRUARY 14, 2017

TRANSCRIBED BY: Michelle Kowalsky, CSR
Registered Professional Reporter

1 MR. GIROUX: This is the meeting of the
2 Maui Planning Commission. My name is James Giroux. I'm
3 with corporation counsel. I'm opening this meeting
4 because we have bare quorum, and our chair and our
5 co-chair are missing. So we're going to have to start
6 with a vote for a chair pro tem, and once we get that,
7 then we can start with the formalities of our meeting.

8 So is there any nominations for chair pro tem?

9 UNIDENTIFIED SPEAKER: I nominate Keaka
10 Robinson.

11 UNIDENTIFIED SPEAKER: Second.

12 UNIDENTIFIED SPEAKER: Second.

13 UNIDENTIFIED SPEAKER: Second.

14 MR. GIROUX: Okay. We have three seconds.
15 Let's see. Is there any other nominations? I see none.

16 We have a closed nominations, and we'll take the
17 vote. The motion is to nominate Mr. Keaka Robinson for
18 chair pro tem for this meeting.

19 All in favor?

20 MULTIPLE SPEAKERS: Aye.

21 MR. GIROUX: It's unanimous. Mr. Keaka will
22 take the chair, and he's going to have to use the
23 hammer.

24 MR. ROBINSON: Good morning, everyone.

25 MR. SPENCE: Good morning, Mr. Chairman.

1 MR. ROBINSON: Please excuse -- please
2 excuse us if anything is out of order. This is my first
3 attempt at trying to be pro tem. Hopefully my last.

4 At this time we will -- we'll begin by taking public
5 testimony. And after public testimony, commissioners
6 is -- we have one of our applicants that wishes to
7 relinquish their place in line, and the other applicant
8 is -- wish to take their steps. So we'll go from --

9 MR. GIROUX: C-1 to C-2.

10 MR. ROBINSON: From C-1 to C-2. And C-2
11 would be then in first place.

12 Would you folks have any objections to that? I see
13 no objections. Continue with that.

14 For people in the audience, first thing is can you
15 please silence your cell phones if you have one on you.

16 Second, if you're able to testify now, if you feel
17 that you'll not be here when your -- when your item
18 comes up, seeing too -- probably thinks that we don't
19 need that.

20 So I would ask is there anybody at this time that
21 would like to have -- would like to use the floor for
22 public testimony? I see none, we will continue with
23 item C-2.

24 Mrs. -- Ms. Jacqueline Cummings requesting a Land Use
25 Commission Special Permit and a bed and breakfast home

1 permit to operate Haiku Gardens Cottage and Breakfast.

2 MR. QUIGLESS: Aloha and good morning --

3 MR. ROBINSON: Morning.

4 MR. QUIGLESS: -- director, chair, and
5 commissioners. My name is Ryan Quigless, planner with
6 the Maui Planning Department.

7 We meet here today to discuss an application to
8 obtain a State Land Use Commission Special Permit and a
9 bed and breakfast home permit to operate a bed and
10 breakfast home in state and county agricultural district
11 on approximately two acres of land, located at 1089
12 Nanihoku Place, Haiku, Maui.

13 I'll give you a brief history about the project. The
14 applicant is requesting a B&B permit to operate a bed
15 and breakfast home in two separate dwellings. Three
16 bedrooms total will be available for guests, and one of
17 the four bedrooms will be reserved for the owner.

18 The applicant has an approved and implemented farm
19 plan filed with the county that comprises approximately
20 75 percent of the total acreage of the property. The
21 cottages are located in a quiet neighborhood, and the
22 applicant intends to make sure that the character and
23 quiet appeal of the community is maintained.

24 MR. GIROUX: Kind sir, we just lost our
25 quorums. Can we just take a little short break?

1 MR. SPENCE: Everybody, Happy Valentine's
2 Day.

3 MR. QUIGLESS: Okay. I'll take it back
4 to -- again, Ryan Quigless, planner with the Maui County
5 Planning Department. I'll take it back to the brief
6 history of the project.

7 The applicant's requesting a B&B permit to operate a
8 bed and breakfast home in two separate dwellings. Three
9 of the bedrooms will be available for guests, and one of
10 the four bedrooms will be reserved for the owner.

11 The applicant has an approved and implemented farm
12 plan filed with the county that comprises approximately
13 75 percent of the total acreage of the property. The
14 cottages are located in a quiet neighborhood, and the
15 applicant intends to make sure that the character and
16 quiet appeal of the community is maintained.

17 There's sufficient parking on the property to
18 accommodate the minimum number of stalls required by the
19 county. The applicant plans to accommodate traveling
20 families primarily and has posted house policies that
21 respectfully include quiet hours between the hours of
22 9:00 p.m. and 8:00 a.m.

23 The applicant has stated throughout the written
24 description of the proposed bed and breakfast that the
25 intention and goal for visitors is to provide rest and

1 relaxation for the guests while improving the visitor's
2 experience of Maui.

3 Based on the evidence provided by the applicant and
4 validated by an onsite visit to the property on November
5 23rd, 2016, the department can comfortably confirm that
6 the goal and intention of this proposed bed and
7 breakfast can be achieved.

8 And at this time I'd like to present a brief
9 PowerPoint presentation of the property to support the
10 findings by the department.

11 This is an overview of the property location, 1089
12 Nanihoku Place in Haiku, North Shore. Here's a
13 satellite image showing you the surrounding context, its
14 agriculture, both state and county. Here's a site plan
15 and parking plan showing you the layout of the property.

16 This is the secondary entrance to the property, which
17 the guest will be using. There's two entrances to the
18 property. There's one for the main house and then
19 there's one for the rental property.

20 These are an overview of the property and the farm.
21 As I stated earlier, the quiet hours are noted in the
22 house policy, and parental supervision that's required
23 for children also noted in the house policy.

24 Examples of the variety of different fruit trees that
25 they have on the property. There's a landscaped visual

1 buffer and sound buffer over 360 degrees of the property
2 so the -- that will help buffer the sound and any noise
3 that travels to the neighbors.

4 As you can see here, the interior of the house is
5 beautiful. It's well maintained, well designed. All
6 the safety issues have been addressed. Here's some
7 photos of the bedrooms themselves.

8 Here are a few examples of the safety features,
9 posted evacuation routes for the guests. Fire
10 extinguishers available, easily located. Smoke alarms
11 in every room, and, again, the posted house policies.

12 There's one other existing permit B&B within 500 feet
13 next door, and that's why we're here today. There are
14 38 permitted B&Bs as of December 14, 2016, and the cap
15 for the Haiku community is 88.

16 At this time there's been no neighbor opposition.
17 House policies emphasize the quiet hours and the respect
18 for the agricultural, residential nature of the
19 community.

20 Speed limits are strongly enforced. Responsible
21 driving will be communicated to the guests upon arrival
22 and also posted in the house policies.

23 As shown earlier, the landscaping minimizes the audio
24 and visual disturbances, and no disturbed -- noise
25 disturbances or reports have been filed with the Maui

1 Police Department.

2 Director, chair, and commissioners, are there any
3 questions that you have for either myself or the
4 applicant at this time?

5 MR. ROBINSON: Before we turn that over to
6 questions, the commission would like to see if there's
7 any public testimony at this time of anybody would like
8 to make any comments? I see none.

9 Floor is to you, commissioners, if you have any
10 questions for the applicant. Commissioner Canto.

11 MS. CANTO: My question is -- you have one
12 neighbor that's within 500 feet. Is there any written
13 documentation that there's no problem for them?

14 MR. QUIGLESS: We haven't received anything
15 from the planning department, no letters of opposition.
16 The sign was posted for 45 days notifying the
17 neighborhood of the intent to file. I believe that the
18 neighbors are in communication. I don't -- I've never
19 been told of any disagreements or lack of communication
20 between the neighbors. It's a very tight-knit
21 community.

22 MS. CANTO: Okay. So we're going with word
23 of mouth that it's okay?

24 MR. QUIGLESS: The owner is here. Would you
25 like to speak with her?

1 MS. CANTO: Yes, please.

2 MR. QUIGLESS: She wants to know if there
3 are any problems --

4 MS. CANTO: Hi. So my question to the
5 gentleman was: Because we're aware of one residence
6 close by within 500 feet and there's no documentation
7 from them saying that they're okay with, you know -- are
8 we going -- is the county going to go with the word that
9 it's okay?

10 MR. ROBINSON: Excuse me. I apologize.
11 Ms. -- can you please identify yourself before tes --

12 MS. CUMMINGS: Sure.

13 MR. ROBINSON: Thank you.

14 MS. CUMMINGS: Hi. I'm Jacqueline Cummings,
15 and I'm the -- one of the owners of that land.
16 Basically, he is a friend of ours -- Mr. Gotell
17 (phonetic). And we actually sold him the land that he's
18 on, that he does a vacation rental with, and we're in
19 communication constantly, all the time. So he was happy
20 for us that we were doing it, and we've not had a
21 problem. And he's far enough away even though -- within
22 the 500 feet that there's no impact at all on either one
23 of us, so.

24 MS. CANTO: Okay. Thank you.

25 MR. ROBINSON: Thank you.

1 Commissioners, I'd like to point out something, and
2 if you can help with us is -- we actually are looking at
3 two approvals here; is that correct? We have a SUP2 as
4 well as a...

5 MR. GIROUX: That's correct.

6 MR. ROBINSON: All right. I just wanted to
7 make sure you guys knew that.

8 Commissioners, any other questions?

9 I have one, please. What was the use of the
10 property, currently?

11 MR. QUIGLESS: Currently, residential with
12 an approved and implemented farm plan with the county.
13 So no bed and breakfast operation, just residential on
14 ag.

15 MR. ROBINSON: So as on ag, they're allowed
16 to have a second home, correct?

17 MR. QUIGLESS: Correct.

18 MR. ROBINSON: And in that second home, was
19 there a long-term rental in that location?

20 MR. QUIGLESS: I believe it was occupied by
21 the family the entire time that it was owned until the
22 filing for the B&B.

23 MR. ROBINSON: So can we assume that the
24 property's going to go from family use to bed and
25 breakfast use. It's not going to go from long-term

1 rental to bed and breakfast use?

2 MR. QUIGLESS: That -- I believe that's
3 correct, yeah.

4 MR. ROBINSON: Is -- can you verify that for
5 me, please?

6 MR. QUIGLESS: The owner says that that's
7 correct.

8 MR. ROBINSON: Okay. Thank you. Do we have
9 a motion on the floor?

10 MR. SPENCE: Do you want to hear the
11 recommendation?

12 MR. ROBINSON: Oh, I'm sorry. I apologize.
13 Could we please have a recommendation from the
14 county?

15 MR. QUIGLESS: So based on the information
16 provided, the department recommends approval of the
17 proposed bed and breakfast subject to the department's
18 17 standard conditions pertaining to bed and breakfast
19 permits.

20 Chair and commissioners, would you like me to go over
21 those conditions at this time?

22 MR. ROBINSON: We waive that at this time.
23 Thank you.

24 MR. QUIGLESS: I have nothing else.

25 MR. HUDSON: Approve as is.

1 MS. CANTO: I'll second that.

2 MR. ROBINSON: We have a motion by
3 Commissioner Hudson. A second by Commissioner Canto.

4 MR. GIROUX: That's going to include both
5 permits -- the motion?

6 MR. HUDSON: That is correct.

7 MR. ROBINSON: Including both permits.
8 Discussion on the motion anyone?

9 At this time we'll call for a vote. All those in
10 favor of the recommendation?

11 MR. SPENCE: That's four ayes.

12 MR. ROBINSON: I will -- one second, please.
13 Commissioner Higashi.

14 MR. HIGASHI: Just for the record, I think
15 we need the director's recommendation from the planning
16 department as to this application, and then we vote on
17 it.

18 MR. ROBINSON: You're probably right.

19 MR. SPENCE: We -- commissioners, we did
20 make the recommendation of board approval with standard
21 conditions that would apply to all bed and breakfasts.

22 MR. ROBINSON: Okay. I have a question for
23 you before I place my vote.

24 MR. QUIGLESS: Yes, sir.

25 MR. ROBINSON: I notice that there's a

1 current TAT license on this property. Can you explain
2 what that TAT license is used for?

3 MR. QUIGLESS: I believe that that license
4 is required when this -- when the applicant submits for
5 the application. I don't -- I think that's part of the
6 entire package.

7 MR. ROBINSON: Yeah. I guess my question
8 was used prior to -- to getting this permit. They just
9 received this --

10 MR. QUIGLESS: All of the --

11 MR. ROBINSON: -- license --

12 MR. QUIGLESS: -- applicants prior to that
13 when the applicants submit it.

14 MR. ROBINSON: Okay. I'm going to go ahead
15 and also vote to approve this as recommended by the
16 counsel -- by the planning commission.

17 MR. SPENCE: Commissioners, that's five
18 votes. Motion carried.

19 MR. QUIGLESS: Thank you very much for your
20 time.

21 MR. ROBINSON: Thank you.

22 At this time I'd like to take a five-minute recess.
23 Thank you.

24 (There was a break in the proceedings.)

25 MR. ROBINSON: Planning commission will come

1 back to order. We are now on item C-1. Mr. Michael
2 Spalding of Kaohu LLC requesting a Conditional Permit
3 for the proposed reuse of an existing residential home
4 as a real estate office in the R-2 Residential District.

5 MS. FURUKAWA: Okay. Good morning,
6 commissioners. My name is Tara Furukawa. I'm staff
7 planner with the planning department.

8 The item is under your review because the applicant
9 is requesting a Conditional Permit for Kaohu LLC for the
10 adaptive reuse of an existing 1,280 square foot,
11 single-family residential house as an office for Michael
12 Spalding's commercial real estate business. Okay.

13 Michael Spalding Realty Inc. is a family-owned and
14 -operated commercial real estate sales, lease, and
15 property management company that has been in operation
16 since 1979. Yeah, okay.

17 Currently, there are two full time and three
18 part-time employees. Spalding's wife and two daughters
19 work for the business.

20 The proposed office space will be used for
21 administrative support, bookkeeping, and records
22 storage. Okay. Thank you.

23 The land use designations for this property are as
24 follows: State Land Use District, urban;
25 Wailuku-Kahului Community Plan, single family; County

1 Zoning, R-2 Residential; Maui Island Plan, Urban Growth
2 Boundary; and it's outside the Special Management Area.

3 In this case the Conditional Permit is required
4 because the underlying zoning is R-2 Residential and the
5 proposed use is not permitted nor would it qualify for a
6 Special Use Permit.

7 The planning commission must make a recommendation to
8 the Maui County Council to either approve or deny the
9 conditional permit for the proposed project.

10 The house, which is built in 1951, is located in
11 Wailuku. It's at the corner of Kaohu Street and Waiale
12 Road, just west of the Sandhills residential
13 subdivision. Okay.

14 As you can see from the aerial photo, the lot on
15 which the house was built lies amidst public --
16 quasi-public commercial and residential uses.

17 MR. ROBINSON: Can you please repeat what
18 it's next to?

19 MS. FURUKAWA: Okay, sorry. It's right next
20 to Island Appraisal. It's at the corner of Kaohu Street
21 and Waiale Road. And then Kealoha Construction is two
22 doors down. Across the street is the county base yard
23 and Kaohu store. Adjacent to the site is Parcel 8, the
24 site of Island Appraisal, and it's also owned by Kaohu
25 LLC and leased by Island Appraisal.

1 The lot itself is 3,600 square feet. It's accessible
2 via Kaohu Street. And the applicant has a reciprocal
3 easement for access of the driveway through Parcel 8.

4 The proposed office consists of a foyer, five rooms
5 for office space, a kitchen, bathroom, office
6 bath/utility space, and a two-car garage. And these are
7 just photos of the -- of the property. So east of the
8 house is Sandhills. West of the house is the appraisal
9 building. South of the house is the parking lot and
10 yard and the view of Waiale Road and Kaohu Street
11 intersection. And then view north of the house are
12 existing single-family residences.

13 So there's a parking space to the side and rear of
14 the structure -- a third parking space, and then the two
15 other parking spaces underneath the house. The front
16 lawn of the home is grass. And the property set back
17 from Waiale Road by a barbed wire fence and landscaping
18 that includes ti leaf, a lime tree, croton plants,
19 puakenikeni, jabong tree, and Surinam cherry bush. And
20 there are two large mango trees in the parking lot that
21 also provide ground cover. Okay. Okay. Sorry. Okay.

22 So that's the -- the site plan with the house, and
23 then Parcel 8 on the side showing the six parking
24 spaces, the two large mango trees. And then this is the
25 office space -- the proposed office space.

1 Okay. So a Traffic Impact Assessment Report was
2 completed by Phil Rowell and Associates. And as a
3 result of the proposed use, there will be three more
4 trips in the morning, three more trips in the afternoon.
5 There will be no change to the existing level of
6 service, and no mitigation is recommended.

7 The project assessment report was sent out for agency
8 review. As far as water is concerned, the property is
9 serviced by the Central Maui Water System. It has a
10 5/8-inch water meter.

11 There are several fire hydrants nearby at 185 Waiale
12 Road, across the street near the county baseyard
13 entrance and at the corner of the Church of the Living
14 God.

15 The Department of Water Supply did not have any
16 comment.

17 The Department of Environmental Management Wastewater
18 Division said that wastewater capacity is available.
19 The developer shall pay assessment fees, and wastewater
20 contribution calculations are required before the
21 building permit is issued. Non-contact cooling water
22 and condensation should not drain to the wastewater
23 system.

24 As far as drainage, there was no comment from the
25 Department of Public Works.

1 There's a grated inlet located in the northern
2 portion of the parking lot that sufficiently
3 accommodates runoff. Runoff flows south to north to the
4 inlet. And no development is proposed that would impact
5 the existing drainage conditions.

6 As far as roadways, the Department of Public Works
7 had no comment.

8 As previously mentioned, ingress and egress will be
9 off of Kaohu Street. And based on the level of service
10 analysis by Phil Rowell, no mitigation is recommended.

11 This concludes the department's presentation. And
12 the applicant and his daughters are here to speak more
13 about the family business.

14 MR. SPALDING: Greetings, planning
15 commission members, member of the county planning
16 department, and Will Spence. Thank you for being here
17 and your service to the community.

18 I was born on Oahu and moved to Maui in --

19 MR. ROBINSON: Excuse me, Mr. Spalding.

20 MR. SPALDING: Yes?

21 MR. ROBINSON: Introduce yourself.

22 MR. SPALDING: Oh, Michael Spalding. I'm
23 the owner of Michael Spalding Realty, a family business.

24 I opened my real estate business in 1979 on Kaohu
25 Street just down the road here. And I've been

1 concentrating on commercial real estate ever since.
2 I've been in the business for 38 years.

3 Our family is -- owns and operates commercial
4 buildings, and we are a family business. And we had
5 been renting space in Wailuku. And our lease came up,
6 and the opportunity to purchase this building came up
7 from the Murata (phonetic) family, and we acquired it
8 June 9th in 2015 to create a sustainable location for
9 our business.

10 We are part of the Maui community. My daughters were
11 raised here. I'm on the Na Hale O Maui board. We try
12 to provide low-cost housing to the community. And also
13 on several other boards that affect things here in the
14 state.

15 We are requesting a ten-year Conditional Use Permit
16 to operate our business in this location. And I'd like
17 to introduce Nicole Spalding, my daughter, to tell us a
18 little bit more about the business. And after the
19 presentation, I'll be -- we'll take whatever questions
20 you have.

21 MS. N. SPALDING: Good morning, planning
22 commission members. I've been fortunate enough to
23 work --

24 MR. ROBINSON: Please introduce yourself.

25 MS. N. SPALDING: Oh, I'm Nicole Spalding,

1 his daughter. I've been fortunate enough to work for
2 our family business since 2008. I'm involved with the
3 property maintenance and repairs as well as commercial
4 leasing for our properties and for other clients. We
5 provide a variety of businesses with commercial space to
6 operate their business.

7 I'm an alternate trustee for the Cooke Foundation.
8 I'm a Wailuku rotary member, and I sit on the Ka Hale A
9 Ke Ola homeless shelter board.

10 Having this office would be great for our family and
11 for our business. Thank you for your time. I'd like to
12 introduce my sister, Lauren Spalding.

13 MS. L. SPALDING: I'm Lauren Spalding.
14 Aloha, planning commission.

15 So we work with local businesses and local people and
16 leasing spaces. We do have some low income or
17 affordable housing rental units up in Haiku also, but --
18 and we do property management, maintenance, interacting
19 with our tenants.

20 And it's -- it's a pleasure to be able to be born and
21 raised on Maui and to be able to work here and be a part
22 of a business that I feel supports the community as
23 well. Thank you.

24 MR. SPALDING: Anybody have any questions
25 for any of us?

1 MR. ROBINSON: At this time would anybody
2 like to -- any public testimony regarding this subject?

3 Please introduce yourself, and you have three
4 minutes.

5 MR. SHISHIDO: Three minutes? Good morning.

6 MR. ROBINSON: Good morning.

7 MR. SHISHIDO: My name is Allan Shishido.
8 I'm a real estate appraiser, and I'm doing business as
9 Island Appraisals, which is on the map.

10 We currently occupy the office building adjacent to
11 the property that is the subject of this hearing. We
12 have been at this location for over 25 years now. Our
13 office is located at the corner of Kaohu Street and
14 Waiale Road.

15 Over the years we have seen traffic getting busier
16 and busier on Waiale Road, due mainly to the development
17 in the Kehalani and Waikapu area. Traffic on Kaohu
18 Street has remained relatively constant; however,
19 traffic is not a major concern.

20 There is a four-way stop at the intersection of Kaohu
21 Street And Waiale Road, which helps with the safe flow
22 of traffic. Getting in and out of our office has never
23 been a problem. Our location is very convenient. We're
24 located close to the county building, banks, medical
25 facilities, and other businesses.

1 I am in favor of this Conditional Use Permit and feel
2 that the present dwelling locations better suited for
3 office use due to its small lot size and proximity to a
4 busy road. Also, the site is adjacent to properties
5 which are in business use. Thank you.

6 MR. ROBINSON: Thank you.

7 Any questions, commissioners? I see none.

8 Anybody else like to testify? I see none.

9 Public testimony is closed.

10 Commissioners, do you have any questions for the
11 applicant? I see none.

12 Would you like to give your recommendation, please.

13 MS. FURUKAWA: The application comprise of
14 the applicable standards for a Conditional Permit. And,
15 as such, the department recommends approval based on
16 five standard conditions. The Conditional Permit shall
17 be valid for a period of five years. The applicant is
18 requesting ten.

19 The Conditional Permit shall not be transferrable
20 unless approved by the planning director or Maui
21 Planning Commission; that Kaohu LLC shall maintain a
22 liability policy for \$1 million, naming the County of
23 Maui as an additional insured; that Kaohu LLC shall
24 develop the property in substantial compliance with the
25 representations made to the Maui County Council in

1 obtaining the Conditional Permit; and that full
2 compliance with all applicable governmental requirements
3 shall be rendered.

4 In consideration of the foregoing, the Maui County
5 Planning Department recommends to the planning
6 commission that it approve the Conditional Permit to the
7 Maui County Council.

8 Further, that the commission authorize the planning
9 director to transmit said recommendations and record --
10 in record to the Maui County Council for further action.
11 That's it.

12 MR. ROBINSON: Thank you.

13 Yes, Commissioner Canto.

14 MS. CANTO: I'd like to make a comment. You
15 know, the Spalding ohana is well respected in this
16 community. Everybody knows that. And having received a
17 letter from Mr. Murata, which was the prior owner, I
18 know that this ohana -- this Spalding ohana will honor
19 the prior homeowner's wish.

20 And one of his wishes is that he was looking for
21 someone who would keep the structures and refurbish them
22 to serve as a reminder of their family's history. So
23 that remark weighs heavily for me because it retains a
24 sense of value as to, you know, this new establishment
25 meeting the wishes of the prior owner.

1 I support this recommendation by the -- by the
2 department and as well as the change from five years to
3 ten years. I also support that.

4 MR. ROBINSON: Thank you.

5 Commissioners -- Commissioner Hedani.

6 MR. HEDANI: I echo those comments. I know
7 the Spalding name. And I know it's a well-respected
8 family both in central Maui as well as in Hana. And I
9 know that they've done good things in terms of providing
10 affordable housing or working on projects that relate to
11 affordable housing.

12 So I think it's a plus. I think they're going to
13 retain the building. They've got a good architectural
14 firm working on it. And because the lot does not have
15 access onto Waiale Street, it works in tandem -- in
16 tandem with the commercial operations on the balance of
17 the adjacent lot because there is an easement through
18 there.

19 So I think the use is fitting in terms of using that
20 access easement and having unified ownership of that
21 property, so I would support the application.

22 MR. ROBINSON: Thank you.

23 Commissioner Higashi.

24 MR. HIGASHI: I'd like to make an amendment
25 to that motion that we increase it to five years to ten

1 years based upon the fact that this particular company
2 has a well-established reputation and is well respected
3 in the community.

4 MR. ROBINSON: Commissioner Higashi, I hear
5 you're making a motion to make it to ten years instead
6 of five; is that correct?

7 MR. HIGASHI: Correct.

8 MR. ROBINSON: Do I have a second?

9 MS. CANTO: Second.

10 UNIDENTIFIED SPEAKER: Second.

11 MR. ROBINSON: Okay.

12 MR. SPENCE: (Indiscernible) motion first --

13 MR. ROBINSON: Is -- we're going to shove
14 that motion -- we're going to -- until we get a main
15 motion first for -- but if you'd like --

16 MR. HEDANI: I move --

17 MR. ROBINSON: -- you can make the motion.

18 MR. HEDANI: -- to approve the
19 recommendation.

20 MR. ROBINSON: Okay. Seconded by
21 Commissioner Canto.

22 Discussion?

23 Commissioner Hudson.

24 MR. HUDSON: I'll support the motion because
25 of the closeness to other businesses, the applicant's

1 integrity in keeping the character of the area the same.

2 That being said, it's taking one less house off the
3 market, and I'm always concerned with that. Because it
4 seems innocuous at this level, and I'm sure it's going
5 to be well coordinated. You guys are going to do what
6 you guys said you guys are going to do. But I want it
7 on record. Taking houses off the market in which we're
8 so short already is a concern.

9 MR. ROBINSON: Thank you, Commissioner
10 Hudson.

11 Any other commissioners?

12 I'd like to make comment for the roll, please. I
13 know Mr. Spalding. He was actually my landlord when I
14 started my business. He was a fantastic landlord. Did
15 everything to help me succeed in business. Very easy to
16 work with. The neighbor next to me was a halau, which
17 nobody wants to give space to because the parking and
18 the people.

19 So as far as Spaldings being a good landlord, I can
20 testify that they have. And that goes even beyond the
21 accomplished, you know, being a waterman, as well as his
22 daughter, for Hawaii. I think they represent our island
23 great.

24 Having said that, I am in line with Mr. Hudson where
25 it's unfortunate that Wailuku has run out of commercial

1 space to rent out commercials. Commercial
2 establishments have to look at homes that don't really
3 fit the mold, and, therefore, are being pushed into this
4 area. It's unfortunate that the county doesn't own a
5 certain building on High Street to where things could
6 happen.

7 And this is a sign of the times. And businesses are
8 having to choose between, you know, being viable and
9 having to ask for permits. And, in turn, we're losing
10 another rental for our home industry. And this is just
11 an unfortunate situation.

12 And, hopefully, county planning department figures
13 something out in hopes that we don't have to do this
14 anymore, because Wailuku is turning into a
15 home-commercial area. Thank you.

16 Commissioner Hedani.

17 MR. HEDANI: I recognize the concerns about
18 taking this particular structure out of residential use.
19 But when I look at it, if you wanted to find somebody
20 that's going to create housing for the people of Maui
21 and the people of Wailuku, it's that guy. So I think
22 it's a good investment in the future.

23 MR. ROBINSON: Thank you.

24 Anybody else?

25 Go ahead, Commissioner Castro.

1 MR. CASTRO: I concur with Commissioner
2 Hedani. I think they'll do all the right things to
3 eventually find a way to provide additional housing
4 (indiscernible).

5 MR. ROBINSON: Thank you, commissioner.
6 Yes, Commissioner Hedani.

7 MR. HEDANI: Just a clarification. The
8 motion that was made was for approval that's recommended
9 with the change to ten years.

10 MR. ROBINSON: That is correct. I'll have
11 the director reiterate that before we vote. And this is
12 also to approve to send to the Council.

13 Director.

14 MR. SPENCE: Commissioners, the way I
15 understand the motion is it's for approval as
16 recommended by staff with the provision for ten years
17 instead of five.

18 MR. ROBINSON: All those in favor?

19 MR. SPENCE: That's five eyes.

20 MR. ROBINSON: Motion carries.

21 MR. SPENCE: Congratulations. So this is --
22 this is a recommendation to counsel. And so when the
23 minutes are ready and everything, we'll transmit it out,
24 and they'll schedule it for their own things.

25 UNIDENTIFIED SPEAKER: Thank you.

1 UNIDENTIFIED SPEAKER: Thank you.

2 MR. ROBINSON: Do us proud.

3 Moving on, we will go to item D-1. And,
4 unfortunately, our planning chair, Mr. Tsai, who asked
5 for us to be on the agenda is not here today. Hopefully
6 we can defer that to our next meeting.

7 UNIDENTIFIED SPEAKER: Sure.

8 MR. ROBINSON: Is that all right with
9 everybody?

10 UNIDENTIFIED SPEAKER: Yeah.

11 MR. ROBINSON: Okay. Go ahead, director.

12 MR. SPENCE: Okay. Commissioners, we're on
13 item E. This is the exception -- excuse me --
14 acceptance of the action minutes for January 24th, 2017.

15 MR. ROBINSON: Motion to approve, Hedani.
16 Seconded by Castro. Alls in favor? Five eyes.

17 MR. SPENCE: Item No. F-1 is a notification.
18 So you know we have issued an emergency permit --
19 emergency SMA permit. The Kaleialoha condos on Lower
20 Honoapiilani Road have some sinkholes. And so -- are
21 authorizing them to take care of that and do emergency
22 repairs for their wall.

23 MR. ROBINSON: Is -- I think, Kaleialoha?

24 MR. SPENCE: Kale --

25 MR. ROBINSON: Kaleialoha?

1 MR. SPENCE: Yes.

2 MR. ROBINSON: I got you, director.

3 MR. SPENCE: That's okay. And items 2 and 3
4 are your minor permit and your estimated exemption
5 report.

6 MR. ROBINSON: Higashi. Second, Castro.

7 All in favor? Five ayes.

8 MR. SPENCE: Thank you. For your next
9 meeting on February 28th, you're going to have three
10 public hearings. One is for by Ms. Lorraine Grace
11 requesting a Special Use Permit for a short-term rental
12 home operation in Huelo.

13 Ms. Crystal Schmitt of Maui Dragon Fruit Farm
14 requesting an amendment to her Special Use Permit and
15 Conditional Permit to allow transient vacation rental
16 use. And she has the dragon fruit farm and kind of very
17 interesting operation.

18 And then your third public hearing is Ms. Robyn
19 Kahalelehua of Centerline Solutions on behalf of Verizon
20 Wireless wanting a County Special Use Permit for a
21 65-foot transmitter tower on Kaupakalua Road.

22 And then you have Mr. John Dunbar requesting an
23 unfinished business -- John Dunbar requesting a Special
24 Use Permit for a bed and breakfast home in the ag
25 district.

1 And then you'll have notification of another
2 estimated Emergency Permit. That's it.

3 MR. ROBINSON: Our next meeting is scheduled
4 for the 28th.

5 Commissioner Hedani.

6 MR. HEDANI: Just a question for the
7 director.

8 On item F-1A, do you need a motion to waive review by
9 the commission?

10 MR. SPENCE: No. The Emergency Permits, we
11 just notify you that we have issued them. They will
12 come in saying the idea behind the Emergency Permits is
13 that you've got to do something right now, can't wait to
14 schedule it for 30 days and et cetera, et cetera.

15 So your rules authorize me to issue Emergency
16 Permits. And they must come in afterwards and submit
17 the proper documentation and get the proper permits
18 anyway if that means then coming to commission -- you
19 know, then they do that.

20 MS. CANTO: So it's a formality?

21 MR. SPENCE: Well, it's -- they're not
22 excused from the rest of your rules. So, I mean, if
23 something is collapsing or something and, you know -- a
24 building is in need of protection or something like
25 that, you know, we need to take care of it right away.

1 You can -- but they do have to come in and get the
2 proper permits and document everything, et cetera.

3 MR. ROBINSON: Is that -- director, if a
4 commissioner wanted, could he request more information
5 on the special permit?

6 MR. SPENCE: I don't see why he couldn't.

7 MR. ROBINSON: (Indiscernible). Anything
8 else? Happy Valentine's Day, everyone. And I'll see
9 you guys in a couple weeks.

10 MR. SPENCE: Thank you, commissioner.

11 (The audiotaped proceedings concluded.)

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C E R T I F I C A T E

I, Michelle Kowalsky, C.S.R., in and for the State of Hawaii, do hereby certify:

That the foregoing represents, to the best of my ability, a correct transcript of the audiotaped proceedings had in the foregoing matter;

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated: March 6, 2017

Michelle Kowalsky
Michelle Kowalsky, C.S.R.
Registered Professional Reporter