

1 MAUI PLANNING COMMISSION

2 COUNTY OF MAUI

3 AUGUST 28, 2018

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6
7 REGULAR MEETING

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12 Held at the Planning Department Conference Room, First
13 Floor, Kalana Pakui Building, 250 South High Street,
14 Wailuku, Maui, Hawaii, commencing at 9:09 a.m., on
15 Tuesday, August 28, 2018, pursuant to Notice.

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22 REPORTED BY: PAIGE CHRISTIAN, CSR 426
23 Registered Professional Reporter
24 Certified Realtime Reporter
25 Certified Realtime Captioner

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APPEARANCES

COMMISSION MEMBERS PRESENT:

- Keaka Robinson, Chairperson
- Larry Hudson, Vice Chair
- Lawrence Carnicelli, Commissioner
- Stephen Castro, Commissioner
- Tina Gomes, Commissioner
- Christian Tackett, Commissioner

STAFF PRESENT:

- Carolyn Takayama-Corden, Secretary
- Joseph Alueta, Planning Director
- David Galazin, Deputy Corporation Counsel

1 TUESDAY, AUGUST 28, 2018; WAILUKU, HAWAII

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3 CHAIRPERSON ROBINSON: Good morning,
4 everyone. This is the Maui Planning Commission, August
5 28th. Is -- is -- during our commission today, how
6 testimony works, everyone, is we will hear the -- the
7 item, and we'll hear the presentation. And after the
8 presentation, then we'll give opportunities for people
9 to testify.

10 Testimony will only be taken at the time of the
11 item. It will not be taken as a group as one before.
12 I want to make sure you guys understand that.
13 Testimony, again, is taken after the presentation of
14 each item.

15 We have today on our commission, Commissioner
16 Larry Hudson.

17 COMMISSIONER HUDSON: Morning, Chair.

18 CHAIRPERSON ROBINSON: Commissioner Lawrence
19 Carnicelli.

20 COMMISSIONER CARNICELLI: Morning, Chair.

21 CHAIRPERSON ROBINSON: Commissioner Stephen
22 Castro.

23 COMMISSIONER CASTRO: Morning, Chair.

24 CHAIRPERSON ROBINSON: Commissioner Christian
25 Tackett.

1 COMMISSIONER TACKETT: Morning, Chair.

2 CHAIRPERSON ROBINSON: We do have another
3 couple commissioners that I got texts that they're on
4 their way. We have -- we have in our director's
5 capacity -- Joe is here helping us today. We have
6 corporation counsel, David.

7 MR. GALAZIN: Thank you, Chair.

8 CHAIRPERSON ROBINSON: Thank you.

9 First item on our agenda.

10 PLANNING DIRECTOR ALUETA: Read it?

11 CHAIRPERSON ROBINSON: Yes, please.

12 PLANNING DIRECTOR ALUETA: Okay. The first
13 item is a communication item, Mr. Chair. It's a David
14 Pyle of the Krausz Company requesting a special
15 management area use permit for a six-year time
16 extension to initiate construction of the Downtown
17 Kihei project and related improvements at TMK 3-9-002:
18 020, in Kihei. Candace Thackerson is the staff
19 planner.

20 MS. THACKERSON: Thank you. Aloha mai kakou.

21 CHAIRPERSON ROBINSON: Aloha.

22 MS. THACKERSON: So before you we have the
23 special management area time extension request. This
24 came before you previously, I believe, on May 8th of
25 this year. And it was to request two years, and our

1 rules allow two years if this body waives review of the
2 request.

3 At the time, the body determined that you wanted
4 to see a little more information, specifically, that
5 they had done some nonsubstantial modifications to the
6 site plan that the department had approved previously.
7 So this body just wanted to see those plans, you know,
8 see what those changes were.

9 They are included in your exhibits. I do have the
10 original site plan and the revised. I tried to do them
11 right back to back so you can flip and see them very
12 easily and see what the differences are, as well as
13 include that letter.

14 Because the body is now reviewing the permit, the
15 time extension in full, the applicant has then changed
16 the request to six years. Hopefully, they start sooner
17 than that. And once they initiate, then it will
18 trigger the second condition to complete construction.

19 They're here if you have any questions, so I can
20 -- we can open it to testimony or turn it over to you.

21 CHAIRPERSON ROBINSON: Okay. Thank you.

22 MS. THACKERSON: You're welcome.

23 CHAIRPERSON ROBINSON: So, Commissioner, we
24 ask for these -- for this to be reviewed.

25 At this time, do we have any -- any pertinent

1 questions for the -- for the applicant, or did we have
2 time -- long enough to review this through the
3 paperwork that was submitted?

4 (Commission conferring.)

5 CHAIRPERSON ROBINSON: Well, I want to see if
6 we have the -- I want to get the questions out before
7 we do the testimony to make sure before we -- because
8 we're not -- unless we're going to vote; that's what
9 I'm saying. If we have questions, then I'll ask the
10 questions to the applicant, and then after that, then
11 we can go to public testimony.

12 COMMISSIONER CARNICELLI: Okay. I have one
13 question.

14 CHAIRPERSON ROBINSON: Commissioner
15 Carnicelli.

16 COMMISSIONER CARNICELLI: Okay. So my -- my
17 question, then, is -- is for the department.

18 Is -- just for clarification, the time extension
19 they're asking for is to actually start the project?

20 MS. THACKERSON: Yes. It's to initiate --

21 COMMISSIONER CARNICELLI: Right.

22 MS. THACKERSON: -- construction.

23 COMMISSIONER CARNICELLI: So they're now
24 asking -- instead of two, they want six years --

25 MS. THACKERSON: Yes.

1 COMMISSIONER CARNICELLI: -- to be able to
2 just start, not complete?

3 MS. THACKERSON: Two years is the maximum
4 they're allowed to ask if you guys waive review.

5 COMMISSIONER CARNICELLI: Right.

6 MS. THACKERSON: If you choose not to waive
7 review and we do the staff report and everything,
8 applicants will usually ask for more time because then
9 they're allowed to. So they're asking for six.
10 You can lower that if you want, raise it. It's up
11 to the body.

12 COMMISSIONER CARNICELLI: Right. Yeah.
13 Okay. Thank you.

14 CHAIRPERSON ROBINSON: You're welcome.
15 Do we have any questions for the applicant?

16 I have a question for the applicant if the
17 applicant will come up.

18 MS. THACKERSON: Yeah.

19 CHAIRPERSON ROBINSON: Yeah.

20 MR. PYLE: Hi. David Pyle --

21 CHAIRPERSON ROBINSON: Good morning.

22 MR. PYLE: Good morning.

23 CHAIRPERSON ROBINSON: Please introduce
24 yourself.

25 MR. PYLE: David Pyle of the Krausz

1 Companies.

2 CHAIRPERSON ROBINSON: Aloha, Dave. Welcome
3 here today.

4 MR. PYLE: Thank you.

5 CHAIRPERSON ROBINSON: The question I have
6 is -- is when is -- how is this project coming?

7 We usually don't grant six. We're not against it.

8 But can you give us an update on how your project
9 is coming along --

10 MR. PYLE: Yeah. We're -- we're -- we've
11 been doing an awful lot of work on it. We actually did
12 all of our network for grading and the offsite
13 improvements. We had permit for the -- from the State
14 for the offsite improvements. And we have run into
15 some large budget discrepancies.

16 Our -- our site work has doubled since we started
17 working on this project, since it took us so long to
18 get everything going on it. Our parking price has
19 doubled on this project. Our offsites went out of the
20 roof.

21 So we're -- before we went in for the -- we had a
22 final grading plan, spent a lot of money on these plans
23 to go in for permit. And then, the budgets started
24 coming back, again, which we're always checking our
25 budgets. And when the numbers came so hard, we have

1 decided to go back and figure out how to get the site
2 work to come in at a better price.

3 Right now, it's costing us maybe close to \$75 a
4 square foot before we even start building a building
5 out there, and it just isn't going to -- with rents
6 these days, we're not going to be able to make that
7 work. So we're working on how to -- to resculpt the
8 site in such a way that we don't have so much import to
9 fill and to -- to make the project work.

10 CHAIRPERSON ROBINSON: Okay. Thank you.

11 MR. PYLE: Uh-huh.

12 CHAIRPERSON ROBINSON: Commissioners, any
13 questions for applicant?

14 Yes. Commissioner Carnicelli.

15 COMMISSIONER CARNICELLI: So one of the
16 things that, you know, when you were here last time,
17 when we -- you know, in just asking for the waive of
18 review, you'd said, Okay, well, the reason why it
19 hasn't started is because of cost.

20 MR. PYLE: Uh-huh.

21 COMMISSIONER CARNICELLI: And costs aren't
22 going down, and so that was one of our things. We're
23 going like, Okay. Well, if you wait another six years,
24 are you expecting costs to go down, or -- I mean, I
25 know that you just, you know, said to the chair that

1 you're trying to rework.

2 My concern is this -- is that in trying to rework
3 it, we're going to maybe get outside the scope of --
4 and maybe this is a question for Candace -- is, you
5 know, we get out of the scope of what was approved, you
6 know, because already we've got, you know, a few
7 changes that have happened in order to try to make this
8 work.

9 We've approved an SMA. That is what it is. It's
10 not pencilling.

11 Okay. Now what? Is it going to pencil six years
12 from now, and does it take substantive changes to make
13 it work?

14 And I guess -- and I don't know if that's a
15 question for Candace to answer or the applicant.

16 CHAIRPERSON ROBINSON: I think just go with
17 the applicant, and then if --

18 COMMISSIONER CARNICELLI: Okay.

19 MR. PYLE: Yeah. We're very aware of this
20 SMA permit, and -- and it is what it is. And so we're
21 working very hard on this because we don't want to open
22 up that permit again.

23 I do want to mention that the changes in -- the
24 changes that we made to the site plan was a result of
25 the floodplain that was changed on us. It got expanded

1 into our space. So we -- we didn't ask for these
2 changes for the cost benefit of the project but for the
3 -- the fact that we couldn't put a parking structure in
4 the middle of the floodplain that was there -- was not
5 there when we first got the permit.

6 So that's why we're taking the time to -- to try
7 to step the site. You know, we have lots of different
8 building streets, and we're trying to keep it, you
9 know, a walkable community. But we're going to have to
10 try to have more ramps, more -- more ways to -- to make
11 the site flow within the permit. That's why it takes
12 longer. If we could just change everything, it would
13 go faster, but we don't -- it won't go faster. We know
14 that. So we're working within the permit.

15 And we also came out of the ground when the
16 recession ended, the economy was booming. It was just
17 hard to get labor out here. It just got really, really
18 expensive.

19 And the prices are coming down. Some prices have
20 come down, construction prices, and we were -- we're
21 working with two forces, the labor market and the --
22 and trying to change the site work.

23 CHAIRPERSON ROBINSON: Commissioner
24 Carnicelli.

25 COMMISSIONER CARNICELLI: Thank you, Chair.

1 Yeah. Is -- all the labor and materials are going
2 to rail, but that's another conversation.

3 So the timeline.

4 MR. PYLE: Yes.

5 COMMISSIONER CARNICELLI: If we would have
6 waived review, you would have gotten two and you would
7 have been fine, and now you're asking for six.

8 What is it that you realistically need?

9 MR. PYLE: Realist -- two is a little tight.
10 I -- I acknowledge that. Ideally, five would be great
11 for us to get this really -- make sure it's going. And
12 that's an outside date so we don't have to be here
13 asking for another time extension.

14 We -- we want to get the project going. That --
15 that's our goal. It's just -- it's just this process
16 we're always going through here with just trying to get
17 it done.

18 CHAIRPERSON ROBINSON: Any other
19 commissioners have a question?

20 Thank you. Seeing none, we're going to take
21 public testimony at this time.

22 Mr. Mike -- is it Phillips?

23 No. Okay. Seeing none, testimony is closed.

24 (Commission conferring.)

25 CHAIRPERSON ROBINSON: Oh, I'm sorry.

1 Is there anyone else that would like to testify on
2 this item?

3 Forgot to ask that.

4 Okay. Seeing none, we'll get recommendations from
5 the department, please.

6 MS. THACKERSON: Staff Planner Candace
7 Thackerson.

8 So the recommendation is that we amend Condition
9 No. 1 of the special management area use permit to
10 reflect the new timeline of July 31st, 2024, and also
11 just add to the end of that condition, "The planning
12 director shall review and approve a time extension
13 request but may forward said request to the Planning
14 Commission for review and approval."

15 That's our standard now. It wasn't at the time
16 that this condition was crafted, so I added it to the
17 end of it.

18 CHAIRPERSON ROBINSON: Okay. Thank you.

19 So, guys, seeing that last on the recommendation,
20 I think we can all read that as they don't want it to
21 come back to us unless we specify it, and I think
22 that's what we have to, you know, be cognizant of today
23 to let us know what we're going for.

24 Does anybody have discussion or a motion at this
25 time?

1 COMMISSIONER TACKETT: I have a --

2 CHAIRPERSON ROBINSON: Commissioner Tackett.

3 COMMISSIONER TACKETT: From my understanding
4 of it, I would -- I would probably be in favor of it as
5 -- as long as what we approve remains -- remains what
6 we approved.

7 So I think if -- if six years is approved -- I
8 think it should be six years for this particular
9 project. I think if -- if six years comes and goes
10 and somebody decides to sell it, I think it should come
11 in front of the board again for another review, because
12 at that point, it would be a different project. You
13 know, I think -- I think I would -- I would be okay
14 with it this way.

15 What -- what would not be okay is if -- if they
16 get this, and then after six years come, they decide
17 that -- that they don't want to build it if the zoning
18 is already changed, and they just sell it to somebody
19 else who doesn't need to come in front of the board and
20 present their plan. You know what I mean?

21 So that's -- that's the -- that's what I'm wary
22 of.

23 MS. THACKERSON: I can touch on -- or -- Joe,
24 I can touch on that.

25 PLANNING DIRECTOR ALUETA: Okay.

1 MS. THACKERSON: Just that -- so if it's
2 going to be a substantial change to the project -- and
3 the department just determines that on a case-by-case
4 basis, and that's the director's call and the staff's
5 call.

6 So usually, if it goes down in density or they
7 just, kind of, maybe change the orientation of the
8 buildings or things like that, we consider that a
9 nonsubstantial change, and the department can process
10 it. If it's going to be anything different, a
11 different use, anything different proposed that's going
12 to be substantial, it has to come before this body
13 again and get reviewed, including if it was going to be
14 a completely different project. Or if somebody else
15 was going to take it over and wanted to do something
16 different, the board would have review that.

17 COMMISSIONER TACKETT: So could they sell the
18 property with the change in place, is what I'm saying.
19 If you can sell the property with the change in place,
20 I wouldn't be --

21 MS. THACKERSON: No. When you mean "with the
22 change in place," you mean that they would want to
23 change it from the way it is right now --

24 COMMISSIONER TACKETT: Of the zoning.

25 MS. THACKERSON: Oh, the --

1 PLANNING DIRECTOR ALUETA: The zoning --
2 sorry.

3 MS. THACKERSON: No. Go ahead, Joe.

4 PLANNING DIRECTOR ALUETA: The permit you're
5 reviewing today is the time extension on a special
6 management area permit --

7 COMMISSIONER TACKETT: The SMA.

8 PLANNING DIRECTOR ALUETA: Yeah, the --

9 MS. THACKERSON: Yeah.

10 PLANNING DIRECTOR ALUETA: -- the property
11 has already its land use entitlements, as far as zoning
12 goes.

13 COMMISSIONER TACKETT: Okay. So if the -- if
14 the project were to change substantially, I would be in
15 favor of it coming back. If it --

16 MS. THACKERSON: It would have to.

17 COMMISSIONER TACKETT: -- if it stays the
18 same, you know, then -- but, yeah. I would -- I would
19 prefer to see changes come back --

20 MS. THACKERSON: Okay.

21 COMMISSIONER TACKETT: -- here, especially
22 with how long the extension is for.

23 MS. THACKERSON: Yes.

24 CHAIRPERSON ROBINSON: Okay. Thank you.

25 Any other comments?

1 Mr. Carnicelli.

2 COMMISSIONER CARNICELLI: So again, just for
3 clarification, if that last sentence that we're adding
4 into Condition 1 were a part of this condition
5 originally, they would not be here today, correct?

6 MS. THACKERSON: No. That's actually from
7 your SMA rules. Those are the way your SMA rules are
8 outlined for time extensions, so that's how we write
9 every permit now.

10 It says that the director -- "The planning
11 director shall review and approve a time extension
12 request but may forward said request to the Planning
13 Commission."

14 But that's our waiver. That's the two-year
15 waiver. We put every single time extension request
16 before this body for SMA permits. You -- you always
17 look at every single waiver.

18 COMMISSIONER CARNICELLI: Okay. So --

19 MS. THACKERSON: We've never granted one just
20 outright. That -- that comes straight out of your SMA
21 rules.

22 COMMISSIONER CARNICELLI: Okay. But if
23 I'm -- I'm reading this --

24 MS. THACKERSON: Yes, yes.

25 COMMISSIONER CARNICELLI: -- because --

1 because that's the way that it's been interpreted till
2 now --

3 MS. THACKERSON: Yes.

4 COMMISSIONER CARNICELLI: -- is it -- is it
5 says the planning department -- no. I'm sorry. "The
6 planning director shall review" --

7 MS. THACKERSON: Uh-huh.

8 COMMISSIONER CARNICELLI: -- "and approve a
9 time extension request but may" --

10 MS. THACKERSON: Uh-huh.

11 COMMISSIONER CARNICELLI: -- "forward said
12 request to the Planning Commission for review and
13 approval."

14 MS. THACKERSON: Yes.

15 COMMISSIONER CARNICELLI: So it's still a
16 may --

17 MS. THACKERSON: Yeah. But historically,
18 we've never --

19 COMMISSIONER CARNICELLI: -- the director
20 could -- but I'm just saying, the director could --

21 MS. THACKERSON: Oh, yeah --

22 COMMISSIONER CARNICELLI: -- just review and
23 approve, is what it says.

24 MS. THACKERSON: Yes. And we do. When you
25 get the waivers, those are communication items that are

1 -- and telling you of the department's intent. We've
2 already --

3 COMMISSIONER CARNICELLI: Right.

4 MS. THACKERSON: -- reviewed it, and we've
5 said it's okay, and we're -- up to you guys to waive it
6 or not.

7 But if you want to change that, we can take it
8 out, or you can amend your SMA rules. I mean, that's
9 the way it's written --

10 COMMISSIONER CARNICELLI: Okay.

11 MS. THACKERSON: -- in the --

12 PLANNING DIRECTOR ALUETA: Move along, guys.

13 MS. THACKERSON: Yeah.

14 CHAIRPERSON ROBINSON: Joe.

15 PLANNING DIRECTOR ALUETA: So, Commissioner
16 Carnicelli --

17 COMMISSIONER CARNICELLI: Yeah.

18 PLANNING DIRECTOR ALUETA: -- oh.

19 CHAIRPERSON CARNICELLI: I'll just go through
20 the process, or we'll be here all day. We got it.

21 CHAIRPERSON ROBINSON: I just want to be --

22 COMMISSIONER CARNICELLI: Yeah. No. We got
23 it.

24 CHAIRPERSON ROBINSON: Is there any other
25 comments?

1 So do we have a motion?

2 Commissioner Hudson.

3 COMMISSIONER HUDSON: I'll make the motion,
4 but I'll make the motion for five years instead of six.
5 I think in five years, they should be able to get
6 started.

7 CHAIRPERSON ROBINSON: Do we have a second?

8 COMMISSIONER CARNICELLI: Second.

9 CHAIRPERSON ROBINSON: Second by Commissioner
10 Carnicelli.

11 Discussion on the motion.

12 Would you like to speak to the motion, or are you
13 okay?

14 COMMISSIONER HUDSON: I'm okay.

15 CHAIRPERSON ROBINSON: Okay. Anybody like to
16 -- like to discuss the motion in front of us, a
17 five-year extension?

18 Commissioner Castro.

19 COMMISSIONER CASTRO: Yeah. Just -- just so
20 I'm clear, sir, instead of the six years, sir, you're
21 recommending the five?

22 COMMISSIONER HUDSON: Right.

23 COMMISSIONER CASTRO: Okay. Thank you.

24 COMMISSIONER CARNICELLI: July 31st, 2023.

25 MS. THACKERSON: Yes.

1 CHAIRPERSON ROBINSON: Personally, I -- I
2 think a project this size and not getting an update for
3 five years, when we look at SMAs and other projects in
4 the area, we're going to, of course, take into account
5 the traffic of this project. We're going to take into
6 account the -- the usage of the water and other things.
7 And it might limit other projects of coming this area.

8 Of course, we all want -- we passed this project
9 to begin with. We want this project to go. But if
10 we're having financial problems now, five years is -- I
11 think, is kind of a long time, and that's just my own
12 feeling.

13 I don't think it's -- I don't think it's a bad
14 thing for a developer. I think, you know, as things
15 come on board, we have to, you know, reserve certain
16 things, and we got the -- you know, we have an item
17 today that's going to be taking water off this aquifer.

18 So I'm more comfortable with a -- with the
19 three-year than a five-year, and that's just my
20 personal feeling.

21 Mr. Carnicelli.

22 COMMISSIONER CARNICELLI: Thank you, Chair.

23 You know, I-- I seconded the motion for the sake
24 of discussion. I would have to agree with -- with the
25 chair in that I get that we -- we have bare quorum

1 right now. And so, you know, we're all going to have
2 to come to an agreement, you know. It's -- I think
3 that we all agree that we want to allow an extension.
4 It's just a matter of how long.

5 So really -- and, you know, that's -- it's just
6 like, you know, if we're all comfortable with five,
7 then that's fine. If we're all comfortable with four,
8 then that's fine. But, you know, we are going to have
9 to get a consensus because we have -- well, we have one
10 more than bare quorum now.

11 So -- so, anyways, I -- I can live with five if
12 that's what everybody else wants. I'm like you. I
13 think the five's probably a little bit long, you know,
14 and would -- would like to tighten it, so -- but I'll
15 leave that to my fellow commissioners to decide.

16 But if the motion is and nobody wants to amend the
17 motion and it's 2023, then that's fine.

18 CHAIRPERSON ROBINSON: Okay. Thank you.

19 Commissioner Tackett.

20 COMMISSIONER TACKETT: Is this the time to
21 amend the motion if you're going to?

22 CHAIRPERSON ROBINSON: It's -- it's part of
23 discussion and if -- and if --

24 COMMISSIONER CARNICELLI: You can.

25 CHAIRPERSON ROBINSON: -- it's because

1 Commissioner Carnicelli, you know, showed reservations.
2 He's the second the motion.

3 If you also have reservations, we can always go
4 back and try to amend it and vote on the -- on the
5 amended first. We can go back to the motion and
6 withdraw it. There's different things. And we're
7 still doing discussion, too.

8 COMMISSIONER TACKETT: Okay. So I'm in
9 favor. I think the shorter time is better. I'm also
10 in favor of the longer time just to move the process
11 down the line. What I'm not in favor of is waiving the
12 -- the review should anything change. So, I think if
13 -- if this is not the project that's going to be built
14 or -- or if it gets sold or anything of that nature, I
15 think it -- I think it should come back for another
16 review.

17 CHAIRPERSON ROBINSON: Okay. Thank you.

18 Commissioner Carnicelli, would you like to
19 withdraw your second?

20 COMMISSIONER CARNICELLI: No, Chair. I won't
21 withdraw my second. What I will do is I will put an
22 amendment on the floor to change the July 31st, 2023,
23 to July 21st, 2022.

24 CHAIRPERSON ROBINSON: So four years?

25 COMMISSIONER CARNICELLI: Four years.

1 CHAIRPERSON ROBINSON: Four years.

2 COMMISSIONER CARNICELLI: A four-year time
3 extension.

4 CHAIRPERSON ROBINSON: Yeah. It's -- you
5 second the motion, then. If we can amend it, but let's
6 try to keep it cleaner.

7 Mr. Hudson, would you like to amend your motion?

8 COMMISSIONER HUDSON: Thank you, Chair. Yes.
9 Four years will be acceptable. I think less -- or less
10 than three would not. I think that there might be too
11 many things in the way, but I am amenable to amending
12 my motion and making it four years.

13 CHAIRPERSON ROBINSON: Second.

14 COMMISSIONER CARNICELLI: Then I am amenable
15 to amend my second as well.

16 CHAIRPERSON ROBINSON: Okay. Thank you.

17 We'll call for the vote.

18 Commissioner Gomes, is it -- you did miss a couple
19 questions, and I think that your vote won't be needed
20 for this.

21 It's okay to just keep you on silent for this one?

22 COMMISSIONER GOMES: Yes.

23 CHAIRPERSON ROBINSON: Thank you.

24 Joe, would you like to -- to read the motion in
25 front of the --

1 PLANNING DIRECTOR ALUETA: Thank you,
2 Mr. Chair.

3 Currently, the motion is to amend Condition No. 1
4 to allow for initiation of construction, a four-year
5 time extension, and to be initiated by July 31st, 2023.

6 MS. THACKERSON: '22.

7 PLANNING DIRECTOR ALUETA: I'm sorry. '22,
8 correct, for four years. And then the planning -- and
9 -- as well as keeping the planning department's
10 amendment of the "The planning director shall review
11 and approve time extension requests but may forward
12 said request to the Planning Commission for review and
13 approval."

14 CHAIRPERSON ROBINSON: Yes.

15 All those in favor, please raise your right hand.

16 (Hands raised.)

17 CHAIRPERSON ROBINSON: All those opposed.

18 (Hands raised.)

19 CHAIRPERSON ROBINSON: Okay. Motion dies.

20 Do we have another motion?

21 COMMISSIONER TACKETT: Seemed like what I
22 requested to amend never really made it into --

23 CHAIRPERSON ROBINSON: Okay. That's fine.

24 So would you like to make a motion?

25 COMMISSIONER TACKETT: The motion that stands

1 is okay with an amendment that should any changes be
2 made, that they come back to this commission for -- for
3 approval.

4 CHAIRPERSON ROBINSON: Yeah. Commissioner
5 Tackett, is -- I think what I expressed earlier is that
6 they have to. If -- if they change the plan, part of
7 the SMA is that if they do change the project, it's
8 going to come back to us anyway, and so, therefore, we
9 didn't we feel that -- feel the need to -- to add that
10 in because it's already inside the rules.

11 PLANNING DIRECTOR ALUETA: Chair.

12 COMMISSIONER TACKETT: It may, Chair.

13 CHAIRPERSON ROBINSON: But -- but let's let
14 corp counsel -- he can -- he can answer any question
15 for you.

16 David.

17 MR. GALAZIN: Thank you, Chair.

18 Yes, Commissioner Tackett, what you're dealing
19 with right now is simply a request for a time
20 extension, and frankly, you can't make any other
21 conditions on there unrelated to the time extension.

22 I -- I think as, you know, Candace pointed out,
23 any substantial changes in any SMA permit, if there's
24 substantial changes, then it's going to come back for
25 review. But minor changes, modifications,

1 deintensification of the uses, those are all things
2 that can be approved administratively and routinely
3 are.

4 So what you have before you on your agenda is just
5 the time request for -- and it doesn't permit the
6 project to be intensified, expanded, or changed in any
7 substantial way. And that's just -- that's just a fact
8 of the permit itself, the underlying permit.

9 All that you're being asked to do is decide how
10 much time they have to put a shovel in the ground,
11 should it be three years, four years, six years, what
12 have you.

13 COMMISSIONER CARNICELLI: It's, I think,
14 four.

15 MR. GALAZIN: So that's kind of the gist of
16 it. You don't want to go outside the scope of what
17 you're looking at.

18 COMMISSIONER TACKETT: Right. But now -- but
19 should it change, can the -- can the director review
20 and -- and approve, or does it need to come back
21 before --

22 CHAIRPERSON ROBINSON: Is -- is -- yeah.
23 Well -- well, minor changes, it's already part where
24 that the director can do minor authorizations --
25 parking -- parking space here or there, trees here or

1 there, but if it -- if it's anything that changes over
2 a certain percent, it has to come back to us because it
3 changes the scope of the SMA permit that they have.

4 So if it doesn't affect the SMA permit, it's just,
5 you know, administrative things, then the planning
6 director takes care of that if it's going to change the
7 SMA. That --

8 COMMISSIONER CARNICELLI: Chair.

9 CHAIRPERSON ROBINSON: You want to show him
10 No. 4?

11 COMMISSIONER TACKETT: And if -- if the
12 property changes ownership, how does that affect the
13 SMA?

14 CHAIRPERSON ROBINSON: The -- the SMA's the
15 same, but the property ownership does, I believe --
16 Candace -- come back.

17 MS. THACKERSON: Yes. So whenever someone
18 sells a project with an SMA permit, we put it on your
19 agenda. You see those transfers of ownership
20 sometimes. We do them administratively, but then we
21 add them to your agenda so that you're notified that
22 it's been sold. And it's sold with this scope of the
23 project in mind, with the design, everything.

24 If the new company wants to change it, then -- and
25 -- and we consider it substantive, like they want to

1 change one of the uses or -- or knock out one of the
2 buildings or something, then it would come back. But
3 if all they're doing is, kind of, just chain buildings
4 or changing the landscaping and stuff, we don't bring
5 those forward. Only if it's going to really change the
6 integrity of what you guys approved.

7 CHAIRPERSON ROBINSON: Commissioner
8 Carnicelli.

9 COMMISSIONER CARNICELLI: So, thank you,
10 Chair.

11 In the actual SMA permit that we are -- that is
12 before us right now, the only change is going to be the
13 date and then the extra sentence in Condition 1.

14 If you go to Condition 4 of that same permit,
15 which is not changing, it says that to the satisfaction
16 of the commission or department that the applicant
17 shall develop the property in substantial compliance
18 with the representations made to the commission in
19 obtaining the SMA use permit. Failure to do so -- or
20 failure to so develop the property may result in a
21 revocation of the permit and/or enforcement.

22 So, basically, Condition 4 is addressing exactly
23 what you're talking about. It has to be -- it has to
24 be done in substantial compliance with what the
25 representations are.

1 CHAIRPERSON ROBINSON: Commissioner Tackett,
2 any -- and -- and I understand your concerns. And --
3 and, you know, if it's -- we can -- we can alter the
4 time of making sure that it is going on path. You
5 know, when they do come for review, we can make sure
6 that -- we can ask them, Did you make any alterations,
7 right? And I think when -- when they come back for
8 these -- you know, these SMAs every two years or three
9 years or whatever we decide, that's the time where we
10 can ask them too, What changes have you made to the
11 plans? You know, and we can see that scope and see how
12 large it is or how small it is. But all the manini
13 stuff, the -- the director has the discretion.

14 So at this time, commission, we're going to --
15 motion died. We can put up another motion with a --
16 with a different time frame that might be more
17 comfortable.

18 Commissioner Carnicelli.

19 COMMISSIONER CARNICELLI: Actually, this --
20 my question is for Commissioner Castro.

21 You voted against this as well. I'd just like --
22 like to hear what your concerns are before we make
23 another motion.

24 COMMISSIONER CASTRO: Well, my -- my concern
25 is much in line with Commissioner Tackett's, and I

1 actually had -- I guess the language, the last
2 sentence, The planning director shall review and
3 approve a time extension request but may -- may. I
4 guess, how much of a change there is in the plan.

5 So it would have to come before us?

6 CHAIRPERSON ROBINSON: Candace.

7 Yeah. So it's -- it's in the SMA rules that they
8 can do that, and -- but they haven't done that, but it
9 could happen with the -- with the change in office and
10 the change of directors. You know, they've always
11 brought it for us, but that's something that, you know,
12 it's -- it's weakened. It's -- we can try to change
13 the SMA rules at this point, or -- or we can try to,
14 you know, circumvent it by maybe coming back in a
15 lesser time, you know, and allowing this and -- and
16 saying -- no, but we can't add conditions at this
17 point. It's all -- it's -- we're here strictly for the
18 time extension and the time of, then, either six years
19 or less.

20 So -- but we can in the future change the SMA
21 rules that would then affect this, because then they
22 wouldn't be allowed to come back and do that. And I --
23 I understand what you guys are saying is -- is we want
24 to make sure we're part of the process and make sure
25 something doesn't happen (indiscernible).

1 But what's in front of us, we can defer this and
2 try to change the SMA rules and bring this back, or we
3 can approve this and before the two years' time ends,
4 we can change the SMA rules, you know, and to make sure
5 that it's not an automatic approval from the director.

6 COMMISSIONER CASTRO: Yeah. And the only
7 other concern I have, I guess, along with Commissioner
8 Tackett is, you know, the verbiage "may."

9 CHAIRPERSON ROBINSON: Yeah.

10 COMMISSIONER CASTRO: And "may" means you --
11 you can without having to come to us as a commission.

12 CHAIRPERSON ROBINSON: Yeah. But again, this
13 is just minor stuff for an extension, so nothing to do
14 with changing the project. The -- the planning
15 department has to bring it back to us if there's a --
16 if there's a change in the project.

17 This is just if, you know, there's little things,
18 they might or they might not, but they have always come
19 back to us every two years, and that's why it's in
20 front of us now.

21 COMMISSIONER CASTRO: Okay.

22 CHAIRPERSON ROBINSON: They could have
23 approved the two years, but they brought it back to us.
24 And we're here today because they did come to us for
25 the time extension instead of keeping it internally,

1 you know.

2 Now, let's -- let's get through this. Let's get
3 through this. I apologize.

4 COMMISSIONER CASTRO: Thank you.

5 CHAIRPERSON ROBINSON: So can we -- can we
6 have a motion?

7 It would be great from one of you two guys since
8 the last motion died.

9 And it can be -- it's a time extension, so a time
10 that you guys would feel comfortable. Then we can open
11 up the floor for discussion.

12 COMMISSIONER TACKETT: I move -- I move that
13 it is deferred until such a time as -- as the language
14 is corrected.

15 CHAIRPERSON ROBINSON: Is -- is it -- the
16 language -- it would be SMA rules. So we'd have to
17 change the SMA rules, and then we'd have to vote on the
18 SMA rules to change.

19 COMMISSIONER TACKETT: I understand.

20 CHAIRPERSON ROBINSON: So -- okay.

21 Do we have a second?

22 COMMISSIONER CASTRO: Second.

23 CHAIRPERSON ROBINSON: Okay. Discussion on
24 the -- on the motion for deferral.

25 Commissioner Hudson.

1 COMMISSIONER HUDSON: When does it expire
2 now?

3 CHAIRPERSON ROBINSON: Candace.

4 MS. THACKERSON: It already did. July 31st
5 of 20- -- whatever was the previous date -- 2018.
6 So --

7 COMMISSIONER HUDSON: So what is the current
8 status of the project? Is it in limbo?

9 MS. THACKERSON: So when someone applies, in
10 there, it says they have to apply 90 days prior to the
11 said date. They did. They're in good standing.
12 That's in your procedural matters.

13 We honor it from when it hits the planning
14 department. That's why we ask for 90 days, because
15 things like this can occur. We have busy agendas and
16 things.

17 So it's still considered open until it's resolved,
18 but it's in good standing with the department because
19 they -- they timely filed.

20 COMMISSIONER HUDSON: Thank you.

21 MS. THACKERSON: Yeah.

22 CHAIRPERSON ROBINSON: So what happens on a
23 deferral if it keeps on going? It will still be in --
24 they'll still be in good standing till we decide
25 something?

1 MS. THACKERSON: I'm not sure. I might defer
2 to corp counsel on the specific of the rules for that.
3 I know sometimes there's a certain timeline to make a
4 decision or the permit is automatically approved, but
5 for time extensions, I'm not sure, so...

6 CHAIRPERSON ROBINSON: Corp Counsel.

7 UNIDENTIFIED SPEAKER: Thank you, Chair.

8 If I may, sort of, rephrase the question before I
9 answer it.

10 Commissioner Tackett, if your goal in mind is to
11 amend the rules, rulemaking -- administrative
12 rulemaking process is very long, very cumbersome. They
13 would have to look at all the -- the entirety of the
14 SMA rules. We'd have to draft public notice. We'd
15 have to give 180 days, have public hearing, allow
16 comments, have staff address those comments, you know,
17 have the mayor sign the rules. We'd be talking
18 somewhere sometime in 2019 before SMA rules would be
19 changed.

20 You can always move to strike out that additional
21 language that Candace has put in, but that won't change
22 what the -- the department does. I believe Candace was
23 just proposing to add that in so that it reflects
24 what's currently in the rules. That's going to happen
25 no matter what.

1 The reason that you're here today is because you
2 were asked whether you wanted to waive your review back
3 in May, and as a body, you said no, you don't want to
4 waive review. So now you're here. You're reviewing
5 it. You've got all the information before you.

6 The question is, do you want to grant the time
7 extension or not?

8 You can strike out that language, but that doesn't
9 change what's in the rules. If you want to wait for a
10 change in the rules, we're going to be here six months,
11 minimum.

12 So if you are not comfortable with what's stated
13 in there, I would say put that aside, vote on this
14 today, and then task the department with, perhaps --
15 you know, I know they are looking at some rule changes.
16 I don't know to what extent they are, but if that's one
17 of the things that you want to put in there or want to
18 see happen, they can address that down the road.

19 But what is right -- what is in there right now is
20 just pursuant to the rules. That's not anything
21 unusual or -- or out of the ordinary. It's simply
22 meant to clarify. Certainly not meant to throw a
23 monkey wrench in this whole process.

24 CHAIRPERSON ROBINSON: Commissioner
25 Carnicelli.

1 COMMISSIONER CARNICELLI: No.

2 CHAIRPERSON ROBINSON: You're good?

3 Okay. Would you like to hold your motion and let
4 us take a vote on it, or would you like to amend it?

5 COMMISSIONER TACKETT: If the language would
6 be taken out, I would be -- I would be okay with --
7 with the two-year. But like I said, if there's any
8 changes, I would prefer it comes back to this body. So
9 I'm not in favor of any motion, unless -- unless the
10 changes come back to this body.

11 CHAIRPERSON ROBINSON: Okay. Let's take a --
12 let's take a vote on the deferral, please.

13 PLANNING DIRECTOR ALUETA: So the motion
14 right now is to defer action until such time as the
15 rules are amended to allow for this body to review the
16 changes.

17 CHAIRPERSON ROBINSON: All those in favor,
18 please raise your right hand.

19 COMMISSIONER CASTRO: Can you repeat the
20 motion again?

21 PLANNING DIRECTOR ALUETA: The motion was to
22 defer until such time as the rules are amended to allow
23 for you to review this project -- to review all
24 projects, basically.

25 COMMISSIONER TACKETT: Or -- or just that --

1 that should any changes -- should any changes come up,
2 then it just comes back to body. It's -- I understand
3 that there's -- that there's a determination of what is
4 a substantial change and what is not a substantial
5 change. I'm just saying that I would prefer that it
6 comes back here as opposed to it being made somewhere
7 else, that -- that decision.

8 CHAIRPERSON ROBINSON: Okay. All those in
9 favor, please raise your right hand.

10 (Hands raised.)

11 CHAIRPERSON ROBINSON: All those opposed.

12 (Hands raised.)

13 CHAIRPERSON ROBINSON: The motion does not
14 pass.

15 Do I have -- do I have another motion, please?

16 Okay. Motion to defer to a later date.

17 PLANNING DIRECTOR ALUETA: If I may,
18 Mr. Chair.

19 CHAIRPERSON ROBINSON: Is -- guys, we don't
20 have to hammer this, you know, stuff. We have -- we
21 have bare quorum. We can pass this for 30 days, bring
22 it back. And there's seven or eight or nine
23 commissioners, and we can vote on it then. We don't --
24 like I said, we don't have to force it.

25 So this is -- the project ain't starting in 30

1 days. We have 90 days to do it. We have a full
2 agenda.

3 Do I have another motion?

4 COMMISSIONER CARNICELLI: One quick question.

5 CHAIRPERSON ROBINSON: Yes, Commissioner
6 Carnicelli.

7 COMMISSIONER CARNICELLI: Do we have -- Corp
8 Counsel, do we have our specific timeline on this one,
9 as well? If we do not act within a specific timeline,
10 then it's automatically --

11 CHAIRPERSON ROBINSON: Let's just make a
12 motion and bring it back in 30 days.

13 MR. GALAZIN: Do you want me to answer that?

14 CHAIRPERSON ROBINSON: Yeah. Go ahead.

15 MR. GALAZIN: No. This is not a -- this is
16 not a -- this is not a permit for -- this is not a
17 development permit. This is just an extension of an
18 existing permit, so that's -- that would be
19 inapplicable.

20 COMMISSIONER CARNICELLI: Thank you.

21 Motion to defer.

22 CHAIRPERSON ROBINSON: Have a second?

23 COMMISSIONER HUDSON: Second.

24 CHAIRPERSON ROBINSON: Second by Commissioner
25 Hudson.

1 MS. THACKERSON: Staff would like
2 clarification, if you guys are going to defer, on what
3 information, specifically, you would like the applicant
4 to bring back. It's usually for --

5 CHAIRPERSON ROBINSON: It's -- it's -- our
6 deferral is so we have more than a bare quorum and --
7 and more people inside here.

8 The information, unless there's -- it's going to
9 be internal from the planning department, which I think
10 we can bring this up later. But I think it's more of a
11 clarification of the SMA rules for -- for our
12 commissioners. And I think for the applicant, I don't
13 think we're asking any more.

14 MS. THACKERSON: Okay.

15 CHAIRPERSON ROBINSON: Okay. All -- all
16 those in favor of a 30-day referral -- deferral, please
17 raise your right hand.

18 (Hands raised.)

19 CHAIRPERSON ROBINSON: A thirty-day deferral
20 has been passed. Motion has been carried.

21 We'll take a five-minute recess. Thank you.

22 (A recess was taken from 9:46 a.m. to
23 9:53 a.m.)

24 CHAIRPERSON ROBINSON: Good morning. The
25 planning commission is now back in session.

1 PLANNING DIRECTOR ALUETA: Wait, wait, wait.

2 CHAIRPERSON ROBINSON: I'd say good morning.

3 It's at this time, we'd like to welcome in
4 Commissioner Gomes.

5 COMMISSIONER GOMES: Hi.

6 CHAIRPERSON ROBINSON: Hi. Welcome.

7 COMMISSIONER GOMES: Morning. Thank you.

8 CHAIRPERSON ROBINSON: Next on the agenda,
9 Deputy Director.

10 PLANNING DIRECTOR ALUETA: Thank you,
11 Mr. Chair.

12 There's a new business. It's R.D. Olson
13 Development requesting review and comments on the Draft
14 Environmental Assessment in support of a Community Plan
15 Amendment from Light Industrial to Hotel for the
16 proposed Windward Hotel, a 200-room hotel located on
17 5.3 acres.

18 It's in the Maui Business Park II subdivision, at
19 778 Haleakala Highway. The TMKs is 3-8:103, Parcel 14,
20 or portion of, and Parcel 15, 16, 17, 18. It's located
21 within Kahului. And you have the EA and the Community
22 Plan Amendment before you.

23 And Tara Furukawa is here, the staff planner, as
24 well as I see the consultant right next to her.

25 MS. FURUKAWA: Good morning, Commissioners.

1 This item is under review because the Maui
2 Planning Commission is the accepting authority for the
3 Environmental Assessment for the proposed Windward
4 Hotel. The Draft EA was included in the August 8th,
5 2018, issue of the environmental -- environmental
6 notice published by the Office of Environmental Quality
7 Control. Agency comments are due back on September 7,
8 2018.

9 We're here today to obtain the commission's
10 feedback on the Draft EA, and the applicant's
11 consultant, Jordan Hart, of Chris Hart & Partners is
12 here, and he'll do a brief presentation.

13 MR. HART: Thank you, Tara.

14 Thank you, Chair and Commissioners, Deputy
15 Director.

16 Is it possible to -- to adjust the lights?

17 I'm not able to see my presentation.

18 COMMISSIONER CARNICELLI: You don't know
19 it --

20 MR. HART: Not memorized yet. Not memorized
21 yet. It will be. By the time we're at our fourth
22 presentation to the commission, it will be.

23 So the project team, the land --

24 CHAIRPERSON ROBINSON: Jordan, does that --
25 that light change at all? because it's usually a lot

1 brighter.

2 MR. HART: It probably could be. It could be
3 brighter.

4 Thank you.

5 CHAIRPERSON ROBINSON: It's -- I think it's
6 the machine, not the -- not the overhead lights.

7 Or is it the color paper? I mean --

8 MR. HART: It could be the color. I'm not
9 sure if we can change the color now. It's -- but
10 that's not our projector.

11 I can read it. I apologize. I did distribute the
12 -- we did distribute copies to the commission, and we
13 can revisit any of the slides if members of the public
14 want to -- want to take a look at them.

15 PLANNING DIRECTOR ALUETA: Can we turn the
16 lights on, Commission, so they can follow along --

17 MR. HART: Absolutely. That's -- okay. I --
18 that's enough.

19 Okay. So we have Anthony Wrzosek from R.D. Olson
20 Development, Vice President. Daniel Yasui from A&B
21 Property -- A&B Properties is here. Chris Hart &
22 Partners, myself, and Brett Davis are the land
23 planners. The architects is AXIS/GFA, Randy Itaya.
24 Civil engineer, Garrett Tokuoka from Austin Tsutsumi &
25 Associates. Traffic engineer, Tyler Fujiwara, also

1 from Austin Tsutsumi & Associates. Water resources
2 engineering, Tom Nance. Cultural assessment is Honua
3 Consulting, Trisha Watson, Trisha Kehaulani Watson.
4 And our land use attorney is Curtis Tabata. All of our
5 consultant team is here today in order to answer
6 questions for the commission.

7 Yeah. I think that it is the color of -- of the
8 background. We'll -- we'll change that. I apologize.

9 So the project site, it's -- it's the portion of
10 Kahului for Maui Business Park Phase II that's nearest
11 to the airport. This (indicating) is the project site.
12 This (indicating) is the new airport bypass. This
13 (indicating) is the older Keolani roadway that -- that
14 used to be used to get to the airport. Costco is here
15 (indicating). The airport (indicating). The CONRAC
16 facility is here (indicating).

17 So this (indicating) is looking towards Kahakuloa
18 across the project site from the airport bypass road.

19 This (indicating) is looking towards Wailuku from
20 the airport bypass road over the project site.

21 This (indicating) is looking towards Kanaha Pond
22 -- or Kanaha Park, sorry, over the project site.

23 This (indicating) is on top of the project site
24 looking towards Waikapu.

25 So the project site is accessed via Lauo Loop.

1 It's a 5.17-acre parcel. It includes -- it includes
2 five TMKs of the existing Maui Business Park Phase II
3 subdivision.

4 The land use designation is urban. It's community
5 planned light industrial. It's zoned light industrial
6 as part of the Maui Business Park Phase II, and it's in
7 the Maui Island Plan urban growth boundary.

8 So at this time, I'd like to talk -- talk briefly
9 about the land use entitlement process that we are
10 going through. Maui Business Park Phase II is a light
11 industrial project; however, the proximity to the
12 airport is very appropriate and -- and synergistic for
13 hotel use because of the various things that happen,
14 whether it be flight delays, whether it be a fire on
15 the Pali. Some people like to end their -- end their
16 trip closer to the airport in order to -- to have easy
17 access. Business -- business users have a need for
18 airport -- or a hotel in the vicinity.

19 So the Draft Environmental Assessment is triggered
20 by the Community Plan Amendment. Community plan
21 designation is light industrial. We're going to be
22 presenting this draft to the commission today.

23 After we receive your comments and other agencies'
24 comments as well as members of the public, we're going
25 to produce a Final Environmental Assessment. We're

1 going to present that to the --

2 (Whereupon, the reporter interrupts to
3 preserve the record.)

4 MR. HART: Sorry. -- a Final Environmental
5 Assessment. We will present that to the commission for
6 a second visit.

7 After we have, ideally, received a finding of no
8 significant impact from the commission, a motion to
9 amend the State Land Use Commission decision and order
10 will be presented to the State Land Use Commission.

11 Presuming we prevail there, we'll be back to the
12 Maui Planning Commission for comment on the Community
13 Plan Amendment and change in zoning, at which point
14 we'll go to the Maui County Council for action on the
15 Community Plan Amendment and change in zoning.

16 And then, we will come back to the Maui Planning
17 Commission for SMA major decision.

18 So that will be a total of four visits, this being
19 our first one.

20 This (indicating) is a zoning map in the vicinity,
21 indicating the project site is within the light
22 industrial zoning district.

23 Let's see. The project consists of 200 hotel
24 units, 227 parking stalls with onsite amenities -- a
25 sundry store, a business center, boardroom. There is

1 an event lawn nearest the CONRAC facility. The
2 facility is -- the hotel is approximately four story --
3 is four stories, approximately 60 feet in height.

4 This (indicating) is a rendering, perspective
5 rendering, looking towards Kanaha Beach Park. This is
6 the project as proposed.

7 This (indicating) is a close-up of the 3-D
8 rendering of the project.

9 The landscape architectural site plan. Primary
10 shade trees are going to be monkey pods and the larger
11 grassed areas with milo trees and then a mixture of
12 drought-tolerant and native plants throughout.

13 A flora and fauna survey was conducted by Bob
14 Hodby in 2018 finding no federally listed or endangered
15 species.

16 Drainage for the project site. Approximately
17 10.92 cubic feet is anticipated as the increase in
18 runoff. The runoff will be treated on site and then
19 conveyed into the existing Maui Business Park
20 wastewater -- or, sorry, stormwater system.

21 The water for the project is proposed to be
22 provided for the hotel. Potable uses from the County
23 system, and for the nonpotable uses to be provided by
24 the existing Maui Business Park water system.

25 Wastewater is proposed to be accommodated by the

1 Kahului wastewater treatment facility. There is
2 anticipated to be offsite wastewater improvements that
3 are going to be in the A&B Kahului Triangle project.
4 There is an existing pump station there that -- that
5 will have to be -- some improvements will need to be
6 made to that. We are waiting for specified comments
7 from wastewater reclamation in order to identify what
8 those are, but we know something is going to be needed
9 off site.

10 Let's see. There will be a residential workforce
11 housing agreement that needs to be executed before
12 building permits will be issued.

13 Archaeological resources. The site has been
14 disturbed over the decades for cane, and then it was
15 later graded for the Kahului -- or Maui Business Park
16 Phase II project. An Archeological Inventory Survey
17 was conducted in 2018 and is under review by the State
18 Historic Preservation Division. No sites were
19 identified.

20 Significant traffic intersections were studied
21 during the preparation of the Traffic Impact Assessment
22 Report. Existing weekday a.m./p.m. and Saturday midday
23 peak-hour traffic counts collected during May and
24 August of 2017.

25 The project will generate approximately 94 trips

1 during the weekday a.m. peak hour; 104 trips during the
2 weekday p.m. peak hour; and 143 trips during the
3 Saturday midday peak hour. All major signalized
4 intersections on Haleakala Highway and Hana -- excuse
5 me.

6 (Conferring.)

7 MR. HART: Yeah. Thank you. I apologize. I
8 speak quickly. Let's see.

9 Okay. So all major intersections on Haleakala and
10 Hana Highway will operate with similar levels of
11 service with and without the project.

12 The owner is coordinating with the State
13 Department of Transportation for the project, including
14 an on-ramp that is anticipated to be developed at the
15 east end of the project site.

16 This table (indicating) is a summary of the agency
17 comments that we've received to date.

18 So State Office of Planning. Further discussion
19 of the State Land Use decision and order for the
20 project for Maui Business Park Phase II and how our
21 project relates to it.

22 DOH, Clean Water Branch identified ways to limit
23 impacts to State waters.

24 DOT, Maui District -- sorry. DOH, Maui District.
25 Explain wastewater disposal method and limit noise

1 during construction.

2 DLNR, Engineering Division. Provide additional
3 information regarding the flood hazard zone.

4 DLNR, Division of Forestry and Wildlife. Use
5 seabird-friendly lighting. Trees shall not be trimmed
6 between June 1st and September 15th, which is the hoary
7 bat roosting season.

8 County of Maui, Planning Department. Include
9 background information on the State Land Use decision
10 and order for the Maui Business Park Phase II. Provide
11 a parking analysis for review. Address early
12 consultation comments.

13 Maui Police Department. Use traffic control
14 devices during construction, and the hotel should have
15 adequate lighting for night safety.

16 Department of Public Works. Discuss pedestrian
17 connectivity between the proposed hotel and the airport
18 in the Draft EA.

19 One point I would like to make with regard to
20 Public Works' comment there is that the way the
21 roadways are configured by the State Department of
22 Transportation are not conducive to pedestrian access
23 from the hotel to the airport. But this hotel will
24 provide shuttle service to the hotel, so guests will be
25 able to load up their bags and get a quick commute trip

1 over to the airport for -- for flights.

2 With that, that's the general overview of what
3 this project is, what -- the studies that we prepared
4 so far and the general comments that we've received to
5 date.

6 Obviously, we're at the very front end of a pretty
7 significant land use entitlement process, and we're
8 looking for comments from the commission on what you
9 would like us to look into further or -- or present to
10 you in more detail in our next visit here. Thank you.

11 CHAIRPERSON ROBINSON: Is -- Jordan, before
12 we move to public testimony, I wonder if you could
13 briefly, for our commissioners, explain to us why we're
14 here -- it's a little bit over 15 acres -- the -- a
15 little bit of history between the land use and -- and
16 where we're at now and the light industrial -- so we
17 kind of get a synopsis of that instead of us coming
18 back and asking you that.

19 MR. HART: Sure. So with regard to the
20 acreage, we're -- the trigger for the environmental
21 assessment is the Community Plan Amendment. The
22 community plan designation for the area is light
23 industrial, but this is a hotel project, which is not
24 permitted in light industrial. So if this is -- you
25 know, the project will proceed, we need to make land

1 use designation changes.

2 So when you propose a Community Plan Amendment,
3 you have a trigger for environmental assessment.
4 Planning Commission is -- that's the trigger, and
5 Planning Commission would be the accepting authority
6 for an EA that's triggered by the Community Plan
7 Amendment.

8 So presenting this EA to you. After we receive --
9 presuming we receive a finding of no significant
10 impact, we would need to have a motion to amend the
11 decision and order from the State Land Use Commission,
12 which urbanized the area for the Maui Business Park
13 Phase II. We would be requesting that we adjust these
14 parcels to allow for hotel uses.

15 Presuming we prevail on that, we'd be back to the
16 commission to receive the commission's recommendations
17 to the Maui County Council on the Community Plan
18 Amendment and the change in zoning.

19 Presuming the council approves both of those
20 requests, we'd be back before the commission for its
21 decision on a special management area use permit in
22 order to allow us to develop the project.

23 CHAIRPERSON ROBINSON: Thank you.

24 At this time, we'll take public testimony. Public
25 testimony on Item D1. I have a name I haven't seen

1 before, a Dick Mayer.

2 Aloha, sir. Please introduce yourself. And you
3 have three minutes.

4 MR. MAYER: Thank you very much. My name is
5 Dick Mayer.

6 UNIDENTIFIED FEMALE SPEAKER: Mayer.

7 CHAIRPERSON ROBINSON: Mayer. Sorry.

8 MR. MAYER: Former Planning commissioner
9 myself. I'm concerned about this project meeting one
10 of the requirements that's there.

11 They're -- they're asking for a draft EA to be
12 recommended for your concerns. Also along with that
13 would be a FONSI they're asking for, a finding of no
14 significant impact, which would be going along with
15 that.

16 I think this project has a number of very
17 significant impacts and would require an EIS. Let me
18 mention some of the things. One is this area was
19 originally approved by the State Land Use Commission as
20 a light industrial area. As -- that includes the area
21 where Target is located, Lowe's, all the areas all the
22 way across up to the highway and across the highway
23 where this particular parcel is. We have no light
24 industrial in that area. Yet the -- the County code
25 requires that in light industrial areas, at least half

1 of the facilities be light industrial. So I would like
2 you to make sure that light industrial is being done in
3 that park. It's something that is required.

4 Secondly, they're talking about 227 parking
5 stalls. I think that's not nearly adequate for the 200
6 rooms that they plan to build there. My guess is most
7 of the people who come to a hotel like that will have
8 rental cars, plus all the staff and landscapers and
9 other people who would be working there. I think the
10 -- the parking is -- is under -- undersized.

11 In many ways, it's a segmentation of the light
12 industrial area that's there. They're taking a look at
13 this 1.5 acre parcel where now they're making a
14 significant change in that light industrial zone, which
15 was approved as a package for the community to have
16 light industrial, and they're segmenting out this
17 five-acre parcel.

18 And you don't know what -- between this hotel,
19 proposed hotel, and Costco, there's a whole bunch of
20 other land. We don't know what's going to go in there.
21 We don't what its interaction will be with other uses.
22 So this A&B in leasing this land or selling this land
23 to the owner is really segment.

24 But there's a whole nother concern, and this is in
25 contrast to the item you have next on your agenda, the

1 Waikapu Town, which is providing housing, much needed
2 housing, for residents here, on Maui. And I'm going to
3 refer you to something that your Planning Commission
4 recommended -- I was vice chair of the GPAC -- and we
5 recommended and the County Council adopted in the Maui
6 Island Plan.

7 CHAIRPERSON ROBINSON: Dick, are you talking
8 about this item, or you're moving to another item?

9 MR. MAYER: I'm talking about this item --

10 CHAIRPERSON ROBINSON: Thank you.

11 MR. MAYER: -- particularly.

12 In the Maui Island Plan, it makes several
13 statements regarding tourist facilities. Now, I'd like
14 to read you the three sections from the Maui Island
15 Plan which your Planning Commission adopted.

16 (As read): "The relationship between the number
17 of residents and visitors on the island at any given
18 time cannot be overlooked as an important public policy
19 discussion point. Resort communities all around the
20 world -- are dependent on tourism have grappled with
21 the 'golden goose' debate, whereby the tourism
22 experience may be compromised by the very nature of the
23 area's popularity."

24 And then, particularly, it says on page 4, dash,
25 11 of the Maui Island Plan, alternate forms -- excuse

1 me. "To protect the quality of Maui's visitor
2 industry, and the island lifestyle, the County must
3 carefully manage and control any future expansion of
4 visitor units on Maui island..."

5 This is 200 additional rooms on the island.

6 And it also goes on to say that --

7 COMMISSIONER GOMES: Three minutes.

8 MR. MAYER: Let me just include these last
9 two sentences. That -- "provide a rich visitor
10 experience, while protecting the island's natural
11 beauty, culture, lifestyles..." And finally, and most
12 importantly, (as read): "Maximize residents' benefits
13 from the visitor industry by promoting a desirable
14 island population by striving to not exceed an
15 island-wide visitor population of roughly 33 percent of
16 the resident population."

17 What this project is doing -- what that means is
18 that if we have 156,000 -- 1-5-6 thousand -- residents
19 on island, one third of that number, 52,000, should be
20 roughly the number of tourists on the island. The
21 latest tourism number gives 73,000 tourists on the
22 island on a daily basis. We're already more than 20
23 percent over our limit of what the Maui plan says.

24 So I think it's incumbent upon the Planning
25 Commission to maintain the Maui Island Plan and use it

1 as a guidance. And this application should indicate
2 what the impact will be on the island. That is not a
3 small item, and I urge you to take a look at that and
4 put that in as something that they have to examine.

5 CHAIRPERSON ROBINSON: Thank you.

6 Do we have any questions for the testifier?

7 Is -- Dick, what year is -- what year was that,
8 you say, put in?

9 MR. MAYER: That was in 2012 that -- it went
10 through the GPAC, I think, 2009, through your
11 commission around 2010, and the County Council adopted
12 it in 2012 -- ordinance.

13 CHAIRPERSON ROBINSON: And, Dick, you
14 mentioned about 50 percent of the light industrial.

15 But wasn't that for -- I thought it was for an
16 eight-year period, and I thought that time expired.

17 MR. MAYER: No. The -- the -- in the zoning
18 code, Chapter -- Title 19 of the County code, where it
19 talks about light industrial as a -- as an entity of
20 the zoning -- and it says at the beginning of that
21 section, most of the uses in that area have to be light
22 industrial.

23 A&B has not put any light -- anything light
24 industrial in that shopping center. It's a bank.
25 There's the Target, et cetera, and this is just another

1 addition here that will be non-light industrial. We
2 need to make sure that there's land available for light
3 industrial uses.

4 CHAIRPERSON ROBINSON: Thank you. Thank you
5 so much.

6 Is there anyone else who would like to testify on
7 this item in the audience?

8 Seeing none, would the applicant like to respond
9 to any of the -- the testifier?

10 MR. HART: Sure. Thank you very much.

11 So --

12 CHAIRPERSON ROBINSON: Please introduce
13 yourself.

14 MR. HART: Thank you. Jordan Hart from Chris
15 Hart & Partners.

16 With regard to the finding of no significant
17 impact, you know, that would be basically after we
18 receive everyone's comments and after we produce a
19 final environmental assessment that is -- that is
20 sufficient to the commission. You know, we -- the
21 commission would issue a FONSI.

22 So what we're doing here today is asking to
23 identify the issues that need further analysis. And
24 so, thank you to Mr. Mayer for providing some input.

25 With regard to parking, the project does comply

1 with the County parking ordinance, and so, you know,
2 that is our -- our requirement to address.

3 With regard to the -- the discussion of the
4 visitor industry, it is a hotel, but its proximity to
5 the airport is -- is more of an extension of airport
6 uses. This is not a resort destination location. I
7 mean, anybody who's -- who's been to the airport or
8 been around Kanaha and, you know, understands that this
9 is -- this is not the most -- this is not Wailea. This
10 is not Kapalua. It's not Kaanapali. This is a useful
11 accessory use to an airport that a lot of people have
12 need for, whether it be business visitors, whether it
13 be sports teams. All kinds of people have a need for
14 accommodation in proximity to the airport.

15 With regard to the resident-visitor mix, you know,
16 we'll address that, and we'll do a further analysis of
17 those things in the Maui Island Plan. We did do an
18 analysis of the Maui Island Plan in our Draft
19 Environmental Assessment, but we did get some comments
20 from Mr. Mayer on issues to address further, and we'll
21 do that.

22 Thank you.

23 CHAIRPERSON ROBINSON: Thank you.

24 Again, no other --

25 MR. HART: Excuse me.

1 CHAIRPERSON ROBINSON: Oh, we're going to
2 come back to you. I'm just going to see if we can wrap
3 up the public testimony, unless you have something to
4 -- specific to his testimony that you would like to
5 reply to.

6 MR. HART: Specific.

7 CHAIRPERSON ROBINSON: Yes.

8 MR. HART: Jordan Hart again.

9 So with regard to the comments about light
10 industrial and the uses within light industrial and
11 things like that, you know, we're proposing a State
12 Land Use District Boundary Amendment, change in zoning,
13 Community Plan Amendment, so we're not going to be in
14 the light industrial zoning district.

15 So if we were proposing a non-light industrial use
16 in the light industrial district, I could see how we
17 were having that conversation. But we're requesting to
18 change out of a light industrial district into the
19 appropriate hotel district for this use.

20 Thank you.

21 CHAIRPERSON ROBINSON: Thank you.

22 Again, last call.

23 Seeing no further public testimony, public
24 testimony is now closed.

25 I'd like to open up the floor for questions from

1 the commission.

2 Commissioner Hudson.

3 COMMISSIONER HUDSON: Morning, Jordan.

4 MR. HART: Morning.

5 COMMISSIONER HUDSON: On page 24 and 25, you
6 got the water requirements. There's a couple questions
7 that I'd like addressed.

8 You say, "An additional new water source is not
9 being pursued," period, and then, "...clarify," blah,
10 blah, blah, blah, blah.

11 I'd like you to revisit that, okay, because then
12 you go over here, "The Assessment of Water Availability
13 concludes that, at this time, the Maui Department of
14 Water Supply's Iao Aquifer System maintains an unused
15 of 2.38 million gallons per day, and that an expansion
16 of the Iao Water Treatment Plant will add an additional
17 1.5..."

18 Then skip down two paragraphs. This would be --
19 it says, "The Assessment of Water Availability also
20 notes that the Department of Water Supply does not take
21 advance reservations for water supply, therefore the
22 availability of water for the Proposed Action will be
23 reviewed immediately to water meter issuance."

24 The way I understand that is kind of like
25 first-come, first-serve, right? Am -- am I wrong?

1 MR. HART: Yeah. No, you're not wrong on
2 that.

3 COMMISSIONER HUDSON: Okay. So taking this
4 logic, the effects of draining the water supply are
5 cumulative and not individual. If everybody does this,
6 we're not going to have water. I understand what
7 you're saying now, Jordan. Right now, we're good to
8 go, and that's the way it's written. This is why I
9 want you to go back to the "additional new water source
10 is not being pursued." That's Item 1.

11 Item 2. It says over here that you're using for
12 non-potable sources well water; is that correct?

13 MR. HART: Yes.

14 COMMISSIONER HUDSON: You're in close
15 proximity to Kanaha Pond.

16 Will the EA or an eventual EIS address any kind of
17 damage to the pond? because that's a refuge.

18 MR. HART: I believe -- yeah. We -- we did
19 -- I believe we did address those things in the draft,
20 and we can further address them in the final.

21 COMMISSIONER HUDSON: Thank you, Jordan.

22 CHAIRPERSON ROBINSON: Commissioners, any
23 other questions?

24 Commissioner Castro.

25 COMMISSIONER CASTRO: Jordan, I'm looking at

1 the project site and the close proximity it is to the
2 airport and the runway.

3 The noise study, was that done?

4 MR. HART: Yes.

5 COMMISSIONER CASTRO: Because you also have
6 the Marriott up in the corner, which is a little
7 further away, but this is even closer.

8 MR. HART: Uh-huh. So if I could summarize,
9 basically, provided that -- that the rooms are sealed
10 and A/C is provided, the noise impacts will be
11 mitigated for people who are staying overnight there.

12 COMMISSIONER CASTRO: Thank you.

13 CHAIRPERSON ROBINSON: I have a question
14 about water, if you guys --

15 COMMISSIONER CARNICELLI: Go.

16 CHAIRPERSON ROBINSON: Okay. Can I speak to
17 Tom Nance, please.

18 If you fly over, Tom, you might as well get up
19 here.

20 MR. NANCE: Tom Nance, consultant on the
21 water resource.

22 CHAIRPERSON ROBINSON: And for the
23 commission, Mr. Nance is very well-versed in all the
24 water in Maui, and in all projects, he kind of knows
25 where everything is.

1 And Commissioner Hudson brought up a point about
2 the -- about the secondary water that the hotel was
3 looking for and now is not. And the analysis was that
4 they wouldn't need it and the -- and the effect that it
5 might have on Kanaha Pond.

6 So I -- I know we talked previously about the
7 water in that area. I know I have a building in that
8 area. And the pump for the -- for the -- the
9 non-potable is coming from that property that they're
10 using for irrigation.

11 Can you -- can you explain that to us on where the
12 source is going to come from?

13 MR. NANCE: The irrigation source is a well
14 that was part of the HC&S irrigation system, actually
15 developed in 1899. And during the plantation period,
16 it had pump capacity of about 9 million gallons a day.
17 It now has much more reduced pumping capacity, and it
18 will provide water on a pressurized basis on an
19 on-demand basis.

20 The -- the projected non-potable use for this
21 project is quite low. It's 6,900 gallons a day. So
22 it's a pretty modest amount of non-potable water for
23 irrigation use.

24 CHAIRPERSON ROBINSON: How about for the
25 future growth of the park? I mean, is that adequate

1 for -- for all projects in this -- in this development
2 to have non-potable for all their irrigation needs, or
3 are we going to be -- like, say, are we going to be
4 grabbing from this -- this pie every single time we add
5 a project on?

6 MR. NANCE: Well, the -- this one facility
7 will provide for all of that non-potable water for the
8 project when it gets built up.

9 CHAIRPERSON ROBINSON: The whole park?

10 MR. NANCE: Yes, yeah.

11 CHAIRPERSON ROBINSON: Okay. So -- so now
12 let's get to the aquifer and -- and the water we're
13 taking from there.

14 It's -- what is this project taking from it, and
15 what will be left over after the project? What is the
16 starting point now in -- in the aquifer, and what will
17 it be after the hotel is built?

18 MR. NANCE: Well --

19 CHAIRPERSON ROBINSON: I mean, I guess, the
20 point, is it pulling from two aquifers, or is it
21 pulling from --

22 MR. NANCE: Yeah. The potable supply would
23 primarily come from the Iao aquifer, which you -- you
24 discussed the water use availability that's still left.

25 The non-potable supply is in the Kahului aquifer.

1 Its sustainable yield adopted by the commission is only
2 one million gallons a day. During the plantation
3 period, it was pumped at 70 million gallons a day for
4 almost a century. Until the plantations' closing or at
5 the plantations' closing, it was being pumped at about
6 25 to 30 million gallons a day, and that's now down to
7 about 4 or 5 million gallons a day.

8 The loss of the irrigation return to the
9 plantation, so we're trying to sort out what the
10 Kahului aquifer's ultimate sustainable yield might be.
11 But this relatively small use for the industrial park
12 for non-potable is probably a sustainable number.

13 CHAIRPERSON ROBINSON: I'm looking for the
14 potable water from the -- from the Iao and -- and the
15 percentage that we're taking away from -- that we're
16 away taking for this hotel compared to -- I mean, I
17 think the overall is -- we're concerned is light
18 industrial, make sure that we have enough water for
19 their uses.

20 Is this going to take away from any of the
21 affordable housing projects in the area that's --
22 that's going to come on that's going to take aquifer
23 and not people that's going to have their private
24 sources? How significant an amount is that compared --
25 because we see the totals here, but I got you. So I

1 rather hear it from you who gave the totals.

2 MR. NANCE: Okay. For the balance of the
3 park, unless there's a change like the one that's
4 before you now for the hotel, the uses will conform
5 with what the water system was designed for. The
6 potable system, private potable system, supplying the
7 park, draws also from the Kahului aquifer, two wells
8 that are called Waiale 1 and Waiale 2. And they will
9 provide all the potable water for other uses in the
10 park.

11 To date, this is the only one where the usage far
12 exceeded what the planned water use for this -- for
13 this site was. And so, they're using water from the
14 Iao aquifer. But everything else in the park, unless
15 there's a change, will be supplied by the two potable
16 wells and the Kahului aquifer.

17 CHAIRPERSON ROBINSON: Okay. Thank you.

18 Does anybody else have any questions for -- for
19 Tom?

20 Thank you, Tom.

21 MR. NANCE: Yeah.

22 CHAIRPERSON ROBINSON: Commissioner
23 Carnicelli.

24 COMMISSIONER CARNICELLI: Jordan, so does the
25 applicant have a -- an idea of how they're going to

1 fulfill the Workforce Housing Ordinance 2.96, whether
2 it be purchasing credits, fee in lieu, or actually
3 building out the affordable housing component?

4 MR. HART: No. It's -- it's not decided at
5 this time. I don't think that there's -- there's a
6 direct plan to do a separate construction project for
7 building units. But basically, the -- the agreement is
8 generally executed before building permit issuance, and
9 so, sometime between now and then, it will need to be
10 done. But I think that, you know, all the options that
11 are in the residential workforce housing ordinance are,
12 you know, open for them. But, you know, we're not
13 working on, or aware of, a different affordable housing
14 construction project that they're running concurrently.

15 COMMISSIONER CARNICELLI: Thank you.

16 CHAIRPERSON ROBINSON: Commissioner
17 Carnicelli --

18 COMMISSIONER CARNICELLI: So, then, also talk
19 about the parking. You know, the testifier -- it's,
20 you know, 200 units.

21 How much parking are we going to need or not need?

22 I mean, I get that the intent of this is not going
23 to be your normal resort-type destination visitor, you
24 know, more your business traveller --

25 MR. HART: Sure.

1 COMMISSIONER CARNICELLI: -- your sports
2 teams, things like that, so why is the parking what it
3 is?

4 (Commission conferring.)

5 MR. HART: Excuse me. What I was conferring
6 with R.D. Olson about was their -- their overall hotel
7 operations nationwide. And so, basically, they operate
8 at a rate of generally -- of all of their hotel
9 properties similar to this, about a rate of 0.1 stall
10 per unit, and this is over a 0.1. County code is 0.5.
11 So we're well over County code, and we're over what
12 their experience in operating similar select service
13 hotels like this throughout Western United States and
14 Hawaii.

15 And the other thing I would add is that they do
16 provide a pretty thorough shuttle service, which they
17 already are providing at their Wailea Residence Inn.
18 And it's very effective as far as basically eliminating
19 trips, because people know that it's a service that's
20 provided, and they rely on it. It's pretty effective.

21 CHAIRPERSON ROBINSON: Please introduce
22 yourself.

23 MR. WRZOSEK: Good morning.

24 CHAIRPERSON ROBINSON: Good morning.

25 MR. WRZOSEK: Tony Wrzosek, vice president

1 with R.D. Olson Development, the developer.

2 I just want to give you precise percentages of our
3 successful parking ratios for past projects. This is
4 an upgrade, select-service hotel. So it's a bit
5 different than your resort or full-service hotels.

6 We typically install or provide one-to-one parking
7 ratios for full-service hotels, which have large
8 banquet facilities, usually have a separate signature
9 restaurant, so more -- more amenities that bring in
10 outsiders, not just guests.

11 In this case, its focus is for the business
12 traveller. And our past business traveller hotels have
13 success -- successfully operated on a 0.8 parking
14 ratio. Our bare minimum is a 0.65 parking ratio, but
15 0.8 is a successful ratio for this type of hotel, based
16 on past parking studies with each one of our projects.

17 We go back and we reanalyze our existing hotels
18 through an empirical approach. We actually count the
19 spaces per weekday, per weekend, different times of the
20 year; and each time, we're reassured that 0.8 is a
21 successful ratio that doesn't impact guest
22 satisfaction. So if there's anybody that's concerned
23 most about the proper parking ratio, it's us, as the
24 owner, because of guest satisfaction.

25 To summarize, here we're proposing over a

1 one-to-one ratio, so not 0.8 but better than 1.0.
2 Ordinance -- we have 200 rooms, and we're proposing
3 over 220 parking spaces.

4 CHAIRPERSON ROBINSON: Thank you.

5 What is your parking ratio for your two other
6 locations in Maui?

7 MR. WRZOSEK: That I don't have. Off the top
8 of my head, I don't have that number, but I can -- I
9 can provide that information.

10 CHAIRPERSON ROBINSON: Well, is -- are they
11 less than one -- one-to-one?

12 MR. WRZOSEK: They are less than
13 one-to-one --

14 CHAIRPERSON ROBINSON: Okay.

15 MR. WRZOSEK: -- I believe so.

16 CHAIRPERSON ROBINSON: And in the -- and
17 going back to the -- the workforce housing, what have
18 you guys done in your other two projects to fulfill the
19 work housing?

20 MR. WRZOSEK: Our past two projects, we have
21 paid in-lieu fees --

22 CHAIRPERSON ROBINSON: Fees?

23 MR. WRZOSEK: Yes. But currently, we are
24 analyzing all of the options. It's -- it's about a
25 financial analysis, and -- and we are keeping our

1 options open. We understand that the decision must be
2 made at the time of building permit approval.

3 We believe that we have at least another year left
4 in the entitlement process because of the Land Use
5 Commission hearing and then coming back here before you
6 for the SMA, in addition to what could be a six-month
7 construction document and permit application review.
8 So there's -- there is at least a year and a half worth
9 of research that needs to be done to make that decision
10 final.

11 CHAIRPERSON ROBINSON: Thank you.

12 Commissioner Gomes.

13 COMMISSIONER GOMES: Yes. Is this -- thank
14 you.

15 Jordan, hi. Not exactly sure if --

16 MR. HART: Tony?

17 COMMISSIONER GOMES: Or you may -- you may be
18 able to answer it. I'm not sure if Tony.

19 We're talking about parking. I do have several
20 questions, Chair. Sorry.

21 In regards to the parking, I know you're talking
22 about one-to-one, so it seems that it's -- that you're
23 saying that it's -- it's fair or at least more than
24 what you've done in the past or at least the assessment
25 that you've done. It's a 200-unit hotel. You're

1 taking into consideration guest satisfaction, so --
2 which is important.

3 What is the satisfaction for your staff? So where
4 is your staff going to park?

5 MR. WRZOSEK: The one-to-one ratio is very
6 generous for guests and employee parking. As I stated,
7 for past projects, a point -- for this type of hotel, a
8 0.8 ratio, which is total parking for guests and
9 employees, is satisfactory for us. And we do not have
10 complaints regarding guests or employees not being able
11 to park at a property. So a one-to-one is more than
12 enough for this hotel.

13 COMMISSIONER GOMES: Okay. So I -- I just
14 want to clarify on this project, this PowerPoint.

15 You have 27 employees for this hotel?

16 MR. WRZOSEK: Yes.

17 COMMISSIONER GOMES: That's it?

18 MR. WRZOSEK: That's -- no. That's per
19 shift. That's per shift.

20 COMMISSIONER GOMES: I'm looking at --

21 MR. WRZOSEK: Yes. So --

22 COMMISSIONER GOMES: If you're looking at 200
23 -- it's a 200-unit hotel.

24 MR. WRZOSEK: Uh-huh.

25 COMMISSIONER GOMES: Let's say your unit is

1 -- is full --

2 MR. WRZOSEK: Yes.

3 COMMISSIONER GOMES: -- it's to capacity.

4 MR. WRZOSEK: Yes.

5 COMMISSIONER GOMES: One vehicle per -- per
6 visitor.

7 MR. WRZOSEK: Uh-huh.

8 COMMISSIONER GOMES: I'm -- hypothetically,
9 not using the shuttle. They -- they're renting a
10 vehicle. It's not -- I know what you're -- you're
11 trying to focus on it's business, and people usually
12 just probably come in and fly out.

13 It's only going to be providing 227 parking stalls
14 total, so staff is -- your amount of staff is --

15 MR. WRZOSEK: So if we -- if we're 100
16 percent full, 200 parking spaces, and we have a surplus
17 of 27, this is a -- an upscale select-service hotel for
18 business travellers, and our operations are very lean.
19 That's why we can offer good value with our price
20 point. Lean employment at night means three people on
21 the staff. Again, we're not a full-service or a resort
22 hotel, so we do not have a large number of employees at
23 the property.

24 COMMISSIONER GOMES: I see. Okay. All
25 right.

1 CHAIRPERSON ROBINSON: And I think that's
2 what I was trying to ask you what -- if you knew what
3 your other locations were, because I've been to those
4 locations, and I've always had a stall, you know, not
5 -- but not after 6 p.m.

6 MR. WRZOSEK: And the other two locations
7 were based on a 0.5 ratio --

8 CHAIRPERSON ROBINSON: Okay.

9 MR. WRZOSEK: -- but we did provide more than
10 0.5 for those hotels. That I know off the top of my
11 head, for sure --

12 CHAIRPERSON ROBINSON: Yeah.

13 MR. WRZOSEK: -- but I can't give you an
14 exact number.

15 CHAIRPERSON ROBINSON: And -- and 0.5 is what
16 I was whispered is code.

17 MR. HART: Yes.

18 CHAIRPERSON ROBINSON: So we are -- we are
19 doubling code.

20 PLANNING DIRECTOR ALUETA: If -- if you don't
21 have -- does any of these units -- sorry, Mr. Chair.

22 But does any of these units have a kitchen
23 facility?

24 MR. WRZOSEK: Yeah. Some do. And we have
25 accommodated for that increased factor, so -- so it's a

1 combination of 0.5 for rooms without kitchens and 1.5
2 -- or 2, sorry, yeah, for rooms with kitchens. And
3 that -- that is in our table in our --

4 PLANNING DIRECTOR ALUETA: Okay.

5 MR. WRZOSEK: -- within our reports. Yes.

6 CHAIRPERSON ROBINSON: Commissioner Gomes.

7 COMMISSIONER GOMES: I'm sorry.

8 And, Jordan -- and I'm sorry. Maybe -- you're
9 going to go from light industrial and then go to the
10 County, and then you're going to change the zoning.

11 Can you extrapolate on that a little bit more --

12 MR. HART: Sure.

13 COMMISSIONER GOMES: -- because, I mean, you
14 know, according to, you know, Dick Mayer -- and I know
15 Dick Mayer. And, I mean, I completely understand the
16 -- you know, looking at GPAC, I mean, the general plan
17 -- they've given away, what, 36-plus acres. That was
18 not something in the plan five years ago. That was not
19 something in the plan ten years ago. This all came
20 upon us, you know, suddenly, you know, taking away
21 HC&S, blah, blah, blah, blah, blah.

22 I'm just kind of wondering. You're going to --
23 we're in a light industrial situation right now.
24 You're going to go to the County. You're going to
25 change zoning to -- can you extrapolate what your --

1 your intent is on -- on all of this? Why change from
2 light -- you're going to change it from light
3 industrial to --

4 MR. HART: This is Jordan Hart.

5 The hotel is the proposal, and the reason that the
6 proposal is being made is because R.D. Olson developed
7 the existing Airport Marriott Courtyard, and there's
8 very high demand for a hotel in that location. And so,
9 this is just another ideal location in proximity to the
10 airport.

11 I -- I do want to -- to reemphasize the difference
12 between resort accommodation and almost like the
13 utilitarian accommodation component that hotels near
14 airports have. It's more of relation to the airport
15 itself rather than people coming from Europe in order
16 to stay at this location for their entire trip. You
17 know, it's -- it's just not how it works.

18 As Tony had mentioned, there's business travel.
19 So, you know, whether or not you're coming over for,
20 you know, one meeting that's going to end, you know,
21 too late to fly back, so you need a place to stay or
22 whether or not your flight gets delayed or whether or
23 not you're a soccer team and you're playing somebody in
24 Kahului, it's a perfect place to stay.

25 And there's a lot of different uses where those

1 are appropriate. You know, before the Marriott
2 Courtyard, there was two existing hotels in Kahului
3 that are, you know, significantly -- anyway, there's a
4 -- there's demand. There's demand for a hotel.

5 So, you know, Mr. Mayer was representing that it's
6 somehow inappropriate to come and -- and tell the
7 County, you know, we think that there's a better use
8 for this location, and we think the zoning should be
9 changed, and this is the use that we propose.

10 It's completely appropriate, and it's done, you
11 know, constantly. And this is just another scenario
12 where A&B did -- did -- Maui Business Park Phase II.
13 Light industrial is a very appropriate use around the
14 airport, but hotel is also. And so, in this one spot,
15 within a very large Maui Business Park Phase II, R.D.
16 Olson is proposing that -- that you do a hotel use
17 here.

18 And we'll go through the entire process of getting
19 all the comments from the community and the agencies
20 and accommodating all of their requirements and
21 addressing their impacts. And if we -- we present a
22 project that does address the impacts, then I would
23 hope we get a finding of no significant impact and we
24 proceed with the land use designation changes where we
25 can have conditions of zoning and we can have

1 conditions of our SMA major permit.

2 So, you know, nobody's trying to propose that --
3 that they don't do what they need to do in order to --
4 to, you know, get their land use designation changes
5 and get their SMA major permit. It's just that land
6 use development evolves over time and, you know, people
7 weren't thinking about a hotel in this location until
8 R.D. Olson developed the other hotel and -- and
9 identified how much demand there has been, ends up, in
10 this location. And so, it's another appropriate
11 location for a similar use.

12 COMMISSIONER GOMES: Deputy Director, is --
13 is the hotel considered light industrial?

14 PLANNING DIRECTOR ALUETA: No, it's not.
15 That's why he's seeking a change in zoning. So he's
16 going through the correct process of the Community Plan
17 Amendment.

18 The Community Plan Amendment triggers an
19 environmental assessment --

20 COMMISSIONER GOMES: Okay.

21 PLANNING DIRECTOR ALUETA: -- and that is
22 what you are here today -- has been passed out to you
23 for comment on. So today he's recording all the
24 comments from this commission, the action you're
25 seeking, and then he will incorporate that into a final

1 -- a final environmental assessment in which, again,
2 this body will be a commenting agency on that.

3 And once he's -- once he's finished with the
4 environmental assessment or environmental process,
5 he'll be -- then come in to seek a Community Plan
6 Amendment as well as a change in zoning from this board
7 and then also, ultimately, council. And then he'll be
8 able to come in for his SMA once he's got his
9 entitlement.

10 So we are at the very beginning of the -- this
11 land use entitlement process.

12 COMMISSIONER GOMES: Okay. Thank you. I
13 mean, that was good clarification. Thank you.

14 CHAIRPERSON ROBINSON: Yeah. So -- so we
15 give recommendations to the council for the -- for the
16 amendment as well as for the zoning, and then it comes
17 to us for -- for SMA.

18 COMMISSIONER GOMES: Okay.

19 MR. HART: If I could, Chair, add
20 something --

21 CHAIRPERSON ROBINSON: Yes, Jordan.

22 MR. HART: -- that's pretty relevant.

23 CHAIRPERSON ROBINSON: Yes.

24 MR. HART: One other thing I just want to
25 point out clarification is that Planning Commission is

1 accepting authority for the final environmental
2 assessment. So -- so this commission decides whether
3 or not we've analyzed all of the impacts and proposed
4 appropriate mitigation measures. And if this
5 department -- if this agency -- commission decides that
6 we have not done that, then, you know, we don't get our
7 finding of no significant impact.

8 So, you know, we're here to -- to have you tell
9 us, you know, what we need further emphasis on in order
10 to present that back to you.

11 COMMISSIONER GOMES: Thank you. Thank you --

12 CHAIRPERSON ROBINSON: Commissioner Tackett.

13 COMMISSIONER TACKETT: Yeah. My question is
14 about the -- the other hotel that you guys -- you guys
15 -- or R.D. Olson built that hotel, correct?

16 MR. HART: Yes.

17 COMMISSIONER TACKETT: And they owned that
18 hotel at that time?

19 MR. HART: They operated it for a period of
20 time. I believe they do not own it now.

21 COMMISSIONER TACKETT: So is there -- is
22 anyone aware of what the -- what that hotel's occupancy
23 is -- is operating at? And is this...

24 MR. WRZOSEK: Tony Wrzosek, R.D. Olson
25 Development.

1 Yes. We did -- we did own, develop, construct the
2 Marriott Courtyard just down the road. And recently,
3 it has been sold to another developer.

4 During our ownership, it maintained an extremely
5 high percentage of occupancy, thus encouraging our
6 office to look at further sites for a second hotel.
7 Based on the success of the Courtyard, we truly believe
8 that there is a demand, an unmet demand, for more hotel
9 rooms of this type within this market adjacent to the
10 airport.

11 COMMISSIONER TACKETT: And -- and what is
12 that high percentage that -- that the -- that that
13 hotel was operating at when -- when you guys were the
14 owners of it?

15 MR. WRZOSEK: It was in the mid-90s --

16 COMMISSIONER TACKETT: Okay.

17 MR. WRZOSEK: -- which is considered fully
18 occupied. Some rooms would -- could be out of service.
19 That wouldn't achieve the 100 percent occupancy.

20 COMMISSIONER TACKETT: Which -- and the
21 reason why I ask that question is because that's why, I
22 think, everybody is concerned about the parking is
23 because you cannot really compare Maui to a lot of
24 other places --

25 MR. WRZOSEK: Uh-huh.

1 COMMISSIONER TACKETT: -- just because we've
2 been -- we've been sold out for a long time and
3 continue to be.

4 One thing I'm wondering is if -- is if -- when you
5 build a hotel and you sell a hotel and then you take
6 the profits and then you build another hotel that
7 you're in control of and then you take the clientele
8 from that hotel, it seems like, perhaps, maybe two are
9 going to suffer. And then -- and then, on the other
10 hand, you have two hotels further down the road that
11 have reached the end of their span, which will probably
12 be remodelled sometime in the future, which is also
13 going to have an effect on both of these two spaces.
14 The particular space you have right now is definitely
15 way -- that you're talking about is definitely way
16 better than staying at -- at some places that aren't as
17 up-to-date, although I doubt that life will let those
18 particular places stay that way forever.

19 And then, that -- so that's kind of a concern of
20 mine; that you're going to build a hotel; you're going
21 to sell a hotel; you're going to build another hotel;
22 it's going to take -- take clientele away from the
23 hotel that you just built that you sold to somebody
24 else. And then -- and then, on top of that, you're
25 going to have two other hotels that are -- that are

1 ready to come up for some sort of remodel someday,
2 because they -- they cannot stay like that. They're
3 going to -- they're going to have to do something about
4 that someday.

5 The other thing that is kind of a concern for me
6 is the location. We've been -- we've been trying to --
7 to go back to what they call smart growth, and -- and
8 what they call smart growth is -- smart growth is
9 something that puts a hotel in walking distance from,
10 preferably, local businesses, you know, somewhere where
11 a small mom-and-pop business could maybe get a little
12 revenue from it.

13 The way I see the situation, this particular
14 place, it seems like you're going to -- if they're just
15 going to work out of their hotel room, then they won't
16 need a car. If they're not going to work out of their
17 hotel room, they're going to need a car because there's
18 no place to walk to around there. If you were just
19 going to work off of your laptop, then there's really
20 no reason to come all the way to Maui to do it. You
21 know, so I think -- I think there's going to be a
22 traffic impact. I think if things are as rosy as what
23 you say, then -- then everybody's probably going to
24 have a car, because there's no place to go over there
25 unless you have a car. Besides an occasional sport

1 team when -- at that -- and in that situation, you
2 probably have a bus. You know what I mean? For the
3 kids, you know, so I understand that part.

4 But not under those circumstances, everybody in
5 there is going to have to have a car, and everybody in
6 there is going to filter onto our main roads and impact
7 the hotel. And nobody from that hotel is going to
8 walking distance to any sort of shopping facility.

9 So those are -- those are the things I'm -- I'm
10 kind of concerned about.

11 Do you have any comments on -- on those items?

12 MR. WRZOSEK: Sure. I believe this is all
13 positive.

14 We truly believe that there's an unmet demand for
15 this additional hotel. We wouldn't propose a hotel
16 with 200 rooms to compete against a Marriott Courtyard
17 if the demand wasn't there. The Marriott Courtyard is
18 an incredibly successful brand. If we weren't
19 confident that our rooms would not be filled, we would
20 not take that risk. This is tough competition.

21 So there is a surplus of demands, a deficit of
22 rooms within that area, so we're confident that we're
23 making the right decision, and we believe that this is
24 best, also, for -- for Maui's business community.

25 The -- the older hotels, this is -- this is the

1 cycle of development we see often that longtime owners
2 of older hotels do not re -- reinvest within their
3 property. So the hotels become older, a bit
4 undesirable, because they don't go through the common
5 reinvestment that the other brands do. So there's an
6 FF&E reserve fund that should grow over time, and that
7 money should be reinvested back into properties. That
8 may not be happening. New hotels encourage that the
9 old ones upgrade, and this is all very positive for the
10 community.

11 As far as -- we've touched on parking. We truly
12 believe we have a surplus here. And because we're a
13 upscale select-service hotel, we will not have F&B
14 amenities at our hotel. We'll serve breakfast, but
15 lunch and dinner, guests would actually leave the site
16 and spend their money at the local restaurants. So
17 yes, there would be -- and I don't think there would be
18 a significant impact on traffic. That traffic --
19 transportation analysis has been conducted and
20 intersections studied effectively. Again, it's a
21 positive. Our guests will be spending money with --
22 with the local establishments because we only serve
23 breakfast.

24 CHAIRPERSON ROBINSON: At this time, we're
25 going to take a five-minute break. Thank you.

1 (A recess was taken from 10:49 a.m. to
2 10:55 a.m.)

3 CHAIRPERSON ROBINSON: Aloha. We're back in
4 session.

5 Do we have questions from the commission?

6 Mr. Castro.

7 COMMISSIONER CASTRO: Yeah. For the
8 developer.

9 My question is, have you folks been having dialog
10 with A&B and the Department of Housing & Human Concerns
11 in regards to workforce housing development?

12 MR. WRZOSEK: Yes, absolutely. A&B is the
13 current landowner, and we have purchase and sale
14 agreements to develop this property. So it's a joint
15 effort to satisfy that requirement.

16 COMMISSIONER CASTRO: Okay. Thank you.

17 CHAIRPERSON ROBINSON: Commissioner
18 Carnicelli.

19 COMMISSIONER CARNICELLI: So, Jordan, I don't
20 know if I should ask this of you or Tyler, but it's
21 actually kind of a self-serving question, I'll be
22 perfectly honest with you, and if you'll indulge me
23 here, Chair.

24 Access to the airport. Coming down Old Haleakala
25 Highway, turn onto what is now the access -- you know,

1 to go into the airport. Now I got to make, like, that
2 kind of screwy U-turn, and now I got to cut across
3 three lanes of traffic to then get into the airport.

4 You know what I'm talking about?

5 If I'm on Old Haleakala Highway --

6 MR. HART: Yes.

7 COMMISSIONER CARNICELLI: -- and I want to go
8 to the airport.

9 MR. HART: Yeah. Okay.

10 COMMISSIONER CARNICELLI: Okay. So I'm
11 turning --

12 MR. HART: Okay.

13 COMMISSIONER CARNICELLI: -- you know,
14 towards Kanaha --

15 MR. HART: Yeah.

16 COMMISSIONER CARNICELLI: -- and then I got
17 to make that little U-turn and then loop up --

18 MR. HART: I do know what you're talking
19 about --

20 COMMISSIONER CARNICELLI: Okay.

21 MR. HART: Okay.

22 COMMISSIONER CARNICELLI: Is that going to
23 change or is that staying the same? because, I mean,
24 that will, sort of, impact whether pedestrian or bus
25 service, things like that.

1 So is that, you know, configuration going to
2 change?

3 MR. HART: My understanding is it's a
4 construction configuration, but I can bring up Tyler to
5 address it further.

6 CHAIRPERSON ROBINSON: Is -- is -- what page
7 is that, Commissioner Carnicelli --

8 COMMISSIONER CARNICELLI -- It's --

9 CHAIRPERSON ROBINSON: -- 4.1?

10 COMMISSIONER CARNICELLI: It's on any one of
11 the --

12 CHAIRPERSON ROBINSON: No. But -- yeah.
13 What map is that big map?

14 COMMISSIONER CARNICELLI: 4.1 is what I'm
15 looking at on -- on the Volume II.

16 MR. FUJIWARA: Tyler Fujiwara, traffic
17 engineer.

18 So, you know, my understanding is that will
19 remain. But there is the CONRAC that is currently
20 being constructed, so there is going to be some changes
21 in terms of traffic circulation through the airport.
22 If you're talking about Haleakala Highway to get into
23 the airport, I believe that would be the route.

24 COMMISSIONER CARNICELLI: So not going to
25 change. It's still going to -- so that's not going to

1 change. So we're going to turn off of Old Haleakala
2 and then have to make, basically, a U-turn in front of
3 the parking garage, the new parking garage, and then --

4 MR. FUJIWARA: If you want to get --

5 COMMISSIONER CARNICELLI: -- back into the
6 airport?

7 MR. FUJIWARA: -- into the airport, yes.
8 There may be access on Keolani Place, but that I'm not
9 completely sure about.

10 COMMISSIONER CARNICELLI: Thank you.

11 CHAIRPERSON ROBINSON: Commissioners, any
12 other questions?

13 I have a -- I have a -- since we're doing the TRA.
14 So it's -- we have three-year studies. I want to
15 clarify one thing. I saw a study that was done in
16 2017. I saw another study that was done in 2009. So
17 -- and only today's one did I see a 2017 study.

18 So is that 2017 -- is that part of your results
19 here, or is that the 2009 study?

20 MR. FUJIWARA: The most current update for
21 this project is 2017.

22 CHAIRPERSON ROBINSON: And are -- it's --
23 because I saw the date 2009 in this same booklet, but
24 are those actually 2017 numbers?

25 MR. FUJIWARA: I'm sorry. Correction. The

1 current traffic study was actually done in 2018, so it
2 did -- it was done this year.

3 CHAIRPERSON ROBINSON: Done this year?

4 MR. FUJIWARA: Yeah. But traffic counts were
5 conducted in 2017.

6 CHAIRPERSON ROBINSON: So -- so the traffic
7 study I saw was done in August -- was made in August,
8 so that -- that can't be this year, right?

9 MR. FUJIWARA: In August. There were updates
10 to the traffic study, so that might be the one you're
11 looking at.

12 CHAIRPERSON ROBINSON: As I -- as I pencil
13 through it, you can hopefully talk, because I saw an
14 "F," and I think we all know where the F is. It's the
15 intersection, Krispy Kreme, Costco, and everybody
16 trying to get out of Costco, trying to turn left.

17 And is there any mitigation or any type of
18 improvements?

19 I know it's not -- the hotel did not create this
20 F. But it -- of course, it's -- there's no letter
21 after F.

22 It had -- do we have any other ideas on different
23 entrances or exiting that would help -- help make sure
24 that this doesn't compound the problem for this
25 location?

1 MR. FUJIWARA: So just to clarify, is this
2 the Costco driveway with Haleakala Highway?

3 CHAIRPERSON ROBINSON: Old Haleakala Highway
4 and --

5 COMMISSIONER CARNICELLI: -- Dairy.

6 CHAIRPERSON ROBINSON: Well, no. Dairy --
7 it's Dairy, Haleakala Highway, and then the -- and then
8 your road along the Costco, this street for this one
9 here (indicating). That's that -- that triple
10 intersection.

11 PLANNING DIRECTOR ALUETA: That -- that is
12 Old Haleakala. Old Haleakala goes from Costco.

13 CHAIRPERSON ROBINSON: Costco.

14 PLANNING DIRECTOR ALUETA: That's Costco,
15 Chair. Yes.

16 CHAIRPERSON ROBINSON: Okay. Thank you.

17 MR. FUJIWARA: So if we're talking about the
18 Haleakala Highway and Costco main access intersection,
19 so this is the one next to the gas station, right?

20 CHAIRPERSON ROBINSON: Gas station.

21 MR. FUJIWARA: The gas station would be to
22 the --

23 CHAIRPERSON ROBINSON: Costco, Krispy Kreme,
24 Kanaha Pond.

25 MR. FUJIWARA: Costo -- okay. So the Dairy

1 Road, Keolani Place, Haleakala Highway intersection.
2 Based on our analysis at that intersection, we're
3 actually getting level of service Ds or better for all
4 movements.

5 Part of the improvement at that intersection is
6 that with the new Airport Access Road, a lot of the
7 previous traffic that was traveling up Keolani Place to
8 get to the airport has now shifted to Airport Access
9 Road.

10 And I think with the CONRAC, after construction of
11 the CONRAC, based on the circulation plan, anyway, it
12 looks like most of the traffic that would be exiting
13 the airport would be funneled down Airport Access Road,
14 as well. So we'll probably be seeing additional
15 traffic reductions at that intersection.

16 CHAIRPERSON ROBINSON: So on -- on Lauo Loop
17 and Haleakala, it's an F. I think there's -- there's a
18 bunch of Fs, and --

19 MR. FUJIWARA: Okay.

20 CHAIRPERSON ROBINSON: Do you have -- Jordan,
21 can you put up any kind of streets or -- we can kind
22 of --

23 MR. HART: Yeah.

24 CHAIRPERSON ROBINSON: There you go. Nice
25 and big, I see.

1 (Commission conferring.)

2 CHAIRPERSON ROBINSON: Okay. Thank you for
3 your patience.

4 You know, it always said -- it always says go see
5 Appendix D, Appendix E on top report. I wish I could
6 just have the report as the page and make it longer
7 instead of having to jump through stuff, but that's --
8 that's where I hope an iPad will come in service in the
9 future here. So, as you can see, we got three
10 different books we're trying to dovetail.

11 Okay. So our first F is on Hana Kai and South
12 Hana Highway.

13 MR. FUJIWARA: Okay. That intersection would
14 be in this area here (indicating).

15 CHAIRPERSON ROBINSON: Okay. And so -- and
16 so -- and I guess I'm -- I'm looking at any organic
17 growth, you know, yours, anybody else, light
18 industrial, so it's not what the hotel is --

19 MR. FUJIWARA: Right.

20 CHAIRPERSON ROBINSON: -- but we do have 277
21 parking stalls. It's -- it's -- and you say -- is any
22 of these Fs that we have here taking the improvement
23 because of the future plans of -- of DOT?

24 You know, it's -- it's -- we're all kind of seeing
25 what the effects are now, but if you know what, maybe,

1 some future plans would be to help us know that this
2 will not compound the problem that we have currently.

3 MR. FUJIWARA: Well, at one point, they were
4 looking at widening Hana Highway, the entire stretch
5 here (indicating). I think that plan has not come to
6 fruition. I'm not sure it's still active, either.

7 But if we're looking at Hana Kai here
8 (indicating), the F is a result of just the delays from
9 the side streets, so from Hana Kai traffic going
10 through or left onto Hana Highway. The traffic there
11 is actually pretty minimal. We're looking at maybe 30
12 to 50 cars, I think. So the F is a product of the
13 delays that these 30 to 50 vehicles experience.

14 CHAIRPERSON ROBINSON: Well, I mean, I guess
15 it's 30 to 50 cars, but it is -- it is two to three
16 lights because they don't allow the 30 cars to take a
17 left turn. It's not going straight. It's the left --
18 it's going -- trying to go onto -- to Hana Highway is
19 the challenge.

20 MR. FUJIWARA: Right.

21 CHAIRPERSON ROBINSON: And --

22 MR. FUJIWARA: And one of the benefits is
23 that it's linked by two signals. So you have
24 Hana/Dairy, and then you have Hana/Wakea here
25 (indicating). So the signals will stop through-traffic

1 on Hana Highway allowing gaps in the main line for
2 these side street traffics to turn onto -- onto Hana
3 Highway pretty -- pretty safely.

4 CHAIRPERSON ROBINSON: Yeah. So -- so is --
5 is on the -- on the current courtyard, it's -- you guys
6 limit access off of the road to help push people a
7 certain way instead of going -- you know, there's only
8 a right turn.

9 Is there any type of -- any type of mitigation for
10 people to try to -- to try to push them towards a
11 different way? Is there any driving way that you push
12 them, try to get back to access road, or to push them
13 onto the Paia road instead of spilling all back out
14 towards Costco?

15 MR. FUJIWARA: Well, I think one of the
16 benefits of this location is its proximity to Aalele
17 Street. So you are relatively close to Aalele Street.
18 So if you wanted to get onto Airport Access Road, it is
19 pretty quick right, quick left, and then they circulate
20 back down to Airport Access Road there (indicating).
21 So distance-wise it does make sense for these visitors
22 to use Airport Access Road.

23 CHAIRPERSON ROBINSON: And -- and I guess --
24 and that's what I was interested in.

25 Is there some way where that road -- is there some

1 way where that road gets back or wrap around that
2 Airport Access Road? because right now, they're -- I
3 don't know that there is.

4 MR. FUJIWARA: Yeah. So one of the things in
5 the presentation that Jordan mentioned, too, was the
6 possible DOT improvement, that they're looking at
7 providing an on-ramp from Haleakala Highway onto
8 Airport Access Road. So it -- it would just be an
9 on-ramp from Haleakala onto --

10 CHAIRPERSON ROBINSON: Just a quick
11 connector --

12 MR. FUJIWARA: It would --

13 CHAIRPERSON ROBINSON: -- yeah.

14 MR. FUJIWARA: -- it would remove that
15 circulating pattern that Commissioner Carnicelli was
16 mentioning about.

17 CHAIRPERSON ROBINSON: Okay. That's -- that
18 was my question. Thank you.

19 Commissioners, any other questions?

20 I have a question, Jordan, about the drainage, if
21 we could, and the storm drains.

22 MR. TOKUOKA: Good Morning.

23 CHAIRPERSON ROBINSON: Good morning.

24 MR. TOKUOKA: Good morning, Commissioners.
25 My name is Garrett Tokuoka with Austin Tsutsumi &

1 Associates, civil engineer.

2 CHAIRPERSON ROBINSON: Aloha, Garrett.

3 If you could please explain the -- where the --
4 the future runoff is going to go to the drainage. I
5 see where it's connecting to -- to A&B's, but it was --
6 did I see 1500 feet away that there doesn't have to be
7 a connection? Because -- because my understanding,
8 there is no infrastructure for drainage there now, or
9 -- or does this park already have infrastructure for
10 drainage?

11 MR. TOKUOKA: Yeah. Yeah. So basically, the
12 drainage will enter the storm system in Lauo Loop, and
13 then there's a -- if you guys notice, there's a channel
14 that goes right behind that Costco parking lot. That's
15 where it's actually draining into. And from there, it
16 goes to another channel going through Kanaha Pond past
17 -- I'm not sure what street that is near -- near the
18 VIP Cash N' Carry, there's a channel. And eventually
19 goes through Kanaha, enters into the ocean there.
20 That's -- that's the route it takes. So it's going to
21 basically tie in to the -- that manmade channel near
22 Costco.

23 CHAIRPERSON ROBINSON: So is -- the
24 infrastructure is currently there or is not
25 currently --

1 MR. TOKUOKA: Yes, it is.

2 CHAIRPERSON ROBINSON: So -- so the storm
3 drain is already there --

4 MR. TOKUOKA: Yes.

5 CHAIRPERSON ROBINSON: -- ready to accommodate
6 this property?

7 MR. TOKUOKA: Yes.

8 CHAIRPERSON ROBINSON: Thank you so much.

9 MR. TOKUOKA: You're welcome.

10 CHAIRPERSON ROBINSON: Commissioner Gomes.

11 COMMISSIONER GOMES: I'm sorry. I just have
12 another transportation question. I'm sorry, Jordan or
13 Tony.

14 In regards -- and I think -- Tony; am I correct?

15 MR. WRZOSEK: Yes.

16 COMMISSIONER GOMES: I apologize. If I get
17 your name wrong, I apologize.

18 You had stated that this particular hotel is only
19 providing breakfast, and so when we were talking about
20 parking -- I hate to go back to that subject.

21 I apologize, Chair. It's just -- you know.

22 And they're not going to have, you know, lunch,
23 and dinner is going to be -- obviously, they're going
24 to be on their own. They're definitely going to be --
25 definitely contributing to our, you know, services

1 here, on the island, and -- which is a -- a positive.

2 How are they going to get there? because shuttle
3 service -- I'm thinking about shuttle service. Shuttle
4 service is to and from airport, primarily. I don't
5 know too many shuttle services that do provide to and
6 from restaurants or -- unless I'm missing something.

7 I mean -- I mean, this is something that's --
8 that's been in the works? You guys have been
9 communicating with, like, transportation services for
10 this particular situation?

11 Because this is a far walk. I do see, when the
12 cruise ships do come in, people are walking. I do see
13 people are walking to the stores. You know, it's not
14 something that Maui is truly used to to. I do need to
15 be honest. Honolulu, this is -- you know, it's -- it's
16 a daily thing, but I'm -- I'm kind of wondering. This
17 is kind of a far distance for lunch and dinner if they
18 do not have a rental car, so that just kind of -- you
19 know, again, I apologize that it should have come to my
20 question before.

21 Has that been something of a consideration for you
22 folks?

23 MR. WRZOSEK: Absolutely. If -- if a guest
24 does not have a rental car, we're under the assumption
25 that they're -- they're using a taxi or Uber to get

1 around, and that's also from the hotel to their
2 business meetings. Business individuals come and stay
3 at our hotels and conduct their meetings, typically,
4 elsewhere. We do not have --

5 COMMISSIONER GOMES: -- meeting rooms?

6 MR. WRZOSEK: We do not have a large meeting
7 facility. No, we don't have a conference center. It's
8 for -- it's geared for a business traveller's overnight
9 accommodation with free breakfast. So after breakfast,
10 we assume that they're leaving our property and
11 attending their meetings all day long. And wherever
12 those meetings will be, they'll also have, yeah, lunch
13 and dinner. And -- and they're familiar with our type
14 of hotel, so they'll have dinner locally before they
15 come back.

16 COMMISSIONER GOMES: I see.

17 Has it been a consideration for your hotel to
18 provide shuttle service for them in --

19 MR. WRZOSEK: Yes. You're -- you're correct
20 in that the shuttle service is primarily for hotel to
21 airport.

22 COMMISSIONER GOMES: Hotel to airport.

23 MR. WRZOSEK: Yes. Shuttle and vice-versa.
24 But if there is a popular destination --

25 COMMISSIONER GOMES: Request.

1 MR. WRZOSEK: In this case, if there's a
2 shopping center there that's nearby where guests
3 consistently request shuttle service to that location,
4 then we'll work it into the program.

5 COMMISSIONER GOMES: Okay. Yeah. I mean, I
6 -- it just came to my mind that, yeah, you know, the
7 distance of walking. I think the closest restaurant
8 would probably be like IHOP, you know, the most popular
9 that you do see, or Denny's or something of that sort,
10 you know, somewhere around there. So -- but I'm
11 thinking that is still a far distance of walking, you
12 know, at night, specifically, you know, yeah.

13 MR. WRZOSEK: Okay.

14 CHAIRPERSON ROBINSON: On that note, is -- I
15 know the current Courtyard is they have a bar, and they
16 also serve appetizers, tapas, there at -- nightly.

17 Are you going to still -- envisioning doing the
18 same thing that you do at the Courtyard?

19 MR. WRZOSEK: We are considering a similar
20 setup, yes, to be comparable with the competition.

21 CHAIRPERSON ROBINSON: Okay. Thank you.

22 Commissioners?

23 Commissioner Castro.

24 COMMISSIONER CASTRO: Just a question.

25 On this project, will you be utilizing local

1 workforce, you know, construction companies or --
2 locally, or --

3 MR. WRZOSEK: That's always our goal to hire
4 locally, especially on the islands. It's obvious with
5 the reimbursable expenses of mainland subcontractors
6 coming here, there's an additional cost to us. So our
7 effort is to hire locally for construction and
8 hospitality.

9 COMMISSIONER CASTRO: Thank you.

10 CHAIRPERSON ROBINSON: Commissioners? Good?
11 Okay. Thank you.

12 So, commissioners, before we ask Tara for the
13 recommendation, I want you to know that they are
14 looking for a FONSI. It doesn't have to be at this
15 time, but we are going to need little more comments to
16 make us more comfortable for a FONSI, you know.

17 COMMISSIONER GOMES: Can we have the deputy
18 director just kind of explain FONSI --

19 CHAIRPERSON ROBINSON: Well, yeah. Yeah, he
20 will, he will.

21 COMMISSIONER GOMES: Thank you, Chair.

22 CHAIRPERSON ROBINSON: No. I'll let him do
23 it.

24 So, you know, FONSI's, you know, and SMAs, going to
25 be water, sewer, right, all these things that -- that's

1 going to be heard, too. And I want to make sure that
2 -- that when the specialists are here, we don't have to
3 keep on bringing them back and, you know, and they can
4 move forward. But if you guys are comfortable, then we
5 can go over to Tara. And I know Tara's got some stuff,
6 and we can also let the director go.

7 Jordan, did you want to say something before we
8 move along?

9 MR. HART: Yeah. I just wanted to -- thank
10 you, Chair. Jordan Hart. I just wanted to address
11 Commissioner Gomes' question.

12 Basically, Mr. Mayer discussed the idea of an EIS.
13 And so the way HRS 343 works is that we present a draft
14 to the general public, including accepting authority.
15 It's -- it's already been published in the Office of
16 Environmental Quality Control's bulletin. That means
17 everybody in the state of -- everybody in the world on
18 the internet, obviously, can see it. But a lot of
19 people who -- who monitor these kinds of things receive
20 that bulletin and -- and check it.

21 So anyway, we'll receive all those comments, and
22 then we'll present -- we'll present a final draft to
23 this commission to review. And -- and if it passes, we
24 would get a FONSI. And if it does not pass, we will be
25 asked to do an environmental impact statement.

1 COMMISSIONER GOMES: Jordan, is that bulletin
2 available to us?

3 MR. HART: Yes. It's available to everyone.
4 You can -- you can sign up for it on the State Office
5 of Environmental Quality Control. Sign-up for e-mail
6 -- there's a mailing list, yes. Anyway, you can sign
7 up to receive it via e-mail.

8 I'm not certain if the department already
9 circulates those things to you, as -- as the
10 commission, but either way --

11 COMMISSIONER GOMES: Okay.

12 MR. HART: -- it's -- it's a very public
13 process. HRS 343 was created to make sure that -- that
14 there's a public process that's gone through,
15 especially for things like proposing an amendment to --

16 COMMISSIONER GOMES: Uh-huh.

17 MR. HART: -- community plans. And so that's
18 what we're doing here, so...

19 COMMISSIONER GOMES: Okay. Thank you,
20 Jordan.

21 CHAIRPERSON ROBINSON: And -- and, Tara,
22 before we bring you up here, I just want to make one
23 last comment. It's -- it's on the -- it's on the use
24 of alternative energies.

25 I saw in your guys' presentation, Jordan, that you

1 had light fixtures. You had open lighting stuff. But
2 didn't see any use of photovoltaic. And it was more
3 trying to -- or trying to use less instead of --
4 instead of, you know, regenerating some power. And --
5 and I know you guys, you know, have different ideas how
6 to do it, but as we're going through, we like
7 photovoltaic.

8 MR. HART: The applicant will analyze the use
9 of PV at the facility. Thank you.

10 CHAIRPERSON ROBINSON: All right. Thank you.

11 Tara, I know you are tasked with trying to grab
12 our comments.

13 Are you ready?

14 MS. FURUKAWA: Yeah. Okay. So, I guess,
15 include a discussion on impacts associated with well
16 development to Kanaha Pond. Discuss workforce housing
17 fulfillment and whether the applicant has worked with
18 Department of Housing & Human Concerns.

19 Let's see. Yes. Because of the location, you
20 know, maybe include further discussion on how the
21 shuttle will work.

22 Also, the demand. Include discussion on the
23 demand. And the outcome of other hotels owned --

24 CHAIRPERSON ROBINSON: Tara, demand of what?

25 MS. FURUKAWA: Just the demand for hotel

1 rooms.

2 CHAIRPERSON ROBINSON: Hotel room demand?

3 MS. FURUKAWA: Yeah.

4 And then explain the parking situation; that it
5 will accommodate staff parking as well as visitor
6 parking.

7 And then, include discussion on photovoltaics.

8 Is that it?

9 CHAIRPERSON ROBINSON: Is that all you have?

10 MS. FURUKAWA: Yeah.

11 CHAIRPERSON ROBINSON: Commissioners, is --
12 is there something in there that -- that you didn't
13 hear that you want to be -- Commissioner Hudson.

14 COMMISSIONER HUDSON: I'd like to revisit the
15 issue with looking for alternate water sources. Thank
16 you.

17 MS. FURUKAWA: Okay.

18 CHAIRPERSON ROBINSON: Commissioner
19 Carnicelli?

20 Commissioner Castro?

21 Commissioner Tackett?

22 COMMISSIONER TACKETT: Along the lines of
23 what Commissioner Castro said, I know you guys have a
24 mixed plate of using some union contractors and some
25 nonunion contractors.

1 What do you think you would be using on -- on this
2 particular project? And would it be -- would it be the
3 -- in totality of your labor, or would it be some of
4 this and some of that?

5 That's it.

6 CHAIRPERSON ROBINSON: That's it?

7 Okay. Thank you.

8 Commissioners, it's -- I don't think I have a
9 topic for the applicant, but I think I have a topic for
10 us and see if you guys -- discussing.

11 I had -- I had requested that we have this
12 printout sent to us, and this wasn't project-specific,
13 but it does involve the project. And I think we had a
14 testifier bring this up about industrial use, light
15 industrial, heavy industrial, the amounts that we have.
16 And -- and I know that will -- will tie in to that --
17 to also answering that -- that 50 percent use question,
18 Jordan, that was brought up, you know, to make sure
19 that the legality, because I thought that that was an
20 eight-year expire, but we can go over that, you know,
21 in the next time.

22 But as the -- as a person who uses light
23 industrial, I've always been concerned with the CPAC
24 and our overall idea of eating up light industrial with
25 retails. The County of Maui needs light industrial for

1 offices that's going in this project. And Maui's -- as
2 Maui grows, we need these industrial areas to grow. We
3 need heavy industrial areas to not be turned light
4 industrial. We need light industrial not be turned
5 into retail office.

6 And I -- I wanted to -- wanted us to get a map of
7 this whole area to understand as Maui grows -- and we
8 know that Maui is going to grow. We can just look at
9 the airport, and we know that it's not for -- you know,
10 it's not just to sustain what we're doing now.

11 I want us to be able to have a conversation,
12 either now or when we come back, about how your guys'
13 feelings are about -- you know, there's -- there's a 50
14 percent. The LUC, you know, had A&B say that 50
15 percent has to be in the light industrial use, but that
16 was for a period of time.

17 And I want us to be conscious of when we start
18 granting -- it's not a special use permit, but it's a
19 change of use. And if we start doing this, we're going
20 to start eating away at our light industrial.

21 I think we have different opinions about is the
22 hotel a good -- is a good location; you know, should
23 this have been a -- you know, allocated different
24 stuff; is there a way to where we can have a condition
25 where, yeah, we allow a hotel use to be here, but then

1 we -- we need to then find 15 acres somewhere else to
2 turn into a light industrial, you know, so it's not
3 a -- it's not a loss. It's -- it's, yeah, we don't
4 mind switching properties or changing it, but we don't
5 want to eat away at our light industrial use, because
6 as we all know when we drive there, a lot of that has
7 been changed.

8 And me being in the industrial industry, it's --
9 guys are -- guys are -- Puunene's full, right?

10 A lot of this infrastructure -- power, utilities,
11 water -- they're not allowed. A lot of these areas,
12 you have industrial parks that are lower at Kahului
13 that are having to put in their own wells. And this is
14 going to be a long-range concern.

15 And -- and because the director's not here, I was
16 going to ask the -- the deputy if you could comment on
17 the industrial and the future growth for our area, if
18 you're prepared.

19 PLANNING DIRECTOR ALUETA: I understand your
20 comments and concerns, and again, the department has
21 done some amendments to the County code because that's
22 where, ultimately, we will determine the final uses of
23 land use.

24 Several years back, I did an amendment or -- to
25 the code to allow for -- to establish an M3 industrial,

1 which was completely restricted -- or limited retail
2 uses, prohibited retail uses, from that.

3 We have tried -- again, the light industrial area
4 and sometimes the heavy industrial is kind of like --
5 when people come in for zoning, it's kind of like
6 you're -- you want that because it allows a lot of
7 uses, including apartments. So it's always a very
8 desirable zoning in that sense.

9 So you'll see that along with your community plan
10 as the community plans come up where the expansion has
11 occurred. It is a concern of when light industrial is
12 converted to non-light industrial uses. However, the
13 process in which this applicant is going through is the
14 proper channel, which is a change in zoning, a change
15 in community plan, as well as getting a determination
16 from the State Land Use Commission, if I -- if I heard
17 the applicant correctly, that they will have to get
18 that. That will be a hurdle in itself.

19 Basically, if -- if they do not get that
20 determination that that's consistent with their
21 original change to the urban district from --

22 MR. HART: Motion to amend.

23 PLANNING DIRECTOR ALUETA: The motion to
24 amend, right, their -- their determination, then that's
25 -- then it would stop this project in its track.

1 So again, this is the beginning of the process.
2 You're commenting on a draft EA. I don't see it as a
3 significant impact to the industrial areas at this
4 time.

5 CHAIRPERSON ROBINSON: Thank you.

6 On that, Jordan, can we -- when you come back, can
7 you please bring the percentage of light industrial
8 that is still available that's highlighted on this map?
9 It's --

10 MR. HART: We'll do our best to -- to
11 calculate that.

12 CHAIRPERSON ROBINSON: And -- and, Tara, if
13 you could -- yeah, just to see, because we have the map
14 of what -- what it's zoned at, but to see what the
15 availability is and use, because that -- I think that
16 to be part of the 50 percent use, you're going to have
17 to -- you're going to show what is used or not used.
18 Even though it's exempt, I think we're still going to
19 want to look at that.

20 MR. HART: I think for -- for the
21 commission's expectations, I'll just say it's going to
22 be most practical or achievable for us to do Maui
23 Business Park Phase II, and we'll do our best to do
24 what we know of the other projects. But some of
25 them --

1 CHAIRPERSON ROBINSON: No. I apologize. I'm
2 not saying you have to give for central Maui, just of
3 the -- just of the -- the A&B Park II.

4 MR. HART: Yes.

5 CHAIRPERSON ROBINSON: And I think A&B can
6 help you with that since --

7 MR. HART: Absolutely.

8 CHAIRPERSON ROBINSON: -- since they're still
9 the owners -- the owners of it. Okay?

10 Thank you.

11 Commissioners, do you have anything else for this
12 applicant?

13 Do you have anything else for us?

14 MR. HART: No. Thank you for your time and
15 attention.

16 CHAIRPERSON ROBINSON: Thank you.

17 At this time, we'll take lunch, and we'll be back
18 here at one o'clock for the next item. Mahalo.

19 (Gavel.)

20 (A lunch recess was taken from 11:25 a.m. to
21 1:00 p.m.)

22 CHAIRPERSON ROBINSON: (Gavel.) Good
23 afternoon. Good afternoon. Welcome back to the Maui
24 Planning Commission. August 28th.

25 Next on our agenda, Deputy Director.

1 PLANNING DIRECTOR ALUETA: It's the Waikapu
2 Properties, LLC; MTP Land Partnership (sic), LLC; and
3 William S. Filios, Trustees (sic) of William S. Filios
4 Separate Property Trust dated -- for the Waiale 905
5 Partners, LLC, requesting a Community Plan Amendment
6 from agriculture district, the Wailuku-Kahului Project
7 District No. 5 (Maui Tropical Plantation), and
8 single-family to Waikapu Country Town and a change in
9 zoning from county agricultural district and
10 Wailuku-Kahului Project District No. 5 to Waikapu
11 Country Town for the Waikapu Country Town Project
12 covering approximately 495.9 acres located at 1670
13 Honoapiilani Highway. Several TMKs. You got 3-6-002,
14 parcel 3, and then you got 3-6-004, parcel 3, portion
15 of, as well as parcel 6, 7, 36, all located in Waikapu.

16 Again, this matter is for a Community Plan
17 Amendment as well as a change in zoning. Kurt
18 Wollenhaupt is the staff planner.

19 MR. WOLLENHAUPT: I decided to bring some
20 notes with me.

21 CHAIRPERSON ROBINSON: You'd like some
22 assistance?

23 MR. WOLLENHAUPT: Oh, for the court reporter,
24 my name is Kurt, K-U-R-T, and my last name is
25 W-O-L-L-E-N-H-A-U-P-T. And I'm a planner with Maui

1 County, and I'll be doing the Planning Department's
2 presentation for the Waikapu Country Town project.

3 Good afternoon, members of the Maui Planning
4 Commission, and also members of the audience.

5 We have a story to talk to you about today. In
6 fact, it's a story that's been started for more than
7 ten years, and it really begins with our Maui Island
8 Plan, page 822, entitled "The Waikapu Tropical
9 Plantation Town." And I won't go through and read
10 everything, but I'll highlight a few comments.

11 The Waikapu Tropical Plantation Town planned
12 growth area situated in the vicinity of the Maui
13 Tropical Plantation and includes lands on both the
14 mauka and makai sides of the Honoapiilani Highway,
15 providing the urban character of the traditional small
16 town, this area will have a mix of single-family and
17 multifamily rural residences, power plant, open space,
18 commercial uses, and an elementary or an intermediate
19 school developed in coordination with other projects.

20 It goes on to say that the rationale for this
21 growth area is keeping the Waikapu tropical plantation
22 as its town core. This area will become a
23 self-sufficient small town with a mix of single-family
24 and multifamily housing units and a walkable community
25 that includes affordable housing in close proximity to

1 Wailuku's employment centers.

2 So why is that important?

3 It's important because this is -- this is the
4 template for where Maui, through an extensive general
5 plan update, public hearings, approval by this
6 commission, approval by the County council, decided
7 where this island wants to go.

8 But to get there -- and that's why we're here
9 today -- how are we to envision this and allow the
10 applicant to start it?

11 Well, it's a long process. It started with this
12 Environmental Impact Statement, which looks at the
13 different effects that this project will have. That
14 was adopted by the State Land Use Commission on
15 February 8, 2007. It then required a District Boundary
16 Amendment because the property is bigger than 15 acres,
17 so it needed to be changed. In order to realize this
18 town, it had to be changed to a rural and an urban
19 district boundary. The State Land Use Commission
20 offered their decision and order on February 26, 2018.

21 That still doesn't allow the developer to do
22 anything. We now go into the phase of which this body
23 is counselors to the County Council, and that's to look
24 at the change in zoning and the Community Plan
25 Amendment.

1 Mr. Atherton and his team will be discussing this
2 project in detail. However, the Planning Department,
3 for years now, have been working with the applicant,
4 modifying, refining, developing, and the applicant, as
5 seen in the staff report on page 14 of 46, has been
6 working for nearly ten years with the community to
7 really come to where we are today.

8 So many complicated parts to this. I'm sure
9 you'll have lots of questions for all the experts that
10 are here today.

11 I do have to say what has been remarkable is the
12 level of excitement and the level of hope that
13 something like this could pave the way for a great new
14 community. There has been excellent comments from the
15 community that have been incorporated with the Urban
16 Design Review Board's review, with the State Land Use
17 Commission's review, and the applicant has incorporated
18 many of those comments into this project. And it's
19 remarkable for the lack of opposition to this.

20 So that being the case, Mr. Atherton and his team
21 have put together a presentation that's going to
22 explain. I've also handed out an 11-by-17 that shows
23 this project which might help you as the presentation
24 is given. And I'll be here to answer questions and
25 also, when we come to the recommendation stage, to go

1 through a pretty extensive and rather complicated
2 recommendation.

3 So is it okay if Mr. Atherton's team presents
4 their presentation?

5 CHAIRPERSON ROBINSON: Yes.

6 And, Kurt, let's just -- let's just go again and
7 state the junction we're at here and what we're after
8 here today with recommendations.

9 Will we see you again, or will we not see you
10 again?

11 Let's do that one more time so that way, before we
12 start this, we'll know where we're at.

13 MR. WOLLENHAUPT: So where we're at today is,
14 this initiates the community plan which required the
15 Environmental Impact Statement. That's been done. So
16 the applicant needs to have a community plan
17 modification and a change in zoning.

18 And this body will give a recommendation, either
19 approval as staff has written in their staff report
20 recommendation, a recommendation of denial, or a
21 recommendation of approval with modifications of
22 conditions that staff has already granted. So if you
23 wish to change conditions, then that would be a
24 recommendation of approval with conditions of
25 modifications.

1 That will then go -- whatever you decide will go
2 up to the Land Use Committee, and then they will review
3 that. They will either file it, in which case it's
4 done, or they will recommend approval and go then to
5 the full council.

6 That doesn't quite end the project, however,
7 because as you'll be finding out, there is a private
8 wastewater treatment facility that will require us
9 coming back to you with a state special permit for the
10 use of a wastewater facility in the ag district under
11 15 acres, of which this body will be the deciding body,
12 assuming that it would get through all of the council.

13 So we're here today to find out what your
14 recommendation is to the County Council.

15 CHAIRPERSON ROBINSON: And it only comes back
16 to us after today if everything's approved for the --
17 for the wastewater facility?

18 MR. WOLLENHAUPT: What would happen, if the
19 County Council approves this project --

20 CHAIRPERSON ROBINSON: Yeah --

21 MR. WOLLENHAUPT: -- then they will need to
22 get an approval for the wastewater facility with a
23 special permit. And we would have no reason to come
24 back to you if they deny it, but if they do approve it,
25 then we'll need to have an application for a special

1 permit for the wastewater facility. So you would see
2 us again then.

3 CHAIRPERSON ROBINSON: Thank you.

4 MR. WOLLENHAUPT: Okay.

5 CHAIRPERSON ROBINSON: Okay. Aloha.

6 MR. ATHERTON: Aloha, Chairman, Maui County
7 Planning Commission. Mike Atherton. I'm back. I told
8 you I'd come back. I'm here today to give you a brief
9 outlook. I'll be brief if I can. It's a big project.
10 Takes time.

11 But I would ask you if I could go closer to the
12 screen with the portable mike because I can't see very
13 well and it's hard for me to read that. So if that's
14 okay with the Planning Commission --

15 CHAIRPERSON ROBINSON: Yes.

16 MR. ATHERTON: -- I'd like to do that.

17 CHAIRPERSON ROBINSON: Please.

18 Do we have a pointer at all that he could also
19 use, or --

20 MR. ATHERTON: I need to get closer so I can
21 see it. I can barely read "Waikapu" there.

22 Anyway, here we are in Waikapu. It's a country
23 town master plan. I've been in Maui Tropical
24 Plantation about 14 years now.

25 Okay. The presentation agendaed today. We have

1 an introduction. We talked about the ownership, the
2 consultant team. I have my team here today. My
3 nickname is Coach. I always did pretty good because I
4 had a good team.

5 The Maui Island Plan. We talked a little bit
6 about land use entitlements, Waikapu Country Town, its
7 location, a master plan, the agriculture, the civil
8 engineering, cultural resources, scenic resources, and
9 then the implementation. Try to get through that as
10 quickly as we can.

11 Introduction. The ownership. I'm Mike Atherton.
12 These are my three LLCs. I am one of the owners in all
13 three, so best fertilizer's blueprint are the owner.

14 Next.

15 The consultant team. These are my consultants I
16 hired. There's the ones that did probably one of the
17 best EISS we ever had in Maui county history. I'm
18 proud of it. The Land Use Commission liked it. Almost
19 all of them are here today.

20 The Maui Island Plan. This is the Maui Island
21 Plan in the Waikapu district here (indicating). It
22 shows the projects that are approved. We're basically
23 in this area here (indicating). This is the
24 agricultural preserve (indicating). This is Maui
25 County's regional base yard and the park facilities

1 (indicating). This is the Waiale project (indicating).
2 This is Waikapu Gardens (indicating). This is Wailuku
3 town (indicating).

4 CHAIRPERSON ROBINSON: Mike, that pointer
5 works, so you can...

6 MR. ATHERTON: Pardon?

7 CHAIRPERSON ROBINSON: The pointer also
8 works, so we can see --

9 MR. ATHERTON: Oh, okay. Yeah, yeah.
10 (Indiscernible.)

11 This is the Maui Island Plan (indicating).

12 Okay. Here's a little bit better picture of it.
13 Shows the projects there (indicating). This is the MTP
14 (indicating). This is the rural lots (indicating).
15 This is the golf course (indicating). This is Waiale
16 (indicating). This is Waikapu Gardens (indicating).

17 Land use entitlements. Entitlement process. We
18 are about 85 percent done. We're here. I'm here today
19 hoping to move our -- forward today. Then we'll go to
20 the County Council; we'll go to the Land Use Committee;
21 and then up to the full council if everything goes
22 well. We're almost done.

23 Community plan. This is what shows in the
24 Community Plan today. This is ag (indicating). This
25 is Project District 5 -- Maui Tropical Plantation

1 Project District 5 (indicating). This is the
2 surrounding parcel (indicating), and then these are the
3 ag parcels (indicating).

4 There's the location (indicating). Waikapu
5 happens to be dead center of Maui. What's the nice
6 thing about affordable housing, workforce housing, in
7 this project, is you do not have to drive through a
8 city to get to the employment centers. You drive to
9 Kahului; drive into Wailuku; you drive down to South
10 Maui; you drive over here (indicating) to West Maui,
11 which makes the location perfect.

12 These are the neighboring land uses (indicating).
13 Here's Waikapu, Old Waikapu we call it (indicating),
14 the Waikapu Gardens area (indicating). This is the
15 Maui county park (indicating). This is the facility
16 (indicating). These are the rural lots (indicating).
17 This is the Waiale project with Alexander & Baldwin
18 (indicating). This is Wailuku (indicating).

19 What is Waikapu Country Town?

20 As Kurt said, it's a self-sufficient small town.
21 Local, diversified agriculture. Diversity of housing
22 types: commercial, employment, civic uses, schools,
23 parks, open space, pedestrians and bicycle-friendly.
24 We have almost eight miles of bike trails. These are
25 the different characteristics that we have that would

1 define sense of place, diverse residential uses, et
2 cetera, et cetera. These are the numbers shown
3 (indicating).

4 Okay. This is the master plan (indicating). This
5 is the whole Waikapu ranch area that we have
6 (indicating).

7 This is the same plan I started with ten years
8 ago. I made very few changes. The changes I did make
9 were ideas that came from the community.

10 This is the agricultural component of the project
11 which goes into an agricultural easement (indicating).
12 Just till the other day, we thought that easement was
13 800 acres. They'd never done a survey. We got the
14 survey back yesterday. There was 910 acres in that
15 easement, so we gained 110 acres. Not bad, huh? A lot
16 better than me coming in and telling you we had 700.

17 Okay. Here's the project (indicating). This is
18 the makai side (indicating), the mauka side
19 (indicating). This is the park tropical plantation
20 (indicating). This is where I like to put the center
21 of my little village concept (indicating). This is
22 primarily a hundred percent workforce housing,
23 affordable housing type of a situation.

24 This is the elementary school, condominiums, bike
25 trails, rural lots, rural lots, Waikapu town

1 (indicating).

2 This is the estimated location of the wastewater
3 facility (indicating). As we all know, we don't have
4 capacity in the Kahului plant, so I have to build my
5 own plant.

6 The master plan. This is the mauka village,
7 little bigger picture of it (indicating). It shows the
8 commercial core here, the lagoon (indicating). This is
9 the mill house (indicating). This is the store
10 (indicating). These will be condos (indicating).
11 These will be single-family, single-family,
12 single-family (indicating). This is the bike trail
13 which follows the ditch all the way through
14 (indicating). These are rural lots: One to two acres
15 (indicating), one to two acres (indicating), two to
16 three acres (indicating).

17 This will be a rendering of what downtown will
18 look like (indicating). It will have condominiums on
19 the second and third floor, and it will have retail on
20 the first floor. It is a live-work type of a -- loft
21 type of a project. This is a typical residential condo
22 area, open space, plantation style buildings, lots of
23 landscaping.

24 This is a rendering of the town (indicating).
25 This is the restaurant, or the lagoon, as we call it

1 (indicating). As you can see, you have the
2 single-family homes in the background. You have quite
3 a large open space in front. The restaurant millhouse
4 sits right here (indicating). These are the folks
5 overlooking the lagoon (indicating). Everybody from
6 town comes to feed these ducks.

7 This is another rendering we have of the community
8 bike trail (indicating). Lots of open space, lots of
9 existing landscaping. I'll save as many trees as I can
10 out there. There's almost 37 years' worth of growth on
11 that project out there.

12 Okay. This is a street scene (indicating).
13 Single-family homes.

14 This is a restaurant (indicating). This is the --
15 the remodelled millhouse. If you haven't been out to
16 the restaurant, we -- we've done quite well. I'm very
17 pleased. Francesca's here and made a believer out of
18 me.

19 Next.

20 What we have -- go back, Mike. I want to explain
21 to them something.

22 What we have, this is No. 7 (indicating), and what
23 that shows in the presentations, if you need to know,
24 is the next rendering.

25 Mike.

1 That's -- that's where No. 7 is located. This is
2 the old Maui Tropical Plantation store, one of the
3 original buildings (indicating). This building will
4 stay. I will convert it into some retail now, little
5 shops, maybe, on the outside, and I intend to try to do
6 a store, full-blown general store, along the lines of
7 Mana Foods or along the lines of Whole Foods, things
8 like that.

9 This is the Makai Village across the street
10 (indicating). Right now we're growing sunflowers here,
11 single-family homes, condominiums, bike trail, Waiale
12 Road Bypass, elementary school, about 20 acres of park
13 (indicating). We put the park right smack dab in the
14 middle of Waikapu so everybody can come, park their car
15 in the park, get on their bike, and ride around for
16 eight miles or walk or run.

17 Okay. Another rendering of Main Street
18 (indicating). Main Street will be the street that
19 leaves the Maui Tropical Plantation, crosses
20 Honoapiilani Highway, goes down the project to Waiale
21 Road. Then again, it will have condos on the second
22 and third floor, and you'll have retail on the first
23 floor.

24 Main Street -- well, there's a bike -- another
25 rendering shows the housing types (indicating).

1 Housing types are plantation style. The whole project
2 follows the plantation and has a lot of walk --
3 walkable, bikeable trails and paths.

4 This is another one of the open space area that
5 shows the wide-open, grassy areas with bike trail and
6 single-family housing (indicating).

7 This is another rendering (indicating). Shows
8 basically the same. Very walkable, bikeable community.

9 Agricultural master plan. This is our master plan
10 (indicating). They said it was 800. Now I got to
11 change that to 910. Now we got an extra 100 acres.

12 We have (indiscernible) farming down there. I
13 have three major farmers. The Konohiki has probably 15
14 other farmers that farm with him. Biofuel, sunflowers
15 in here (indicating). We're grazing cattle in here
16 (indicating). Someday I'd like to do another tropical
17 plantation idea here (indicating). And this is where
18 we are actively farming (indicating). Many of you have
19 seen it. We grew sunflowers. I had no idea we'd get
20 that good a feedback on the sunflowers.

21 This is a little artist's rendering of what the
22 agricultural community will look like (indicating).
23 You've got canoe crops all in here (indicating). Canoe
24 crops are what we call the crops that the Polynesians
25 brought from -- from Polynesia to Hawaii. A lot of

1 coconuts. We planted over a thousand. We plan to
2 plant 6,000.

3 This on the corner is biofuel (indicating). Right
4 now I'm concentrating on sunflowers. Here I have
5 pasture. I plan to build a solar farm. Then again, we
6 plan to pasture this and have future agriculture here
7 (indicating) and here (indicating).

8 This being the project (indicating), Waiale Road
9 (indicating), wastewater treatment plant (indicating).

10 My plan. Right now we draw water off the ditch.
11 I've reached an agreement with No Wai Eha and the Mana
12 Water authority today. In the meantime, my goal is to
13 treat all the wastewater in the area and reuse it here
14 for ag water, hoping to keep the price of water at the
15 reasonable cost that we have today.

16 This is an artist's rendering of the ag layout
17 (indicating). This is the Waikapu Country Town
18 (indicating). This is the Kamehameha golf course
19 (indicating), solar farm (indicating), Kuilani Highway
20 (indicating). Lot of you drive by there. We get
21 traffic here (indicating) and traffic here
22 (indicating).

23 Okay. Technical presentation slides. We have
24 some slides here for later if there's technical
25 questions with civil engineering, wastewater, traffic,

1 cultural, scenic, and implementation.

2 Next.

3 Civil engineering. So we want to -- we want to
4 thank you. I want to thank you for the brief
5 presentation, and I want to take it back to see if you
6 have any questions in these areas: Civil engineering,
7 cultural, et cetera. I have my boys here to answer any
8 questions you might have.

9 So that's the brief presentation, the beginning.
10 If you have any questions, that will be wonderful. If
11 you don't, that will even be better.

12 CHAIRPERSON ROBINSON: It's -- I think we're
13 going to have a question. Either one of them. It's up
14 to you if you want to just wait for us to ask you the
15 questions later because --

16 MR. ATHERTON: Sure. I'll be here. If they
17 get real technical, we have backup on the screen, and
18 we have the consultants and the allies are here.

19 CHAIRPERSON ROBINSON: I think that's fine.
20 And if -- if you're done with your presentation, then
21 we are going to open it up for -- for public testimony.

22 What I like to do is I'd like you to give
23 overviews, so that way public testimony becomes
24 accurate. And that's why we have testimony after
25 presentations. And if you could spend two minutes on

1 each subject as an overview so that way it really helps
2 us in the -- in the back end.

3 I don't want you to have to go into it, Mike, but
4 it's -- I'd appreciate it if you could spend five
5 minutes on just --

6 MR. ATHERTON: Okay.

7 CHAIRPERSON ROBINSON: -- a few topics and
8 say what you took care of, and we can move on.

9 MR. ATHERTON: Okay. All right. Look
10 forward to public comments. Thank you.

11 (Commission conferring.)

12 CHAIRPERSON ROBINSON: At this time, Kurt,
13 could I please get the sign-up sheet.

14 At this time, we'll be taking public testimony.
15 We have a list here. If your name is not on the list,
16 please wait till the list has been read, and then we
17 can call you after and we get you on there.

18 I have Mr. -- Mr. Dick Mayer.

19 Please introduce yourself. You have three
20 minutes.

21 Mr. Mayer: Thank you, commissioners. My
22 name is Dick Mayer.

23 I was very much involved in this project from the
24 beginning as a member of the GPAC. The developer came
25 to us, showed us the project. We had a chance to

1 evaluate it relative to all the other projects being
2 proposed by big landowners, by ranchers, by smaller
3 developers. And we, in the end, made a recommendation
4 that this area be included in the Maui Island Plan;
5 that it be included within the urban growth boundary;
6 and we were pleased to do that. There were very few
7 changes that we made in our recommendation, and I'm
8 still in favor. And I've been watching for the past --
9 now, he first came in 2007 to the GPAC, and over and
10 over again, we saw it -- other projects come and go.

11 This developer met with the community. I sat in a
12 number of those meetings. And I was always very
13 pleased with his ability to try to get feedback from
14 the community. I think overall this is a project that
15 I can highly endorse. It think it's much needed in
16 Maui, in contrast to the one I spoke about this
17 morning, which I think is not so well -- much needed.

18 I have one or two concerns. I read the staff
19 report on this and the recommendations, and I just want
20 to comment on one or two things there.

21 They talk about the Waiale Road extension and the
22 need for this developer to provide a pro rata share for
23 the cost of that development. Unfortunately, it's
24 unclear who would pay the other pro rata shares. And I
25 would think that the County would pay some, but there

1 are a number of other developers on Waiale Road itself.
2 There's a project going up before the council in the
3 next weeks for a Wailuku apartment complex, 300-plus
4 units. There's another one for 80-plus units going
5 forth. These projects need to pay their pro rata
6 share. Otherwise, this developer will put in his pro
7 rata share. There's going to be no one else putting it
8 in, and we won't have a road that is very much needed.
9 And so I want to make sure that you cover that topic.

10 The other item I have is that this is just one of
11 multiple projects in central Maui within the urban
12 growth boundary that also includes Waiale, Kehalani,
13 Maui Lani, and a number of smaller projects.
14 Altogether, 6,000 units would be proposed and would be
15 entitled. There is no master plan for highways and
16 roads in central Maui. I would urge you to -- not to
17 put burden on this developer, but I urge you to put the
18 burden on the Planning Department to come forth to you
19 with a plan of the transportation in central Maui,
20 Waiko Road, Waiale extension, and all the others.

21 There's an MPO office right now, and they did not
22 even put the Waiale extension, really, on their list of
23 upcoming projects where they should have. And so,
24 there's been some real crammy and crowding and
25 congestion in central Maui and in intersections and on

1 the roads themselves. Many of them are one lane in
2 each direction.

3 I urge you, please make a plan, and have the
4 Planning Department initiate the plan so that this
5 project and others can fit into this rather compact
6 area in central Maui.

7 The project itself, I give a strong endorsement.
8 I think the developer's done many, many of the right
9 things, and I urge you to approve it.

10 CHAIRPERSON ROBINSON: Thank you.

11 Any questions for the testifier?

12 COMMISSIONER CARNICELLI: Yeah.

13 CHAIRPERSON ROBINSON: Commissioner
14 Carnicelli.

15 COMMISSIONER CARNICELLI: Oh, sorry. Thank
16 you, Chair.

17 So, Mr. Mayer, you've been before us before, and
18 you've talked about EISs that have been over ten years
19 old --

20 Mr. Mayer: Uh-huh.

21 COMMISSIONER CARNICELLI: -- and saying that
22 they need to be redone because they're over ten years
23 old. You've done that before us before.

24 This one's 11 years old.

25 How do you feel about this one?

1 Mr. Mayer: I believe the traffic study,
2 which is what I'm concerned most about of all the
3 things, I think there was a more recent version of it,
4 and you should check with the developer on it.
5 Certainly, traffic -- that's the -- that is my major
6 concern is the traffic in the area. The rest of it, I
7 think, probably, would still stand, the archaeological
8 work and the other studies that were done. I don't
9 think those things changed. But water, he has six
10 wells. I think he's drawing water from his own
11 property. The main concern I would have is the traffic
12 study.

13 I know Kurt is showing you something.

14 COMMISSIONER CARNICELLI: Thank you.

15 Mr. Mayer: Okay. Yeah. So, I think, yeah,
16 I am concerned, generally, that EISs that are old
17 should be relooked at. But in this case, I think the
18 one area is traffic, because since that project came
19 forth, Waiale has gone through several more steps --

20 COMMISSIONER CARNICELLI: I got it.

21 Mr. Mayer: -- others. Okay.

22 COMMISSIONER CARNICELLI: Thank you. Thank
23 you, David.

24 CHAIRPERSON ROBINSON: Okay. Anyone else?
25 Thank you, Dave.

1 Mr. Mayer: Thank you.

2 CHAIRPERSON ROBINSON: And just an FYI to the
3 -- to the applicant is I will let you address, after
4 all the testimony, if you guys want to come back and
5 have a comment on some of the testimony, if you guys
6 want to have a clarification, we'll give you guys an
7 opportunity.

8 Next on the list, we have Dawn Mahi.

9 And so, applicants, if you guys want to take notes
10 if you guys want to come back so we can do it. If not,
11 you guys are good.

12 Aloha.

13 MS. MAHI: Aloha, everybody. My name is Dawn
14 Mahi, and I actually flew over from Oahu, so thanks for
15 having this hearing today.

16 And my family has six generations of connection to
17 the land there in Waikapu that's going to be turned
18 into Waikapu Country Town. And actually, we own two
19 parcels that are within the proposed development area.
20 And currently, from what I see, they're adjacent to the
21 mauka rural lots that are in the proposal.

22 And so having a long connection to that place,
23 even though now we're on Oahu, my grandpa was drafted
24 in World War II. He never came back to Maui. We
25 always knew that there was a place there that he had

1 been born that we wanted to stay connected to, but we
2 never really had a way to do that.

3 I came over in 2011 and happened to meet Hokuao
4 Pellegrino and learned about the pending development
5 plan. So now that things are, kind of, well under way,
6 our concern as a family is just that we can maintain
7 meaningful access to the property.

8 Also, our property taxes have slowly been
9 increasing over the years, and I have a feeling that
10 they will probably greatly increase over time as this
11 development moves forward.

12 And I guess that's, kind of, mainly it. Thank you
13 for hearing my testimony.

14 CHAIRPERSON ROBINSON: Any question from the
15 commissioners?

16 COMMISSIONER GOMES: I do.

17 CHAIRPERSON ROBINSON: Commissioner Gomes.

18 COMMISSIONER GOMES: I'm sorry. Hello?

19 Sorry. I'm going to use Commissioner Tackett's.
20 I'm sorry. Did you say "Dawn"?

21 CHAIRPERSON ROBINSON: Dawn.

22 COMMISSIONER GOMES: Dawn.

23 MS. MAHI: Yeah.

24 COMMISSIONER GOMES: Dawn.

25 So, Dawn, you have adjacent -- your family

1 generation of the properties --

2 MS. MAHI: Uh-huh.

3 COMMISSIONER GOMES: -- is adjacent to this
4 particular project?

5 MS. MAHI: Yeah. So from what I've been able
6 to see in my own, kind of, GIS and then, also,
7 Mr. Atherton showed me today, within the development
8 area, in the mauka portion that's to the left of the
9 stream in your diagram, there are, kind of, a larger,
10 kind of, lots that --

11 COMMISSIONER GOMES: The ag lots?

12 MS. MAHI: Yeah. The ones that are couple
13 acres. And so, he, from what I understand, was able to
14 amend his plan once he learned about us so that we
15 wouldn't be included in the development. So from my
16 understanding, our properties are in the area that's
17 going to be maintained as ag land. That's all I know.

18 COMMISSIONER GOMES: You have been in
19 communication with --

20 MS. MAHI: No.

21 COMMISSIONER GOMES: -- Mr. Atherton?

22 MS. MAHI: I just met him for the first time
23 today.

24 CHAIRPERSON ROBINSON: And -- and for
25 clarification, there was some kuleana lots that you

1 guys left untouched because of this; is that right?

2 Dave, is this Mrs. Mahi's lots you guy are talking
3 about?

4 MR. ATHERTON: (Mr. Atherton nods head up and
5 down.)

6 MS. MAHI: Yeah. So we were --

7 CHAIRPERSON ROBINSON: It's just to note that
8 the applicant did nod and say yes, that's the ones that
9 he did report.

10 MS. MAHI: Yeah. Sorry.

11 CHAIRPERSON ROBINSON: Okay.

12 COMMISSIONER GOMES: So I just want to ask,
13 you're in opposition of this, or --

14 MS. MAHI: No. I'm just sharing our
15 concerns --

16 COMMISSIONER GOMES: Okay.

17 MS. MAHI: -- just regarding access to our
18 property and then potential access to utilities or
19 water in the future. We never had a way to access the
20 parcels before because they were just in a field, and
21 it was all locked up.

22 So, you know, this potentially gives us increased
23 ability to access our property. But this is a very
24 large development, so we just want to make sure that
25 we're still able to, yeah, access the property.

1 COMMISSIONER GOMES: Okay. Thank you.

2 MS. MAHI: Yeah. Thanks.

3 COMMISSIONER GOMES: And thank for your
4 flying over --

5 MS. MAHI: Sure.

6 COMMISSIONER GOMES: -- and travelling.

7 MS. MAHI: It's important to us.

8 CHAIRPERSON ROBINSON: Commissioners, anyone
9 else?

10 COMMISSIONER CARNICELLI: Do you know where
11 the lots are?

12 CHAIRPERSON ROBINSON: It's -- I saw it in
13 the report, but do you want to -- well, we can ask the
14 applicant.

15 COMMISSIONER CARNICELLI: Yeah. Put it up on
16 the screen.

17 CHAIRPERSON ROBINSON: At this time, are you
18 guys able to -- to -- on top of the screen, a red point
19 where the kuleana lots are that we're describing?

20 Please step up.

21 COMMISSIONER GOMES: Thank you, Chair.

22 (Discussion off the record.)

23 CHAIRPERSON ROBINSON: Okay.

24 MR. PELLEGRINO: Okay. Aloha mai kakou.

25 CHAIRPERSON ROBINSON: Aloha. Introduce

1 yourself.

2 MR. PELLEGRINO: My name is Hokuao
3 Pellegrino, and I was contracted to do the cultural
4 impact assessment.

5 I did have the opportunity to interview Dawn Mahi
6 as well as her mother in regards to the particular
7 parcels. So just to give you a little bit of
8 historical background -- is that okay?

9 CHAIRPERSON ROBINSON: Please, please.

10 If you use the pointer --

11 MR. PELLEGRINO: So Dawn's, I believe, great,
12 great, great grandfather received this parcel of land.
13 It was originally claimed by Ehunui. Ehunui claimed
14 three particular parcels. Two were land commission
15 awards and another one was a government grant by the
16 Hawaii Kingdom that range between -- I think the claims
17 -- we have that if you need further clarification, but
18 between 1854 and 1861 was when these parcels were
19 claimed.

20 Two of those remaining kuleana parcels are still
21 within her family, and she mentioned her grandfather,
22 Joseph Puleloa, was the last member of their ohana to
23 -- to be connected -- or lineal on these particular
24 parcels here.

25 So originally, when Mr. Atherton had created --

1 worked with their team to create their map and their
2 development plan, their ag rural lots came out in this
3 particular area, here (indicating). As we moved
4 forward with the cultural impact assessment and found
5 that these two particular kuleana parcels were still in
6 ownership of this -- of the Mahi family, one of the
7 recommendations was to actually modify the ag lots to
8 be outside of the Mahi parcels so that there wouldn't
9 be any adverse impact to those parcels and furthermore,
10 to work with the Mahi family to -- to formalize an
11 access agreement. Something -- if I have the
12 opportunity later on to share a little bit about the
13 cultural resources and the comprehensive natural
14 cultural resources plan that we're -- that's in
15 development right now, we are -- one of those areas --
16 action items that we are -- have been identified was to
17 work with the Mahi family in creating a formalized
18 access agreement so that they have access to both their
19 kuleana parcels.

20 CHAIRPERSON ROBINSON: Commissioner
21 Carnicelli.

22 COMMISSIONER CARNICELLI: Yeah.

23 CHAIRPERSON ROBINSON: Thank you so much.
24 Any other questions?

25 Commissioner Gomes.

1 COMMISSIONER GOMES: So -- I'm sorry. I'm
2 sorry. I didn't get your first name.

3 MR. PELLEGRINO: Hokuao.

4 COMMISSIONER GOMES: Hokuao.

5 MR. PELLEGRINO: Yes.

6 COMMISSIONER GOMES: Aloha.

7 MR. PELLEGRINO: Aloha.

8 COMMISSIONER GOMES: Are we talking about the
9 -- also, I apologize with the pointer.

10 Are we talking about the parcel that is within the
11 white boundary as far as the Mahi family is concerned,
12 or are we going --

13 MR. PELLEGRINO: Well, these are roads
14 that -- that --

15 COMMISSIONER GOMES: The roads?

16 MR. PELLEGRINO: -- that egress and outgress,
17 but this (indicating) --

18 COMMISSIONER GOMES: Just that
19 (indicating) --

20 MR. PELLEGRINO: Yeah. This particular map
21 doesn't identify those two private land -- you know,
22 parcels, but they are in this location, here
23 (indicating). Excuse me.

24 COMMISSIONER GOMES: They're on the outside?

25 MR. PELLEGRINO: Yes. On the outside of the

1 -- of the road, yes.

2 COMMISSIONER GOMES: Okay. Mahalo.

3 MR. PELLEGRINO: Yeah. Mahalo.

4 CHAIRPERSON ROBINSON: Any other questions,
5 commissioners?

6 Thank you.

7 COMMISSIONER GOMES: Mahalo.

8 MR. PELLEGRINO: Aloha.

9 CHAIRPERSON ROBINSON: Next we have Mike
10 Takehara?

11 Aloha. Please introduce yourself. You have three
12 minutes.

13 MR. TAKEHARA: My name is Mike Takehara, and
14 I come from plantation. I'm the fourth -- maybe
15 fourth, fifth generation descendent. My family started
16 in Waikapu in the 1860s, the late 1860s. And my
17 brother was the last to work at HC&S, so all of us, we
18 come -- I grew up in plantation in a little camp called
19 Stable Camp. And I have approximately about 20
20 relatives in Waikapu. And none of them would come and
21 speak because that's how we was taught, to be quiet in
22 the plantation way, but I know that if I don't speak --
23 my dad's in the hospital -- nobody will, so I'm the
24 eldest. So I'll speak why I am for this project.

25 The reason why I am for this project is we need

1 homes. I lost my house about two-and-a-half years ago,
2 and -- and this is my last attempt to get a house.
3 Maybe not at this project, but why I say this project
4 is very important for the people here, because the MLS
5 is very limited with surplus. And something like this
6 could really help the Maui people. And really, the
7 prices where I live now -- I'm renting a house for --
8 down here (indicating), right down about a hundred
9 yards away, and I'm paying somebody's mortgage right
10 now. And that really hurts me. The guy is going to
11 kick me out in about two years.

12 So I'm a hardworking man, and I told my wife that
13 I need to do something. It's not on my part. I need
14 to come here and have you guys push for this project so
15 something like this can come to -- you know, something
16 like this can come a reality.

17 And if this house goes on the market, when they do
18 comparables, like where I live, there are houses over
19 here listing for 5, 600,000. That is absurd. They fix
20 it up. They put a little bit of brand new appliances.
21 They -- they buff it up. 600,000. And for me, it's
22 impossible.

23 By this passing, it will bring the houses down.
24 You cannot compare a house for 4 to 600,000 in an old
25 neighborhood like this. So, realistically, these

1 houses have to come down. And my odds and chances of
2 obtaining a house is -- from 1 million to 1 would
3 become maybe a hundred thousand to one. At least I
4 have a shot. Or if I don't have a shot, maybe some
5 other people like me that's suffering will have a
6 chance to buy, because it's so limited right now. It's
7 just -- it's unbelievable.

8 That MS -- that MLS kind of haunts me every day.
9 I look at it every day and I study that. That is just
10 like the -- the Craigslist of cars, but it's a
11 Craigslist of homes. So I've been studying the pattern
12 and the prices. We need inventory.

13 You know, people like us are, kind of, like,
14 dying. Like for me, I have never been to the mainland,
15 and this is all I know. I have three sons in Las
16 Vegas, and I had to send them away because they cannot
17 afford here. I told them, You better off live in
18 Summerlin. You can buy a home over there for 300,000.
19 Over here would be impossible.

20 So if something like this would happen, maybe I
21 can convince the boys to come back home, because they
22 would have more jobs and the price in homes will go
23 down. We suffering.

24 You know, in closing, I like to tell you one
25 thing. I have a little boy, and we was talking about

1 dinosaurs.

2 And he told me, Dad, why are dinosaurs extinct?

3 I said, They're not extinct. You're looking at
4 one, and I know only of one more: my kid brother. He
5 hasn't been to the mainland. And I don't care and I
6 don't choose to go up there. I'm full plantation boy,
7 and this is where I going to die. And I wish my dreams
8 can come true so I don't have to tell my boys, Sorry.
9 You cannot come back because it's too expensive here.

10 CHAIRPERSON ROBINSON: Thank you, Mike.

11 MR. TAKEHARA: Oh, mahalo. Thank you.

12 CHAIRPERSON ROBINSON: Commissioners, any
13 questions for testifier?

14 Seeing none, thank you.

15 MR. TAKEHARA: Thank you, guys. Mahalo.

16 CHAIRPERSON ROBINSON: Next we have Joanne
17 Dennis.

18 Aloha.

19 MS. DENNIS: Good afternoon.

20 CHAIRPERSON ROBINSON: You have three
21 minutes.

22 MS. DENNIS: I have lived here --

23 CHAIRPERSON ROBINSON: I apologize. Would
24 you please introduce yourself.

25 MS. DENNIS: I'm sorry. Joanne Dennis,

1 recently retired school teacher for 24 years. And I
2 live at the end of Wilikona on Oia Way, which is very
3 close to this proposed development.

4 My main concerns about land use, such as the
5 sewage and whatnot, have been addressed already by
6 Mr. Atherton, so some of the things I wanted to talk
7 about are already off the list.

8 The one remaining factor I am concerned with is
9 the traffic situation, which has gone from bad to
10 nearly impossible over the 24 years of trying to make a
11 left turn coming out of Wilikona Place. And with a
12 whole huge development going in, I would like to know
13 that the County and Mr. Atherton are going to work
14 together to do something about that.

15 There was some tiny relief when they put the light
16 at Waiko Road, but it's not coordinated. You know,
17 there isn't a matching light at the end of Wilikona so
18 that those people can come out when that light changes,
19 and it's nearly impossible there.

20 So the only -- all the other issues I had about
21 where the water was coming from, where the sewage was
22 going, have been addressed already by Mr. Atherton. So
23 please work together with -- on the traffic situation.

24 CHAIRPERSON ROBINSON: Mahalo. Any
25 questions?

1 Thank you for your testimony.

2 Next we have Bobby.

3 Please introduce yourself. You have three
4 minutes.

5 MR. PAHIA: Aloha, everybody. My name is
6 Bobby Pahia, and --

7 CHAIRPERSON ROBINSON: Aloha.

8 MR. PAHIA: -- I'm a farmer down here on --
9 that land that Mike Atherton was pointing out.

10 I'm in support of this project. Number one, we
11 need more ag land. When I talk to young farmers, the
12 biggest obstacles is getting land and water. So this
13 -- these 900 acres that he pointed out that is --
14 basically, I believe, that they're in the process of
15 putting it into an agriculture easement. I'm in fully
16 support of that, because the hardest thing, when I talk
17 to young farmers, is that they getting hard time find
18 land and especially water.

19 And the -- and the deal with this is that, you
20 know, a lot of developers, they come over here, and
21 they exploit all our resources in Hawaii. And this is
22 one developer that I know personally that is not only
23 taking, because, you know, we all know that he's in
24 business to help the community, but the bottom line is
25 the bottom line.

1 But it's not only that he going be taking. It's
2 that he going be giving. And, you know, like Governor
3 Ige said, I mean, you know, he's pushing for food
4 sustainability. If we don't have land and we don't
5 have water available, we cannot meet those goals. I
6 mean, we -- we 80 percent to 90 percent dependent on
7 outside sources for food.

8 We got to address this. And this component that
9 he has in his development plan, I believe, should set a
10 precedent for all developers that, eh, you know what?
11 When you come to Hawaii, you not coming only to come
12 over here and make a dollar off all of our resources
13 over here. You know, you got to give back.

14 I got 310 acres. I got a lease down there from
15 Mr. Atherton. I started off with -- I believe was
16 about 5 acres of the plantation they gave me. So, you
17 know, and basically, I had to prove myself. I had to
18 create this relationship.

19 But what I learned over the time, I went from 5
20 acres to 10 -- 5 acres, excuse me, 10 acres, to 60
21 acres, and now I got 300 acres. And the reason, you
22 know, the -- I have a lot of land right now to farm,
23 but the reason why I'm grabbing this land is because I
24 want to give a chance to a lot of other young farmers.

25 So what I do -- I got a 30-year ag lease. That's

1 hard to come by over here, especially with water
2 security. So, I mean, look at him. He's getting plans
3 to put in a wastewater treatment facility. We going
4 have R1 water. We can better utilize our resources.

5 I lease -- I sublease -- Coach and his team gave
6 me the latitude to sublease land, which is hard to come
7 by. And the reason why I grabbed all that land is so I
8 can help other farmers not go through what I went
9 through, okay, because I bounced all over here on this
10 island trying to find land, and it's hard, especially
11 land with long leases where you can have security and
12 water.

13 And from that -- you know, from that standpoint,
14 this is where I coming from. I just -- I just like the
15 idea that the applicant is just not coming here and
16 taking.

17 And the other thing that I really liked about his
18 process was that -- his involvement with the Waikapu
19 Community Association and the community at large, you
20 know, taking comments and then amending his plans to
21 meet -- to meet their concerns. And, you know, what
22 I've learned over the time that I got to know this --
23 this man and his partners is that they're people of
24 integrity. When they give you their word on something,
25 what I have learned is that his word is good.

1 So, again, I'm -- I back up this project for --
2 especially coming from that agriculture standpoint.

3 CHAIRPERSON ROBINSON: Mahalo, Bobby.

4 Any questions from the commission?

5 Commissioner Gomes.

6 COMMISSIONER GOMES: Thank you very much for
7 your comment.

8 I'd like to know, what are you farming, my dear?

9 MR. PAHIA: I'm a kalo farmer. I do all dry
10 land farming. But I -- and all my product stays here
11 on the island. I'm trying to grow -- it's -- we don't
12 have enough. There's not enough kalo, okay, so every
13 year, I plant kalo. And I always say, Oh, I don't have
14 enough, so next year I going plant more. And the year
15 -- the next year, still not enough. I've been doing
16 this for 20 years, and still no more enough taro.

17 COMMISSIONER GOMES: Because you need water,
18 too.

19 MR. PAHIA: Land and water.

20 COMMISSIONER GOMES: Yeah.

21 MR. PAHIA: And the thing is, our young
22 farmers, that's what they need.

23 COMMISSIONER GOMES: Uh-huh.

24 MR. PAHIA: So they need -- I'm just trying
25 to give them the opportunity. They don't have to go

1 through the struggles that I went through, and this is
2 all because of what is offered to me through this
3 entity.

4 COMMISSIONER GOMES: Thank you.

5 CHAIRPERSON ROBINSON: Mahalo, Bobby.

6 MR. PAHIA: Okay. Thank you.

7 CHAIRPERSON ROBINSON: Next we have Darrel
8 Hall.

9 Mr. Hall, are you here?

10 (No response.)

11 CHAIRPERSON ROBINSON: Okay. Kimokeo.

12 MR. KAPAHULEHUA: Aloha, commissioners. My
13 name is Kimokeo Kapahulehua. I want to just say that I
14 met Coach more than ten years ago, and we sat and
15 discussed about this development and talked about a
16 lot.

17 Part of them was about what Bobby just spoke
18 about. And more than just the kalo, he talked about
19 the canoe plant. And in his open session, Coach talked
20 about a thousand coconut trees and that we would end up
21 having 6,000 coconut trees. And so, I pretty much
22 responsible about making sure that we get canoe plants
23 up there.

24 I can assure you, commissioners, that we'll have
25 the largest coconut plantation in the State of Hawaii

1 in the next few years. We already have the 6,000
2 plants, but we're working with Bobby Pahia in planning
3 how to do the coconut trees. So we have about -- more
4 than a thousand that's planted now. And as he tells us
5 what the plan is, then we'll bring the other rest of
6 the taro -- I mean, the coconuts in. And we're working
7 with Francis Sinenci out at Hana. As we get the
8 coconut trees from him, we're helping him, trading up
9 the Kiawe wood to make coconut hales throughout the
10 county of Maui. Right now, we're working with him,
11 trying to repair the one in Iao and one in Kipahulu.

12 So, in addition, I want to just say that a recent
13 development for the canoe plant is ulu, and there are
14 farmers that working with him right now that Bobby just
15 put down the -- the first 40 ulu trees out there.
16 We've been given 12 acres by the sunflower people, the
17 Kelly King family. And we'll be able to -- 12 acres
18 put down, 50 ulu trees per -- per acre, so that will
19 give us 60 (sic) good ulu plants there.

20 So I just want to say that with the -- with the
21 taro, with the sweet potato, the banana, that we'll
22 definitely have our canoe plants here at the Waikapu
23 Town Country (sic) development.

24 Second part of my speech, I want to just say that
25 Coach here, he talked about agriculture easement

1 project. Within that project, we've asked him about
2 having some land available for the Hawaiian immersion
3 school, and he's made a site of that, five acres to
4 have that. So we're working with Punana Leo o Maui
5 here, right up -- up the street here, and the Kimokeo
6 Foundation will develop -- under auspices of that, we
7 would help develop the school for Punana Leo o Maui.
8 So we're very happy about that, that -- so again, as
9 you see, our developer here, Coach, is preserving,
10 perpetuating, and educating Hawaiian culture like a
11 live-in (phonetic) ahupuaa style.

12 So I, myself, support this project because of that
13 reason and many more other benefits that come with the
14 program. So I urge you to support and help us move
15 this project, the Waikapu town development.

16 Mahalo. Thank you so much for having me here.

17 CHAIRPERSON ROBINSON: Commissioners, any
18 questions?

19 Can you go back, and you said that there's going
20 to be a school on this property, or is --

21 MR. KAPAHULEHUA: Right now, they have the
22 agricultural easement -- they already have a DOE school
23 in the school system. If the agricultural easement
24 gets approved -- it's not on there yet, but we are
25 talking and planning about having that.

1 If they do get the agricultural easement, through
2 a segment of that, in agreement with the agricultural
3 easement with that, you have to set the plan before
4 that, before going and getting an agricultural
5 easement. And a certain portion of that property would
6 have to be -- just a minimum that can be developed, and
7 one of them included the immersion school with the
8 sewer plant and other things that's planned for the
9 agricultural easement.

10 So it's not planned. It's just a conceptional
11 discussion. If it get's approved, it has to be
12 approved by the agricultural easement program.

13 CHAIRPERSON ROBINSON: Thank you.

14 MR. KAPAHULEHUA: Thank you.

15 CHAIRPERSON ROBINSON: Anyone else?

16 Thank you.

17 MR. KAPAHULEHUA: Mahalo.

18 CHAIRPERSON ROBINSON: Aloha.

19 Next we have Joylynn.

20 Aloha, darling. Please introduce yourself. You
21 have three minutes.

22 MS. PAMAN: Okay. Mahalo nui.

23 Aloha. My name is Joylynn Paman. I'm the
24 pelikikena, or president, of Na Leo Pulama o Maui.
25 It's a nonprofit organization that supports the

1 Hawaiian immersion preschool Punana Leo o Maui, which
2 is actually located right across the street from this
3 building.

4 It's an honor to be here today to support
5 Mr. Atherton and his project. For about the last year,
6 year and a half, we've been -- have been listening to
7 his concepts of where we're going to go with this
8 location. And personally, I love his vision about how
9 to keep it self-sustaining and have it be something for
10 our community, where our community can really live and
11 thrive.

12 But coming from my position as president of our
13 nonprofit organization, we support Hawaiian immersion
14 education here, on Maui, especially for preschoolers.
15 Punana Leo O Maui has been around for 30 years so far,
16 almost 31 years, and we have graduated hundreds of
17 preschoolers who have continued on to be in the
18 Hawaiian immersion program here on Maui and elsewhere.

19 But one of the challenges that we see happening
20 over the years is that there's such a huge demand for
21 people to reconnect with our culture and our language
22 that everyone wants to -- well, a very good majority of
23 people want to come and engage in our program and have
24 their -- have their children attend Punana Leo o Maui.
25 However, our school is very small. It's a leased

1 school right now, and we only are able to have 30
2 students enrolled at one given time.

3 Every year we have 50 to 60, sometimes upwards to
4 70 applicants fighting for 10 or 12 spots. And it's
5 very discerning to see families rejected and turned
6 away because we are unable to house -- to have their
7 students -- or their children attend our school.

8 Our school is not made just for the student
9 itself. It's made for the entire family. And the
10 entire family grows as an ohana and then eventually
11 becomes a part of the bigger Hawaiian immersion
12 community here, on Maui, which is very great.

13 So our solution to our problem of this demand is
14 to provide a location where we would be able to have
15 more students attend Punana Leo and hopefully
16 eventually continue on to our kula kaiapuni program
17 that is located throughout central Maui.

18 We also want to do a resource center, where the
19 community can come and learn the Hawaiian language,
20 practice it, and speak it on a regular basis and where
21 people can have meetings in Hawaiian. And by
22 supporting our language, we are supporting our culture.
23 If we do not have our language, there's no sense of
24 having a culture, because you need the language to
25 explain your culture.

1 So we're looking for a place that is cost
2 efficient, practical, safe, and a nurturing environment
3 for our keiki, as well as a location for our community.

4 UNIDENTIFIED SPEAKER: Three minutes.

5 MS. PAMAN: Three minutes already? Shucks.
6 Okay.

7 Waikapu offers this. It's a central location.
8 It's a very large property that can support our
9 community. And we are in support of this project.

10 By supporting this project with Mr. Atherton,
11 you're supporting our community; you're supporting the
12 perpetuation of the Hawaiian culture; and more
13 important, you're supporting our future generations to
14 live a style of aloha and in our Hawaiian culture.

15 So mahalo nui.

16 CHAIRPERSON ROBINSON: Aloha.

17 Commissioners, any questions?

18 Thank you, darling.

19 MS. PAMAN: Mahalo.

20 CHAIRPERSON ROBINSON: I'm going to call
21 again Darrel Hall.

22 Is he here?

23 Okay. Seeing none, is there anyone else in the
24 audience that would like to testify on this item?

25 Aye, sir. Please step forward.

1 MR. PHILLIPS: I guess I got lost on the
2 list.

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

5 MR. PHILLIPS: Great. Aloha, commissioners.
6 Thank you for your time today.

7 CHAIRPERSON ROBINSON: Take a second, but
8 please introduce yourself.

9 MR. PHILLIPS: My name is Mike Phillips. I
10 live in Kihei, been on the island for about 20 years.
11 I represent the Kimokeo Foundation as their treasurer
12 and a board member, and I'm speaking for the board at
13 this particular point.

14 I'd like to encourage you to give this project a
15 thumbs up for a lot of reasons you've heard today.
16 This is amazing what we're going to do in Maui with
17 this project. It's amazing what he's done about taking
18 all the elements and putting them altogether in one
19 place. I don't know anywhere in Maui this is even
20 possible, let alone in this -- this location, which
21 will be perfect.

22 (Whereupon, Planning Director Alueta leaves
23 the proceedings.)

24 MR. PHILLIPS: The Kimokeo Foundation's
25 mission is to really perpetuate the culture of Hawaiian

1 -- the Hawaiians. And this -- by doing this, by
2 helping build this school, Mr. Atherton has offered up
3 a good substantial piece of property for us to build a
4 school and house and teach and learn the culture of the
5 Hawaiians. I think this is so important that I can't
6 begin to even take three minutes to explain this to
7 you.

8 All of you live here. You know this part of
9 aloha. You know this part of our culture is being
10 lost. As Joylynn has rightly said, if you don't have
11 language, you don't have culture. And this is why the
12 Kimokeo Foundation was brought about, because Kimokeo
13 is full of aloha, as all of you know, and Kimokeo is
14 full of culture, as all of you know.

15 This would be a great tribute to not only to the
16 Kimokeo Foundation but the Hawaiian people, but the
17 culture of all people coming here from Hawaii and
18 living here and learning their own language.

19 As you may or may not know, 30 years ago, the
20 Hawaiian language was almost dead. It literally was
21 nonexistent. Thanks to people like Joylynn that lives
22 her life for this every single day to teach our keiki,
23 to teach our culture to everybody else.

24 (Whereupon, Planning Director Alueta rejoins
25 the proceedings.)

1 MR. PHILLIPS: This is an important project
2 for our community. I love the layout. I'm the CEO of
3 Coconut's Fish Cafe. I've been in business for 40
4 years. I have never seen a project come between --
5 before our community like this that has all the
6 elements of success for all of our people. And, of
7 course, housing and the apartments and the condos and
8 all the things that we need here is just in the need.

9 So I urge your support. I appreciate your time
10 today, and thank you very much.

11 CHAIRPERSON ROBINSON: Thank you,
12 Mr. Phillips.

13 Any questions for the testifier?

14 Thank you. Is your -- your signature was on
15 another item, and that's --

16 MR. PHILLIPS: Oh.

17 CHAIRPERSON ROBINSON: -- the mix-up, but we
18 got you.

19 MR. PHILLIPS: Thank you very much.

20 CHAIRPERSON ROBINSON: Thank you.

21 MR. PHILLIPS: Aloha.

22 CHAIRPERSON ROBINSON: Anyone else like to --
23 that would like to testify at this time?

24 Aloha.

25 MR. PEREZ: Aloha.

1 CHAIRPERSON ROBINSON: Please introduce
2 yourself. You have three minutes --

3 MR. PEREZ: (Indiscernible) commissioners.
4 Alfred Perez. I'm the executive director of Maui
5 Tomorrow Foundation, and we are testifying in support
6 of this project.

7 This is an unusual project for several reasons.
8 As you've heard, the developer has modified the project
9 in response to community concerns over the years. For
10 example, he agreed to limit the use of stream water to
11 leave more for natural flows. The initial designs had
12 rural lots going up the mauka slopes. When the
13 community said that was a bad idea, the design changed.

14 This developer is actually embracing the land use
15 approval process, and he treats the community as an
16 asset. And that's very refreshing.

17 The Final EIS, which, I've just checked, was
18 published in 2017, is far better than most of the
19 others that we've seen. It actually does a fair job of
20 evaluating secondary and cumulative impacts as well as
21 the primary impacts. So that's very unusual.

22 The developer is committed to placing 800 acres
23 into agriculture preserve. That's awesome. He'll be
24 providing his own wastewater treatment facility, which
25 will not add to the existing flows at Wailuku-Kahului,

1 which is currently contributing nutrient loading for
2 our ocean.

3 So this treatment method has the potential to
4 replace existing wastewater treatment plants and get
5 our wastewater treatment out of the tsunami zone.
6 We're excited about that.

7 He's encouraged farmers on the existing Maui
8 Tropical Plantation to move across the highway and
9 expand their operations, so we wish that we would see
10 more developers approach their projects this way.

11 Thank you.

12 CHAIRPERSON ROBINSON: Thank you.

13 Commissioners, any questions?

14 Nice to see you guys for a project, all of you.
15 Thank you.

16 Is there any more testifiers that would like to
17 testify at this time?

18 COMMISSIONER GOMES: Mr. Hall.

19 CHAIRPERSON ROBINSON: I called Mr. Hall
20 twice.

21 Seeing none, we will take a quick five-minute
22 break, then we'll come back and let you have answers.
23 Thank you. (Gavel.)

24 I apologize. Public testimony is now closed.
25 We'll take a five-minute break. (Gavel.)

1 (A recess was taken from 2:02 p.m.
2 to 2:11 p.m.)

3 CHAIRPERSON ROBINSON: (Gavel.) Aloha.
4 We'll reopen our meeting.

5 After public testimony, Mr. Atherton, would you
6 like to respond to any of the testimony or any
7 clarifications at this time?

8 MR. ATHERTON: Chair, yes, I do. I have a
9 couple comments I'd like to make.

10 CHAIRPERSON ROBINSON: Please.

11 MR. ATHERTON: One -- one is that working
12 with Hokuao Pellegrino on my cultural work there, in
13 Waikapu, he's done a wonderful job communicating for me
14 with the Mahis, and we have created a situation where
15 if they ever needed to have access or they ever needed
16 to go to the next level on their parcels with them, we
17 can. So we were able to work with that right from the
18 very beginning. That is the only one -- parcels I have
19 imbedded in the project out there was the Mahis'.

20 Second, I would like to address the discussion we
21 had about the Hawaiian immersion school. I come from a
22 family of educators, and I have been always working
23 with Kimokeo and others at the Punana Leo school to
24 have a campus in central Maui there, in Waikapu, so
25 they didn't have to travel so far. It's a good central

1 location. We have quite a large amount of land there,
2 and they're only needing up to 5 acres. I'd like to
3 put the school close as I can to the stream. That way,
4 they might be able to have some active loi, and they
5 could have a taro operation in their school.

6 There's a Hawaiian immersion school on the Big
7 Island in Hilo that has loi, very nice school. Very
8 big opportunity for me to do something along those
9 lines. So I work with them. I've worked with them,
10 and we've got quite a few several locations picked out.
11 So I wanted to explain that -- how that came about.
12 And I -- I believe someday we will have a Hawaiian
13 immersion school in central Maui, and I enjoy very much
14 working with those folks.

15 CHAIRPERSON ROBINSON: Thank you.

16 MR. ATHERTON: And -- and if we have any
17 additional questions or technical questions, I have all
18 my consultants here today. We can go into questions
19 and answers if there's no additional --

20 CHAIRPERSON ROBINSON: Thank you.

21 MR. ATHERTON: You're welcome.

22 CHAIRPERSON ROBINSON: With that segue --

23 MR. ATHERTON: Mahalo.

24 CHAIRPERSON ROBINSON: Commissioner Costa.

25 COMMISSIONER GOMES: Costa?

1 CHAIRPERSON ROBINSON: I mean, Gomes.

2 COMMISSIONER GOMES: I'm going to fly my
3 soda. I'm going to --

4 CHAIRPERSON ROBINSON: Sorry. Gomes.

5 COMMISSIONER CARNICELLI: It happens.

6 CHAIRPERSON ROBINSON: Same amount of
7 letters. Same amount of letters.

8 COMMISSIONER GOMES: I'm flying the soda.

9 And I truly appreciate them, the Punana Leo, that
10 you are going to do that, the Hawaiian emergent.
11 That's -- that's wonderful.

12 I did notice -- are you only focusing on Hawaiian
13 emergent, or there will be public? Because I do notice
14 the purpose -- you are going to build education, an
15 education district --

16 MR. ATHERTON: Yes, ma'am.

17 COMMISSIONER GOMES: -- on this -- this -- I
18 guess, this project. So it won't just be Hawaiian
19 emergent, or is it going to be focused only on Hawaiian
20 emergent?

21 MR. ATHERTON: No. I -- I worked with the
22 Department of Education from the very beginning --

23 COMMISSIONER GOMES: The DOE, as well?

24 MR. ATHERTON: -- And we have a 12-acre
25 elementary school site that we donated to the DOE and

1 had a fair amount of money we set aside to build the
2 school.

3 COMMISSIONER GOMES: Okay. So 12 acres
4 DOE --

5 MR. ATHERTON: Yes. There's a 12-acre DOE
6 site on the makai portion of the project.

7 CHAIRPERSON ROBINSON: And you also agreed --
8 you didn't ask to get out of that fee either, and you
9 are still paying your allotted fee for the amount of
10 homes --

11 MR. ATHERTON: Yes.

12 CHAIRPERSON ROBINSON: -- as well, correct?
13 Which a lot of developers try to get out of, but
14 thank you for --

15 MR. ATHERTON: You're welcome. Mahalo.

16 COMMISSIONER GOMES: Thank you.

17 CHAIRPERSON ROBINSON: So, guys, I know -- I
18 know we're going to -- we're going to have some
19 questions, so I'm just going to grab the horn, and
20 we'll -- we'll get right at it.

21 We'll start with Commissioner Castro.

22 You have any questions at this point?

23 COMMISSIONER CASTRO: No, I don't have any
24 questions. But I'd like to commend Mr. Atherton for
25 all his sincere efforts in working with the community

1 to move this project forward.

2 MR. ATHERTON: Thank you, Steve.

3 CHAIRPERSON ROBINSON: Commissioner Tackett.

4 COMMISSIONER TACKETT: I understood there was
5 some -- some affordable component to this project.

6 Could you just explain it a little bit?

7 MR. ATHERTON: Yes. We have a 25 percent
8 requirement in Maui County, affordable housing
9 requirement that we have; and we have to build those
10 affordable houses concurrently with the market rate
11 housing. And my plan is to -- and I have met with all
12 the nonprofits that we have here on Maui that build
13 truly affordable housing; Habitat For Humanity, Lokahi
14 Pacific, for example. And I plan to sell them lots at
15 a reasonable price so they can produce truly affordable
16 housing for you. I would have a hard time being able
17 to do that. So that's my first answer to the 25
18 percent requirement I will have with Maui County.

19 Second is that Atherton Homes, my company in
20 California, has been building affordable houses for 45
21 years, and we're still actively building affordable
22 housing. So I have picked out several spots in this
23 project that I will do my very best to build you
24 affordable housing Mike Atherton style. So that's how
25 I plan to -- to approach the affordable housing issues.

1 The makai side of the project, primarily, is about a
2 thousand units, and it is geared for workforce
3 affordable housing.

4 COMMISSIONER TACKETT: So is any of it
5 designated right now, or is it still, kind of --

6 MR. ATHERTON: There's no actual designation
7 on exactly where. I do have the requirement --

8 COMMISSIONER TACKETT: It will just be a
9 portion of the makai side --

10 MR. ATHERTON: Yes, it would be. It would be
11 on the makai side, most likely.

12 COMMISSIONER TACKETT: That was my question.

13 Thank you.

14 MR. ATHERTON: You're welcome.

15 CHAIRPERSON ROBINSON: Mr. Atherton, is -- is
16 -- when you were previously here, the -- I thought the
17 affordable units were -- were adjacent to the school.

18 So has that -- that been adjusted?

19 MR. ATHERTON: No. The affordable units are
20 still adjacent to the elementary school.

21 CHAIRPERSON ROBINSON: Okay.

22 MR. ATHERTON: Yeah. That's -- that's the
23 general vicinity of the affordability.

24 CHAIRPERSON ROBINSON: Okay. And -- and you
25 said it's -- that -- that we're going to -- we're going

1 to work with different people to sub the lots to go
2 ahead and build affordable housing.

3 And -- and because they have to be built
4 simultaneously, what happens if they have a hiccup or
5 -- where -- where they're -- they're not able to
6 fulfill their end of the deal?

7 MR. ATHERTON: Well, there's four or five of
8 them, so I'm hoping we won't have a hiccup with that.
9 I've met with them, and they -- they're very interested
10 in -- in lots in the central Maui location. And I
11 believe that they truly build affordable housing.
12 Every time they do a little project, they always have a
13 lot more applicants. They all qualify. You're
14 familiar with their projects.

15 I -- I'm pleased with that type of affordable
16 housing mitigation. And it gives back to the
17 community, and it creates jobs. And it keeps those
18 nonprofits in business, and I think that's important.

19 I have plenty lots, and I'm going to work with
20 them all day long.

21 CHAIRPERSON ROBINSON: Has -- has there been
22 -- ever been any discussions with DHHL about -- about
23 doing the same type of thing that you're doing with --

24 MR. ATHERTON: No. I have not discussed with
25 DHHL. I have discussed with all of the nonprofits here

1 locally.

2 CHAIRPERSON ROBINSON: Okay. Thank you.

3 MR. ATHERTON: And they're just waiting.

4 CHAIRPERSON ROBINSON: Yeah. Thank you.

5 MR. ATHERTON: Thank you.

6 COMMISSIONER TACKETT: That's all I have.

7 CHAIRPERSON ROBINSON: Commissioner Gomes, do
8 you have any questions at this time?

9 We can come back around, guys. I just want to
10 give everybody a chance, so...

11 COMMISSIONER GOMES: No. I think I
12 definitely -- Commissioner Tackett answered my question
13 in regards to affordable housing, which I -- I am
14 definitely an advocate for.

15 You know, in regards to -- I think the only
16 concern I have is what we consider affordable. You
17 know, this is where that's probably going to be a part
18 -- on your part with your consultants in your
19 assessing, you know, what is affordable. And since
20 you're doing this simultaneously with fair market
21 value, I'm assuming that's what you stated, right?
22 You're building simultaneously with fair market value
23 along with affordable housing; is that correct?

24 MR. ATHERTON: That's a requirement here, in
25 Maui County.

1 COMMISSIONER GOMES: I'm sorry?

2 MR. ATHERTON: It's required by Maui County.

3 COMMISSIONER GOMES: Sometimes, but -- but,
4 yeah. Politics is politics.

5 But, anyway, in -- in regards to the fact that,
6 you know, I would hope to think that when affordable is
7 being considered, it is affordable. You know, 400,000
8 is not affordable. You know, I'm just being honest,
9 because it -- it's not. And -- and I'm -- that is just
10 my biggest concern, is the numbers of -- when
11 considering affordable housing, yeah.

12 MR. ATHERTON: That's why I want to work with
13 the nonprofits.

14 COMMISSIONER GOMES: Wonderful.

15 MR. ATHERTON: They do truly build affordable
16 housing.

17 COMMISSIONER GOMES: And I do understand,
18 Mr. Atherton, that you have worked on this project for
19 a long time.

20 MR. ATHERTON: Long time.

21 COMMISSIONER GOMES: And I truly appreciate
22 that.

23 MR. ATHERTON: Thank you.

24 CHAIRPERSON ROBINSON: Commissioner Hudson.

25 COMMISSIONER HUDSON: Good afternoon.

1 MR. ATHERTON: Good afternoon.

2 COMMISSIONER HUDSON: I would be remiss if I
3 didn't ask about water. I mean, I've been told. I've
4 been briefed, but I would like to hear it because makes
5 me feel good.

6 MR. ATHERTON: Okay.

7 COMMISSIONER HUDSON: Please explain to me
8 your wells.

9 MR. ATHERTON: Okay. How -- how I got into
10 the water business -- and I have my hydrologist here.
11 He's been here since the beginning, honorable Dan Lum
12 here from the Big Island.

13 One of the very first things I did when I bought
14 this ranch from Brewer -- or from Wailuku Agribusiness,
15 was I wanted to buy the groundwater rights. And
16 Wailuku Ag was starting a water company, and they
17 weren't really in the mood to sell groundwater rights.
18 So I went back to West Coast. They called me about six
19 months later and said, We'd consider it, and I came
20 back and negotiated with them and was able to be
21 successful. And I bought the groundwater rights on
22 majority of the property.

23 Subsequently, I bought the groundwater rights on
24 the whole entire ranch. So that's how we started
25 drilling wells. And I drilled five -- five production

1 wells and one monitoring well. And we have perfected
2 the three -- well, one, two, and three, and tested and
3 proposed to use those at the beginning of our -- of our
4 water requirement.

5 So that's -- that's, kind of, a little history on
6 how I was able to get groundwater. I believe I was one
7 of the very few guys in central Maui who did buy
8 groundwater rights from Wailuku Ag, Wailuku Water
9 Company. So that was a smart move on my part. That
10 was way back, before we had shoreline water or any
11 other kind of source requirements. So it really helped
12 me being able to move this project forward. Even with
13 the wells and the water, it still took a long time.

14 COMMISSIONER HUDSON: Thank you.

15 MR. ATHERTON: And I do have my hydrologist
16 here for any additional questions, water quality,
17 quantity, quality, the whole works.

18 COMMISSIONER HUDSON: No. Thank you, though.

19 MR. ATHERTON: You're welcome. Thank you.

20 CHAIRPERSON ROBINSON: I'd like to piggyback
21 on that water.

22 So you said you -- you drilled five -- five wells
23 already, or you're going to drill five wells?

24 MR. ATHERTON: No. I drilled five wells and
25 tested all five. And what we did was we -- we made --

1 I have a dual water system proposed, because I like to
2 do two -- potable water only where potable water is
3 necessary and put in what I call ditch water or ag
4 water on all the landscaping and all the areas that are
5 -- that are open space. This project has quite a large
6 amount of landscaping and bike trails. It would be
7 very difficult to water all that, irrigate all that,
8 with potable water, so we have a dual water system.

9 So I drilled two additional wells, Wells 4 and 5,
10 looking for ag water out of the (indiscernible)
11 aquifer. Well, water commission didn't agree with me
12 there, so I only had the designated yield for potable
13 water. So we acquired groundwater rights across the
14 street, and we drilled ag wells. And that's what my
15 source is for ag water.

16 CHAIRPERSON ROBINSON: Yes. Mike, if you can
17 entertain me for a second, can we put the map up of the
18 project -- the project --

19 MR. ATHERTON: Sure.

20 CHAIRPERSON ROBINSON: -- there on the
21 screen?

22 MR. ATHERTON: I'll show you where they are?

23 CHAIRPERSON ROBINSON: Please.

24 MR. ATHERTON: You bet.

25 CHAIRPERSON ROBINSON: And -- and I'm going

1 to -- while they're looking that up, is -- you know,
2 it's -- I'm sort of aware with water wells. And I
3 understand and I read the part about the pump testing
4 for the ten days for the -- for the two wells.

5 MR. ATHERTON: Uh-huh.

6 CHAIRPERSON ROBINSON: And I'm -- I'm
7 interested, is -- is -- did we get to the point yet
8 where we tested after the ten days on the recovery of
9 it and the salinity? And -- because I believe there's
10 enough water on top your property. That's not the
11 question.

12 The question is, will you need more wells? Which
13 phase will you need more wells? And the locations.
14 And that's what my question means to be. It's not, do
15 you have enough water underneath you, which I know you
16 do. It's -- it's are your wells that are already
17 drilled, will that hold capacity for it, or will it be
18 done in phases?

19 MR. ATHERTON: Okay. The Waikapu aquifer has
20 a designated yield of 3 million gallons a day. The
21 Waikapu Country Town project, with its dual water
22 system, only has a build-out requirement of less than
23 500,000 gallons a day. So there's more than enough
24 quantity of water in the aquifer today to satisfy this
25 project.

1 Second of all, after the ten days, we did the
2 complete testing, the whole entire complete requirement
3 that they had for water. And Dan did the testing, and
4 we have all the results, and it's all in the EIS. That
5 became a very big subject when we did the Land Use
6 Commission.

7 But to answer your question on the wells, that
8 dot's a well. That's No. 2. These are solar panels to
9 run that well (indicating). I've since put the solar
10 panels over here (indicating), and I'll run the power
11 down. So we plan to run all of the wells, the
12 wastewater treatment plant, all on our solar farm.

13 So Well 2 here (indicating), and there will be a
14 million-gallon tank right there (indicating). Well 1
15 right here (indicating). Well No. 3 right here
16 (indicating).

17 Then I drilled Well No. 4 looking for ag water
18 here (indicating) and Well No. 5 looking for ag water
19 here (indicating). And that didn't work out too good,
20 so I closed those wells.

21 And we have a monitoring well right over here next
22 to the stream (indicating) that we closed also.

23 So I kept Wells 1, 2, and 3. And they produce,
24 each well, one million gallons a day. So we have more
25 than enough water and the quantity than the project

1 needs.

2 CHAIRPERSON ROBINSON: So -- so, then, your
3 -- your No. 3 well is now your monitoring well, and --

4 MR. ATHERTON: No. The monitoring well was
5 over here (indicating). We used it to see if we had
6 any effect on the stream water during the ten-day pump.

7 CHAIRPERSON ROBINSON: But you say you closed
8 that?

9 MR. ATHERTON: Yeah. We closed just
10 recently. The State water quality -- the State Water
11 Commission made me close the wells I wasn't going to
12 use.

13 CHAIRPERSON ROBINSON: So -- so we -- so we
14 have three wells that you're able to use, and -- and
15 that will fulfill both --

16 MR. ATHERTON: Correct.

17 CHAIRPERSON ROBINSON: -- both phases of your
18 project?

19 MR. ATHERTON: That's more than enough
20 supplies for the 3 million gallons a day we have for
21 the designated yield in the aquifer.

22 CHAIRPERSON ROBINSON: Is there any -- is
23 there anything in your CC&Rs, if you have them, that --
24 that has to do with swimming pools or what type of
25 landscaping as far as your calculations for what you're

1 using right now?

2 MR. ATHERTON: No. I haven't -- I haven't
3 got that far to the CC&Rs yet.

4 But you mean the type of water you put in a
5 swimming pool?

6 CHAIRPERSON ROBINSON: Well, I mean, I assume
7 people are going to use the faucet water, you know, the
8 hose water, to fill up a pool instead of a R1. But, I
9 guess, it just -- if the calculations were done --
10 because it's a private source, it's not an infinite.
11 You know, I just want to make sure that -- that your
12 water calcs and all that, you know -- we want you to
13 build as fast as possible, so I'm bringing this up now
14 to see if you do have those calcs of what that would be
15 if everybody or every third person had a swimming pool
16 or if -- if there's a restriction on type of
17 landscaping.

18 MR. ATHERTON: That's a good question. You
19 can fill your swimming pool with dishwater and filter
20 it.

21 CHAIRPERSON ROBINSON: Can --

22 MR. ATHERTON: You can.

23 CHAIRPERSON ROBINSON: -- but will you?

24 MR. ATHERTON: Well, I don't know about
25 that --

1 CHAIRPERSON ROBINSON: Yeah.

2 MR. ATHERTON: -- but I'll --

3 CHAIRPERSON ROBINSON: Yeah.

4 MR. ATHERTON: -- I'll remember that
5 question. I will.

6 CHAIRPERSON ROBINSON: Okay. Thank you.

7 MR. ATHERTON: It's a good one. Thank you.

8 CHAIRPERSON ROBINSON: Anyway, Commissioner
9 Carnicelli.

10 COMMISSIONER CARNICELLI: Good afternoon,
11 Mike.

12 MR. ATHERTON: Hi.

13 COMMISSIONER CARNICELLI: So I want to -- I
14 want to start with something that hasn't been addressed
15 yet, and that is views.

16 MR. ATHERTON: Is what?

17 COMMISSIONER CARNICELLI: View, views, open
18 space --

19 MR. ATHERTON: Okay.

20 COMMISSIONER CARNICELLI: -- view planes.

21 As I drive down the highway and, you know, I -- on
22 my way into Wailuku, I go past the Spencer project, you
23 know, and I got nice views. And then, all of a sudden,
24 I get to Kehaulani, and I got plastic fences.

25 I think this is something that, you know, I don't

1 know what you've done to mitigate.

2 There we go. Scenic resources. Please continue.
3 That's my question, I guess. Whoever's in charge of
4 that particular --

5 MR. ATHERTON: Okay.

6 COMMISSIONER CARNICELLI: -- bit of slides,
7 we can put your -- your guy -- right there, please.

8 MR. ATHERTON: That's a good question about
9 views. I hope that question comes up when we talk
10 about those apartments down there.

11 Anyway, this is -- oh, there it was (indicating).
12 Right there (indicating). Hold it, hold it.

13 Okay. This is -- the line right on top there is
14 Honoapiilani Highway, right here (indicating). As you
15 notice, as soon as you cross the bridge and get into
16 the Waikapu country, you got a 20-plus-acre park right
17 here (indicating), which you'll have nice views out
18 over this whole entire area (indicating). We set up
19 quite a bit. There's a -- there's a slow, natural
20 slope down here (indicating) so there's some nice views
21 from right up here (indicating). So if you have lunch
22 at bars there, you can sit out back and look over
23 Waikapu town all day long.

24 As you ride on down the highway, we have built a
25 60-foot buffer right along the highway, right here

1 (indicating), and a 35-foot buffer along the highway on
2 that side, which protects this part of the highway from
3 the views (indicating).

4 Then again -- want to put that other map up. We
5 -- this is the 910-acre, now, ag preserve area. It's
6 somewhere in there (indicating). And we have dedicated
7 that in an ag open-space easement in perpetuity. So
8 this whole entire area (indicating) will always remain
9 in some form of agriculture. So you'll always have
10 complete views and open space on the whole entire rest
11 of your journey in Waikapu.

12 So that was -- that was our mitigation to scene --
13 scenic views and corridors, right along here
14 (indicating).

15 COMMISSIONER CARNICELLI: So would you be
16 open to -- say, those first row of homes -- and I
17 appreciate the fact that, you know, you guys, are
18 taking that into consideration, and you've got your
19 60-foot buffer --

20 MR. ATHERTON: Also --

21 COMMISSIONER CARNICELLI: That first -- go
22 ahead.

23 MR. ATHERTON: I would be open-minded to
24 putting single-family homes all along the highway --

25 COMMISSIONER CARNICELLI: You beat me to the

1 punch, Mike.

2 MR. ATHERTON: (Indiscernible) West Coast --

3 COMMISSIONER CARNICELLI: Perfect. Okay.

4 Yeah. That would be --

5 MR. ATHERTON: No. That mitigating factor,
6 believe it or not, comes up a lot.

7 COMMISSIONER ATHERTON: No. Is -- single --

8 MR. ATHERTON: Single-family homes all along
9 the highway.

10 COMMISSIONER CARNICELLI: Oh, single-story?

11 MR. ATHERTON: Single-story. Sorry.

12 COMMISSIONER CARNICELLI: Think --

13 single-story. Thank you.

14 MR. ATHERTON: No problem.

15 COMMISSIONER CARNICELLI: And are coconut
16 trees -- can we orientate them to be --

17 MR. ATHERTON: Well, we started down here
18 (indicating).

19 COMMISSIONER CARNICELLI: Okay.

20 MR. ATHERTON: And then what we'll do is
21 we'll run along the highway, all along here
22 (indicating), all along here (indicating), all the way
23 around, and all the way up here (indicating), all the
24 way around here (indicating), all the way up in here
25 (indicating), all along the bike path. And they're not

1 too easy on the bike path because you have to cut the
2 coconuts to have any kind of pedestrian traffic
3 underneath. There's not a lot of coconut trees, but I
4 never get any coconuts here. They cut them all off.
5 So that was my answer to that.

6 COMMISSIONER CARNICELLI: Okay. Thank you.
7 I appreciate that.

8 MR. ATHERTON: You're welcome.

9 COMMISSIONER CARNICELLI: The -- the next --
10 since we're talking about setbacks, let's go to those
11 kuleana parcels. And --

12 MR. ATHERTON: Kuleana parcels are here
13 (indicating).

14 COMMISSIONER CARNICELLI: Right.

15 Just -- there's a certain element of concern just
16 about, say, setbacks there. Like, you know, I don't
17 know if you're going have on those rural lots, if
18 you'll have a building pad or not, but to situate the
19 building pads, say, in a -- in a way which would be
20 most friendly to those kuleana parcels.

21 MR. ATHERTON: What I'll do on the -- on the
22 lots here (indicating), I will build the pad. The
23 building envelope will be on the lot when you purchase
24 the lot. And the building pads will be alternated in
25 different locations so they don't obstruct the views of

1 the person who owns the lot in front of them. So they
2 will always be able to have their view.

3 So what we do is we build the pad. We give them
4 the -- the spot where they're going to build their
5 house. And then that way, we can lay it out, and it
6 works a lot better that way.

7 Now, the setbacks on the kuleana parcels, that's
8 quite a large open space area there. That's probably
9 all of 50 acres, right in here (indicating), all that.
10 That's why I left this buffer. This buffer here
11 (indicating) is 277 acres in size.

12 So I have a plan with Hokuao that we -- we have
13 access we can give the Mahis right in here
14 (indicating). So they would have the same setback
15 requirements that we have on their parcel. There's
16 plenty of ground out there.

17 COMMISSIONER CARNICELLI: Right.

18 MR. ATHERTON: And made this project a little
19 easier for me. We got a lot of room. You try to put
20 everything in ten acres, it's tough. When you got
21 thousands of acres, it helps a lot.

22 COMMISSIONER CARNICELLI: So, then, the next
23 place I want to go is Waiale. And to me -- I mean, I
24 really like your project. I -- I think that what
25 you've done and how you've reached out to the community

1 has been outstanding. The way that you've designed it
2 is great.

3 However, I think, when you go up to the eighth
4 floor at your next step, the budget chair and you are
5 going to have to have a very heart-to-heart
6 conversation about who's paying for Waiale and how it's
7 going in and what is a pro rata share.

8 So my question for you is, you know, what do you
9 feel should happen with Waiale, especially when we go,
10 say, from Waiko, west? You know, that's -- that's,
11 kind of, all you. However, you know, the public's
12 going to use that, as well. So if you could just,
13 please, address the financial component to Waiale.

14 MR. ATHERTON: On the Waiale Road bypass, I
15 -- I would have loved to build it eight years ago. The
16 mayor put money in eight years in a row, and eight
17 years in a row, he took it out. But I have been trying
18 to -- and I work with David Goode, honorable Mr. Goode
19 over here, Public Works director, Maui County, in
20 putting together a fair and equitable profit -- I mean,
21 cost-sharing plan on building that road.

22 We gave the right-of-way to the County when we
23 sold them a hundred acres. And Mr. Goode's here today
24 to answer any questions about how that fair share
25 program, financing program, would come together.

1 And that's -- that's where I am on Waiale Road. I
2 am willing to pay my fair share. I'm willing to get
3 involved. I donated them -- gave them the right-of-way
4 when we sold them the land. So I'm ready to work if we
5 can come up with a fair share program that works.

6 What makes it difficult for me is I got to build
7 the sewer treatment plant. I got to put in a water --
8 water facility. That's about \$40 million before I
9 build the first house. If I can get a program where I
10 can pay for Waiale Road over a period of time, then
11 it's a lot easier for me to be able to get started and
12 build those houses, where I don't have those huge
13 offsite costs up front.

14 That's what hurts us here, in Maui, a lot is
15 sometimes our projects get so many offsite costs, the
16 projects never get built. This one, I want to build
17 this project. I want to build these affordable housing
18 there on Waiale Road. I want to work with Maui County
19 and put this thing together. But I just can't get too
20 out of line on how much money we got to put in up
21 front. That's just the part with me. I said, if
22 Waiale grows -- if Waiale Road goes right away then,
23 you know, I need to have some kind of a way I can pay
24 for it over a period of time, if possible. So I've
25 been working with David's department on that.

1 COMMISSIONER CARNICELLI: Would you be open
2 to a special improvement district?

3 MR. ATHERTON: I would be open to any other
4 way of creative financing. I would.

5 COMMISSIONER CARNICELLI: Okay.

6 Director Goode, would you like to chime in,
7 please?

8 MR. ATHERTON: Thank you, David.

9 MR. GOODE: Good afternoon, commission.
10 David Goode here, Director of Department of Public
11 Works.

12 Yeah, we've been working with Mr. Atherton --
13 Coach, if you will -- for a while on this, and it's,
14 you know, it's obvious to -- to us, Planning
15 Department, State Department of Transportation, that,
16 you know, we're going to need a Waiale extension.

17 And -- and the word -- term "Waiale extension" has
18 morphed over the years, right? When Keolani was
19 getting built in the late '80s, early '90s, and Waiale
20 Road went way further north.

21 And right now, I mean, it's probably not needed.
22 We don't -- not huge traffic backups over there,
23 typically, but there will be. There will be more
24 demand, clearly, when, like, Waikapu Country Town comes
25 in, and there'll clearly be regional use. I mean, I

1 can see myself, if I work here and I want to go to
2 Waikapu, I'm probably going to take Waiale Road. So
3 I'll be going transiting through there.

4 So it's very similar to Maui Lani. So Maui Lani
5 Project district has an agreement with -- with our
6 department on how they will build out Maui Lani Parkway
7 on A, Kamehameha, in particular, and Kuikahi, as well.

8 They'll -- that agreement, you know, was developed
9 over time once Maui Lani had a good sense of what all
10 their infrastructure costs were going to be, how and
11 where they're going to develop, what the time frames
12 are so they can pay for it. But they don't have to
13 build everything. Part of what they're -- we will be,
14 you know, participating in some of that. Actually, the
15 roundabout at Maui Lani and Kamehameha, just signed a
16 contract on it, so that's something we're doing.

17 So the way these projects work best is that they
18 need time to figure out, A, how they're going to pay
19 for everything, how they're going to pay for their fair
20 share of the roadway improvements, when the roadway
21 improvements will be needed, because as you know, mauka
22 first. We don't need it, right? So makai first, then
23 we have to figure out a way.

24 So it gives us a mechanism to figure out what
25 their pro rata share is, figure out a way to pay for

1 it, and then we've got to go find the rest of the
2 money.

3 So, I think, in response to Mr. Mayer's question
4 -- and there's other people who -- or other projects
5 can see, we could -- we've got a separate agreement
6 with them, so there's no reason why, once this model is
7 set, that we can't have other folks in the area
8 contribute exactly the same way.

9 So, for instance, if he -- if it's decided his
10 project is 30 percent or 80 percent or 4 percent,
11 whatever it is, next project comes along that's nearby,
12 he gets money out of them.

13 But in the end, it's going to be the government,
14 it's going to be the County. And, you know, the
15 mayor's tried. Ample time with the council, try to get
16 some money. We've got a little bit. You know, we
17 haven't got enough yet.

18 There will come a time where it's going to be
19 incumbent upon us where there's a regional need.
20 There's a regional need to build that roadway.

21 So that's why we don't have a lot of specifics.
22 The main key is that they agree to participate in an
23 agreement. And we -- the way the condition is written,
24 that agreement gets done before the first subdivision.
25 And typically, the first subdivision is the large lot

1 subdivision, where they break it up into chunks,
2 including roadways. They have an idea of how they're
3 going to move forward with their project.

4 So it's -- it's really the best way. Otherwise,
5 these projects get saddled with so much upfront costs
6 that conceivably they don't go. We've seen that
7 recently with Hale Mua (phonetic).

8 COMMISSIONER CARNICELLI: Right.

9 MR. GOODE: That. Piilani's project did
10 -- not Piilani. Piihana Project District.

11 COMMISSIONER CARNICELLI: Mm.

12 MR. GOODE: Other side. Wailuku River, same
13 thing.

14 COMMISSIONER CARNICELLI: Right.

15 MR. GOODE: Too many -- too many costs.
16 Can't take off. So that's our lesson learned, I think,
17 over the years of doing these agreements.

18 COMMISSIONER CARNICELLI: Thank you.

19 So is there -- is it in the works right now -- and
20 I don't think it would be a part of what we're doing
21 today, but yeah, I think it's just since you're going
22 there -- is for us to go ahead and to do a special
23 improvement district, you know, is to -- you know, like
24 right now, we've got these other projects, but there's
25 three, four, five other project going on in Waiale.

1 One was at the council this afternoon. You know, and I
2 don't know where we draw the lines, but to be able to
3 do that so people like Mr. Atherton can pay it off over
4 20 years and not necessarily have to do it up front.

5 Is that part of the conversation?

6 MR. GOODE: (Indiscernible) but I -- those
7 special improvement districts probably a
8 Mello-Roos-type thing. There was an added -- a bond
9 float that the -- the homeowners had to pay, right, so
10 an additional cost to homeowners.

11 That has not got much attraction at the County
12 Council to date. I think the -- Stanford Carr
13 (phonetic) tried few years in a row. We've had
14 multiple presentations on it, but doesn't seem to bite
15 much. Doesn't mean it can't be done, but it's -- it's
16 a heavy lift, and we'd have to go beyond this district,
17 you know, a broader area. So it's not something --
18 because I haven't seen it be successful politically,
19 that I didn't put much, you know, faith in it.

20 I suppose in our agreement, you know, we could say
21 we got far enough out that if such a district comes
22 into play, that we modify the agreement.

23 COMMISSIONER CARNICELLI: Thank you.

24 MR. GOODE: Sorry no better news --

25 COMMISSIONER CARNICELLI: No, no, no. That's

1 -- I mean, it is what it is. I mean, you -- it's not
2 like you can make it happen, I know. Is -- you know,
3 we have the mechanism, though. That's the good -- the
4 good news is the council does have the mechanism to use
5 it. Whether or not they choose to or not is another
6 conversation.

7 So, I mean, maybe that's part of something that
8 comes up when you guys head up to the eighth floor.

9 So trying to think of -- that's all I have for
10 right now, Chair.

11 CHAIRPERSON ROBINSON: Okay.

12 COMMISSIONER CARNICELLI: Thank you.

13 MR. ATHERTON: Thank you.

14 CHAIRPERSON ROBINSON: Thank you, Mr. Goode,
15 for -- for that.

16 And -- and actually, at this commission, we've
17 talked about that extensively, about developers need
18 help, and if somehow we can get CIPs and get paid back.
19 You know, if we could get infrastructure. You know,
20 affordable housing problem is because nobody's helping
21 the developers. If we had infrastructure, if there's
22 -- there's water, sewer, electricity down a street
23 line, every site of that street line would be bought
24 and built.

25 And, you know, and if we could save the three to

1 five years of going back and forth to different
2 department and moving the sewer lateral or this or
3 that, you know, I think that would help. And
4 hopefully, there will be a political solution come
5 January. That being said, yes.

6 MR. GOODE: Thanks, Chair.

7 I -- I forgot that -- there's improvement
8 districts currently on a float.

9 COMMISSIONER CARNICELLI: Right.

10 MR. GOODE: Right. We also have this other,
11 kind of, special improvement district type of
12 commercial areas. And we are trying to push the
13 council to look at that and isolate, but those are --
14 isolated areas, but those are already developed
15 communities. Like Hui Road F comes to mind. Hui Road
16 F --

17 COMMISSIONER CARNICELLI: Kahana Bay.

18 MR. GOODE: -- easily, you know, say, like
19 couple hundred people on there on roads outside of the
20 courts, and it's a mess.

21 COMMISSIONER CARNICELLI: Right.

22 MR. GOODE: But that's an existing thing. If
23 we're looking at upfront infrastructure, to me, that's
24 what Mello -- they call it Mello-Roos.

25 COMMISSIONER CARNICELLI: Right.

1 MR. GOODE: So, yeah. I'm -- I'm pushing on
2 the ones that's already in the code. Ones that are not
3 in the code that suffer.

4 COMMISSIONER CARNICELLI: Okay.

5 MR. GOODE: I just wanted to clarify that,
6 Chair.

7 CHAIRPERSON ROBINSON: Thank you.

8 Commissioner Gomes, you have something?

9 COMMISSIONER GOMES: Yes. I'm sorry.

10 CHAIRPERSON ROBINSON: No problem. I
11 remembered.

12 COMMISSIONER GOMES: Thank you.

13 I -- I'm assuming, Mr. Atherton, that this is
14 going to be a community association that's going to be
15 attached to this project?

16 MR. ATHERTON: Yes. We will have a -- a
17 homeowners association.

18 COMMISSIONER GOMES: Homeowners association.

19 MR. ATHERTON: Yes.

20 COMMISSIONER GOMES: Is it going to be
21 in-house, or is it going to be -- and what I mean by
22 that, such as, like, Waikapu Gardens. They have their
23 own that they have. And -- or is this going to be --
24 how is this going to be done, if you don't mind me
25 asking?

1 MR. ATHERTON: Well, I -- I haven't quite got
2 there yet.

3 COMMISSIONER GOMES: Oh.

4 MR. ATHERTON: I haven't formed the
5 homeowners association. But I've done many homeowners
6 associations, and it would be one that we would manage
7 and run ourselves there.

8 COMMISSIONER GOMES: Good. I think that's
9 best.

10 MR. ATHERTON: That would be the intent. We
11 do a lot of community facilities districts, too.
12 That's what Mr. Goode was talking about hasn't been
13 politically favorable. But Mello-Roos is another way.
14 Very popular. Maybe we can talk them into it in the
15 future.

16 COMMISSIONER GOMES: Thank you.

17 MR. ATHERTON: You're welcome. Thank you.

18 CHAIRPERSON ROBINSON: Commissioner
19 Carnicelli --

20 COMMISSIONER CARNICELLI: No. I actually --
21 I just have -- once we're done with him, I got just a
22 question for the department --

23 CHAIRPERSON ROBINSON: Okay. Commissioners?

24 COMMISSIONER HUDSON: I'm good.

25 CHAIRPERSON ROBINSON: Okay. You'd like to

1 speak to that, correct?

2 COMMISSIONER CARNICELLI: Yeah. Just in
3 going through the conditions --

4 CHAIRPERSON ROBINSON: So I'm going to take
5 one at a time. You want to bring Kurt up, and then we
6 go through it, and then if you have a question for him,
7 can we do it that way? You're going to go through the
8 conditions and the questions, yes?

9 COMMISSIONER CARNICELLI: No. I just have
10 one question --

11 CHAIRPERSON ROBINSON: Okay.

12 COMMISSIONER CARNICELLI: -- about one
13 condition.

14 CHAIRPERSON ROBINSON: Sure. Okay.

15 COMMISSIONER CARNICELLI: Is 23, which is
16 compliance with representations. But it says -- and
17 this is just because Mr. Atherton had made
18 representations to us --

19 PLANNING DIRECTOR ALUETA: Right.

20 COMMISSIONER CARNICELLI: -- that he's going
21 to do single story on that first row of homes. And so,
22 I just, you know, I guess, just want to have that as
23 part of --

24 PLANNING DIRECTOR ALUETA: Okay.

25 COMMISSIONER CARNICELLI: I don't want him to

1 forget to make that representation to the City --
2 County Council. I'm just -- I'm picking nits right now
3 is all I'm doing.

4 PLANNING DIRECTOR ALUETA: We have the County
5 guidelines, and it's in the design guidelines.

6 COMMISSIONER CARNICELLI: It's in the design
7 guidelines?

8 PLANNING DIRECTOR ALUETA: (Indiscernible) --
9 (Whereupon, the reporter interrupts to
10 preserve the record.)

11 COMMISSIONER CARNICELLI: Okay. What he said
12 was it's in the design guidelines for their --

13 PLANNING DIRECTOR ALUETA: Draft form --

14 COMMISSIONER CARNICELLI: Got it. Okay.

15 PLANNING DIRECTOR ALUETA: All right. You've
16 also seen it as the Waikapu draft --

17 CHAIRPERSON ROBINSON: Right.

18 PLANNING DIRECTOR ALUETA: -- zoning code, so
19 that's going to be where -- that restriction has
20 already -- I guess, has already been established in it.

21 COMMISSIONER CARNICELLI: It is in here?

22 MR. WOLLENHAUPT: Actually, it's here.

23 COMMISSIONER CARNICELLI: Okay. It's just
24 part of this huge stack I -- so thank you.

25 That's all, Chair. Thank you.

1 CHAIRPERSON ROBINSON: Thank you.

2 Mr. K-U-R-T, is -- I'd like to take this in two
3 parts. If we can do the CPA first and if you can read
4 the -- the recommendation, please.

5 PLANNING DIRECTOR ALUETA: If I may,
6 Mr. Chair.

7 CHAIRPERSON ROBINSON: Deputy Director.

8 PLANNING DIRECTOR ALUETA: Just before Kurt
9 -- just to let you know, we do have -- I don't want to
10 feel left out because they -- you do have, from
11 Department of Transportation, Robin Shishido from the
12 Maui branch and Ken Tatsuguchi (phonetic) from State
13 DOT is also here as resources, if you have any
14 questions as we go through. And we've -- as I -- as
15 indicated by the applicant and -- and David Goode, we
16 have met with this applicant several times, has been
17 really, very productive meetings, and that has really
18 gone into going through and formulating a lot of these
19 conditions, along with a lot of the stakeholders and
20 departments.

21 So I do appreciate the applicants working with us
22 in refining this before we come -- come before the
23 Planning Commission. So thanks -- thanks again.

24 And thank you, Kurt.

25 CHAIRPERSON ROBINSON: Well, if I knew that I

1 would have -- we always love talking to DOT.

2 Go ahead, Kurt, please, on the CPA.

3 MR. WOLLENHAUPT: The first -- the first --

4 CHAIRPERSON ROBINSON: I mean -- yeah.

5 MR. WOLLENHAUPT: Community Plan Amendment.

6 CHAIRPERSON ROBINSON: Yeah. Community --

7 MR. WOLLENHAUPT: The recommendation of the
8 department recommends approval of the Community Plan
9 Amendment and inclusion of the new designation entitled
10 "Waikapu Country Town" in the current Wailuku-Kahului
11 Community Plan, along with the updated exhibits and
12 maps reflecting this new community plan designation as
13 outlined in the recommendation pages for the new
14 district Waikapu Country Town Community Plan. So that
15 recommendation would be for recommending approval to
16 the County Council.

17 CHAIRPERSON ROBINSON: Thank you.

18 Commissioners, any motions? Any questions?

19 COMMISSIONER CARNICELLI: I move to make a --
20 I move to approve as recommended by the department.

21 COMMISSIONER CASTRO: Seconded.

22 CHAIRPERSON ROBINSON: I have a recommend for
23 approval, Commissioner Carnicelli. I have a second,
24 Commissioner Castro.

25 Would you like to speak to -- to your motion, or

1 we'd like to go to discussion?

2 COMMISSIONER CARNICELLI: I'll just -- no.
3 I'm good.

4 CHAIRPERSON ROBINSON: Okay. At this time,
5 commissioners are ready. We'd like to go to discussion
6 on -- on the motion.

7 Commissioner Gomes.

8 COMMISSIONER GOMES: I -- I do concur with
9 the motion for approval. I just want to -- I know you
10 wanted to talk about the conditions.

11 I apologize, Chair. Condition 24 states, "Annual
12 Reports" --

13 CHAIRPERSON ROBINSON: That's on the first
14 part.

15 COMMISSIONER GOMES: Okay. I apologize.

16 CHAIRPERSON ROBINSON: No problem. We'll
17 jump on that one.

18 COMMISSIONER GOMES: Okay.

19 CHAIRPERSON ROBINSON: Yeah. I wanted to get
20 one done, and then we can go to the next one, because
21 the other one has a lot of conditions.

22 COMMISSIONER GOMES: Okay. Strike that.

23 CHAIRPERSON ROBINSON: Okay. Seeing none,
24 Deputy Director.

25 PLANNING DIRECTOR ALUETA: Thank you,

1 Mr. Chair.

2 So currently, I have -- you are recommending
3 approval to the Maui County Council for a Community
4 Plan Amendment for the Waikapu town -- Wailuku-Kahului
5 Community Plan as stated by the department.

6 CHAIRPERSON ROBINSON: All those in favor,
7 please raise your right hand.

8 (Hands raised.)

9 CHAIRPERSON ROBINSON: That's five ayes. CPA
10 has been approved.

11 Kurt, can we go to the next one, please.

12 MR. WOLLENHAUPT: The next one is the change
13 in zoning. The planning department also recommends
14 this body make a recommendation of approval of the
15 change in zoning and inclusion of the new designation
16 entitled "Waikapu Country Town" in the current Maui
17 County Zoning Code, along with the updated exhibits and
18 maps reflecting this new zoning designation, subject to
19 24 conditions, which are outlined in the
20 recommendation, along with a new codified Maui County
21 Code chapter in Chapter 19 entitled "Waikapu Country
22 Town" as shown in Exhibit A attached to the
23 recommendations, which would be the new code, very
24 similar to that of the Maui Research & Technology Park.

25 CHAIRPERSON ROBINSON: Is -- any questions or

1 comments on the conditions, Commissioner Gomes?

2 COMMISSIONER GOMES: Yes. Thank you.

3 In Condition 24, it states that -- forgive me.

4 (As read): "Annual Reports. The applicant shall
5 provide the Planning Department prior notice and annual
6 report on status of the development."

7 We will be receiving that?

8 MR. WOLLENHAUPT: The Planning Department --

9 COMMISSIONER GOMES: Can you clarify that --

10 MR. WOLLENHAUPT: -- the Planning Department
11 -- the Planning Department in this case, and in most
12 cases, does receive a compliance report.

13 COMMISSIONER GOMES: Uh-huh.

14 MR. WOLLENHAUPT: And then they review it and
15 -- to see if it's complete. If there are issues, they
16 go back to the developer, applicant, whatever the case
17 may be, and ensure that they're meeting compliance.
18 That's how it works.

19 PLANNING DIRECTOR ALUETA: And in some cases,
20 we do transmit to various government agencies that have
21 specific conditions to see whether or not the
22 representations made in the report adequately reflect
23 either compliance or the status with that approving
24 agency.

25 COMMISSIONER GOMES: Okay. So, Deputy, so

1 that mean -- that would mean that we may not see it,
2 per se.

3 PLANNING DIRECTOR ALUETA: No. Typically,
4 the Planning Commission is not going to see it.

5 COMMISSIONER GOMES: Okay. Just clarified on
6 that.

7 But they -- but they will be providing the annual
8 to the Planning Department?

9 PLANNING DIRECTOR ALUETA: Correct.

10 COMMISSIONER GOMES: Thank you.

11 CHAIRPERSON ROBINSON: Kurt, I want to know
12 if you can help me again with -- with No. 5. And --
13 and I know it's been explained twice, and I'm trying to
14 re-read it, but I want to understand what the agreement
15 is.

16 MR. WOLLENHAUPT: That's the agreement that
17 will be worked out.

18 CHAIRPERSON ROBINSON: So it's not -- so it's
19 still in progress with that workout on the -- on the
20 data --

21 MR. WOLLENHAUPT: Yes. That's -- that would
22 be -- you need to -- well, I don't -- I don't have
23 specifics of what they'll accept.

24 The requirement about the 25 percent. And there's
25 a concurrency requirement, but since I'm not with the

1 Housing & Human Concerns, I'm not privy to all the
2 details. I just don't work with that every day.

3 CHAIRPERSON ROBINSON: Is -- Deputy Director,
4 so when we talk about concurrency, it's with building
5 permits. It's not the completed -- or it's
6 certificates of occupancy.

7 So in the past history, how is -- how has this
8 type of agreement worked?

9 PLANNING DIRECTOR ALUETA: As indicated, as
10 soon as they can get it done, the better. But
11 definitely, we will not be issuing building permits.
12 But chances are a lot of these agreements will be done
13 prior to a large subdivision.

14 You can -- he can start working on it right now,
15 and -- and normally, it doesn't take that long for him
16 to work with the department of housing concerns, and
17 they set up an agreement with them. That's -- that's
18 my understanding of the process right now; and that
19 they would set the timelines, usually agreed upon, when
20 each of the affordable units or workforce housing would
21 be provided and what time frame. So they'll set up
22 conditions, and they'll -- and they'll enforce it.

23 So, like there will be a sign-off agency doing
24 building permits. So if they don't have an agreement
25 or if their agreement says that we need so many houses

1 by this time, they would then usually not sign off on
2 the building permits as they come through.

3 CHAIRPERSON ROBINSON: Okay. Would any --
4 any representative of the State Department of
5 Transportation like to make any comments or would like
6 us to get anything clarified before we -- we move on in
7 this process?

8 MR. WOLLENHAUPT: Their answer is no.

9 CHAIRPERSON ROBINSON: Okay.

10 COMMISSIONER CARNICELLI: Welcome to Maui.

11 CHAIRPERSON ROBINSON: Less is more. Right.
12 Okay.

13 Commissioner Gomes.

14 COMMISSIONER GOMES: I'm sorry. Just
15 Condition No. 7, in regards to air quality.

16 This is being monitoring -- I mean, monitored by
17 the Department of Health; is that correct? I'm sorry.
18 I'm sorry --

19 MR. WOLLENHAUPT: Well, I'd have to go back
20 to the EIS. I think that's an air quality during the
21 construction period on dust mitigation. I don't have
22 it -- I'd probably find it in the EIS.

23 COMMISSIONER GOMES: Okay.

24 MR. WOLLENHAUPT: But that's during the
25 construction period, just to monitor that there

1 wouldn't be an offensive -- or probably dust, mainly.

2 PLANNING DIRECTOR ALUETA: Chances are the
3 applicant -- chances -- highly likely the project will
4 require an air quality permit they'll be monitoring, so
5 that's part of the monitoring.

6 COMMISSIONER GOMES: Correct.

7 PLANNING DIRECTOR ALUETA: So it's all
8 department -- part of Department of Health.

9 COMMISSIONER GOMES: Department of Health.
10 But is this done sporadically throughout the
11 development, or this would just be -- just done once?

12 CHAIRPERSON ROBINSON: Through the
13 building --

14 COMMISSIONER GOMES: Throughout the entire --

15 MR. WOLLENHAUPT: Construction.

16 COMMISSIONER GOMES: -- construction.

17 CHAIRPERSON ROBINSON: Construction.

18 That's the State, right?

19 All right. Commissioners, anything else?

20 Commissioner Carnicelli.

21 COMMISSIONER CARNICELLI: Yeah. Actually, I
22 -- in -- in what you gave me here, going to the maximum
23 building height again, it says, "Maximum building
24 height for structures located less than 100 feet of the
25 highway right-of-way shall be 30 feet."

1 Can you do two-story building 30 feet? And again,
2 I don't want to pick nits and I don't want to stall
3 this project based on this, but I'm just saying, is --
4 is -- I believe that -- what's the building code now?
5 It's 35? Is that what maximum building height is? Is
6 it 30 or 35?

7 UNIDENTIFIED SPEAKER: (Indiscernible).

8 COMMISSIONER CARNICELLI: 30. So it is 30.
9 So -- so basically, you can build -- according to this,
10 you can build any structure. You can build a two-story
11 structure, as well, according to this representation.

12 So I -- I'm just putting it in there. I do see,
13 though, it also says that structures developed on lots
14 located within 200 feet of the highway right-of-way
15 shall be designed in a manner to preserve the views of
16 Haleakala from its midpoint to its summit. So you
17 know, I mean, at least you're trying.

18 So I guess I just don't want to lose what we have.
19 I mean, it's a great project, but I also -- part of
20 what we're, sort of, tasked with here is preserving
21 open space and -- and view planes. So that's why I
22 initially asked the question, and just there's a
23 concern with that, with just how this is worded. But I
24 also know that you listen to, you know, the community
25 and you have good intentions, so I'm not going to

1 necessarily ask for a change. I just want that to be
2 addressed and -- and is all.

3 CHAIRPERSON ROBINSON: Yeah. And so, you
4 know, as a -- I think you're right, but -- and what I
5 heard earlier was -- was about, you know, it's -- we
6 want to keep the view planes, but we're going to line
7 the whole -- the whole line with trees. Coconut trees
8 going to block it periodically if it goes past or if it
9 stops there. And we've had, you know, different
10 instances, and there's not a SMA with this one --

11 COMMISSIONER CARNICELLI: Right.

12 CHAIRPERSON ROBINSON: -- where -- where we
13 control the view planes from the highway. But it -- it
14 is a -- is a concern if we just have a -- you know, a
15 wall of trees that -- that will go, you know, 40, 50
16 feet, just on the highway. That's just a comment.
17 It's not a recommendation or requirement.

18 COMMISSIONER CARNICELLI: Landscaping, as
19 well.

20 CHAIRPERSON ROBINSON: But I'm sure with the
21 association, they're going to have people landscaping
22 and keeping that place, you know, very nice.

23 So anything else?

24 We have a motion?

25 COMMISSIONER CARNICELLI: Go. I don't want

1 to make every motion. Go.

2 CHAIRPERSON ROBINSON: Commissioner Hudson.

3 COMMISSIONER GOMES: Go ahead, Commissioner.

4 COMMISSIONER HUDSON: Chair, I'll make the
5 motion for the change in zoning as recommended.

6 COMMISSIONER GOMES: Second.

7 COMMISSIONER CASTRO: Second.

8 CHAIRPERSON ROBINSON: And we have a second
9 from Commissioner Gomes.

10 Like to speak to the motion or discussion?

11 COMMISSIONER HUDSON: I'm good. Thank you.

12 CHAIRPERSON ROBINSON: Okay. Thank you.

13 Anybody have anything they'd like to discuss on
14 this motion?

15 Guys, I have one concern, and the concern is -- is
16 what's not -- is that we don't have a clearcut No. 5,
17 which is the agreement between human services and the
18 housing development for the affordable housing.

19 I'd like to recommend to the council that before
20 it moves there from them, that -- that the agreement
21 has been made on what the -- what the mechanism is
22 going to be for the affordable housing criteria.

23 Commissioner Carnicelli.

24 COMMISSIONER CARNICELLI: If I could speak to
25 that, Chair.

1 As I understand it, the way that the process works
2 is each and every development has to sign an individual
3 agreement, housing agreement, with housing human
4 concerns for -- to comply with Ordinance 2.96, which is
5 the workforce housing ordinance. So each one of them
6 is unique and different. And part of that is their
7 standard language that comes directly from 2.96. And
8 as far as, like, what can be built before and not and
9 things like that, that's all built into it. So any
10 thoughts of, okay, you know, the workforce -- the
11 market rates could be built first, and then the -- the
12 workforce housing later or never, doesn't happen
13 anymore. As a matter of fact -- well, it's technically
14 never happened.

15 But, anyways, is -- I get your concern, but that's
16 part of what this agreement is. So when you look at
17 that condition itself, it just says, Okay. You have to
18 sign a workforce housing agreement before you can get,
19 you know, a certificate -- before you can get a
20 building permit. So that's what it is. So then those
21 conditions for that -- to comply with the workforce
22 housing ordinance will be in that before they can get a
23 building permit.

24 MR. GALAZIN: Chair.

25 CHAIRPERSON ROBINSON: Corp Counsel.

1 MR. GALAZIN: Thank you, Chair.

2 I would just echo Commissioner Carnicelli's
3 comments. And I've reviewed some of these agreements
4 for other types of developments, and he is -- he is
5 correct in that they are individual and unique to each
6 project, but they are all with the same intent of
7 compliance, general compliance, with the 2.96.

8 So I -- I see no problem with this condition as is
9 currently stated, because at this stage, we don't have
10 enough information to be able to craft an agreement --
11 or Housing & Human Services won't have enough
12 information to craft an agreement that's going to be
13 specific to this project at this point in time. As
14 long as the condition is in there that they got to
15 comply, even if you don't put the condition in there,
16 it's the law. They still have to comply, anyway.

17 So I'd recommend that we leave the language as is,
18 but it's your call.

19 CHAIRPERSON ROBINSON: I withdraw my concern.
20 Thank you for the clarification. No. I appreciate it,
21 you know. Thanks, you know.

22 COMMISSIONER GOMES: I just need
23 clarification on top of that, as well --

24 CHAIRPERSON ROBINSON: Commissioner Gomes.

25 COMMISSIONER GOMES: -- by corp counsel or

1 the deputy.

2 Is workforce housing and affordable housing the
3 same? I mean, is this being left up the same way?

4 PLANNING DIRECTOR ALUETA: That is my
5 understanding. The name has changed to workforce
6 housing.

7 COMMISSIONER GOMES: Oh, so they just -- it's
8 just the verbiage?

9 PLANNING DIRECTOR ALUETA: Yeah.

10 COMMISSIONER GOMES: Okay.

11 CHAIRPERSON ROBINSON: Because nothing's
12 affordable anymore.

13 COMMISSIONER GOMES: It's not affordable.
14 It's just -- okay. Got it.

15 MR. ATHERTON: Depends on what it is.

16 COMMISSIONER GOMES: Yeah.

17 PLANNING DIRECTOR ALUETA: If you're not
18 working three jobs, I don't know what you're going to
19 do --

20 COMMISSIONER GOMES: Yeah, exactly. Not
21 working 120 hours a week...

22 CHAIRPERSON ROBINSON: Commissioners, are we
23 good?

24 COMMISSIONER GOMES: Pono.

25 CHAIRPERSON ROBINSON: Deputy Director.

1 PLANNING DIRECTOR ALUETA: Thank you,
2 Mr. Chair.

3 Right now, there's a motion on the floor to
4 approve the change in zoning for Waikapu Town project,
5 subject to the conditions as presented by the
6 department.

7 CHAIRPERSON ROBINSON: All those in favor,
8 please raise your right hand.

9 (Hands raised.)

10 CHAIRPERSON ROBINSON: That's five ayes. The
11 recommendation to approve has been passed.

12 Go get 'em. Go get 'em. Go do it.

13 (Clapping.)

14 MR. ATHERTON: Commission, thank you very
15 much.

16 CHAIRPERSON ROBINSON: We'll take a
17 five-minute recess. (Gavel.)

18 (A recess was taken from 3:03 p.m. to
19 3:08 p.m.)

20 CHAIRPERSON ROBINSON: (Gavel.) Planning
21 Commission is back in session.

22 Deputy Director.

23 PLANNING DIRECTOR ALUETA: Thank you,
24 Mr. Chair.

25 You have a -- in purple -- in purple, you have

1 your proposed schedule for 2019, as well as you have
2 your SMA minor projects report and expansion report, so
3 you have anything --

4 CHAIRPERSON ROBINSON: So -- so
5 commissioners, remember, we have to look at the -- at
6 the dates again on the Mondays --

7 COMMISSIONER GOMES: Yes.

8 CHAIRPERSON ROBINSON: -- please, if you'll
9 look at that again. I want to be able to give a thumbs
10 up to Carolyn today.

11 You know what? Let's look at a calendar, because
12 last time it was a little different.

13 COMMISSIONER CARNICELLI: And March 26th is
14 -- the reason we can't do those two days --

15 COMMISSIONER GOMES: -- it's spring break.

16 MS. TAKAYAMA-CORDEN: Holiday.

17 CHAIRPERSON ROBINSON: March 26 is a holiday?

18 COMMISSIONER CASTRO: Kuhio Day.

19 CHAIRPERSON ROBINSON: Okay.

20 COMMISSIONER CARNICELLI: And then, June 11.

21 CHAIRPERSON ROBINSON: 10th.

22 COMMISSIONER CARNICELLI: June 11.

23 CHAIRPERSON ROBINSON: June 11?

24 COMMISSIONER CARNICELLI: I don't have
25 anything planned on either one of those days now, so --

1 I don't know what the 11th -- what's the 11th of June?

2 MR. GALAZIN: It's my daughter's birthday.

3 COMMISSIONER CARNICELLI: Kamehameha. Okay.

4 CHAIRPERSON ROBINSON: I thought Kam Days are
5 on Mondays.

6 No?

7 I stand corrected.

8 COMMISSIONER CARNICELLI: I thought you were
9 a Kam grad. She mad.

10 PLANNING DIRECTOR ALUETA: He was not --

11 COMMISSIONER CARNICELLI: Kamehameha.

12 PLANNING DIRECTOR ALUETA: He's Kamehameha.

13 CHAIRPERSON ROBINSON: I'm a proud graduate
14 of Kailua High School, and I -- I preface that with GED
15 equivalent. Okay. Thank you.

16 So we are -- if everybody -- everybody okay with
17 -- with the new dates, please raise your right hand.

18 COMMISSIONER GOMES: 2019 schedule.

19 CHAIRPERSON ROBINSON: Everybody, please
20 raise your right hand. We're good?

21 (Hands raised.)

22 CHAIRPERSON ROBINSON: All good. Okay.

23 Next, Director.

24 COMMISSIONER GOMES: (Indiscernible) we have
25 a choice.

1 PLANNING DIRECTOR ALUETA: Next, your SMA
2 reminder report, which in the white sheet.

3 CHAIRPERSON ROBINSON: Are those -- all those
4 okay with SMA, please raise your right hand.

5 (Hands raised.)

6 CHAIRPERSON ROBINSON: All right. Thank you,
7 Director.

8 PLANNING DIRECTOR ALUETA: The yellow sheet
9 is your exemptions.

10 CHAIRPERSON ROBINSON: All those in favor of
11 the exemption report, please raise your right hand.

12 (Hands raised.)

13 CHAIRPERSON ROBINSON: Thank you.

14 PLANNING DIRECTOR ALUETA: And your last one
15 is notification of your proposed agenda.

16 CHAIRPERSON ROBINSON: Yes. Commissioners,
17 please -- please, if you could, take the time and read
18 beforehand what we have in front of us, the docket.

19 Other than that, our meeting is adjourned. Thank
20 you --

21 COMMISSIONER CARNICELLI: Wait, wait. Quick
22 question --

23 CHAIRPERSON ROBINSON: Oh, you'd like to
24 comment on something?

25 COMMISSIONER CARNICELLI: No. Just quick

1 question.

2 CHAIRPERSON ROBINSON: Yes.

3 COMMISSIONER CARNICELLI: Our draft EA that
4 got deferred, bring these back, right? Do not throw
5 them away?

6 MR. GALAZIN: Yes.

7 COMMISSIONER CARNICELLI: Okay. Thank you.

8 CHAIRPERSON ROBINSON: Or -- or just check it
9 online. It's supposed to change, right, the draft EA,
10 so --

11 PLANNING DIRECTOR ALUETA: No, no, no. You
12 deferred the draft --

13 CHAIRPERSON ROBINSON: Oh, that's right. Oh,
14 that's right. I'm sorry.

15 PLANNING DIRECTOR ALUETA: So it's going to
16 be stuck on one -- some agenda. When we have time,
17 we'll look at it.

18 COMMISSIONER GOMES: It said 30 days.

19 PLANNING DIRECTOR ALUETA: Within 30 days.

20 MR. GALAZIN: No. It was good. That was the
21 SMA --

22 CHAIRPERSON ROBINSON: Oh, yeah. No. That
23 was Krausz. That was Krausz that we deferred. We
24 passed --

25 MR. GALAZIN: You were just making comments

1 on the draft EIS --

2 UNIDENTIFIED SPEAKER: Oh, that's right.

3 CHAIRPERSON ROBINSON: There was no approval
4 or denial, just comments. So theoretically, we might
5 say something different.

6 COMMISSIONER HUDSON: You just wanted --

7 PLANNING DIRECTOR ALUETA: Thank you. I
8 stand corrected. I -- there were so many motions going
9 on there.

10 MR. GALAZIN: Yeah.

11 CHAIRPERSON ROBINSON: Good job today, guys,
12 and hopefully, that project will get through. Aloha.

13 COMMISSIONERS: Aloha.

14 (Gavel.)

15 (Proceedings adjourned at 3:12 p.m.)

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C E R T I F I C A T E

I, Paige Christian, CSR 426, Registered Professional Reporter, Certified Realtime Reporter, Certified Realtime Captioner, do hereby certify:

That I was acting as shorthand reporter in the foregoing matter on the 28th day of August, 2018;

That the proceedings were taken down in computerized machine shorthand by me and were thereafter reduced to print under my supervision; that the foregoing represents, to the best of my ability, a correct transcript of the proceedings had in the foregoing matter;

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

Dated: September 16, 2018

Paige Christian, CSR 426
Registered Professional Reporter
Certified Realtime Reporter
Certified Realtime Captioner