

**MAUI PLANNING COMMISSION
REGULAR MINUTES
OCTOBER 11, 2016**

Please note: Due to technical difficulties with regards to the sound system parts of the transcription are inaudible.

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:00 a.m., Tuesday, October 11, 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 everyone. Okay, today's October 11, 2016. Maui Planning Commission is called to order. It's good to see everybody here. I wanna take a moment to introduce the Commission Members who are present. My name is Max Tsai, I'm the Chair. We have our Vice-Chair Commissioner Duvauchelle. We have Commissioner Hedani, Commissioner Castro, Commissioner Higashi, Commissioner Carnicelli, Commissioner Hudson, Commissioner Hudson, and we have new Commissioner Canto. Thank you. And we also have our Deputy Director Michele present. Thank you for joining us.

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: At this time, I'm gonna open the floor for public testimony so if anyone wish to testify on any agenda items may testify now or you may wait until the agenda item comes up, but you can't do both. So you can do one or the other. This offers the opportunity for people who have to leave before the agenda item comes up an opportunity to testify. Anybody wish to testify at this moment? Seeing none, public testimony is now closed.

C. INTRODUCTION OF NEW MEMBER - DOREEN CANTO

Chair Tsai: We're going to introduce our new member, Doreen Canto or you like to go by Pua Canto. Welcome. Would you like to speak a few words?

Ms. Canto: Thank you. Morning everyone. Just a really short, short bio. I retired from Hawaiian Telcom in 2005. Ever since then I've been serving the community in various capacities having work together with Commissioner Hudson a while ago. But I look forward to making some important decisions that affect our community in an unbiased way so thank you for having me. Thank you.

Chair Tsai: Thank you Commissioner Canto and thanks for joining us. Okay, now we're going to Public Hearing, Number one, Deputy?

Ms. McLean: Thank you Chair and good morning Commissioners. There are two public hearing items on your agenda today. The first is from Planning Director William Spence transmitting a proposed bill with amendments to Chapter 19.04 of the Maui County Code that would allow the Planning Department to establish fees in the annual budget for the review of ministerial and discretionary applications. The proposed bill would also exempt roadway lots or utility lots from minimum lot area requirements and would allow commercial and non-commercial filming, photography and other temporary commercial events in all zoning districts under certain restrictions and standards. Joe Alueta, the Administrative Planning Officer will present the proposed bill.

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

- 1. MR. WILLIAM SPENCE transmitting a proposed bill with amendments to Chapter 19.04 of the Maui County Code that would allow the Planning Department to establish fees in the annual budget for the review of ministerial and discretionary applications. The proposal would exempt roadway lots or utility lots from minimum lot area requirements and would allow commercial and non-commercial filming, photography and other temporary commercial events in all zoning districts under certain restrictions and standards. (J. Alueta)**

Mr. Joe Alueta: Good morning Commissioners. Again, my name is Joe Alueta. I'm your Administrative Planning Officer with the Planning Department. There's two basic methods for those who haven't heard the speech before in which you can amend Title 19. One is through a resolution which comes from Council and which is sent out to all the planning commissions in which you're one of the three commissions to review those changes or the other method is through the administrative process in which it is initiated by either the Director or the Mayor. In this case, this one is being initiated by the Department by the Director for what we consider kind of a house cleaning process of amendments to 19.04 allowing for certain uses.

The primary purpose of this is to one, to allow for certain uses across all of the zoning districts. So this is rather than amending or having specific uses in certain districts. This would apply across all zoning classes. The other thing this does is that it allows for substandards specifically smaller lots than what is specified in the zoning district. As you know, like say in the Agricultural District it's two acres. In the Residential District it may be a 6,000 square foot lot or in the Rural District it may be a half-acre. This would allow for smaller ...(inaudible)...lots that are used for...affecting part of the subdivision for utility purposes. These are primarily or like say a substation like Hawaiian Telephone they get to do a substation box or MECO need to do a substation. You would be able to subdivide or a roadway, they had a utility roadway easements they could be, they would be subdivided out as part of...within that Agricultural or Residential District without having to meet the minimum lot requirements.

In a recent case we had like I believe it was Maui Electric out and they were trying to do a I believe it was Maui Electric up and they was trying to do a little substation out on...off of the highway and it was in the middle of the sugar cane and it ended up being they had to do a two-acre lot because that was minimum lot size. It just didn't seem appropriate for that. So again this would restrict the lot, it would restrict that lot for that specific purposes so you wouldn't be

able to in the case of say if the lot was created for a utility purpose it wouldn't be considered a nonconforming lot later on and be developed to whatever what was allowed within the uses within the uses within that district. The classic example when I first came to the Planning Department this was when Hawaii Tel was consolidating some of their switching boxes and so if you remember they used to have all these concrete boxes out around Maui with these collectors line and there was one small little lot in Kihei right off South Kihei Road and Hawaiian Tel was selling it at the time and I was wow, it's like \$40,000 or \$20,000 really cheap and I was like wow, it doesn't meet the minimum lot size, but someone bought it and they put a three-story apartment on it. So if you go there now it stands out. It's in the middle of this parking lot in Kihei. So you would not be able to do that. So if you create these substandard lots you would not be able to create, would not be able to use for other than what is specified in specific.

The other component of this bill is...(inaudible due to sound system crackling noise)...certain uses to be allowed across the board within the zoning district with certain criterias. Primarily this comes about as we've done requests for filming, the film industry either photography or movie or television series and normally these are regulated under the Film Board, either the local Film Board or the State Film Commission. So we have decided that you know like certain uses such as commercial, noncommercial, if you want to follow along it's on Page 3 and on 4 of the memo report or the proposed bill. So basically it would allow for commercial and noncommercial filming, photography for such activities authorized by a film permit that's issued by the County and establishes certain criteria as you can see within...with that we'll break up and set up a limit of hours.

Also we're also looking at allowing for temporary commercial events such as bazaars, fairs, reception or festival ...(inaudible)...of all such activities, incidental, customary to the existing principal accessory use. I think some of us at one point in time hosted a wedding party or at some point at their house for the reception and you've the two families get together and you have entertainment...sometimes you will bring entertainment and it can be a large gathering normally once, hopefully once in a lifetime, you do that and so typically that's part of what happens. Baby luaus, I remember being five years old having a huge party in rural Kahului and lot of people were there and that's having people park along the street...(inaudible)...one time functions the families go through. So...(inaudible)...allows those. Just trying to clarify, a lot of this is things that already happen in our neighborhoods and so we just wanna make sure that it's covered. We've also seen bazaars, fairs happen, sometimes there's church functions, church bazaars, St. Anthony has a bazaar or hoolaulea, that's become a function, but again it's an event within a...considered a normal function of that...(inaudible)... on a property. Temporary sales offices have normally been allowed on new subdivisions, either new subdivision, new housing, condominium tracts where you have a sales office so normally commercial retailing or sales would not be allowed in the residential or apartment district, however we do allow for sales of that and that pretty much summarizes the purpose and intent and some of the uses that would be allowed. As you can see we've established some type of criteria for ...(inaudible)...all of those uses to limit them. We've also placed limited on the lots that would be subdivided or would be created. And again, all of these uses would be subject to enforcement under 19.530. And again, the Department has determined that these uses would not be detrimental to the public health, safety or welfare and that it's consistent with best practices, best planning practices for our community. That pretty much concludes the memo report. Do you have any questions?

Chair Tsai: Thanks Joe. Okay, at this point we're going to open the floor for public testimony. Anyone wish to testify on this item please come forward? Please identify yourself you have three minutes.

Mr. Ryan Churchill: Good morning Chair. My name's Ryan Churchill and I'm with Pacific Rim Land testifying on Item D-1, proposed changes to Chapter 19.04 of the Maui County Code that Mr. Alueta described here.

We support the Administration's changes to 19.04.020 and believe they're long overdue. The proposed changes will allow the creation of substandard lots for roadway, utilities and drainage, pedestrianways and similar purposes. As Mr. Alueta mentioned in the past the County used allow substandard lots for utility purposes but recently has taken a more strict interpretation of the code and is no longer allowing them. The proposed changes presented by the Administration clean up and clarify the code so there no longer be conflicting interpretations on this issue. I think Mr. Alueta gave some good examples. Another good example you see happen all the time is water tanks. A water tank lot you only need six-ten thousand square feet for a water tank but certain zoning districts like Ag you gotta create a two-acre lot and it just creates excess land that's not necessary.

So in summary the proposed changes are consistent with best planning practices have been utilized in the past will clean up and provide clarity to the existing language in the Code. We therefore ask for your recommendation to pass these amendments to the Code. Thanks.

Chair Tsai: Thank you. Questions from the Commission? Thank you. Oh, Commissioner Hedani?

Mr. Hedani: This is a question for Joe.

Chair Tsai: Hold on a second I wanna finish public testimony first. Next testifier?

Mr. Tom Croly: Thank you. Tom Croly and I'm actually testifying on behalf of someone who had some concerns about this, the amendments specifically the ability to film in any district. If I understand what's being proposed is they're saying you can get a permit to film in any district and I imagine that the person who had concern probably would be fine with that. But she wanted me to express that they had been filming on her street and that the impact was great. It extended many houses along the whole street. In fact the neighbors were told be quiet we're filming in the meantime you know the generators are making all this noise and that kind of thing. So this idea that we would extend ability to have filming permits to all districts probably needs to be evaluated in conjunction with what are the restrictions of those filming permits to make sure that we're not potentially putting something out there that would be a nuisance to folks and I've never seen what the restrictions are on filming permits. I'm just relating someone who lived on a street where they were doing filming said wow. This was not just an impact to the immediately adjoining neighbors. This was an impact to the entire street and I just noticed in here it talks about making notice to the immediately adjoining neighbors. So just a matter of getting that on record at this point. This will eventually go to Council and only get further consideration, but thanks for the opportunity to comment.

Chair Tsai: Thank you Tom. Question for the testifier? Commissioner Robinson?

Mr. Robinson: Who's testifying? I mean are we allowed to have anonymous testifying?

Mr. Croly: Did I not identify myself? Thomas Croly.

Mr. Robinson: Although you said, but you're testifying for somebody else. It's like I saw the bait where a guy ...(inaudible)...

Mr. Croly: Ah, okay. So the person for who asked me to bring this up was Kathryn Clark.

Mr. Robinson: And what neighborhood was Kathryn from?

Mr. Croly: Haiku Hill.

Mr. Robinson: Thank you Tom.

Mr. Croly: Yeah.

Chair Tsai: Commissioner Canto?

Ms. Canto: I have a question for you Mr. Croly. So are you saying that you're in support or she's in support or...

Mr. Croly: Well she has concern about the idea that filming would be allowed in all districts and again I think that it requires a better understanding of the...of what it takes to get a filming permit before she would be able to say whether or not this is an okay thing to happen. But her experience was the filming in her neighborhood was a major disruption so I guess given those circumstances she would be against the idea of allowing it in all districts.

Ms. Canto: Thank you.

Chair Tsai: Any more testifiers? Seeing none, public testimony is now closed. Questions from the Commission? Commissioner Hedani?

Mr. Hedani: Joe I had a couple of concerns. One is the Department is asking the ability to collect fees or establish its own fees and who would review ...(inaudible)...

Mr. Alueta: It would be during the budget ordinance. This would allow generically we current review certain administrative permits such as building permit reviews, landscaping plans and currently we don't have the ability to charge.

Mr. Hedani: So it will be reviewed by the Council?

Mr. Alueta: Yes, it would be during the budget process we would add it to our fees of collection, proposed fees during the budget.

Chair Tsai: Deputy?

Ms. McLean: Thank you, Chair. In the past year or so during the annual budget process we have asked the Council to allow us to charge fees for some of these reviews and Corp. Counsel has rightly told us, well there's nothing in the Code that authorizes us to collect those fees. So it has to be somewhere in the Code that says the Department is authorized to collect those fees then in the budget the Council will establish what those fees are. Most of the permits that come before there's either a Code or a rule like the SMA Rules that say, and a fee established in the annual budget that a lot of the administrative permits ...(inaudible)...we don't have that authority in the Code at this time.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: ...(inaudible-due to static)... I guess my question is how is it going to effect that particular method of people creating subdivisions since that ordinance is basically being used to create subdivisions that are not subdivisions you know, so now suddenly we have these substandard lots, how is that going to then later impact, (a) how is it going to impact the current ones that exist? Can they somehow take advantage of you know, use a loophole here to get one over and then (b) moving forward...is there an unintended consequence that we're not looking at that you know some of these big landowners are gonna say okay we're gonna do a ...(inaudible)...subdivision who has substandard lots...(inaudible)...

Mr. Alueta: That's a good point with regards to existing consolidation and resubdivision of existing substandard lots that do occur in which we create more developable lots from that. This doesn't necessarily affect that current process of consolidation resubdivision. During this process in which someone establishes a utility lot there will be restrictions on that lot which would prevent it from being one used for anything else other than a utility lot. But we can look into that to make sure, but I don't believe that the current...currently the way we have it worded it would not benefit anybody from trying to use, one, do a subdivision, create several utility lots then come back and do a consolidation resubdivision to gather more lots because I think it would still be specific to that land area for a utility and it would not gain another additional lot...additional lots from that. But I see that loophole and I think it was discussed at one point during our process and the restrictions that we currently have on those lots would not allow them to do that.

Mr. Carnicelli: ...(inaudible-not speaking into the mic)...

Chair Tsai: Yeah of course.

Mr. Carnicelli: Deputy Director, I mean I guess how do you feel ...(inaudible)... this is the existing one now. And I think going forward they have to name it as a utility lot and then you know can't change it. But what about existing how's that going to affect?

Ms. McLean: Existing subdivisions would have to be compliant with that this would establish. So the description of an ag subdivision where there's a two-acre lot that had to be created for a water tank and let's say you only need a half an acre for that and if it is adjacent to a couple of

larger agricultural lots three or four or five acres then certainly they could come and potentially get one more developable lot out of that because you have that two-acre site used for a water tank. Our position on that would be...let me back up, they could take advantage of that because we think it's silly that they needed to create a two-acre lot in the first place for a water tank lot that they should not have had to do that. And had that not been the requirement at the time they would have been able to subdivide with that one additional lot. So if they were to come in...if this were to pass as we have it contemplated, if they were to come in today then potentially because they would only need a small area for that water tank they would have the balance of the land to put into two acres and potentially they could, they could have gotten one more lot out of that depending on the size of the original lot. There wouldn't be a reason for them not to do that. However, if it's an existing subdivision it's probably built out already and so if it's built out and you try to carve out that small water tank then the balance would be substandard and they wouldn't be allowed to do it. So if you have a two-acre water tank and you want to subdivide out a very small area for that water tank lot that balance would have to be at least two acres and chances are that's not the case. If everything else is developed already you wouldn't be able to manipulate the lines to make it work.

Mr. Alueta: And Commissioner I was speaking to...sorry, I was speaking about substandard lots that are existing not utility lots that meet the current subdivision standards as the Deputy Director that was counted toward with regards to Ag District was counted...(inaudible)...that two-acre lot was counted toward their allocation so again, they have a legal right to try to consolidate or establish a new smaller lot and then maybe consolidate with an adjacent lot to create...bring back that lot to where I could put a house on it. That's always a potential. Most likely that water tank lot still probably has a house on it. They just...if there's a common easement over it and so you wouldn't be able to do that. I was speaking more of existing nonconforming lot sizes that are utility lots.

Chair Tsai: Yeah, go ahead.

Mr. Carnicelli: So I guess ...(inaudible)...so I understand you know that it is silly to have a two-acre, you know, water tank lot. And however I guess my concern is that these changes can increase density though potentially. I mean...(inaudible)...this lot is I don't know say a little over two acres and okay they just parcel out the water tank and then I get a another two acres to build a house. I mean...(inaudible)...and I don't wanna you know sit here and try to build a better mouse trap, close every single hole possible, you know, but I think it's something that if can be addressed while we're doing this, you can't create and you can't increase density in doing this I think its now's the time to address that if we can.

Ms. McLean: At most the density would be increased by one lot. That would be the greatest increase in density of any subdivision...(inaudible)...

Mr. Alueta: Well, technically no you wouldn't be increasing at all because they had the density of that existing lot per se.

Ms. McLean: Oh, they would have the utility on the lot that they created so...

Mr. Alueta: Right and they wouldn't like I said that lot is...under current standards, right they're required to create a lot of that, of what the zoning standard is. It's just they had to dedicate or choose to use that full size say residential lot or full size agricultural lot of the purposes of having a utility and that was counted toward their density of the number lots that that parcel could be subdivided out. Under the proposal, under this proposal what would occur is that they would then get that full allocation of lots, right as they currently have and no new lots would be created and then they would be able to create one substandard lot that is dedicated for utility purposes only. So essentially the land area is the same it's just that somebody's lot instead of being two and a half acres may be two and a quarter acres, you know they met the minimum two-acre lot and that quarter acre, 10,000 square foot lot is then got the water tank on it.

Mr. Carnicelli: That makes sense. So thank you.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I guess on the question of density my comment would be that increasing density is good somewhere in order to create more housing. The other question that I had was on the checks and balances for the Department itself. The Department is establishing fees and the Department is establishing administrative rules to implement those fees and under Section E, I thought it might be appropriate to consider having the Commission adopt administrative rules that the Department would provide or propose rather than the Department approving its own rules. Our existing directors are sane but you know in the future we may have people that are not. So the question is should the Department be adopting its own rules or should it be approved by a group like the Commission?

Mr. Alueta: Well it should be really the Department because the permits that we're talking about the administrative permits are not commission permits. They're permits that done administratively. Like I say it's done by the Zoning Administration staff or which is primarily gonna be parking analysis, parking, landscaping plans, building permit review for setback and stuff like that. So that's not a permit that comes under the purview of the planning commission. And the permits that do come under the purview of the planning commission have been established by your administrative rules in which we then can put them into the...into the Budget Ordinance. So this basically all it allows us to do is put them into the Budget Ordinance, right. Whether that gets approved or not we have gone before the Council several times and put the true cost of our, just to recover 50 percent, half of what we...is the cost to process an SMA or change in zoning and it has been out rightly rejected by the Council. So we have...so probably collect on the fees closer to 10 to 15 percent of the true cost of the processing of a major permit so yes we are subsidizing development...(inaudible)...it's just...but we are not really, I mean from a government standpoint we are not recovering the full cost of a lot of our permits in the processing and we've attempted that. And this is again is one attempt to bring to have the ability to collect some of these fees in which there is real work being done by staff and to help recover that for the taxpayers and again, the ultimate authority is gonna be Council.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: You know, when we talk about trying to keep the cost of housing down, making housing affordable for people every little thing that we add increases the cost of that housing.

Some of the process I think should be subsidized by the County as part of its administrative responsibility. So I'm just looking for a check and balance in terms of how the fees get approved. If it's the Council then that's fine. They have the responsibility of approving that. Adopting rules if the Department adopts its own rules...well, let me put it this way, if the Commission adopts its own rules then I guess the Department should be able to adopt its own rules is what you're saying.

Mr. Alueta: Yes, and we currently have our own administrative, I mean, our own administrative rules just like you have for the commission. And yes, the ultimate authority for fees will be in the Budget Ordinance by the Council.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Joe, I just wanna understand the parcels talking about. So when you have a property and instead of subdividing it to two acres a lot of people have been using easements and utility easements and so on and so forth. Will this allow them to say okay, I don't have to carry insurance for that easement, I can just give the utility there 800 square feet and the rest of the lot is mine? Will this ordinance do that?

Mr. Alueta: Yeah, in a lot of cases it would. So rather than having a easement over someone's private property, the developer would be able to subdivide out that small section. So like in my subdivision we have a lot of our parcels have easements over other people's parcels either for wells or for roadways and so that would potentially eliminate that without impacting the number of lots allowed.

Mr. Robinson: I have another question. The filming, does this ordinance allow them to go into conservation lands and film or is this is conservation excluded from this ordinance. And people when they rent their homes out to be filming they're making some money off of it. So how...is there a fee that the people pay for that or is there some kind of restriction where Mr. Croly said where neighbors get affected is there some type of notice? Or if they're gonna film there for three days and they'd have their 12 trucks at our beautiful neighbor?

Ms. McLean: I can take a stab at responding to that. Part of the reason that we wanted to put this, put this component in the bill is because of the situation that Mr. Croly referred to in Haiku Hill. It's really gray area if someone says can you film on my property? If the use of your property is residential and you're still doing residential things you know we have a hard problem...we have a hard time saying that you can't film that. You know the activity, the use of the property is still compliant with the zoning. Same with in business or on ag land if someone came to film or to do a photo shoot that's not changing the use of the property. However, what we found at Haiku Hill was that there were these other impacts to it that we did wanna be able to control. And because with Haiku Hill we didn't have any criteria to enforce, it's important to note that you only need a State Film Permit if you're filming on State land. You only need a County Film Permit if you're filming on County land. If you're filming on private property there's no permit that you need and so this is our way trying to regulate that by saying that you have to notify neighbors, you have to have a contact person, the hours are limited and you can't have these impacts because if any of those things are not followed then we have the ability to enforce because this is in our Zoning Code and we can enforce against that. So if there's a filming

activity somewhere that's during the daytime, that doesn't bother anybody, neighbors are notified, and there are no issues then there's no problem. But if neighbors aren't notified, if the contact person isn't reachable, if there's these impact if it's late at night then we can enforce. So that's what the objective was and putting these criteria out there and we worked with the County Film Office on this. So that's what we're trying to do. It's not a permit. They don't have to come in and ask, it's you can do these things if you meet these restrictions and if you don't then we can enforce on you.

Mr. Robinson: So you're saying that filming is allowable in a residential area because it's considered a residential use? Yes?

Ms. McLean: That's the gray area that we're grappling with because some of it is and I think truly what happens in the incident that we're talking about is the use of the property did change. It wasn't the residents who were staying there and they weren't filming the people who lived there doing their daily activities. They brought in people so that was problematic.

Mr. Robinson: 'Cause how I view it is it's a short-term rental because they're actually paying rent to the homeowner to use their home to use it as a temporary studio, but to me it's a short-term rental.

Ms. McLean: That...in that particular case we would most likely feel the same way if the use of the property is changing from long-term and agricultural use to a short-term use then yeah, that's a change in use and I think that's one of the criteria here involves no change in the use of the property unless such change is lawful or properly permitted.

Mr. Robinson: So they would need a permit?

Ms. McLean: So for...if you have situation, you have a residential lot and you say okay, we're gonna bring in all of these college students for spring break and they're gonna stay there for a month and be filmed then that would be a short-term occupancy of the property and that wouldn't be allowed without a short-term, some type of short-term rental permit.

Mr. Robinson: One day Hawaii 5-O wants to come in for two days? I mean it happens all the time. I'm not against that, but they come in for two days and the occupants are not at the home because they're getting paid you know a short-term fee to film in that house and not that that's a bad thing but I think we need to figure out something for that instance where it should be permitted. It doesn't have to be a major permit or come in front of the Council but it should be where you folks are notified and the Council and should be where the neighbors are notified because they have their...(inaudible)... so they're gonna know and at least that way, you know, I assume that the film crews have their off-duty police officer here that controls, I think that's...so you know, I think that might be something for consideration to have it where it needs just maybe not a full-on short-term permit but a filming permit that the neighbors can be notified. Because a film crew is encumbersome they come with a lot of vehicles and if they're gonna use a home that might be a criteria for them choosing a certain home compared to another one.

Ms. McLean: This is our first step with this.

Mr. Robinson: I'm trying to understand like Lahaina had that MTV where they had a home and they were filming all day and people coming around and film crews and then people watching the film crews and for a couple months at a time so I understand that ordinance, but I'm looking at the really short-term, two-day, but thank you, thanks for the...(inaudible)...

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: Commissioner Robinson asked a question and you answered but you answered it nonverbally, so I just want for the record, cannot be done, filming cannot be done on conservation land.

Mr. Alueta: Correct. Yes. The County has no jurisdiction over conservation land. If you wanted to film on conservation land...(inaudible-not speaking into a mic)...As the Deputy Director pointed out it would be a State department issue,, whether it's with the State Film Commission or the Department of Land and Natural Resources. The Department has basically like I said no authority over conservation land.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: So one other, I guess I don't know if it's exactly a question, more maybe a statement along what Commissioner Hedani was talking about with fees. I understand the Department's need to you know be able to collect fees, however, part of the dynamic of any government agency trying to recoup all of their cost is no offense is the inefficiencies of government that are inherently built into those costs to say, so for the department to say, okay we wanna recoup all of our costs for being able to do this built into that is your inefficiencies of government. So I don't know if there's a question there but is...it's now part of the record.

Chair Tsai: Okay, Commissioner Hedani?

Mr. Hedani: Joe, what kind of dollars we're talking about?

Mr. Alueta: I really don't know. We haven't put together a proposal as far as what fees we're gonna ask for. Again, this is just giving us the ability to put it in the Budget Ordinance and then...and see what's reasonable. Normally we're only talking about like say a \$50 fee or \$25 fee depending on what type of review it is. We're also looking at being able to for rereviews, we have a lot of especially in the building permit side which I supervise is that you constantly get resubmittals or parcel submittals of applications so a lot of the time delays is we don't have a complete record. So, and then the guy has to then, he or she has to then redraw the plans because they didn't draw it correctly or they gave us partial information and so there's a lot of back and forth. And so one of the things that we're looking at is try to cut down on that is to this is what we need, if you okay, first time around it's free no problem. Second time around you're gonna have to pay a fee for us to look at it again. And so that's the main thing is try to discourage the using our plan review people as their proofreaders I guess you could say for their plans.

Mr. Hedani: So you're talking about nominal fees, you're not talking about thousands of dollars?

Mr. Alueta: No, we...I think we got the \$1,000 fees with the SMAs that are under your rules, so...

Chair Tsai: Commissioners Hedani?

Mr. Hedani: If there's no more questions, move to recommend approval to the County Council.

Chair Tsai: I think we need the Department's recommendation first. Can we get the Department's recommendation?

Mr. Alueta: Thank you. Yes, the Department is recommending approval of the proposed bill. The Commission does have the following options. It can recommend approval of the bill to the Maui County Council. Recommend approval of the bill with amendments to the Maui County Council. Recommend denial of the proposal bill to the Maui County Council or vote to defer action on the proposed bill in order to gather more specific information.

Mr. Hedani: Move to recommend approval to the Maui County Council as proposed.

Mr. Carnicelli: Second.

Chair Tsai: Okay moved by Commissioner Hedani, second by Commissioner Carnicelli. Any discussion on the motion?

Ms. Canto: Chair Tsai I have a question. I know that the option was to pick one, but I just have a little question on Item 4, the option of 4, to gather specific additional information. I wanted to be clear what specific additional information entails?

Chair Tsai: That decided based on what we feel, the Commission can ask...well, basically No. 4 is an option is we can vote to defer, but we have to state what additional information we want to gather.

Ms. Canto: ...(inaudible)...

Chair Tsai: Yes, exactly.

Ms. Canto: All right.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I support the motion. But I also would like to put an amendment when it has to do with the filming in residential areas of having some type of, just a simple permit pulled and notice to the neighbors, you know at least 48-hour notice. Is it already in there? I remember they can't do certain things, but...

Ms. McLean: Notice to the neighbors is in there.

Mr. Robinson: Is in there.

Ms. McLean: But right now there isn't any sort of permit for them to have to obtain.

Mr. Robinson: But is there a time for...of when the notices, it just says notice, right?

Ms. McLean: It's on Page 4 of the bill, Subsection C, so the filming is...

Mr. Robinson: No less than 14 days?

Ms. McLean: No less than 14 days prior to the initiation. Shall describe the activity and its duration and shall provide contact information for a responsible party who shall respond to questions and concerns from owners.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: So as I understand it on Commissioner Robinson's question this is giving the Department criteria for reviews of film permits where you don't have any right now?

Ms. McLean: It gives us the ability to enforce.

Mr. Hedani: Okay, thank you.

Chair Tsai: Any other discussion regarding the motion? Seeing none, let's call for a vote. All in favor...sorry, Deputy can you repeat the motion please?

Ms. McLean: The motion is to recommend approval of the proposed bill to the County Council.

Chair Tsai: All in favor of the motion?

Mr. Robinson: ...(inaudible)...is it right now the residential not having a permit?

Ms. McLean: There is no type of film permit or a temporary permit. It doesn't exist. We would need to create that kind of permit in the Code to require it. The only permits that are now required is if the filming is on County land or State land.

Mr. Robinson: So I guess nobody else feels that the County should have, be able to have a permit if there's gonna be filming at a home or?

Chair Tsai: If the rest of the Commission feels like that's, oh actually if the maker of the motion would be open to...

Mr. Murai: I'm sorry, Mr. Chair just for the sake of clarity. We have Commissioner Hedani's main motion on the floor. I wasn't sure whether Commissioner Robinson was making a motion to amend? Commissioner were you moving—

Mr. Robinson: Yes.

Mr. Murai: 'Cause in that case then maybe for the sake of the record restate your motion and the Chair you can if whether there's a second.

Chair Tsai: Okay. So Commissioner Robinson are you choosing to make amendment to the motion?

Mr. Robinson: I'd like to make a motion to amend with the requirement that all filming even if it's not on top of County property will have a permit.

Chair Tsai: Do I hear a second on...

Mr. Higashi: Second.

Chair Tsai: Okay, so we have an amendment from Commissioner Robinson and a second from Commissioner Higashi. Discussion on the amendment? Yes, Commissioner Carnicelli?

Mr. Carnicelli: So Deputy Director if we were to include Commissioner Robinson's amendment what processes(inaudible—not speaking into mic)...What has to happen to actually create what it is that we're trying to do?

Ms. McLean: Your action if it were to include the amendment would go to the County Council for their consideration. They could choose not to go along with that particular recommendation and pass the bill without creating such a permit. If they agree with that recommendation then they would likely defer taking final action on this bill and direct us to work with the County Film Office to create some sort of film permit that would be required for private land as well. I'm not sure if how that permit would be created. We'd need to figure that out with the film office 'cause we wouldn't be the ones to process that. We would have the Film Office process that. So we'd need to find out and work with them on how to create it.

Chair Tsai: Commissioner Higashi?

Mr. Higashi: I seconded the amendment to Commissioner Robinson's amendment based upon the fact that there might be a loophole in this filming process from the standpoint that take for example the testimony that was done earlier if there is filming done and the film company itself is now directing neighbors to keep their voices down, whatever, sound, right now the way the proposal, the bill is I don't see any stop gap in it and that's why I'm seconding the amendment to the motion.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Yeah, I don't wanna make this cumbersome, but it's I'm just thinking that if the County already has a permit for their county lands that the same permit but it would just encompass all properties instead of just county. So I think there's a permit process in place it would just be that more would have be having a permit instead of just the ones on county property. I'm hoping that it wouldn't be that large of a deal. And again, this is just a recommendation. You know the Council's still gonna decide what they feel is right.

Chair Tsai: Okay, Commissioner Canto?

Ms. Canto: Okay, so I'm gonna take the new kid on the block away from you Commissioner Carnicelli but I'm gonna have to...I'm not going to be supporting the amendment. If the purpose is to simplify the process I just don't think adding another layer to the process is going to work so in all due respect I'm not going to be supporting the amendment.

Chair Tsai: Thank you. Any other discussion regarding the amendment? Commissioner Carnicelli?

Mr. Carnicelli: So I mean, thank you for the clarification of where you're coming from Commissioner Robinson. So I guess my question then Deputy Director is ...(inaudible)...I mean if you already have a permit for county lands is it just, you know...that's why I'm saying like what process needed to happen. But it's you know, ...(inaudible)...to say okay this is the same exact thing for residential as it is county property that to me seems like pretty easy, you know, a pretty easy fix. If it's something like we gotta go create whole other system and whole other permit that we have that's different. So would it be...I mean, I'm not saying that you have the exact answer but I mean is that logic work that we just say okay, listen we're just gonna now ...(inaudible)... this and say residential as well as county?

Ms. McLean: There is an existing permit process in place. I don't know the authority that created that for the Office of Economic Development to issue film permits. It could be a County Code amendment, it could be their administrative rules as we talked about, other departments have administrative rules. But the Planning Department can't just for example hypothetically, we can't just decide you know we're gonna require a permit if you wanna paint your green and just start requiring that. We have to be authorized to do that either in rules or the County Code. So the Economic Development Office has the authority to require film permits. I don't know how that authority was granted, but whatever created that authority for them whether it was the County Code or their rules would probably have to be amended to expand that authority from county land to private land as well. I don't think it's reinventing the wheel. I don't think it's you know prolonged or particularly cumbersome but I'm just not familiar enough with it to be able to tell you what it would require. But for the Council to act on this bill with that amendment they would want to do that first. So they would wanna see that happen first and then they could move on the bill that requirement.

Chair Tsai: Okay, just a quick note, my apologies for the technical difficulties, I'm being signaled by our filming crew, Akaku, to please speak louder and into the mics, so we're apparently having yeah issues getting all the verbiage down. Commissioner Carnicelli?

Mr. Carnicelli: Everybody saying I'm speaking too softly. Now I forgot my question. I think what...I'm gonna support the amendment just for the sake of we're not the last stop on it. This still gonna go to the Council so then I'm gonna support the amendment so they can have this conversation on the Council floor. I'm also assuming that if we include this amendment that you guys will probably put a certain element of ...(inaudible)...prior to getting to the Council and saying okay, this is the other thing that we need to do first before doing this. So I'm gonna go ahead and support the amendment you know for that ...(inaudible)...They can still say no, but at

least you guys will have some answers for them by the time you get there and the conversation ...(inaudible)...

Ms. McLean: We can follow up with the Film Office and get their position in writing and when the Council does take this up, recommend that they participate in the discussion.

Chair Tsai: Any further discussion on the amendment? Commissioner Hedani?

Mr. Hedani: Can you restate the amendment please?

Chair Tsai: Deputy?

Ms. McLean: The proposed amendment would be to require a County Film Permit for filming on private land.

Chair Tsai: Okay, so let's vote on the amendment. Oh, Commissioner Hedani?

Mr. Hedani: I'm assuming it was the Film Department that requested this particular provision?

Ms. McLean: It probably...I believe it originated with us because we had questions about prior filming activity and we talked with them about and together came up with the criteria.

Mr. Hedani: Okay, 'cause I kinda agree with Commissioner Canto that we're adding another layer of approvals that will be required. The sugar industry is gone, the pineapple industry is gone, if we want the film industry to be gone then what we should do is just add another layer of regulation over them so that they throw their hands up in the air go, Hawaii embraces us.

Chair Tsai: Okay, any other discussion?

Mr. Robinson: I'm fine with the vote going either way but I'm not trying to add regulation. It's a permit. It's a document that says, when we come there and the County is now gonna know what the filming industry is gonna do. They're not gonna give approval. It's a permit as you pull a permit for a bicycle. You know it's just a permit. It's not a...I don't think there's gonna be...with the film industry it's not going to be that many rules where they're gonna have to jump through hoops. It's just they're gonna get a permit and they're gonna know that the County's gonna know that they're gonna film in 14 days. They're gonna make sure that the neighbors were notified and they're gonna be aware of what's going on on the County, know. And I think with the county roads it might...you know, they might have planned to film some place and the County is going to put speed bumps or repave then what? You know, it's just a permit. It's not a regulation in my view. Thank you.

Chair Tsai: Okay, all right we have a amendment to the original motion to add a permit everyone in favor say, "aye" or raise your hand?

Ms. McLean: Three ayes.

Chair Tsai: Opposed?

Ms. McLean: Five.

It was moved by Mr. Robinson, seconded by Mr. Higashi, and

**The Motion to Amend to Require a Film Permit, FAILED.
(Assenting – K. Robinson, R. Higashi, L. Hudson)
(Dissenting – L. Carnicelli, P. Canto, W. Hedani, S. Duvauchelle, S. Castro)**

Chair Tsai: Motion fails. So going back to the original motion. Any more discussion on the original motion to approve as recommended? Seeing none, let's call for a vote on the original motion to approve agenda item as submitted by the Department. All in favor of that.

Ms. McLean: Eight ayes.

Chair Tsai: Motion carries. Thank you.

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

**VOTED: To Approve the Proposed Bill as Recommended by the Department.
(Assenting – W. Hedani, L. Carnicelli, L. Hudson, K. Robinson,
P. Canto, S. Duvauchelle, S. Castro, R. Higashi)**

Chair Tsai: All right, we're going to take a 10-minute recess, be back 20 after.

A recess was called at approximately 10:30, and was reconvened shortly thereafter.

Chair Tsai: Maui Planning Commission is called back to order. Commissioners if there are no objections I'd like to take Item G-3 out of order and discuss that because that seems like everybody's question regarding our next meeting agenda and location.

Seeing none, okay, regarding agenda Item G-3, Future Maui Planning Commission Agendas. On October 25th we have our meeting agenda and we also have the special meeting on Lona Ridge application on the 25th and 26th supposedly. Deputy?

G. DIRECTOR'S REPORT

3. Discussion of Future Maui Planning Commission Agendas

- a. October 25, 2016 meeting agenda items**
- b. October 25-26, 2016 Special Meeting on Lona Ridge applications**

Ms. McLean: Thank you, Chair. You were distributed a memo this morning from Clayton Yoshida for items on the regular agenda for October 25th. You'll see there are three public hearing items on that memo. On Page 2 of that memo it does indicate that the meeting scheduled, the special meeting or the meeting scheduled for the afternoon of October 25th to be

recessed to October 26th will need to be rescheduled because the Department has not been able to secure the use of the Council Chamber due to special Council committee meetings planned for those dates. So on October 25th at the next meeting we should have some proposed dates for your consideration. I don't know if there's anything...Clayton, Clayton, I don't know if want to add anything to where we are with the special meeting.

Mr. Yoshida: Okay, two weeks ago we thought we could have the Council Chambers for the week of October 24 because that's their non-committee meeting week. Next week is their committee meeting week and the following week is their non. However several of committees because they're getting toward the end of the term decided that they're going to have special meetings during the non-committee meeting week. So the Council Chambers is not available for October 25th and 26th because it's their facility so they have first priority. I guess the earliest we can reserve the Wailuku Community Center all day for November 17th and hopefully take care of a good share of whatever public testimony there will be and recess the meeting perhaps till November 21st when you can deal with the substantive issues of the Petition to Intervene from Harold Davis, and depending on what you decide on that, the applications on the Lona Ridge Conditional Permit and State Special Permit. So unfortunately we weren't able to find a bigger venue for October 25th and 26th.

Chair Tsai: Deputy and Clayton and I guess, I thought two weeks ago when we had this discussion the option or alternative was the Monday, 24th was that, is that thing, the Council Chamber not available on Monday?

Mr. Yoshida: We could possibly check for October 24th, but again, we wouldn't have a venue to recess it to for October 25th unless possibly as this room, which has a capacity of 62.

Chair Tsai: Could we possibly, so 25th also the Chambers are not available?

Mr. Yoshida: The 25th and 26th, our request to utilize the Chambers were denied by the Council Chair because other committees are using the facility.

Chair Tsai: Okay. Commissioner Hedani?

Mr. Hedani: Why can't we just have it in this room?

Chair Tsai: Fire Code.

Mr. Hedani: I mean only person speaks at one time, right?

Ms. McLean: Yeah, the concern was that people who are interested in the application would want to be able to hear all of the testimony and all of the discussion and if they can't all fit in the same room then some people don't get to hear.

Mr. Hedani: I see some...

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I see some chairs stacked up in the back. Maybe we can move the tables closer forward and create another row of seating or another two rows of seating for the people and just have it here.

Chair Tsai: Is there a issue, I guess I hear somebody blurt it out we could put a speaker out there or even a T.V., I don't know for them able to see? Is that...I mean I'm just throwing ideas out.

Ms. McLean: Yeah we would be concerned with being there are County offices right outside here and to have that hallway crowded with people would be disruptive to those folks and could also be unsafe if there were a lot of people in that hallway for a prolonged period of time. We can check, I'm not, I don't wanna say no right off the bat, but we can check and see. It is also possible if, if the Chamber is available on the 24th then to recess to the afternoon of the 25th here, there might not be as many people because testimony will have concluded but we would have to check and see if the Chamber's available on the 24th.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I would prefer that we do not go back to the community center. I didn't think that was a great environment for a discussion for ourselves because we're gonna be side by side and looking over through it. And also feel that we need to get this done. I think automatic permit starts early December. This was something that was brought up last month and unfortunately we weren't able to conclude because of possible moving venues and I would even be for, I would even be for moving that item before these other items on the 25th. I think it's something that I think we should try to get this get it done and go on instead of keep on having a meeting and then another meeting and then this might...we might not ever deliberate because we're gonna run out of time. Thank you.

Chair Tsai: Yeah, I would concur with Commissioner Robinson based on our experience at the Wailuku Community Center. I don't think that was the best environment for our meeting, just say kinda noisy and it do get really hot there.

Ms. McLean: Okay, we'll keep working on it. We'll see what options we can come up with or the 24th, 25th, 26th timeframe and we'll check with you folks on your availability as well.

Chair Tsai: Okay, thank you. Deputy. Okay, so we're going back to Agenda D-2, Deputy?

Ms. McLean: Thank you, Chair. This is your second public hearing item. A request from Mr. Steven Herbert for a Short-Term Rental Home Permit in order to operate a three-bedroom short-term rental home in the R-2 Residential District at 1051 Front Street, TMK: 4-5-003: 031 in Lahaina. And this application is being referred to you for action because there are more than two permitted short-term rental homes operating within 500 feet of the subject property. Livit Callentine is the project planner.

D. PUBLIC HEARINGS

2. **MR. STEVEN HERBERT requesting a Short-Term Rental Home Permit in order to operate a three (3)-bedroom short-term rental home in the R-2 Residential District at 1051 Front Street, TMK: 4-5-003: 031, Lahaina, Island of Maui. (STWM T2016/0002) (L. Callentine)**

The application is being referred to the Maui Planning Commission for action because there are more than two permitted short-term rental homes operating within 500 feet of the subject property.

Ms. Livit Callentine: Thank you, Deputy Director and good morning Commissioners and good to see you again, and it's really nice to see a full house today. So the applicant Steven Herbert is here with us today as well as his consultant, Bob Fischer and they're both available to answer questions, and we also have here Tom Croly who is also serving as a consultant presenter. He will be describing the project to you and then I will, of course, be here for questions and recommendations.

So again, this is a...well this is a Short-Term Rental Home Permit. It is for a three-bedroom home in the residential, the R-2 Residential District at 1051 Front Street, a short distance north of the commercial district, the main commercial district on Front Street. And with that, I would like to turn the podium over to Mr. Croly.

Mr. Tom Croly: Thank you, Livit. Tom Croly for the applicant. The proposed short-term rental is named, A Slice of Heaven and the applicant is Steve Herbert who is here. And I wanna give you a little bit of property history first. The applicant purchased this property in March of 2013. When the applicant purchased the property there were numerous building code violations and zoning use violations and so forth. The applicant has been diligent to clean up all of those issues and has brought the property into full compliance with all building, plumbing, electrical, and zoning issues. So he has fully established the property to be in compliance with all county codes at this point.

It's very important to note that the applicant has not operated, never operated as a short-term rental and he has only used the property for his family uses that on roughly a monthly basis he comes back and forth and uses the property himself and intends to continue that use of using the property for his own use and his family's use irregardless of whether the permit would be issued today.

Some of the work that the applicant has done on the property and you'll see in the pictures has that he is, he's upgraded it in such a way to provide privacy and great isolation from the neighboring properties. Oops, I went too far. How do I go backwards? Thank you.

The permit history the applicant submitted his Short-Term Rental Home Permit application on March 9th, but it's worth noting that it takes about six months to put together an application so he actually started the application process roughly a year ago and that was only after being able to meet all the code requirements and so forth. His application has been reviewed and has met all 28 Short-Term Rental Home Permit requirements. The structures are fully permitted. He has demonstrated adequate onsite parking. Safety inspection was made making sure he had smoke detectors, fire extinguishers, that his electrical is code compliant with GFIs and such. He

employs a professional licensed onsite manager and the manager was supposed to be here today for this hearing unfortunately the manager's spouse had a stroke the other day so we'll all pray for a full recovery there and wasn't able to make today's hearing. But he does have a manager in Lahaina that would be able to be at the property should there be any need for the manager on an immediate basis. And he has gone out and gotten his General Excise Tax and his Transient Accommodation Tax License to be in compliance with that. But again, I wanna stress at this point, he has not operated so those tax licenses have not been used to this point.

The applicant held an open house for all the neighboring property owners, invited everyone who received notice of this application and was there to answer any questions about the proposed use on April 15, 2016. As well notice was sent by Certified Mail to all property owners within 500 feet that was a total of 140 property owners twice. Once when the application was originally made and then second, for notice of this hearing today. Only a single objection was received from those 140 property owners and in your packet there were a couple of letters of support and today you received a few other letters of support just as a matter of public testimony.

To give you an orientation as to where this property is, as you drive north on Front Street and the last of the commercial buildings where the Hard Rock Café is and the Warren and Annabelle's Magic Show and so forth, Front Street then gives way to a residential district, but it's not strictly a residential district. It's kind of a quasi-residential commercial district. There's a church further up and there's some historic homes that are being used as commercial uses. So he's at 1051 Front Street. He is not on the ocean. He's fronting Front Street and then behind the property there's an oceanfront property. And looking broader in the Lahaina area, the little purple dots there are the short-term rental permits that have been approved. And if we look mauka we see that there are no short-term rental permits and no bed and breakfast permits because these things are going to cluster in the areas where visitors want to be much like the International Colony Club one that you approved at your last hearing or 17 of them that you approved at you last hearing there's going to be places where these cluster and along this area just outside of the commercial district of Front Street it's certainly going to be one of those areas where we expect clustering.

Specific to this neighborhood I put together this slide to show you the uses of all of the properties that are within 500 feet of this...of the applicant's properties establishing essentially the character of this neighborhood. Seven of the homes within 500 feet are owner-occupied homes. The owner lives there, he takes a homeowner exemption and such. Eight of the homes within 500 feet are vacation homes and by vacation home I'm not saying they're vacation rental homes, these are homes that off island owners own and use part-time as their residences when they come here. When they're not here those homes are typically vacant. The applicant's home is one of those eight vacation homes in this area. Six have been granted short-term rental permits and there have been no objections from any of the folks that have been granted their short-term rental permits and there were two letters of support prior to the application and there were two more letters given to you today. So there were actually were four letters of support from the short-term rental home operators in this area. There's two residential condominium complexes where there's a total of 99 owners in those two residential complexes and no objections came from any of them. There's two properties that are commercial uses as I mentioned before at the far south end, the United Methodist Church is there and just south of

the applicant's property across the street there's a Lahaina Historic Society property that is used for commercial offices I believe. There is one affordable rental housing complex, that's the Front Street Apartments that are roughly across the street from the applicant's property although they're not entered from that, from Front Street they're entered from the perpendicular street over there and that's an affordable housing rental housing complex. And then there is a vacant lot directly across the street from the applicant's property that's owned by a hui of folks and I don't know if there's anything proposed for that lot that's you know, soon. And then directly next door is a bank owned property that has been used in a commercial way for many years and there are two that have question marks on them. I notice from the records that they are out of state owners, they're not people who reside in Hawaii as the owners, but I've gone by the houses and they appear to be local folks living there so I would assume that those are long term rentals those two. So what we can see is this neighborhood in and of itself organically is a mix of uses, commercial uses, vacation homes, short-term rental and owner occupied homes and the use that the applicant has in changing from a vacation home to a permitted short-term rental home really is not out of character in this neighborhood.

I have series of pictures here just to give you a feel for the property itself. This is the front view of the property showing the parking area on the right and this is Front Street out in front. This alleyway is on the south end of the property and you notice the wall along here that the applicant has built on the property line and this provides a buffer if you will to the properties to the south. And prior to this wall being here this home came all the way out, improperly came all the way out to the edge of the property so the applicant cut back the home so that it is compliant with the proper setbacks. And the people utilizing this home will no longer be spilling out into the alleyway as the, as it prior to the owner, the current owner's upgrade of it.

This is looking from the alleyway back to the house and you can see this six-foot wall does provide pretty much complete privacy for the house from this direction and this is on the other side of that way, a little courtyard is created there on the applicant's side.

This is the backside of the house and you can see there's a deck there that comes off the kitchen. One of the things that you'll notice that's missing from this backyard of the house that you might typically see in a vacation rental would be a swimming pool. The applicant has no intention of putting in a swimming pool and my point here is that when there's a swimming pool there's potentially more impacts to neighbors. A backyard without a swimming pool with a wall that goes all the way around it as we see this does is really not going to impact the neighbors in any way. This structure that you see on the north side is the garage of the property directly to the north and this is the wall coming all the way out to the front separating the parking area for the guests of...well, for the owner and potentially for the guests in the future of this property and then this is the property to the north. Again, the backyard fully fenced and landscaped and then this courtyard that you saw a picture of a little bit earlier.

This is looking directly across the street to the vacant lot that's across the street and this is the entry of the home and the front yard and you can see that it's nicely landscaped and presents a nice façade on Front Street.

As we enter the house in the center of this picture is the front entryway to the house. You can see the living room is in the center of the house and it's air conditioned and I point this out only

because if people are going to gather they're going to gather in the living room and if they're making noise we're buffered between the bedrooms on either side of the house so there wouldn't be any impact from folks in the living room impacting the neighbors in any way. Oh, oh, we have to reset the slide, we had 45 minutes this thing would let us run and then it was going to kick off again. So now we have to turn it back on. So Bob if you can, yeah just push it and it will...you might have to push it for a second or so and then it will turn back on. Just jumping away from that if it comes back great, if it doesn't come back you know you've gotten a field for the property. There's a few more pictures of the bedrooms and the bathroom of the house. But the bottom line is the house has been upgraded. It's meeting all the codes and it's well isolated from its neighbors. So I don't think there would be any impacts from the folks using this house. And the maximum number of people that would be allowed to use the house would be six. There's three bedrooms. It's two adults or two people per bedroom and children over two years old are all considered adults. So the maximum occupancy of this house is going to be six people. And just germane to what you were just talking about with respect to filming crews and so forth, it's notable that a condition of the short-term rental permit is that you may not have parties, you may not have group gatherings, you may not have something like a filming taking place on a property that's gets granted a short-term rental permit. So concerns that this would be used in any way other than its use as a residential place for someone to sleep should be allayed by the conditions that are put on the permit. The applicant is here and I'd like him to just give you a few words about, you know his use of the property and the work that he did to bring it into compliance. Thank you.

Mr. Steve Herbert: Good morning. My name is Steve Herbert and I'm the owner of the property at 1051 Front Street and I've been coming to the island since I was four-years-old. My cousins all live here and just sort of been brought up on the island and got lucky enough to purchase this property about three and a half years ago and discovered I had a do unknowingly a great deal a lot of repairs. I did buy it as is and unfortunately it was not disclosed what I was gonna be dealing with. So I did spend an awful lot of time and money to bring it, you know, up to where it should be, make it legal, be right and enjoy coming to the island every month with my family, my wife. Looking forward to hopefully getting some supplemental income so I can make sure I keep the house of course to the best that it can look. From the way it was before it was a parking lot out front, very disarrayed property in all sorts of facets and now made it where the neighborhood actually enjoys the house and it looks very, very nice from street so would appreciate your consideration on upon our home. Thank you.

Mr. Croly: That concludes our presentation. We're available for any questions that you might have. Bob Fischer helped with the back permitting of the things so he has full documentation on that if you have any questions about that those, and also helped with the...assembling the application as well for the short-term rental. Thank you.

Chair Tsai: Thank you, Tom.

a) Public Hearing

Chair Tsai: At this time we're gonna open the floor for public testimony. Anyone wish to testify on this agenda item please come forward? Seeing none, public testimony is now closed. Questions from the Commissioners? Commissioner Canto?

Ms. Canto: I'm not sure if this is for Livit? My question pertains to Exhibit 12. There was one person in opposition and I believe he has sold his property?

Ms. Callentine: Yes, yes.

Ms. Canto: Is there anyone else? Has anyone purchased that property?

Ms. Callentine: You should have gotten a letter. Well, let me, let me make sure this is...I communicated with our...your normal Commission Clerk, Carolyn Takayama-Corden on Friday and she indicated to me that she had forwarded by email. In fact she copied me on the email that went to you folks passing along some new letters. It was I think three new letters of support and one letter of opposition and the letter of opposition was from the same...the new owner of the same property that the first letter of opposition was submitted from. So Stanley Dunn sold his property and Mr. Deal, the Deals purchased the property and also submitted a letter of opposition. And in addition, you should have a letter in your packet from the consultant Bob Fischer addressing the concerns of both Mr. Dunn and Mr. Deal.

Ms. Canto: I'm sorry, Mr. Diehl would be the new...

Ms. Callentine: Mr. Deal is the new owner, yeah, the new owner of the same property which is located directly...if you look at Exhibit 11 this will be helpful, look at the bottom photo in Exhibit 11, you see the subject parcel is pointed out and then you see the next door neighbor on the other side south of the alleyway and that is the same property from which there were essentially two letters of opposition from the same property so you would really count that as one because they weren't...because each property gets one letter I guess and they didn't own it at the same time anyway it was a sale.

Now on this map it shows also the letter of support, the letters of support. We didn't have time to prepare a new map for you showing the location of the other letters of support, the new ones from Carolan, McDonald, Hill and Gossman and the one that you should have on your desk this morning Imanishi, so that would be a total of five letters that came in with support, but I will just note that the letter from Mariah Hill is she's not an owner. She's a tenant within 500 feet. And so, yeah, does that answer your question.

Ms. Canto: Yes, I apologize. I didn't have time to purge it, but thank you.

Ms. Callentine: Of course. You're welcome.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: So I have a couple of questions one being what Mr. Croly was calling the alleyway is in fact a driveway to the oceanfront homes is that correct?

Ms. Callentine: I'm going to let either him or the owner of the property explain that.

Mr. Carnicelli: Okay.

Mr. Croly: Hi, Tom Croly. Yes, what I was referring to as the alleyway next to it provides access to two parcels maybe three parcels that are oceanfront parcels. It is not part of the applicant's property. I'm not sure the ownership of that. I don't think that it's a county road necessarily but it's providing access to those oceanfront properties. Anything else?

Mr. Carnicelli: So, and you may not know the answer to this, is that beach access?

Mr. Croly: No, it is not a beach access.

Mr. Carnicelli: Okay, and then what is, is it a seawall that fronts this particular area right here or is it beach...what's on the ocean side, ..

Mr. Croly: Since I have never visited the oceanfront part of it I'm gonna ask the applicant to respond to that.

Mr. Carnicelli: Okay, thank you.

Mr. Herbert: Yes, Steve Herbert again. I can speak on that. The property directly behind me has their garage and is their entryway to their home. The other property to the south side which will be was Stan's, now is a new owner it's not their garage or anything but there back sort of where they do their gardening, so it has a gate back there so when they mow lawns they go back there. But there is no beach access for the public.

Chair Tsai: Just a quick question. Sir, where is the nearest beach access?

Mr. Herbert: It would be Baby Beach which is maybe five, six houses down to the left and there is public beach access there.

Chair Tsai: Five, six south?

Mr. Herbert: No, north. North. Right down to where that street is to the left there where that is exactly then there's a public access to the beach there.

Chair Tsai: Okay. Commissioner Carnicelli?

Mr. Carnicelli: So in Mr. Dunn's letter with which you have replied to he makes mention that possibly your renters would be going through that alleyway to the ocean front. So basically there's really no reason for them to even go that way I would think?

Mr. Herbert: That is correct. Anybody that would be using the ocean from our home would walk less than half a block and they'd go to utilize Baby Beach like the whole neighborhood does. People walk by the house all day long going to Baby Beach.

Mr. Carnicelli: Thank you.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: This looks like a beach access to me or it looks like a perfect opportunity for creating beach access. Does anybody know who owns the walkway leading to the ocean?

Mr. Herbert: It is privately held. I believe it's owned by the neighbors there. I do not own that road.

Mr. Hedani: So you don't the road, the County doesn't own the road, who owns the road?

Mr. Herbert: The neighbors. The house to the right which is behind mine has access. I believe it's for those three lots that are back there. They all have rights and easement on that roadway. It is not owned by the city as far as my knowledge is.

Mr. Hedani: So is this an easement of some kind for access?

Mr. Herbert: That is correct, but not public access.

Chair Tsai: I have a question. Can you pull up that Tom or maybe the applicant, Livit pull up that picture that shows that road again? Right there, yeah. How wide is that?

Mr. Herbert: It's you know, I would say probably 20 feet wide, enough for you know a car to simply go down or a gardening truck of some sort.

Chair Tsai: Commissioner Canto?

Ms. Canto: So let's just say an emergency were to occur, I notice the trees they're encroaching over the roadway is there easy access to get to the back of that roadway?

Mr. Herbert: Yes there is, there's easy access. But again, my house fronts literally right on Front Street where my parking and my driveway and my front of home is literally on Front Street. So there's plenty of emergency access to my home. And those are not my trees by the way that would be the neighbor's, the neighbor's home.

Ms. Canto: Thank you, Chair.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: I'm not sure who can answer this question. Who was the first, there was a Request for Service on this particular parcel, who submitted the Request for Service?

Mr. Croly: I do not know—

Mr. Hedani: You have to identify yourself.

Mr. Croly: Yeah, Tom Croly. I do not know the full history but I'm familiar with the Request for Service that you're referring to which was prior to the applicant owning the property. The verbiage that was contained within that Request for Service seemed identical to the verbiage that was contained within the objection letter which was submitted by the property owner to the

south. So I'm adding two and two together and saying it probably came from the owner to the south.

Ms. Callentine: Commissioner Hedani, I have all of the RFSs on the drive here and there are I can tell you if you have a particular one that you're interested in I will look just look that one up. One of them was submitted by a Steve Johnson. Steve Johnson again. Tell me if this isn't helpful and I'll stop. One of them is submitted by Darren Russell of Kihei, okay. Well, the requestor, see where the requestor information is right here that's...down here is the event location. So I was very concerned about these RFSs as the Department always is when we see them on a property and so I have received verification on all of these that they have been closed. And this one is Darren Russell. It's sometimes a Request for Service is from someone who's interested in purchasing the property and they turn in a request saying I want all the building permits from the property and it becomes a Request for Service and it's a fairly benign question, but it is an RFS nevertheless. This particular one this is all there is to it and it looks like they wanted perhaps information about a permit and SMA Exemption for roofing.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: So Livit in this case the RFS was not a complaint?

Ms. Callentine: Right. Or if there was a complaint...there were some complaints they were about the building permit issues. By and large the four that were issued in 2013 were about the issues with the building permit. There was a sewer line and water lines that were actually serving two properties and that was not known by the applicant when he purchased the property. He did take the effort, make the effort, spend the money to clean that up even though it wasn't really his...in his opinion it wasn't his problem but he did that anyway because I told him I wouldn't go forward until those RFSs were closed. So those are all now closed.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: So in this particular case the applicant mentioned that he cut back the house in order to create that alleyway?

Ms. Callentine: No. No, no, no. He cut back the house...what he said is...what I heard him to say is he cut back the house to meet the setback requirements because someone before him, the owner before him or someone else before him had built an addition that went all the way to the property line.

Mr. Hedani: Up to the roadway?

Mr. Herbert: Right.

Ms. Callentine: Yes, because there wasn't even a wall there at the time. So whoever it was...I never saw the house in that condition. It was done before I saw the house, but what he did say today was that he removed that portion of the house that was in the setback.

Mr. Hedani: So the alleyway, the "alleyway" that they're talking about basically is an access easement for two properties?

Ms. Callentine: Two or three possibly.

Mr. Hedani: Three properties? Are talking about the little skinny lot that leads to the ocean?

Ms. Callentine: Yes.

Mr. Hedani: To me that's an access road...lot.

Ms. Callentine: Believe it or not there is a teeny, tiny, tiny little house on that property.

Mr. Hedani: Tiny houses?

Ms. Callentine: A teeny, tiny house. You know these lots in Lahaina, remember these were created a long time ago and they're very, very small lots and in by and large. Mr. Herbert's lot is less than 5,000 square feet so they are all nonconforming to the zoning that they're in at this point in time.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: So we cannot create a beach access without removing a tiny house basically is what you're saying?

Ms. Callentine: I'm sorry I can't advise you how we would create a beach access.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: Okay, so the one thing that sort of it jumped off the page for me in Mr. Dunn's opposition—

Ms. Callentine: Yes.

Mr. Carnicelli: --and then Mr. Fischer's response to Mr. Dunn and that is in regards to the sewer line.

Ms. Callentine: Yes.

Mr. Carnicelli: And it even says here the applicant would be willing at his own expense to locate, dig up, and cap off the sewer line as appropriated by Planning. You know, knowing that everything has to be compliant—

Ms. Callentine: Yes.

Mr. Carnicelli: --to even land here is that something that needs to be addressed?

Ms. Callentine: Well actually it has been addressed and if you look at Exhibit 12, to my understanding it has been addressed and I think—

Mr. Carnicelli: That's, that's...(inaudible)...

Ms. Callentine: I questioned the, I questioned Bob Fischer consulting on this issue and I asked him very clearly is this something that needs to be done or has it been done and he confirmed to me in an email that it had been done but shall we not get feedback in from the owner?

Mr. Herbert: Steve Herbert again. I complied with every...from the plumbing permits to electrical since acquired the property. I have 100 percent full sign off of every work that I did. Also including any after-the-fact permits concerned I didn't do any of this if you want to call it illegal work to the house. As they said took down, six...it was six or ten feet whatever the laws are for setbacks and removed you know an eyesore to the neighbors that was actually part of the house with windows facing to that I don't really call it an alleyway it's really a driveway and maneuvered to a nice, you know, custom rock wall and set it back. So I've done everything that was required of me since I purchased the home three years ago. It was a challenging process I will say, but I kept working on it, working on it and have 100 percent clearance signoff from every jurisdiction within Maui.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: Did you do the sewer?

Mr. Herbert: The sewer has been capped off. There is no longer any usage of it. What was done prior to my purchasing of the home is I discovered that the back little house whatever you wanna call that, I called a garage but was tapped into my sewer and water and electrical. All those were dismantled. I know there were no submeters. I discovered that I was you know, paying for obviously somebody else's living standards. So I capped everything off to the standards of electrical and plumbing permits.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: So the tiny house is not hooked up to the sewer?

Mr. Herbert: It's a garage. It's not a house.

Mr. Hedani: So the person that's living in there is not—

Mr. Herbert: Nobody lives there.

Mr. Hedani: No one lives there?

Mr. Herbert: Nobody lives there.

Ms. Callentine: Livit Callentine. I misspoke earlier. It is a small structure. I misspoke when I said it was a house. I have not inspected it at all.

Mr. Herbert: It's literally my neighbor to the who's on the waterway, she...it actually was a garage and they get half the garage and it's all in separate, we call it lots or AK numbers, whatever you all them here. I mean he actually owns a 180 square foot I'm gonna call it a lot with half a garage on it. It is only used for storage. Not my storage. I don't own it. And also if I might add that the house to me whether it was a you know I guess complaint or what have you, the house you know since has been sold. Nobody lives there. Obviously very quiet, the landscaping is now dying and my understanding talking with the previous owner is they're planning on building a larger home there someday is my understanding with the house to the immediate left of my property.

Chair Tsai: Seeing no other questions from the Commission can we have –oh, Commissioner Hedani?

Mr. Hedani: Steven have you considered using the property for long term rental?

Mr. Herbert: No, I mean I actually purchased it for my family and to come here to the island on a monthly basis. Hopefully in the next few years I'll be able to retire here and live here full time is my, you know, plan for the future. So no I won't. I have no reason to rent it for a long term situation. I won' be able to use it that way unfortunately.

Chair Tsai: Steven where you do live currently?

Mr. Herbert: I live in the San Francisco Bay area.

Chair Tsai: All right, seeing no other questions from the Commission can we have the Department's recommendation please?

b) Action

Ms. Callentine: Okay, thank you Commissioner...Chair. So the Department has analyzed and provided in your report an analysis of how this application meets or does not meet all of the restrictions and standards found in 19.65.030 and it actually does comply with all the restrictions and standards I've gone through each one in detail. So in as much as it meets the restrictions and standards in the proper chapter of Maui County as amended, the Maui County Planning Department does recommend approval of the short-term rental permit subject to all 22 standard conditions. If you have any questions I'd be happy to answer them.

Chair Tsai: Thank you, Livit. Are we entertaining a motion?

Ms. Canto: So move, Chair.

Chair Tsai: To approve?

Ms. Canto: Yes

Chair Tsai: Moved by Commissioner Canto.

Mr. Castro: Second.

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

Mr. Robinson: I will not be supporting this motion. I believe it does not maintain a balance between resident and visitor population in the area. I believe it does not strengthen the planning and management of the visitor industry in that home area. The applicant lives out of state. He had one person drop off the application, then he had another person, the consultant of the application. I'm glad that he's actually was able to make today. Had a letter of non-support and instead of him addressing the letter he had his attorney address it stating that my client is very open to talking and walking with neighbors, but yet I see his attorney talking for him. So again, I'm not in support of this. Thank you.

Chair Tsai: Okay, seeing no other discussion...oh, Commissioner Hedani?

Mr. Hedani: The concern I have with this particular application is that there are six I believe, there are six existing short-term rental homes or B&Bs within 500 feet of this area. We're talking about a 4,900 square foot lot which is a very small lot. It's off the water. And I believe it is affecting the character of the neighborhood which initially was residential. And I believe that adding a seventh short-term rental home within a perimeter of 500 feet would be excessive from my perspective. So I will not be supporting the motion on this item. I believe it makes a perfect...I commend the owner for all of the modifications that he made that to bring the house up to code compliance. I believe it makes a perfect long-term rental situation if he wants to hold the property for the time being until as such time as he relocates to the island and it would make a perfect residence for him if that's what he wants to do in the future, but the living room that I saw looked like the hallway and to me it doesn't convey a hotel like atmosphere for a hotel like application. A short-term rental is essentially a residential hotel. And while that may appeal to a certain segment of the market maybe as in each market from my perspective it appears to be forced at this point as a short-term rental and therefore I would, I would not be supporting the motion to approve.

Chair Tsai: Any other comments? Commissioner Carnicelli?

Mr. Carnicelli: So I actually will be supporting this motion. You know just like last meeting we approved 17 International Colony Clubs, you know, part of that was you know the cluster aspect of it. I actually can see as a benefit this particular house, you know, it's the applicant he uses it so it's just not even an option. This is not going to go into long term. Like if we say no, we're not gonna gain a long-term rental in this particular house because he uses it. So that part of it to me I think is significant. You know in this area of Front Street you know you can walk all the shops, Front Street dining, everything like that, the harbor, beach access is three lots away. So I just think that this particular home and we're one closer to that 88 in Lahaina that magic number in Lahaina that we're trying to get to so I'll be supporting the motion.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I think that 88 is a moving number and I think it will move once we reach it. That's just my personal opinion as when it becomes 10 percent of that 88. I believe every applicant is coached when they come into this room to say that you will not rent it out long-term and that you will, it will only be for you and we'll never gain a long-term rental because if that was the case, they of course would lose votes 'cause we'd all be for the rental and I understand where my fellow commissioner's coming from but I think sometimes we have to read between the lines and everybody is going to say that, but he hasn't in three years and for quiet enjoyment of neighbors and the neighborhood if a house is semi-occupied I still think that it will enhance the area of Front Street and it won't be a clutter. People walking back for in that short narrow road area, is not a safe area. There's not I believe a crosswalk on that side...I mean a sidewalk on that side and again, there already is enough short-term rentals in that area. Thank you.

Chair Tsai: Okay, Deputy will you please repeat the motion?

Ms. McLean: The motion is to approve the permit subject to the 22 conditions as noted in the recommendation.

Chair Tsai: Thank you. Call for a vote. All in favor of the motion raise your hand?

Ms. McLean: Five ayes.

Chair Tsai: Opposed?

Ms. McLean: Two noes.

Chair Tsai: Abstain?

Mr. Hudson: Yeah, I agree with the(inaudible)...opinion. I understand that the applicant has done a lot of work to improve the lot and I commend them for that. I'm concerned with the short-term home rentals. Being retired I actually get to watch T.V. and last week I saw the show Adam ruins everything where he talked about Airbus and how the short-term home rentals are really affecting the population not only on Maui but all over. I'm not voting opposed to it, I'm not voting for it, so...

Chair Tsai: That counts automatic if you abstain.

Mr. Hudson: I understand.

Chair Tsai: So motion carries. Congratulations.

Ms. Callentine: Thank you Commissioners for your time.

It was moved by Ms. Canto, seconded by Mr. Castro, then

**VOTED: To Approve Short-Term Rental Home Permit as Recommended by the Department.
(Assenting – P. Canto, S. Castro, L. Carnicelli, L. Hudson-abstained,**

S. Duvauchelle, R. Higashi)
(Dissenting – K. Robinson, W. Hedani)

Chair Tsai: Okay, going onto Unfinished Business. Deputy?

Ms. McLean: Thank you Chair. You have before you a request from Marc Taron of Arquitectura LLC on behalf of Ed and Susan Marszal for a Special Management Area Use Permit for the construction of an 8,391 square foot single family dwelling, pool and related improvements in the R-3 Residential District at 465 Front Street, TMK: 4-6-002: 016 in Lahaina. Keith Scott is the Project Planner and just a reminder is noted on your agenda the public hearing was conducted on this matter at the July 26th meeting and the matter was deferred.

E. UNFINISHED BUSINESS

- 1. MR. MARC TARON of ARQUITECTURA LLC. on behalf of ED and SUSAN MARSZAL requesting a Special Management Area Use Permit for the construction of a 8,391 sq. ft. single family dwelling, pool, and related improvements in the R-3 Residential District at 465 Front Street, TMK: 4-6-002: 016, Lahaina, Island of Maui, (SM1 2015/0002) (K. Scott) (Public hearing conducted and matter deferred at the July 26, 2016 meeting.)**

Mr. Scott: Thank you very much. Good morning Commissioners. When ...(inaudible)...in July there were a number of questions asked and additional information requested. This project was deferred until those questions...I'm sorry...When we met on this project in July there were a number of questions asked and additional information requested. The project was deferred until those questions and additional information could be provided to you. Provided with your packet for today's meeting is a memo responding to the specific items requested in July. By way of summary the project is not located in either of the locally designated historic districts. It is within the National Historic Landmark District. Additional testimony has been gathered as requested. Drainage report for the project is included with the original project application which was also attached to your packet. All exhibits have been revised as requested. Two driveways are allowed for the project. The property was the project of an old Hawaiian Land Commission Award. All exterior lighting is directed down. The parking nearest the public beach access on the north side of the property is approximately 400 feet to the north of the corner of Shaw Street. There are no lot coverage ratio requirements for this residential development. The owner has declined including shoreline protection as part of the overall building design. Street runoff flows to a storm drain approximately 100 feet north of the project and a construction staging plan has been provided. Mark Taron of Arquitectura is available to answer any additional questions you may have about the project. I understand that the project engineer is also here and the Department is ready to offer its recommendation at the appropriate time.

Chair Tsai: Thank you.

Ms. McLean: Chair if I may just for the record to clarify on the follow-up memorandum that you have today the address is noted as 455 Front Street, the address is 465 Front Street.

Chair Tsai: Thank you, Deputy. Okay, at this time I'm gonna open the floor for public testimony regarding this agenda item. Anyone wish to testify please come forward? Seeing none, public testimony is now closed. Commissioners? Commissioner Robinson?

Mr. Robinson: Hi, I just have a question about the construction staging plan that was my only concern. On Exhibit 6, I just have a picture.

Mr. Mark Taron: Hi, Mark Taron.

Mr. Robinson: Howzit Mark. Mark, my concern during the staging plan was the traffic that would be on the street and I notice that you guys...it says that it addressed it and Exhibit 6 is supposed to be the construction staging plan?

Mr. Taron: Correct.

Mr. Robinson: I have this. Is there something else I was supposed to have?

Mr. Taron: No, this is the staging plan.

Mr. Robinson: Can you help me read this please?

Mr. Taron: The construction entrance is the driveway to the north and then we have the area that's in the courtyard for the staging of materials.

Mr. Robinson: I'm sorry, it's...I hear what you're describing but can you do north, south, east, west?

Mr. Taron: North is to the top of the page.

Mr. Robinson: And that's where your construction entrance is?

Mr. Taron: Correct.

Mr. Robinson: So when we're building the...I'm sorry, I'm sorry Chair...when we're building the parking garage it's gonna be built from the inside backwards towards the home or are you planning to build that from Front Street towards the home?

Mr. Taron: I'm not sure I understand the question.

Mr. Robinson: Is I've noticed and previously I remember on the driveway, the driveway was short of fitting a car. A car could not fit on the driveway so when we construct the garage how are...are you planning to construct the garage last I would assume. So therefore if you're the building the home and the home is building out towards the street and you have the structure and then you're gonna build the garage where would those vehicles and how would you construct it?

Mr. Taron: The garage does get built last.

Mr. Robinson: Okay. It does get built last or it doesn't?

Mr. Taron: The garage will be built last, correct.

Mr. Robinson: So how do you plan on building it when there's no setback for that garage? It doesn't even fit a car to go on the street.

Mr. Taron: I'm sorry I don't understand the question? A car does fit on the driveway.

Mr. Robinson: So the vehicles that you will use of the builders that are building the garage which is built last where will they be parked?

Mr. Taron: Well, I mean, obviously there will be some people that will have to park along Front Street. We can't get all the workers vehicles onsite.

Mr. Robinson: And again, you know, that's our concern. I know it's, I know the building is going to go on. I just want to make sure that the access 'cause 505 is right there.

Mr. Taron: Right.

Mr. Robinson: I want to make sure that the access is never encumbered while this construction is going on, and this project goes really close to the street.

Mr. Taron: Right, okay.

Mr. Robinson: Okay. Thank you.

Chair Tsai: Thank you. Any questions from the Commissioners? Commissioner Hedani?

Mr. Hedani: I guess this is a question for Staff. Keith, do you know what the erosion rate for this property is?

Mr. Scott: Not...

Mr. Hedani: I notice that he's complying with the 40-foot setback.

Mr. Scott: No, it's a 52-foot setback.

Mr. Hedani: Okay, the exhibit I saw showed a 40-foot setback.

Mr. Scott: The original did show a 40-foot and that was incorrect and I believe we've corrected that. It is a 52-foot setback and build all of the construction complies with that.

Mr. Hedani: Okay, so from your perspective...from staff's perspective the residence complies with the setbacks applicable to the property?

Mr. Scott: That is correct.

Mr. Hedani: And that takes into consideration erosion rates and lot depth and everything else?

Mr. Scott: That's correct.

Chair Tsai: Seeing no more questions from the Commission can we have the Department's recommendation please?

Mr. Scott: The Department recommends approval of the project subject six standard and six project specific recommendations as included in your recommendation report.

Chair Tsai: Entertain a motion?

Ms. Canto: Chair I will abstain. I have not had enough dialogue to render a decision on this.

Chair Tsai: Thank you. She's abstaining.

Ms. Canto: I'm sorry I will abstain.

Chair Tsai: Do I hear a motion? Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Chair Tsai: Moved by Commissioner Hedani.

Mr. Carnicelli: Second.

Chair Tsai: Seconded by Commissioner Carnicelli. Discussion on the motion? Commissioner Hedani?

Mr. Hedani: I think the residence is a very attractive residence. I think it's well designed. I have some concerns about future erosion to the property which may occur but it appears to be adequately set back from the ocean to address that. And I think it's basically a well-done residence and therefore, I support the application. I appreciate the additional gyration they went through to come back to the Commission again and to provide us with a copy of the SMA report for the project which made for very interesting reading if you read the historical background of the property going back to the king saying give John Dawson the property. But I appreciate all of the extra effort that he went through.

Chair Tsai: Thank you Commissioner Hedani. Commissioner Robinson?

Mr. Robinson: Since we have Public Works here my concern is not the home, my home is the construction time during the home and the size of Front Street in that area and the offsite parking that is going happen there. Who has oversight for that?

Ms. Dagdag-Andaya: Chair, so typically when projects are reviewed there's always a traffic control plan...so for most projects and I think that's one of the things that would be provided at the time of permits. So when you have the different stages like your grading, your building, typically we'd request or ask for those things.

Mr. Robinson: But is that the Public Works Department? Do you folks oversee the overflow of the parking or the access of the street?

Ms. Dagdag-Andaya: I think we also control with Police Department if I'm not mistaken but I can double check. But overall you know traffic control is always you know, typically that's something that we'd review at the time of construction.

Mr. Robinson: So if there was a complaint it would go to the Police Department or Public Works?

Ms. Dagdag-Andaya: It would typically come to us we'd review.

Mr. Robinson: It would go to you folks. Okay, thank you.

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: I guess I just wanna say that yes, I will be supporting the motion and I just also wanted to say thank you to the Department and the consultants for the additional work that you guys did between you know the last time you were here and now. So just thank you for that.

Chair Tsai: Okay, any other comments? Seeing none, Deputy can you please repeat the motion?

Ms. McLean: The motion is to approve the Special Management Area Use Permit subject to the 12 conditions contained in the recommendation.

Chair Tsai: Call for a vote. All in favor of the motion?

Ms. McLean: Seven ayes, excuse me, six ayes.

Chair Tsai: Opposed?

Ms. McLean: None opposed.

Chair Tsai: None opposed. Motion carries. Congratulations.

Mr. Taron: Thank you. Appreciate it.

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

**VOTED: To Approve the Special Management Area Use Permit
Recommended by the Department.
(Assenting – W. Hedani, L. Carnicelli, L. Hudson, K. Robinson,
P. Canto, S. Duvauchelle, S. Castro, R. Higashi)**

Chair Tsai: Okay, moving on.

Ms. McLean: The next item is the acceptance of the Action Minutes of the September 27, 2016 meeting and Regular Minutes of the April 12, 2016 meeting.

**F. ACCEPTANCE OF THE ACTION MINUTES OF THE SEPTEMBER 27, 2016 MEETING
AND REGULAR MINUTES OF THE APRIL 12, 2016 MEETING**

Chair Tsai: All in favor of accepting the—

Ms. McLean: Need a motion.

Chair Tsai: Need a motion. Moved by Commissioner Hudson.

Mr. Robinson: Second.

Chair Tsai: By Commissioner Robinson. All in favor?

Commission Members: Aye.

It was moved by Mr. Hudson, seconded by Mr. Robinson, then

**VOTED: To Accept the Minutes of Action Minutes of the September 27, 2016
Meeting and Regular Minutes of the April 12, 2016 Meeting.
(Assenting – L. Hudson, K. Robinson, L. Carnicelli, P. Canto,
W. Hedani, S. Duvauchelle, S. Castro, R. Higashi)**

Ms. McLean: The next item under Director's Report, you have the SMA Minor Report and SMA Exemptions Report.

G. DIRECTOR'S REPORT

- 1. SMA Minor Permit Report**
- 2. SMA Exemptions Report**

Ms. McLean: Are there any questions on any of those items?

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: Thank you, Chair. This seems to come up every meeting for me. If I look at the SMA Minor Projects, the...what is it, the fifth one down it is a subdivision which obviously the Department has determined is less than \$500,000 and so therefore is getting a minor is that correct?

Ms. McLean: Yeah, I believe it would have to be less than \$500,000 to qualify for a minor.

Mr. Carnicelli: I guess my...I get confused on these because I just don't see...it seems as though what's happening is on these subdivisions they're coming in in partial, I just don't see a subdivision on Maui being worth less than \$500,000 you know in total, total impact on the economy, total impact, you know on the neighborhood, everything like that. I would just think it's more than \$500,000. So I'm just, I'm curious as to why these keep...these projects keep getting minors and not having to go through the whole major process when, you know, when determined. So the other part is, is the Department...I know that the Department's discretion can ask Public Works for the dollar amount. My question is how often does the Department actually do that? Go, like I say, we have this one here project 2.3276, do you go to Public Works and say, hey listen I wanna verify these numbers 'cause the consultants can say yeah it's a \$400,000 project but unless we verify it with Public Works, we verify you know, the amounts with public works we don't really know. We're just accepting the consultants and you know the consultants know they need to stay under that magic number.

Ms. McLean: Very good question it touches on a few things. The \$500,000 valuation typically refers to construction because I believe the language says that the Planning Department confirms with the building official which is the Public Works Department on valuation if there is a question. It doesn't typically relate to the market value of the finished product. It relates to the valuation of the building permit which is signed off by a contractor or by the owner of what the value of that construction is going to be. That's typically what gets verified in terms of cost.

I don't know if we...how we make, how we confirm the costs of a paper subdivision, what we would call a paper subdivision because sometimes this is a subdivision on paper. This doesn't include...this SMA most likely doesn't include any of the civil work related to a subdivision. If it did then most likely it would exceed 500,000. So if this was a larger subdivision where they're doing roads and utilities then it most likely would be. If this is a consolidation and resubdivision I don't know how many lots it is it could be one or two lots. Certainly there would be a market value to that result if it results in an additional developable lot, but if it's just a paper subdivision I don't know how you put a valuation on that.

Mr. Carnicelli: If I could Chair? So okay, I understand that this is...I mean it is consolidation/resubdivision which actually I can go down whole 'nother rabbit hole with that one because you know that's what, you know, we're doing as far as creating subdivisions on Maui. You know this is, even though it's a paper consolidation and resubdivision it's making a

subdivision so it is on paper and so why aren't we considering the civil work. I mean I get it on this per se, we're not...you know, it's a paper subdivision okay, I get it, but is the civil work if it wasn't? Why is the civil work not included in the valuation?

Ms. McLean: Again, I don't know this particular circumstance. I'm trying to think of—

Mr. Carnicelli: And again, I'm gonna pull away from this. This is more of a general question rather than specific to this particular permit.

Ms. McLean: Right, right. Two things I wanna say. One is that oftentimes we have families that are a few siblings are left a piece of property and they want to subdivide. They don't have the money to develop it. They want to subdivide it among themselves so that there's clear title for them to be able to pass that land along at some point. They don't have water meters. They don't have...they're far away from clearing many of the hurdles that stand between developability and title. So just on paper there's distinct ownership but they're very far from developing it. So that would be one reason why we would approve a paper subdivision and not have any related improvements.

Separate from that we...there is a concern called segmentation when a project does make itself into little bits and try to get SMA Exemptions or SMA Minors for each part and we are quite cognizant of that. So let's say this is just a paper subdivision and a few months later they come in for a Minor Permit for the civil work that's going to be \$499,000 at that point we go, okay wait you know you got this exemption before for this paper subdivision that we valued at whatever you know you're not gonna piecemeal this thing and we will, we could require an SMA Major at that time. So we are aware of that and we caution applicants and try to ensure that that doesn't happen so that a property isn't or a project isn't broken down into little pieces to avoid that major process. It is a concern and we, I can't say we catch, we catch it every time 'cause there could be legitimate reasons for separating it and a great deal of time between each of them, but we do try to catch that.

Chair Tsai: On that note real quick Deputy and also maybe Public Works too, I just have to say I mean even for construction \$500,000 is in this market seem just you can't...it's hard to keep anything to less than \$500,000 but regardless is there something in our system to police or should I say verify that what they claim in a permit is indeed what they put in or is there some system in place for all permits that we issue and all the...

Ms. McLean: When it involves vertical construction, yes that's easy to verify because that ties into the valuation on the building permit. So that's very easy to verify and that comes down to what the building clerks accept when they issue a building permit when they first process before issuance but when they accept the building permit and verify the valuation that should be the same valuation we look at in terms of SMA.

On this particular one this touches into another issue too that's a little quirky which is that subdivisions under a certain number do qualify for exemptions. And there are times that we look at a project that while it might meet one of those exemptions we are concerned that it could

have potential impacts if those impacts aren't mitigated. And so we treat it as not exempt meaning we treat it as a development and then we are able to impose conditions on it. And so even though it might be something that theoretically could be exempt and just exempt altogether we will process it as a minor or a major instead so that conditions can be imposed to mitigate potential impacts. Again, I don't know if that's what happened in this particular case but that might be a reason that this was processed as a minor. It has still meet that under \$500,000 threshold but if this didn't involve groundwork but there were circumstances we wanted to mitigate then rather than exempting it we would treat it as a minor.

Mr. Carnicelli: Chair?

Chair Tsai: Commissioner Carnicelli?

Mr. Carnicelli: So I guess that's good to know. So the question then is 'cause not all paper subdivisions are created equal and I get that it was originally made for you know, okay I wanna separate out a lot for, you know, my kids and everything like that but Ukumehame was a consolidation and resubdivision. Olowalu was a consolidation and resubdivision. Launiupoko was a consolidation and resubdivision. You know they weren't actual subdivisions. You know they were just paper subdivisions. So in that case what I'm hearing is you can still put those conditions, the Department still could say, hey listen, no we, you know, this is a even though it's on paper we want a major?

Ms. McLean: I'm not quite sure where the SMA goes in those areas, but let's say they are...if those areas were at least in part of the SMA, then yes that could have happened.

Mr. Carnicelli: Okay. And then one last question. I'm gonna skip over to Page...the Exempt Projects, kind of along the same vein, the fifth one up from the bottom, Paleola we got a repair of a seawall. Is again, and you know, this is maybe more just like understanding the rules it would seem as though a repair of a seawall would need some kind of an SMA I would think, I mean I don't know. I mean, that's what this is just is more of a clarification, it's not even a minor it's just exempt and this is a seawall. So I mean, how are seawalls exempt from SMA.

Ms. McLean: Certainly a new seawall would require a permit. I don't know the extent of the repairs needed or this. There are broad exemption categories for repairs of existing structures and most likely this was presented in a way that also provided adequate mitigation so that we felt it fell under the exemption class and any potential negative impacts were appropriately mitigated. On that one I'm happy to, well on both of them I'm happy to follow up and email all the commission with a little bit more detail 'cause I just don't know the details of either of these enough to give you a straight answer.

Mr. Carnicelli: Okay, thank you.

Chair Tsai: Okay Commissioner Hedani?

Mr. Hedani: Just a comment on the consolidation/resubdivision it could be a situation where

you're not creating more lots. You could have owned two lots consolidating and resubdividing just to move the property line to make it more equitable or whatever. I don't know the specifics of it but I'm sure there's a lot of cases where you wouldn't hit a valuation of a half a million dollars just to move the property line from one point to the other.

And on the second item, it passed the Jim Buika which is like the acid test of all tests for shoreline permits so I'm confident in the department that they've done their homework on that.

Chair Tsai: Well said Commissioner Hedani. Can I have a motion to accept that Director's Report?

Mr. Hedani: So moved.

Mr. Hudson: Second.

Chair Tsai: Okay, Commissioner Hedani, second by Commissioner Hudson. All in favor?

Commission Members: Aye.

Ms. McLean: Eight ayes.

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

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

- 3. Discussion of Future Maui Planning Commission Agendas**
 - a. October 25, 2016 meeting agenda items**
 - b. October 25-26, 2016 Special Meeting on Lona Ridge applications**

Chair Tsai: So we've already covered D-3.

Ms. McLean: So we still are on for the next meeting date October 25th for your regular meeting for the items noted in the memo and we will follow up with you on dates 24th, 25th, 26th. The 25th right now is scheduled here for the regular meeting for now but we'll see about availability of another location maybe for the Monday and be in touch.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: I brought up the topic of moving the Lona Ridge ahead of these other items is that a possibility that the Commission can take up or is that something that the Planning Department decides.

Ms. McLean: Well, we can post the agenda in whatever order we choose and it's up to the Commission to take the items in that order or not.

Mr. Robinson: I see.

Ms. McLean: But we can confirm with staff and with applicants because sometimes we do try to coordinate with applicants. They've already sent out their public hearing notices for this. It does just say 9 o'clock but we would want to...we'd need to talk with the different project planners and with Clayton to see what would be the appropriate order and we can confer with the Chair on that.

Mr. Robinson: I don't see Lona Ridge on the 25th.

Ms. McLean: That's correct 'cause at the time this memo was written you'll see on the back page it says that we need to reschedule those items.

Mr. Robinson: So we can't take it out of order if it's not on the agenda?

Ms. McLean: The item would have to be on the agenda in order for you to discuss it, but this is just a heads up memo. This isn't the agenda. This isn't final. This is just a heads up of what's coming up on October 25th. These items really should be taken up on October 25th 'cause the applicants have already done their public notice for these. They've notified their neighbors and we've put notices in the papers. So these need to be taken up on the 25th, but then in terms of fitting Lona Ridge before on this day, after this day, that public hearing had taken place already so we can put that wherever we need to.

Mr. Robinson: But we haven't taken public hearing on the intervention which has to precede the Lona Ridge.

Ms. McLean: When Lona Ridge is scheduled you will have to take public testimony on those items.

Mr. Robinson: Right.

Ms. McLean: There isn't newspaper notification, a notification of neighbors for regular public testimony. That's just for the "public hearing" so that's occurred for the three that are listed here but that's already been satisfied for Lona Ridge.

Mr. Robinson: But the intervention is an item that hasn't been addressed yet so don't we need proper notification for that as well?

Ms. McLean: That's not a public hearing item.

Mr. Murai: Perhaps if I may, notice is the posting of the agenda.

Mr. Robinson: Okay.

Mr. Murai: And public hearing will be the next matter that would be taken up by the Commission, but if I may I know one of the things that staff was talking about is because we already have public hearings that are noticed what the Department is trying to do is try to keep...allow those public hearings to go forward and not be unduly be delayed by people who want to testify on any Lona Ridge matters. So I know the Department is trying to do is kind of separate out those and maybe even posting separate agendas for a different meeting. I think that's what they're trying to achieve.

While I have the floor, you know, one of the things that we need to keep in mind is that you know because the Lona Ridge matters may be, may attract a lot of public testimony there is a very real possibility that we may need to recess and reconvene to finish. And if we do that it is my recommendation that we note that in the agenda that the matter may be recessed and reconvened just to give the public notice of that.

Chair Tsai: We had many discussions regarding this. On that note, it just suddenly occurred to me with the notice that's going out for the Lona Ridge since we already taken the public testimony on the actual application what we haven't done is the intervene. So could we on the notice specify that we're taking up the intervention matter so to limit...and to limit the amount of people or testifying not related to the intervention even though we're supposed to give everyone a chance to testify anyway..

Ms. McLean: We will...we would have on the agenda the Petition to Intervene and discussion of the application. Those are both going to be on the agenda. It doesn't matter what order we put them on, at the beginning of the meeting you will be asking if there's testimony on any agenda item. So people will still be able to testify on the application even if you take up the Petition to Intervene first.

Chair Tsai: Deputy I thought when we discussed this since we already went over, finished the agenda on the application are we required to take up that again?

Mr. Murai: I think it will depend on how it's agendized. If the only thing on the agenda were the Petition to Intervene then Chair you may as the Chair use your discretion to limit the testimony only to the issue of intervention. Now if, if it's calendared for the hearing on the Petition to Intervene as well as the application itself then you'd probably have to allow public testimony on both agenda items. So again, because of how it's calendared.

Chair Tsai: I guess what I'm asking is since we already went over the application are we required to put that on the notice or agenda again since we already—

Mr. Murai: My understanding is that...well, with the motion to intervene if the motion is granted then this goes down one path. If it's denied then it goes down the other path which would be the deliberation portion on the application. And of course if the Petition to Intervene is granted

then the board, you know the first thing would be to consider is are you gonna hear this yourself, you're gonna hire a hearings officer or whatever the case may be. So...did I answer the question?

Chair Tsai: Yes you did.

Ms. McLean: So you could just post the Petition to Intervene, but you—

Chair Tsai: That's what I...I wanted to make sure we're legally are allowed to do that. If that's the case then I would want to just have the Petition to Intervene on the agenda and depending on the outcome of our decision here we can go one of the two paths. Commissioner Castro?

Mr. Castro: We already had public testimony so now are they gonna be allowed to retestify again on the same item?

Chair Tsai: We have to, but I as the Chair can limit the testimony I guess to only pertain to the Petition to Intervene which hopefully will limit the number of testifiers. Commissioner Hedani?

Mr. Hedani: I just wanted to welcome Doreen Canto to the Commission and say I was very impressed with your performance at today's meeting and her participation was refreshing.

Chair Tsai: Commissioner Robinson?

Mr. Robinson: Well that was inappropriate. I just wanna, I just wanna reconfirm what we just talked about. One, is we don't...there's no more testimony from the applicant because we closed that meeting so the only thing regarding Lona Ridge would be our discussion/deliberation, but people could still testify if they wanted to in the beginning when we have open testimony? So if we don't put that on the agenda are we not allowed to discuss the Lona Ridge and maybe finish it?

Ms. McLean: That's correct. If it's not on the agenda then you can't deliberate on it.

Mr. Robinson: Then they could testify theoretically on the intervention and then when we put on the application again they could then testify again?

Ms. McLean: That's right.

Mr. Robinson: Yeah, so I recommend Chair that we put 'em both on the agenda 'cause we can recess and then testimony will be done.

Mr. Murai: Commissioner Robinson if I may? I know that the Department had thought about that and the problem with that is putting it all in one day kind of put pressure on...well, it almost assures us that we may not finish and we're gonna have to recess and the problem we've had is finding another day to recess to. When you recess a meeting the Office of Information Practices which interprets the Sunshine Law recommends that the recess be no longer that six days.

There's no rule or law that spells out what a reasonable period of time for recess is. They assume it's six days but they don't say it's gotta be. So in other words, they you know that's how they look at it. And logically the recess should not be too long. So we should try to keep it as short as possible. Unfortunately when we're looking at days were we could come back the only days that I think like Clayton could find were like the following month. Is that legal? Yes, but it, you know, again, the longer the recess well...the recommendation of the IOP is to keep it as short as possible, practicable.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Along with welcoming Commissioner Canto to the Commission one question that I had was can she be given the full record of this particular case so she that she can vote on the issue?

Mr. Murai: Yeah, certainly she should. If she wishes to participate in the matter I'd recommend that the Department at minimum make the minutes available to her and all of the materials that the Commissioners have been provided with.

Ms. Canto: Can I respond?

Chair Tsai: Yes, Commissioner Canto?

Ms. Canto: I've been following you from its inception so I'm...all the way to Wailuku Community Center so I share your thoughts about not having it there. So I want to be clear that I do plan to be a voting member of that decision and so I'll just leave it at that, sir.

Chair Tsai: You must have a lot of time to watch all that.

Ms. Canto: No, you guys, you put me to sleep actually 'cause I watch it every night.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: Our classic, welcome to the commission, you have eight hours of testimony to listen to and welcome aboard.

Mr. Robinson: Chair?

Chair Tsai: Commissioner Robinson?

Mr. Robinson: On that note we might now have quorum on the Thursday and Friday that we might not of with Larry not being here. Just wanted to chime in. On our last meeting, discussing the dates and what we were able to, we were trying to do it on the Wednesday but we didn't have quorum because Larry wasn't able to be here. So if we do have a new member we might be able to possibly finish on the Thursday and Friday.

Chair Tsai: Commissioner Hedani?

Mr. Hedani: On that note, since Corp. Counsel doesn't have anything else to worry about, I did...I am going to be present at the meeting and for purposes of a quorum I believe by presence is counted and I am also contemplating participating in discussion and possibly voting on the issue as well because it was not precluded by the Board of Ethics.

Chair Tsai: Correct. Thank you.

Ms. Canto: Final comment Chair?

Chair Tsai: Yes, Commissioner Canto?

Ms. Canto: Last comment on this. If I'm approached by you know public testimony that day about my position to actually vote on the matter I'm prepared to answer that and not expect the Chair or the Vice or the Commission to respond. I know if that's—

Chair Tsai: Absolutely.

Ms. Canto: Thank you.

Chair Tsai: As Commissioner Hudson had done regarding the same matter.

Ms. McLean: So we will check potential locations. We will poll members for availability and see what options there are for that October 25th time frame and confer with the Chair before a decision is made.

Chair Tsai: With that, great to see you guys all. Nice to have a full house today. Meeting's adjourned.

H. NEXT REGULAR MEETING DATE: October 25, 2016

I. ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

Submitted by,

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

RECORD OF ATTENDANCE
Present

Pua Canto
Lawrence Carnicelli
Stephen Castro
Sandy Duvauchelle, Vice-Chair
Wayne Hedani
Richard Higashi
Larry Hudson
Keaka Robinson
Max Tsai, Chair

Others

Michele McLean, Deputy Director, Planning Department
Gary Murai, Deputy Corporation Counsel, Department of the Corporation Counsel