

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM E.3
JUNE 26, 2018**

Mr. Yoshida: Thank you Mr. Chair. The third public hearing is from Sprint Wireless requesting a Conditional Permit in order to install a new wireless telecommunications facility consisting of a 35-foot stealth mono-palm, twelve panel antennae, one microwave dish, twelve remote radio heads, 200 square foot equipment lease area on the ground to house two MMBS, power cabinets, one GPS antenna, and one H-frame with ancillary equipment located in the A-2 Apartment District at 3740 Lower Honoapiilani Road, TMK: 4-3-006:004, Lahaina, Island of Maui. Staff Planner is Livit Callentine.

E. PUBLIC HEARING

- 3. SPRINT WIRELESS requesting a Conditional Permit in order to install a new wireless telecommunications facility consisting of a thirty-five foot stealth mono-palm, twelve panel antennae, one microwave dish, twelve remote radio heads, 200 square foot equipment lease area on the ground to contain two MMBS, power cabinets, one GPS antenna, and one H-frame with ancillary equipment; located in the A-2 Apartment District, at 3740 Lower Honoapiilani Road, TMK: (2) 4-3-006:004, Lahaina, Island of Maui. (CP 2018/0001) (L. Callentine)**

Ms. Livit Callentine: Good afternoon Commissioners. We've been having a wonderful meeting today I see. For this item additional testimony has been...no I mean, seriously...additional testimony has been received this morning and then some more this afternoon and then there was another agency review comment but it was actually a comment of no comment, but it should have been in the report, we just didn't have it in time. So all of that was laid out on the table for you in one of your breaks. I apologize for the lateness but sometimes that's the way things work.

Let's see, so I am...the applicant is represented here today by John Yager who is with Sprint Wireless and Rich Conte from Wireless Resources, Inc., and Mr. Conte will now provide a project overview and I will be available after that's done and you can ask questions.

Mr. Rich Conte: Aloha Board and Chair and Commission. Appreciate your time and I know it's getting late and I'll try to be as quick as I can, but as thorough as I can.

Mr. Robinson: We have time for you.

Mr. Conte: Okay, no. I got a plane to catch too, so no, no, I'm just kidding. Anyways, my name is Rich Conte and I do the entitlement and real estate portion of the project. And as Ms. Callentine mentioned, I'm here with my colleague Pete Yager who is...will hopefully help me out on any technical questions. So today, Sprint is seeking a Conditional Use Permit for a wireless telecommunications facility. The project will be located at 3740 Lower Honoapiilani Road, Lahaina, 96761. TMK: 4-3-006: 004. The zoning designation for this property is A-2, Apartment District with a governing height limit of 60 feet. The proposed facility will involve 12 panel antennas with remote radio heads. The pole will be a 35-foot mono-palm design with fronds up to 40 feet. There will be MMBS cell site base station equipment and a 10 x 20 fenced in compound with one GPS antenna and auxiliary equipment and I'll explain a little bit more about what those

are later. The facility will also provide improved voice, data and text messaging coverage in the surrounding community while minimizing visual impact to the surrounding properties.

The project map and location. So if you look to the left that Lower Honoapiilani Road and if you look at all the red rooftops that Maui Lani Terrace. That is the property and it's an L-shaped. So as you come down to the right-hand corner there right on Honoapiilani Highway or actually in their parking lot is where we located a site that is right next to their shed and we're going to proposal a 10 x 20 equipment leased area, fenced in leased area and a 35-foot mono-palm right there. Okay.

This is photo simulation of the site. So if you look at the top picture that is looking north in the parking lot. Now I just want to point out that there's existing palm trees on the property line right along the highway there. And if you look at the bottom depiction that's the after where the proposed mono-palm will be located and we're trying to keep it consistent so this would be technically the sixth mono-palm along the property line along the highway. Next.

Next picture is looking west before and then looking west after and that's right along Honoapiilani Highway driving right by it. Okay. Next picture is a...that's the residential area in the fronting the parking lot and the bottom that's looking east you see it's picking up in the background there.

This slide right here is really crux of what we're trying to accomplish and right now I'll set it up. This is called a radio frequency engineers this is what they use to show what our coverage would be before and after and in green is...we'll let me just set this up...up at the upper very top there's a yellow, you can't really see it but it's a yellow circle that's the Royal Kahana. That is the neighboring cell site. And if you look at the very bottom yellow circle that is the Kaanapali Shores cell site and that's...that would be the two neighboring cell sites. The black in the middle is the proposed. Okay, so the green is current coverage and then the red would be the future coverage. So you can see there's a gap right there. So if anybody who has Sprint probably don't if you live on the west side 'cause they know the coverage is in and out and real spotty out there, they know that this whole area is bad coverage and so that is our objectives to get that coverage there.

So in addition to that we're providing continuous data coverage along Honoapiilani Highway to provide high speed data for the Napili Honokowai. It's actually...(inaudible)...engineer say Napili but we are doing other sites in Napili but for this picture it's mainly for the Honokowai community. And enhanced in-building coverage in the vicinity of the site. Now with the advent of upcoming technology called 5G essentially what that's gonna do is gonna be...they're telling us, but until we actually get it installed we don't know for sure but what they're saying right now is that when 5G roles out that's gonna be 10 times the speed as cable. Now if you can get this type of...what they're trying to do, the wireless community is trying to offer competition just like they did with voice, and you used to have hard line and eventually everybody got wireless phones and they got rid of their hard line phone that's what's the trend gonna be with data meaning that now they can get high speed data and reliable via wireless they'll offer that service as well. And then of course, increase capacity to support users in the vicinity of the site. So as you can right now we just have these two sites, Royal Kahana and Kaanapali Shores and in between there's a lot of dead spots so what this site is also gonna do as you get more and more users these cell sites can only

accommodate certain amount of calls, but as you load the system, load the system this site will then be justifiable just on picking up some of the offloading off the other neighboring sites.

This picture is an architect drawing a bird's eye view or an overhead looking down. So if you look to the right that will be Honoapiilani Highway and you can see right there to the right there's a box right there that will be our 10 x 20 compound, fenced in compound. We'll trench underground to the tower to the left. As you can see we have three sectors and two sectors and on each...two antennas on each sector. As you can see there's three sectors that gives you 360 degree coverage and as you're pointing, one's pointing up north towards Napili, the other one pretty much south towards Lahaina, and then the other mauka right towards the mountains.

Just want to point out in this drawing that the...this facility is an unmanned facility. So it doesn't require anybody there. Doesn't require any...not any impact on traffic. Doesn't affect any services. When I say services, sewer or anything like that. And this type of pole is built with the same integrity as any other building out here, we go through the same process. We go through the building department. We have licensed engineers do the structural. We do a geotech for the foundation. The poles are rated structurally. And yeah, and that's it for this one. Okay, next one.

The architects...these architectural drawings is the elevation view. This is once again, this is a mono-palm. Actually do you have the...I'm sorry you want to grab...actually I should have this out during the photo simulation. We can pass it around. We've come a long way with the stealth type towers now and they have the bark. They actually have bark on the poles so it looks like a tree now. You know, it's definitely it's a tower but it's for people who've been around a lot of these, a lot of times you drive right by, you probably won't even see it, but well at least that's the intention. I know fronds look a little...they look like plastic 'cause they are plastic but what we do is these...the purpose is to hide the antennas so the antennas are painted, painted to match and I don't know if you've seen any of them around in other states or on Oahu but there actually are a couple here on Maui that have been approved in the past. But we've come a long way as far as the design.

...(inaudible)...to the left, that is the actual shed that's already there but we see a picture of the fence, the fence line is actually open and those are the two cabinets. The term MMBS means multi-media base station. That is the brain of the compound or the site. Essentially what happens is, is a call goes through the antenna, it goes down through fiber optics through the pole into this cabinet and then the cabinet then is interfaced into the phone network switch and that's how calls are generated. To the left is the auxiliary equipment. On that auxiliary equipment you'll have the meter, power distribution panel and a fiber cabinet.

I attached this information only because this seems to always come up in every meeting and it's just basic information, it's out there and I'll just go ahead and just read it. Three expert agencies that usually classify cancer causing exposure carcinogens are the International Agency for Research on Cancer that's IARC, the National Toxicology Program (NTP), and the U.S. Environmental Protection Agency (EPA) and these are all official statements have not classified cellphone towers specifically as their cancer causing potential. Once again, this information's out there. This next agency is the U.S. Federal Communications Commissions. Now our whole

industry the wireless industry is regulated heavy by the FCC and it's been around for over, over 40 years as far as cell towers and things like that. And right now at this point there has not been any documented incidents regarding hazard concerns, health hazards or concerns at all. And what they say, FCC has said that this about cellphone towers near homes or schools, radio frequency emissions from antennas used for cellular and PCS, personal communication service transmission result in exposure levels on the ground that are typically thousands times below safety limits, therefore there's no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

And I'm just going to read the yellow highlights and this is the International Agency for Research on Cancer, IARC also noted that exposure to the brain from RF fields from cellphone base stations mounted on roofs or towers is less than 1/100 exposure to the brain from mobile devices such as cellphones.

Then last the EPA, cellphones and wireless networks produce RF but not at levels that cause significant heating. In addition, RF energy decreases quickly over distance. At ground level exposure to RF from sources like cellphone towers is usually very low.

Just to sum up, once again our intentions for that Honokowai area because it's very limited in our coverage is to increase, enhance voice data and text messaging in building coverage. That's the big push is to get a strong signal for your smart phones to not just get voice but to get data at a high speed quality level. There's no reduction in the view plain. Now once again, yes there is a tower there, but technically it could be another tree or a 60-foot structure there and it's not affecting any ocean view or any type of view and we try to stay consistent with the landscaping, the current landscaping. Allows parody among other wireless carriers. As we know competition, good...good healthy competition always seems to work out, good for the end user. Allows more residents to work remotely with faster data rates in building. Once again, we're just trying to get faster data speed in building coverage. Allows locals and tourists alike to have that ability. Of course, public safety better coverage for 911 or any emergency calls for friends and family members. As we all know we all use phones. There's nothing worse than trying to make a call. It can either be an emergency call or not and it either drops or we can't get any service. No health impact.

And this last one I do have to make a disclaimer, increase property value through increased service to the area. So I'm just going to change that saying, increased...increased perceived property value and the reason why I say that is that I don't have any documentation that it increases property value, and I don't have any documentation that it decreases property value for those some people are concerned. But I can say this as someone who's been in real estate for a long period of time, when you do look at property in assessing your value and how it affects you a lot of times listings other than price you do look at services. You know what's there. Is it electric? I've got water there. I've got cable service, phone service and various phone services are listed. As far as appraisals go, if you follow the appraisal standards as far as price per square foot usually a couple things come into play is if there's a structure or an asset on the property or if you got income producing tenants on your property that increases the value. So that...the tower checks off both those boxes. So once again I'm just, just from my experiences I can say that that could hold true.

So in conclusion this installation will allow Sprint to provide improved wireless communications coverage to the surrounding community while minimizing visual impact to the surrounding properties. The proposed use will not significantly detrimental to the public's interest, convenience and welfare and will be in harmony with the area in which it is located. The facility will not greatly affect the purpose of the current use or of the existing land and therefore will be minimal alteration to the landscape. Sprint Wireless seeks to provide optimum service to its customers while working within the guidelines set by the County. The use of creative design provides opportunity for improved coverage without changing the character of the community. Therefore, Sprint submits this application and humbly requests the approval of a Conditional Use Permit. Thank you and any questions.

Mr. Robinson: Thank you. At this time, we'll take public testimony. Is there anyone here that would like to testify on this item please...aloha, please state your name and you have three minutes. You don't have to sign in, you can just come straight to the podium.

a) Public Hearing

Mr. Carnicelli: You get an award for being here all day.

Ms. Shelley Snyder: I feel like I know all of you. I don't really love public speaking but this will be, this will be easier because I've spent the day with you. So my name is Shelley, and I—

Mr. Robinson: And your last name please.

Ms. Snyder: Snyder. I live at 3788 Lower Honoapiilani Road which is...pardon me, I'm a little worked up at the moment.

Mr. Robinson: Just take your time. Take your time.

Ms. Snyder: Right next door to the proposed property where this will go and I have so many feelings on this. I cannot...I don't know where to begin. First you know, you've noted off these different—

Mr. Robinson: And I apologize you have to address the Commission not the applicant, but he can hear you.

Ms. Snyder: Okay. So you know it was noted these different organizations like the Cancer Institute and things like that had said there's no health implications. Well, you know the World Health Organization says there are. There's not enough research been done. There's very limited data that's been collected and on developing children it's proven this is not healthy. This is a very highly populated area. There are over 7,000 people living in Honokowai, most of them families with young children all over. There's a park across the street where they're proposing to put this. And it's just not the right place. This is not a good area. All up and down lower road you have condominiums where we all live. This is where we've decided to raise our families. This is not a

place to put this pole. I ask all of you to think back to when you bought your place, your home, your piece of land, your condo, think about that fondly. That's your sanctuary. That's where you go to unwind. Now think about that with a pole in your backyard. Think about it with a cellphone tower right in your backyard where you can look out your back window and that's what you see and that's what you get day in, day out every minute of every day all of these emissions going right through your neighborhood. You can choose to be on your phone an hour a day, two hours a day, three hours a day that is your choice. If they put this up I don't get a choice anymore. It's going to be in my backyard every day, every minute of every day and I don't like that at all. And my property value is gonna go down. I don't know where they think they're coming from thinking it's gonna go up or people are happy about this. I went to every single property and talked to dozens of people, maybe even a hundred people not one person has a concern of making a call. We all get our calls. We all can use data. There's no absolutely no reason we need higher coverage. And 911 calls, we all can make a 911 call. You've gotta be kidding me that we need Sprint to put up a tower to make a 911 call that's asinine. So I am absolutely opposed to this. I'm here on...I'm on the board for Hale Royale. I had some of my board members here this morning as well. They had to leave unfortunately. We have a couple of letters they wrote. Also there was a board member—

Ms. Takayama-Corden: Three minutes.

Ms. Snyder: --for the property across the street from us who was here this morning. He was absolutely opposed to this. I've talked to all the residents up and down lower road. I didn't talk to a single person that said yay let's do it, not one out of all the people I spoke to. There needs to be more research. There's needs to be breaks put on this. This does not need to go where 7,000 people call home. It's ridiculous. Thank you.

Mr. Robinson: Thank you. Commissioners we have any questions for the testifier?
Commissioner La Costa.

Ms. La Costa: Mahalo Chair. We did receive some written testimony and previously it was read into the record. Would that be possible at that time?

Mr. Robinson: I made the exception because it was a Senator—

Ms. La Costa: Oh okay.

Mr. Robinson: -- and because we never get representatives.

Ms. La Costa: Okay.

Mr. Robinson: But if nobody did not receive that I think that's...yeah, 'cause we didn't have a testifier on the other side. All we had was testifiers pro, we didn't have it against, that's why I gave Kahu Hill at least to have somebody on the opposite site and I think she's...and like I said, she's representing, you know she's talked to the people representing an association so, I feel that you know, one and one I think is fine. That's all. But if you'd like to comment on the...on any of

the information you're free to.

Mr. Galazin: ...(inaudible)...

Mr. Robinson: Yeah.

Mr. Galazin: And just so you know any written testimony that is received and distributed is part of the record. When I talked about earlier the record on appeal. That is part of the evidence that's considered so there's no need to read it out loud. But as the Chair pointed out you can certainly point to it and give comments or ask questions based on other testimony.

Ms. La Costa: Thank you.

Mr. Robinson: Commissioner Kahu Hill. Either way.

Ms. La Costa: Okay, I do have a question, thank you.

Mr. Robinson: Sure, Commissioner La Costa.

Ms. La Costa: But it's actually for the presenter, so—

Mr. Robinson: So the questions is for the testifier. Do you have a question for the testifier?

Kahu Hill: I do. Aloha Shelley.

Ms. Snyder: Hello.

Kahu Hill: Do you...you said you had researched and found...they did present some information about that it wouldn't cause cancer and people are concerned about that and health concerns. Do you have any information, any organizations, anything about young children that are being developed, their brains, anything you could share with us on that at all?

Ms. Snyder: Absolutely. You know the World Health Organization has done many studies and like I said there's limited research and data collected but it says, it says, the World Health Organization recommends that we address the general health effects including cancers in children who use mobile phones or live near base stations of radios, T.V. and cell towers. This is of high priority. So I mean, the research goes on and on, there are pages of this, but what it basically says is here, yes in the U.S. we haven't done as much research as we should. We need to slow down. We need to really collect some data. In Europe they've already...they don't put these cellphone towers near schools or near communities where they're highly populated because they don't feel that it's safe. Here we're a little behind the times and we're kind of steamrolling ahead without the data and research. And unfortunately I don't have any like data to pass along to you, but what I don't want to have happen is in five, ten, fifteen, twenty years and say oh yeah, that was really bad. Why don't we stop, do more research, collect that data and then move forward. There's no reason that we have to have this particular thing happen right

now this week, this year, this five years. Why not wait until we get that data and then we can go forward.

Kahu Hill: And Shelley one more thing on that, did you see any research as far as like what Europe is doing or other countries are doing as far as how far that they make them 200 feet or how many yards or meters between residences or anything or schools or...

Ms. Snyder: Well, I don't know the limitations exactly I apology.

Kahu Hill: I know I'm kind of asking questions ...(inaudible)...

Ms. Snyder: I know I wish that I was a little bit more...I knew the limits and things, but I don't, I don't know those offhand but they do...if more research was done we could find that they have definite restrictions and you cannot put it within a certain limit of school zone or within communities that are populated to X amount. So there are restrictions and limitations.

Kahu Hill: Can I ask one more Chair? Thank you, mahalo. So what you're saying is that United States or us has not done enough research. So even if we were to defer this to get paperwork and documentation to give any other research on the matter it doesn't exist at this point in time?

Ms. Snyder: Well, and that is something that maybe, you know, you all need to do your due diligence and see if there is some research. I personally couldn't find anything that was just like this is the guidelines, this is where we can put them or we can't put them. I think it's all just being kind of developed as we go along. I couldn't find anything that gave like limitations of restrictions, but it's possible it's out there and maybe you have more access to that.

Kahu Hill: Mahalo.

Mr. Robinson: Thank you for your testimony. You have a question for our testifier? I apologize we have another question for you. I'm sorry. Commissioner Tackett.

Mr. Tackett: The closest building that I saw to the cell tower seemed to be makai of it. Is that where you live?

Ms. Snyder: We actually live north of the proposed zone. So we are on mountain side of the Lower Honoapiilani Road and we're on ocean side of the highway and it's proposed to go on ocean side of the highway right behind the property where I live.

Mr. Tackett: How far do you think your building line is from the tower that they're proposing?

Mr. Robinson: Commissioner, can you please the Exhibit 4 on top of the screen please. Thank you.

Ms. Callentine: We don't have that on. ...(inaudible-not speaking in to a mic)...you're talking about Exhibit 4 from the report?

Mr. Robinson: From the report.

Ms. Callentine: No, the report is not there. This is their presentation.

Mr. Robinson: Oh, I apologize.

Ms. Callentine: But I did pull up Exhibit 4 myself.

Mr. Robinson: So Commissioner Tackett if you can look at Exhibit 4 on your page?

Ms. Snyder: It's two stories. We're just north of where the proposed site is.

Mr. Robinson: Yeah, right there, right there.

Ms. Snyder: And it's only a few hundred feet I would say from where the proposed site is.

Mr. Robinson: So you live in Hale Royale?

Ms. Snyder: Yes, sir.

Mr. Robinson: So that's No. 2 Commissioner Tackett. And you see...and can you find out where the Maui Lani Terrace and where the parking lot is on there?

Mr. Tackett: Okay, I see that.

Mr. Robinson: And you see where the L is and see where the parking lot is and where the proposed shed is on the bottom right? There's a little shed there.

Mr. Carnicelli: Little brown dot.

Mr. Tackett: Down here?

Mr. Robinson: Yes. I got your bearings. Oh yeah it's up there too.

Mr. Tackett: Okay.

Mr. Robinson: Okay, thank you. I'm sorry continue.

Mr. Tackett: That was my question.

Mr. Robinson: Thank you so much. Any other questions?

Kahu Hill: I just have a question—

Mr. Robinson: Well, if it's not for the testifier I'm going to close public testimony and then we can have discussion. Do you have testifier or you're good? Is there anybody else that would like to testify on this item? Seeing none, public testimony is closed. Commissioners, any questions for the applicant? Commissioner La Costa.

Ms. La Costa: Mahalo Chair. Thank you very much for your presentation. So I have a few questions. I actually used to live within about 35 feet of where that tower is going up. Why did you happen to pick that specific area of Honoapiilani and Honokowai because is it very densely populated?

Mr. Conte: Well, there's in a selection process there's four criteria. One is and probably the overriding one is coverage. The radio frequency engineers tell us where they need coverage. They circle it on a map and say if you find something in this, in this circle that's constructible, zoneable and leasable that should accommodate our coverage. So that property I was able to obtain a lease, it's zoneable, it's constructible and it meets the RF objective. So the key is that we have two neighboring sites. So there's RF there already and let me just point out for the record that, you know, I respect her. I can understand the emotions involved because people hear things, but she uses a phone so she's fully aware that there's RF and she uses RF. So all we're asking is that we have the same opportunity to offer some competition in the area.

Ms. La Costa: So you mentioned that leased, so you are leasing the area where it is.

Mr. Conte: That's correct.

Ms. La Costa: And was that a determining factor of the position of that? That that was the only place that would lease it.

Mr. Conte: Yes, absolutely. Ideally we look for existing structures first. That's why we looked at the...once again, it's right up the street from her and everybody there's Kahana, the Royal Kahana and then also the Kaanapali. So the way the network works is, once you drive out of the range of one tower, you driving to the range of another. So on this island alone there may be 30 sites. So we have to...so in order to get the coverage and either which carrier you're with the whole island's blanketed with RF. It's everywhere. So that is...there's going to be no way around that. And so in talking about density that's where we go. We go...that's the intention is go where the population is because that's our customer base, that's everybody's customer base.

Ms. La Costa: The other two sites that you mentioned Kaanapali Shores and Royal Kahana, those are for the most part vacation rentals so people are coming and going and they don't have continuous exposure as all of that residential area does where you're proposing to erect the site.

Mr. Conte: Not necessarily. I wouldn't say that. I mean there's locals that live all in that area. That coverage...once again, there's coverage around the whole island. There's more than just two...so there's 30, pretty much almost 30 sites on every island.

Ms. La Costa: Yeah I was thinking of the density in that area not only living there but also being

familiar with the real estate there, so...and my last question if I might please Chair is at 35 feet with planes coming in and out of Kapalua Airport what kind of...and also birds, there's a fella who lives on Haku Hale that has homing pigeons. What kind of impact is that going to have on the birds with the continues...(inaudible)...or on the planes?

Mr. Peter Yager: We do studies related to—

Mr. Robinson: I apologize can you please introduce yourself?

Mr. Yager: Certainly. I was introduced as John Yager, I actually go by Peter, my middle name. Thank you Commissioner for your question. As far as the Kapalua Airport goes we follow the FAA guidelines on that and we'll do a study checking to make sure that we don't have any interference with the flights coming and out of that airport.

Ms. La Costa: What about the birds?

Mr. Yager: We an NEPA study on that and that would be addressed in the NEPA study.

Ms. La Costa: Thank you. As far as the NEPA study is a huge flock of homing pigeons in that neighborhood and so as far as numbers go I understand that there are specific criteria you must adhere to if there is livestock that could be impacted or birds or anything like that. What does your studies say?(inaudible)...that there was one...(inaudible)...

Mr. Yager: Our study is in progress. It will be completed at the end of July.

Ms. La Costa: Thank you.

Mr. Robinson: Commissioner Kahu Hill.

Kahu Hill: My question is for Peter not John. Peter just looking at phone technology and telecommunications I'm thinking about the environmental impacts of the telecommunications sites and wondering about the EMF, the electromagnetic fields and including the radiation and microwave radiation of frequency levels that radiate from those cell towers and everywhere, antennas, dishes. And I know with the technology it's saying that with FCC that you guys gotta stay on frequencies so I get that. I'm wondering with looking at this and you're talking about 5G and about, you know, we just keeping going, our cellphones keep evolving, our pads, our tablets, our computers, we keep evolving and I'm sure the technology will keep evolving and there's things to look at with health concerns. I'm just wondering does the environmental impacts here include monitoring, like monitoring the safety levels of radiation or things like that, the telecommunications site or sites.

Mr. Yager: Well, we design the site under the OET 65 Regulations of the Federal Communications Commission and we operate the transmitters within the specified power levels using that study as our guidance. And then they're monitored continuously because the power is set and if there's any deviation in the power that would be brought out as an alarm in the system.

Kahu Hill: And where would that happen 'cause you said that it was unmanned and so where would you...how do you monitor something like this?

Mr. Yager: We have multiple network operation centers throughout the country that monitors these sites.

Kahu Hill: And would your intention be if you come to this 5G that as technology advances being able to use what you're wanting to put in place on this pole to add higher technologies to this platform, this area?

Mr. Yager: Yes we would. Yes.

Kahu Hill: Mahalo.

Mr. Robinson: Any other Commissioners have a question, comment? Commissioner Carnicelli.

Mr. Carnicelli: So I don't know which one of you can answer this one, but did you make contact with the County Communications Coordinator Walter Pacheco at the Police Department for his input?

Mr. Yager: We know Walter quite well and we will make contact with him, but we have not yet.

Mr. Carnicelli: Okay, so you know him quite well, but you haven't contacted him about this yet.

Mr. Yager: That is correct.

Mr. Carnicelli: Okay. If I could continue?

Mr. Robinson: Please.

Mr. Carnicelli: So we've got reaching out to Walter and the bird study that haven't been done. What else has not been done yet or not completed yet?

Mr. Yager: We're in the zoning phase right now so that's the NEPA and communication with the County, Walter. That's normally with...as part of the stipulation on the zoning approvals that you reach out to the County...(inaudible)...and talk about it at that point.

Mr. Carnicelli: Okay. If I can continue? So when we've gotten these in the past you know I guess, and I'm gonna use real layman's term for someone that knows all the technical words, you got the tower and then you got your, you know, the signals going out and there's a band width with which it physically goes and that's why we put them up and yet the most hazardous part is that piece that goes like that. I don't see any elevations or something like that to where...I mean, I get that this area is on a grade, so you know, you're gonna be at the top by the upper road and I don't know if those...that shoots over the top of the houses or not, that main say beam of—

Mr. Yager: It is a beam width.

Mr. Carnicelli: Oh beam, there we go. All right, I know the technical term then. So can you...do you have a slide or something like that where you show the beam?

Mr. Conte: No, I'm sorry the next, the one right before that one. Might not be able to see it. Actually it's on this one too. It's called an exclusionary. It's on this one.

Mr. Robinson: The right side.

Mr. Carnicelli: Right, but that doesn't show relative to anything else. I mean, it just shows a parking lot with a tree. You know it doesn't show where the houses are below that. It doesn't show where the Maui Lani Terrace is next to it.

Mr. Conte: Well, it's 35 feet up in the air, 20 feet going straight out there's absolutely...

Mr. Carnicelli: Okay, I'm just...I'm trying to—

Mr. Conte: I'm not...(inaudible)...I just want to explain a little bit more on the exclusionary just so everybody understands. That is a calculation done by the antenna and then also the ERP, the Effective Radiating Power and then they determine this exclusionary. In other words, anything in this exclusion that crosses this exclusionary zone, you just need to have some type of notification that you can't be there too long on it. But anything after the exclusionary zone or so long you're not in it, you're...and everything past that you're pretty much fine. You are fine.

Mr. Carnicelli: One more question.

Mr. Conte: And this is yeah, 35 feet up in the air.

Mr. Carnicelli: So my next, my last question is around say Kaanapali, North Kaanapali to Kahana, how many cell towers are in that area now, not just Sprint. I got where you guys are on Royal Kahana and Kaanapali Shores, but if I take AT&T and everybody else, how many towers are there. How much, how much is the neighborhood getting blasted now?

Mr. Yager: I would...this is would be an estimate 'cause the other companies don't always share their locations with us, but I would guess it to be anywhere from five to seven towers per company.

Kahu Hill: Per what?

Mr. Carnicelli: Per company. Five to seven per company in the same area that you want to put...that you now have two and you want to put a third.

Mr. Yager: Well, you went from Kaanapali—

Mr. Carnicelli: Yeah, I'm saying North Kaanapali...Kaanapali Shores which is you know, say the north end of Kaanapali to Kahana. So you guys have two, everybody else has four or five. Okay.

Mr. Robinson: I don't want you guys to take this personal. I think you know, it's always...no I'm serious. The last person always seem to you get more questions and we're a thorough commission than it was a few years ago. We ask a lot more questions and some guys might have been able to slide in more. There's more research. There's more out speak and lot of us we just want to understand you know, what's going on and so I want to, you know, it's, it's just a process and try to...try not to take it personal, and we'll keep on going. Commissioner Kahu Hill.

Kahu Hill: I just wanted to understand 'cause I heard before also that sometimes when it was T-Mobile or Sprint or AT&T or Verizon that sometimes they would use others towers or use Verizon towers or something does that exist within Sprint?

Mr. Yager: Yes, we do co-locate on other companies facilities.

Kahu Hill: And is there nothing on the west side that you could do that with?

Mr. Yager: We could not find it in this particular RF search range.

Kahu Hill: One last question. If you advance your technology from what you're looking at today and believing that it wouldn't create cancer or health concerns with what you know what about future technology looking to be in this housing and not knowing those stats but of course wanting to keep up with telecommunications and technology and always staying up with that being so close to residents and life.

Mr. Yager: I think that the future for wireless telecommunications is you have multiple facilities much closer to the residents, many more facilities as we enter into the 5G phase where you'll see them on light posts, electrical tower facilities. They're gonna be much more prolific.

Kahu Hill: Are you saying that because of the density of people or overpopulation in areas? Would that be the main reason that they would be closer?

Mr. Yager: The demand I think. Like these particular cell sites that we're proposing and there's a total of eight on Maui by the way, we have received feedback from our customers and these are directly in relationship to our customers telling us that they need coverage in this area to continue to work with us.

Mr. Robinson: We only got today guys. Is let me ask a question and so we can try to move this along so we can get a motion. Can you quantify the exposure of no matter what you call it 'cause is heard that you have...at 30 feet high we have a beam right. We do have two stories in that neighborhood. Quantify the distance, quantify the radiation and what I'm asking is, is we have cell phones everywhere right? I mean, I actually rather live at some place I have a better reception than I don't have one in my room. That's me, everybody's different. But I also have Bluetooth, I

also have modem that's all remote so I don't have anything wired. So I'm a wireless. So is our modems in our home just like a cell phone. I mean, you know can we quantify everything instead of just cell phones and just focus on cell phones because is our internet and what's going on in the internet is that the same, you know. And then to further the question does 5G give out any more, any less compared to 2G or 3G?

Mr. Yager: I'll start with 5G first.

Mr. Robinson: Okay.

Mr. Yager: And that, the answer to that is no. They operate on...5G is a type of signaling format that is used in order to enhance the data bit stream to allow more data in a particular time frame. So whether you're operating at 800 megahertz or 600 megahertz or 1,900 megahertz, or 2,500 megahertz or 700 megahertz which the cell phone companies are using. They all would support 5G. Generally they're going towards the higher frequencies to allow better penetration into...in buildings. And as far as the rest of the—

Mr. Robinson: Modem to a cell phone and a tower. What's a modem tower, cell phone tower is that compatible or are we talking apples and oranges?

Mr. Yager: Well, they're different, sort of...well, I don't know, apples and oranges I guess because they're different frequency ranges. So you're talking about a much different frequency that you're using for your Wi-Fi than we are for the—

Mr. Robinson: Is there a difference in exposure regardless if it's noncancerous or cancerous?

Mr. Yager: It's a lower, lower power output on those—

Mr. Robinson: On the modems.

Mr. Yager: Yes, but they're right in your house.

Mr. Robinson: Okay.

Mr. Galazin: Chair?

Mr. Robinson: Corp. Counsel.

Mr. Galazin: Thank you Chair for allowing me just to chime in real quickly. Just to make sure that all the members understand that this is for a Conditional Permit and you guys are making a recommendation to the County Council so whether or not to approve it. It's gonna be up to them to do it. A fun fact, in the Middle Class Tax Relief and Job Creation Act of 2012, they slipped in a provision related to colocation of similar type units where powers, municipalities with zoning powers are pretty limited in what they can do as far as regulating colocation. So standalone entities like this you have a little bit more...in the report you'll note that there is reference to Shot

Clock, that 2012 Tax Relief Act that somehow also relates to cellphone towers and zoning approvals has an even shorter shot clock. So you can make your recommendation. You are not going to prohibit these things from being proliferated around the island. These are very good questions to ask but I would say this is one way in which conditions can be put on it through conditional permit by the County Council. If it's colocation then there's less control over it. So a standalone tower actually provides a little bit more...(inaudible)...of control. And as I mentioned that was something that's(inaudible)...put on as a condition when Council makes a final determination, but it's just something to throw out there for everybody.

Mr. Robinson: Do we have a motion?

Mr. Castro: I move to adopt the Department's recommendation.

Mr. Robinson: And do I have a second?

Mr. Carnicelli: Second.

Mr. Robinson: Seconded by Commissioner Carnicelli. Discussion Commissioners? Is you know, is I'm just going to put my two cents in this. I come from communication equals mobility for economic. It's proven, internet is proven, phone access is proven that people that are able to communicate can help their economic stability. Reducing people's ability to communication affects them economically and I'm not sure about all the medical or legal...medical aspects of it. You know, I'm gonna claim I'm ignorant on that, but I do know that communications help people's economic upward mobility. Any other comments? Commissioner Carnicelli.

Mr. Carnicelli: Yeah, Chair you know I appreciate the testifiers concerns and I'll be perfectly honest with you I've had similar concerns and my wife and I have talked about moving to the middle of Montana or something like that you know. But I was actually yesterday in Honolulu staying in Waikiki and from my room I looked at every single hotel and every single hotel I looked at had a tower looking at this. You know I do have the concerns about how much is too much, when's enough enough, and yet, at the same time you know there is competitive balance if we've let one company do it but we don't let another company do it where do we fall in that. So yeah, I'm gonna go ahead and support the motion to approve to the Council.

Mr. Robinson: Commissioner La Costa.

Ms. La Costa: Thank you Chair. I am against this motion for two reasons. Number one, these studies are not complete. There were two very important, one of them is communications with the police and you talk about 911. The airport is close by as well. That's probably a concern. And also, what you're doing about the NAPA, WEPA, whatever survey...NEPA see I'm not a bird person, but what you're doing about that and when's that going to be concluded. So I cannot support this without all the information.

Mr. Robinson: Okay, we'll take this to a vote. All those in favor of recommending to Council please raise your right hand? All those opposed? I will pass this. Motion is approved.

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

VOTED: To Recommend Approval of the Conditional Permit to the County Council.
(Assenting – S. Castro, L. Carnicelli, A. Hall, C. Tackett, K. Robinson)
(Dissenting – P. D. La Costa)
(Excused – T. Gomes, L. Hudson)

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II