

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JULY 9, 2019**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:00 a.m., Tuesday, July 9, 2019, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Mr. Lawrence Carnicelli: Good morning everyone. The Maui Planning Commission of July 9th, 2019 is now in session. My name is Lawrence Carnicelli. I am the Chair. And also with us in attendance is Commissioner La Costa. Good morning.

Ms. P. Denise La Costa: Aloha Chair.

Mr. Carnicelli: Commissioner Castro.

Mr. Stephen Castro: Aloha Chair.

Mr. Carnicelli: Good morning. Commissioner Tackett.

Mr. Christian Tackett: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner Robinson.

Mr. Keaka Robinson: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner Pali.

Ms. Kellie Pali: Good morning Chair.

Mr. Carnicelli: Good morning. And Commissioner Thompson.

Mr. Dale Thompson: Good morning.

Mr. Carnicelli: Good morning. Also is David Galazin, Corporation Counsel, and Director Michele McLean. Good morning.

So just so everybody knows, we basically have three agenda items, old business and public hearing. The old business, we will not be taking public testimony on those. The public testimony has been closed on that. So just so if there are people in the audience that did not understand how the agenda was written. So, but now that we have established quorum, Director, do you want to go ahead and start us with our first item?

B. OLD BUSINESS

1. **LAHAINA CANNERY RETAIL OWNER L.P. requesting a Special Management Area Use Permit for the proposed Lahaina Cannery**

Expansion Phase 2 to include the addition of a fuel station, an 800 sq. ft. convenience store, parking, landscaping and related improvements on approximately 16 acres located at 1221 Honoapiilani Highway, Lahaina, Maui, Hawaii, TMK (2) 4-5-011:004 (SM1 2018/0007) (P. Fasi) (Public hearing was held on April 9, 2019) (No quorum for the June 10, 2019 meeting)

Ms. Michele McLean: Thank you Chair. Yes, as you mentioned there are two items under Old Business. The first is Lahaina Cannery Retail Owner LP requesting a Special Management Area Use Permit for the proposed Lahaina Cannery Expansion Phase II to include the addition of a fuel station, an 800-square foot convenience store, parking, landscaping and related improvements on approximately 16 acres located at 1221 Honoapiilani Highway in Lahaina at TMK 4-5-11 parcel 4. The public hearing was held on April 9th, 2019, and Paul Fasi is the project planner.

Mr. Paul Fasi: Good morning Commissioners and the public.

Mr. Carnicelli: Good morning Paul.

Mr. Fasi: This is a continuation of the April 9th, 2019 Planning Commission meeting. At that meeting we had two public testifiers, one in favor and one unfavorable. Just to get this on the record again, Lahaina Cannery Retail Owners proposing an expansion of the Lahaina Cannery which they are calling Phase II. The parcel is owned in fee by the applicant. The project site is located within the limits of the County's Special Management Area, and therefore a County Special Management Area is required. The applicant will address the Commissioners' concerns from the April 9th meeting which is why we're here today.

The description of the property is 15 ½ acres. It's in Lahaina. It's in the State Land Use District Urban. The Maui Island Plan is in the Urban Growth Boundary. There are no protected areas. The West Maui Community Plan is Business Commercial Open Space. The County Zoning is M-1 Light Industrial, A-1 Apartment District. It is in the SMA. In the Planning Department's analysis, under the State Land Use, the project is in conformance with the State's goals, objectives and policies of the Hawaii State Plan, as well as the Countywide Policy Plan. The West Maui Community Plan in which it's located supports the West Maui goals, objectives and policies for land use. The County Zoning is designed M-1 Light Industrial. The existing use of the property as used is in accordance with the permitted uses in the M-1 Light Industrial zoning.

Of concern for most of the April 9th meeting was the issue of traffic and the flow of traffic. Most of the discussion centered around that. The secondary issue was the issue of the tanks and the spec and how close it is to the ground water and so forth. So the applicant will address those concerns. I think he passed, they passed out some information addressing the...10 concerns that were brought up at the previous meeting.

So there was a TIAR done. The TIAR was accepted by the Department. The State Department of Transportation had no issues with the filing of the TIAR. And you do have the TIAR which was requested in the previous meeting.

1 It went to the UDRB on January 15th. They had a few comments. The applicant has
2 successfully addressed those comments and taken them into consideration.
3
4 Let's see...if there are no further...issues or anything that I have missed, I'm going to turn this
5 presentation over to the applicant's representative so they can get right to it. Any questions for
6 the Department? Thank you.
7
8 Mr. Carnicelli: Thanks Paul.
9
10 Mr. Fasi: Yes sir.
11
12 Mr. Carnicelli: No, I said thank you.
13
14 Mr. Fasi: You're welcome.
15
16 Mr. Jeff Overton: Good morning Commissioners. Jeff Overton. I'm a planner with G70
17 representing Lahaina Cannery here.
18
19 Mr. Carnicelli: Good morning Jeff. Hey, I just have a quick question for you. After the public
20 hearing had closed there was some additional testimony that was submitted to the Department
21 that were circulated to us? Did you get a copy of that?
22
23 Mr. Overton: Well we've not received -- was there --
24
25 Mr. Carnicelli: There was a couple of public letters.
26
27 Mr. Fasi: Yeah, that was in my email. I believe there were maybe perhaps two sent to you.
28
29 Mr. Overton: Okay.
30
31 Mr. Fasi: But they were very late.
32
33 Mr. Overton: Okay. Yeah, right. So it was April 9th, so I apologize.
34
35 Mr. Carnicelli: Right.
36
37 Mr. Overton: And as I understand it the context of those was primarily growth concerns and
38 maybe some traffic related concerns. That was the essence of that.
39
40 Mr. Carnicelli: Yeah, I just wanted to give you the opportunity to be able to respond to those if
41 you need to. So I mean that is, is, is if that's what you have to say then --
42
43 Mr. Overton: I appreciate that. I would believe our testimony here today will cover both of those
44 issues here and --
45
46 Mr. Carnicelli: Okay.

1
2 Mr. Overton: -- and if that's okay we'll, we'll dive into it. For the benefit of the group, and thank
3 you everyone for hearing our item today. I'd like to first introduce the representatives for the
4 project that are here. We have Jay Kerner in the back row here. He's the President of US
5 Realty Partners. Michael Wright seated next to him, the Development Manager, Wright Hawaii
6 Commercial Real Estate. Todd Paradis, he's the Real Estate Manager with Albertsons. Dan
7 Ford, he's the principal geologist with Ford & Associates Environmental Consulting. Sohrab
8 Rashid, he is the traffic engineer with Fehr Peers. Myself. Jim Stone is away on holiday. His
9 associate Ryan Odanaka did all the pretty pictures, a doctor of architecture. And Shane Peters,
10 he's our communications liaison.

11
12 For the benefit of our new Commissioners -- well, welcome -- we wanted to just refresh some of
13 the imagery that we had presented to the group if you'll bear with us. And then I'll also spend
14 some time talking about the packet that is before you. I apologize for its thickness but I can hit
15 the high points of this and then we can dive into details as needed. To help you with the slide
16 show there is a handout of all the images and might read a little better.

17
18 So I went through our team. The aerial view of the site -- thank you -- which shows the Phase II
19 area, the existing shopping center, the developed property that's been recently renovated. And
20 we'll show some pictures of that. And this is the site that we're looking at for the fuel station and
21 convenience store. Here's a picture from a few years back and most folks remember Lahaina
22 Cannery and the old Safeway that existed prior to our client taking control of the property. And
23 this is what it looks like today. They had a very successful renovation. Most people seemed to
24 be pleased with it. Todd is here to make a few remarks on behalf of Albertsons and Safeway.

25
26 The improvements that are proposed with this application, as Paul had specified, it's an
27 automobile fuel station, so it's going to have eight fuel pumps with 16 filling positions. Our site
28 area within the overall Lahaina Cannery complex is about 3,600 square feet total. There's just a
29 small 800-square foot convenience store, internal circulation within the fuel station and
30 wayfinding for that. Overall parking for the complex is 613 spaces, and we more than
31 accommodate the parking required for the fuel station. And of course, we've got to handle all
32 the County's requirements for drainage, and infrastructure, landscaping, and there's a cultural
33 preserve on the property that will be implemented, recommendations from 2006.

34
35 So here on the site plan shows the area, the fueling station in reference to Honoapiilani
36 Highway and the entrance to the property here. The property also fronts Kapunakea and Front
37 Street in here. The main emphasis in this phase in our application here is the fuel stations, and
38 it's associated with Safeway. It's a Safeway Express fuel station and convenience store in here.
39 And the main driveway comes through in the property.

40
41 And I apologize, it's just kind of a thin exhibit. This is a floor plan of the convenience store and
42 the elements. The image in front of you is probably a little easier to read. It just shows the
43 basic components of that convenience store and its floor plan.

44
45 And then the fuel station layout and how it's arranged. Again, the main driveway is here. The
46 patrons would come in and enter any one of these number of filling positions in here and

1 proceed through two rows of fuel tanks. Now we had very good input from the Urban Design
2 Review Board at our earliest meeting, and we've modified the concept in several ways to make
3 improvements. It was three fueling stations deep. We modified it to two. It's much better to
4 accommodate the input of vehicles to the fueling station.

5
6 Here's a couple of rendering perspectives of the facilities that we are talking about. So we have
7 the eight pumps in here, and then the rows, and the canopy that's overhead. You can see the
8 architecture is an expression that's consistent with the renovated Lahaina Cannery and the
9 Safeway area as well. The convenience stores uses the materials and colors that are
10 consistent with that renovation, and this just gives you a feeling of the context of it. We broke
11 up the canopy. It was another recommendation of the Urban Design Review Board to help work
12 with the massing in here, to make it more appealing. And these are some details on the canopy
13 and the materials in here.

14
15 We have a landscape plan that addresses the planting that's required. We have very nice
16 planting and mature monkey pods that most people, you know, know the Lahaina Cannery site
17 for retaining those monkey pods and enhancing the vegetation and using native materials as
18 much as possible along the peripheral. Not a lot of new planted area but we want to be
19 consistent with what's out there and make improvements as we can.

20
21 I'm going to back up a couple of slides and ask Todd to come up and just make a few remarks
22 on behalf of Albertsons Safeway.

23
24 Mr. Todd Paradis: Good morning. My name is Todd Paradis. I'm Safeway's Real Estate
25 Manager for this project, and I'd like to start off by saying we really very excited with the, with
26 the expansion of our new store that was recently done. And the reaction has been terrific from,
27 from everybody in the community. We get, we get lots of positive feedback from our store
28 director and others in the store. And we're also very excited about our new store that will be
29 opening up in a few weeks here in town, so lots of good things. And of course that one will have
30 a gas station as well and hopefully there will be a little bit better street pricing after, after that all
31 happens.

32
33 A couple of things that I wanted to address that I understand was from the first Commission was
34 how would we determine whether a gas facility was warranted here and how do we come up
35 with our numbers and so forth. And, you know, it's a combination of a couple of things really. A
36 lot of it does comes from our customer feedback. We also have data from the club card usage
37 that customer use for purchases inside the store, and that gives us a really good feel about what
38 the demand would be for fuel at our facilities. And we get so many people that also visit the
39 Lahaina area from other parts of the US that are also Safeway shoppers there so it gives them
40 an opportunity to be able to use the benefit of the club card rewards that may have saved from
41 previous purchases. And so with all that data we are able to have a pretty decent
42 understanding of how well things would do.

43
44 We've also noticed that the Lahaina side generally has pricing parody within the seven or so
45 facilities that are there. Like when I looked recently again that was the case where they were all
46 about \$3.83 a gallon. Versus if you look over here on this side where there's a Costco and

1 some other facilities, you have, you have more difference, differentiation -- anyway different...I'm
2 having a hard time saying that word today. But anyways there's pricing at \$2.99 for Costco, and
3 it goes up to \$3.14, all the way up to \$3.83. So there are some, there are some differences in
4 the pricing and I think, you know, what we experience is that generally because there are others
5 that are pricing a little more competitively and that forces the trade area to be a little more
6 competitive just in general.

7
8 And, and I would say while we're excited that our brand would provide a more aggressive
9 pricing option, we don't see this as anything that would cause somebody else's business to go
10 under or be a problem because the general margins on the Maui side have been pretty strong
11 particularly compared to some of the other islands. Right now that range is somewhere
12 between 65 cents and 70 cents a gallon. And versus let's say Oahu where their pricing is
13 probably 15 to 20 cents lower per facility in their overall street prices is more aggressive as well.

14
15 So we feel like our introduction into this trade area will give us the ability to be able to provide
16 more aggressive pricing and at the same time I think everybody else, all the other operators in
17 town will continue to be able to operate as they are without --. You know, they may potentially
18 have to become a little bit more aggressive, but we don't see anybody going, you know, closing
19 their doors as a result of that.

20
21 Also the question came up on solar on the canopy whether we would look into that. Now we did
22 look into that with our vendors and they didn't feel that the canopy area would provide enough
23 surface area to make it worth their, their, the, their investment of doing so. So they told us that
24 they didn't have the interest in that unfortunately. So I...I just wanted to throw that out there for
25 you guys that we did look into that and it looks like our vendors can't make sense of that.

26
27 I think that's all I wanted to touch upon, but I wanted to be able to answer questions if there are
28 any for things that I may have missed that may have come up at the first meeting. I apologize
29 that I wasn't here for that meeting, but hoping that this time around if there are other questions
30 that I can get those answered for you.

31
32 Mr. Carnicelli: We'll do that at the end of the presentation.

33
34 Mr. Paradis: Okay.

35
36 Mr. Carnicelli: Okay, great. Thank you.

37
38 Mr. Paradis: Thank you.

39
40 Mr. Overton: Thank you. I want to raise that point because we have several folks that we
41 brought in to address specific points, so they're going nowhere. So we can store up your
42 questions and we'll run through those.

43
44 There were also some questions regarding our meeting the State Historic Preservation Division
45 (SHPD) requirements for the cultural resources on the property. As you may know there was a
46 work towards an SM1 application back in the previous decade. There were a lot of follow up

1 studies that were done including meeting with the Burial Council to address the formation of a
2 preservation area. In the area where remains were relocated on the site, and it's near a
3 maintenance building that's shown over in this area. So it's not on the fuel station site, but this
4 is in the records of the property and the SHPD documents. So I've included one of the earlier
5 appendices in the chunkier document here. There was a question very early, have we met all
6 the SHPD requirements. And the answer is yes we have. And in fact even though it's not on
7 this portion of the property, the owners have agreed to go ahead and implement the
8 recommendations of the Burial Council to expand this preserve area with additional landscaping
9 with native plants and fencing, and expanding that site area. The documents are in there, and I
10 can get into it, but the answer is it's been accepted by State Historic.

11
12 One of the other items and Paul had previewed that was the matter of traffic. Of course, we're
13 next to the State highway here, and the bypass terminus at this location. It's a busier in. Of
14 course we're servicing automobiles with fuel here, so it's going to be an attraction for traffic.
15 We've got to manage it along with the other traffic associated with Lahaina Cannery. So we
16 brought in Sohrab Rashid. He is our traffic engineer with Fehr Peers. He prepared the traffic
17 study that was submitted at an earlier Planning Commission hearing and he will give you just a
18 briefing on traffic.

19
20 Mr. Sohrab Rashid: Thank you Jeff. Members of the Commission, Mr. Chair. Just to go over --

21
22 Mr. Carnicelli: Just please state your name for the record.

23
24 Mr. Rashid: I apologize. Yeah, sure. Sohrab Rashid with Fehr Peers.

25
26 Mr. Carnicelli: Thank you Sohrab.

27
28 Mr. Rashid: Sure. And just to go over, so we prepared the traffic study in accordance with both
29 State DOT and the County Public Works and Planning guidelines. Just a quick overview for
30 those of you who haven't had a chance to look at it, the proposed service station is --. By the
31 way, we sort of estimated the traffic for this, assuming it was sort of a standalone station and I'll
32 talk a little bit about the fact they integrated the Safeway and what that might mean. But looking
33 at it as sort of a standard standalone station, it would generate on the order of about just over
34 1,500 net new daily trips, 85 net new a.m. peak hour trips, and about 111 p.m. peak hour trips.
35 And those are were all new service stations, gas stations actually draw from the existing traffic.
36 So what you find is over, somewhere between 50 and 60 percent of the traffic generated by a
37 station are not new trips that people are making to the area. But they are made by vehicles that
38 are already traveling by the sites.

39
40 One thing to note is that our TIAR, the traffic study actually included 18 fueling positions as
41 opposed to the 16 that are being proposed here, so we're on the order of about 12 to 15 percent
42 more conservative from a traffic standpoint that we documented. And the other thing that we
43 didn't do which is sort of a little bit different with an integrated station like Safeway is proposing
44 is that you get discounts based on your shopping purchases using the club card. And we did
45 not, also did not assume trips that would be made by shopper who were already at Safeway and

1 either buying gas before or after their store purchases. So that's something else that would sort
2 of minimize the amount of additional traffic that would be generated at the site.

3
4 So from our analysis we did not find any significant intersection impacts. We did have
5 recommendations for some clear signage to help, and safety, and enhancement operations, that
6 sort of thing. Keep clear signage of those nature.

7
8 I wanted to address a couple of the comments that come up from the Commission and from
9 some of the public testimony. It's a little bit difficult to see here, but in your packet you can look
10 at this. I want to just talk a little bit about the flow onsite. We actually met with DOT earlier in
11 the process and one of their primary concern is just the ability for traffic to flow away from the
12 Keawe, Honoapiilani intersection and then enter the site. And again, as Jeff mentioned, with the
13 reconfiguration we got additional queuing space to sort of minimize that. And we don't have any
14 impediments from a flow perspective.

15
16 One recommendation that we do have is to kind of maintain and sort of enhance the stop signs
17 that would be located at the intersection that's sort of the main north south driveway, and then
18 the driveway that accesses to Front Street. And by having the established stop signs and
19 clearly delineated pavement markings, one, it would help discourage cut through traffic that
20 might be tempted to use that because of Front Street, but also again to allow that flow of traffic
21 in and then for exiting traffic. I'm sorry, entering traffic, this is the primary access point. But
22 vehicles would also be able to access from both Kapunakea and from Front Street via the
23 existing driveways. All of the outbound flow will be, there will be sort of a primary exit pattern
24 that will be from the end of the service station, the pump areas out, and then down back towards
25 the main driveway, and then vehicles would be able to make any of those turns to exit the sites.
26 Clearly if somebody wanted to use the aisle parallel to the highway that would be a possibility as
27 well, but we think this flow will actually work pretty well. And there's no question that with a new
28 station like this there's clearly going to be a honeymoon period. People are going to be visiting,
29 checking out pricing, so we expect, I'm sure there will be some initial congestion. I don't want to
30 sugarcoat it at all, but as time goes by, my wife and I are Safeway service station shoppers as
31 well. We use all of the rewards to fill up her car, and I actually tend to go other places just from
32 a convenience standpoint. So, so, you know, we're sort of actual users of this facility and the
33 club card system.

34
35 So from an overall circulation standpoint, we really don't envision anything. The other thing I
36 wanted to mention from a future standpoint is actually with the completion of the Phase 1C of
37 the bypass, so it will extend the Lahaina bypass further north, DOT has a schedule of that in
38 mid-2023 is when they're anticipating of opening, or construction and opening of that facility.
39 And that will actually help to alleviate traffic at this intersection as well. So, something, then
40 again, it's not going to be immediate, but will definitely enhance that situation.

41
42 Mr. Carnicelli: Thank you.

43
44 Mr. Rashid: Thank you.

45

1 Mr. Overton: Thank you Sohrab. So we're glad to bring him out to address, and again any
2 questions on traffic we can bring him back up. And these were some of the other diagrams that
3 showed in here. So in the packet we're now moving on to the question that came up at the prior
4 Commission hearing on April 9th which regard the design of the fuel system and the
5 underground storage tanks, and the specifics of the site conditions. And so we've included in
6 your packet information that shows some diagrams, basically not construction diagrams, but
7 these are good depictions of, of what should be built at the site to support the fuel storage here.
8 And the important thing to recognize, this is a diagram first of the plan area. It shows the
9 distance from the Kohoma flood channel. It's just about 300 feet from the fuel tanks at the
10 closets distance. You know, the channel kind of parallels here on the south side of the property,
11 and we're set back quite a distance. So it's roughly a soccer, or I guess I say football field away
12 from the drainage ditch. We're also over a 1,000 feet away from the ocean, similar distance to
13 the other service stations that support fuel service in the Lahaina area.
14

15 In terms of tank systems, you know, many years ago, tanks were a problem because they
16 rusted and leaked. And the technology has advance tremendously with double lined, double
17 walled fuel tanks and supply lines are a requirement for all fuel stations particularly in areas that
18 are near the coastline. And that goes for the supply lines, and this meets the strict criteria of the
19 EPA in both California and Hawaii, Department of Health standards. This has 24/7 continuous
20 leak monitoring systems. At this site we're looking at two 30,000 gallon tanks that would have
21 anchoring systems and external monitoring observation wells that would be available in the very
22 remote chance of any kind of a failure. There's a plan view diagram of the extent of the tank
23 side by side here, and how they're oriented. And then a section view that shows them, in
24 relation to the ground surface and the, the way they are installed on this site.
25

26 So in your packet I've tabbed...midway through you'll see a yellow tab in there. And this gets to
27 the testimony that Dan Ford is going to provide here regarding his analysis of the site, and its
28 relation to these fuel tanks. He's very experienced in working with these, and I'm going to bring
29 up Dan Ford to talk about his evaluation.
30

31 Mr. Dan Ford: Thanks Jeff. Thanks Chair and Commission members. Just wanted to just
32 supplement what Jeff said, but --
33

34 Mr. Carnicelli: Excuse me real quick. Could you just state your name for the record?
35

36 Mr. Ford: Sorry. I'm Dan Ford.
37

38 Mr. Carnicelli: Thank you Dan.
39

40 Mr. Ford: Principal geologist with Ford and Associates. We're based out of Honolulu. Anyway,
41 just to supplement what Jeff said, and some concerns regarding ground water and the tank
42 system, the ground water there is below --. The site is below the underground ejection control
43 line which that is where it really separates drinking water from non-drinking water. So the site is
44 in a non-drinking water area, so it would never be used for drinking water.
45

1 The soil, we did an investigation there back in November where we drilled some borings base
2 line investigations. It's mentioned in one of your reports. So we drilled some borings around
3 there and we looked at the soils. The soils there are clay soils so if there were any releases
4 there, any contaminants would not travel through clay very far so it's highly unlikely it would get
5 to the ocean or to Kohoma drainage ditch. And these tank systems now, as Jeff mentioned,
6 they're highly regulated and the technology has come a long way. And Safeway, I mean, they,
7 they install these all over the country so when they put these things, they're even above and
8 beyond what the regulations require for some of these systems which, you know, the State
9 requires that you have double wall, fiberglass tanks. The sumps on top of those are also double
10 walled, and then the piping is double wall. And then they have interstitial monitoring which goes
11 down between the double walls. So if there are any detections or any possible . . . (inaudible) . .
12 . the system gets shut it down. So these are highly regulated. Releases are unlikely from them
13 with current technology. The soil conditions there are tight clays. It's unlikely that any releases
14 would get to the stream or to the ocean given the distance.

15
16 In addition I can also is that, you know, just geologically and ground water flow, the coastal plain
17 there is relatively flat which means that the ground water doesn't flow steeply towards the
18 ocean. It's flat so it's tidal influence so it's sort of moves slowly, not in the predominate direction
19 of the ocean. So that's all I have.

20
21 Mr. Carnicelli: Thank you.

22
23 Mr. Overton: Thank you Dan. Okay, we're coming to a close here. We also have with us today
24 Jay Kerner, and Jay is the managing partner, the director with US Realty Partners, and his role
25 is the owner I'd like him to just kind of come up and close for us before we address your
26 questions and comments.

27
28 Mr. Carnicelli: Thank you.

29
30 Mr. Jay Kerner: Jeff thank you. Mr. Chairperson, Commissioners, thank you very much for
31 allowing us the time today to come back before you and continue to present our proposal and to
32 tell our story. And so we wanted to, to put together our team today.

33
34 Mr. Carnicelli: Please state your name.

35
36 Mr. Kerner: Oh, I'm sorry.

37
38 Mr. Carnicelli: That's okay.

39
40 Mr. Kerner: Sorry. Jay Kerner.

41
42 Mr. Carnicelli: Thank you Jay.

43
44 Mr. Kerner: Jay Kerner, President, US Realty Partners. And to be able to present to you
45 testimony that would cover many of the items that were talked about last time or questions that
46 you had and we know there were quite of an extent. The past couple of months, you know,

1 assembling all of the data, relooking at things, and making sure that, you know, we were
2 considering things correctly, you know, for the community, for ourselves, and to make sure that
3 everything would be satisfactory from our perspective and hopefully for yours. And I think as
4 I've explained in the past that, you know, we've done extensive community outreach since we
5 purchased the property in 2016. And our approach has been to talk with the community, with
6 residents and with stakeholders, and you know, talk about our ideas were, what our plans were,
7 and to get their feedback and try to incorporate as much of that as we could. And we think that
8 that's gone really well so far. You know, and Safeway opened in their newly remodeled and
9 expanded premise in October, and you know, the community from everything that we heard is
10 really happy with the results, and with minimal, you know, impacts on the community.

11
12 And we continue to do the same. We're currently working through our interior mall renovations
13 which includes all new tile floors throughout the entire mall area. We're nearing completion. At
14 the end of the month we should be done with that. We'll have a new food court that's coming
15 inside the mall. We're in the process of demolishing the old one. We'll be bringing in some new
16 food tenants, some new kiosks, and some additional new tenants to the project, and just making
17 it a better place to shop and a benefit to the community.

18
19 So one of the things that had come out of some of our community meetings with residence was
20 gas prices and cost of living on Maui. And we think that, you know, there's a great benefit from
21 having a Safeway fuel station in West Maui and, you know, that currently we think that there's
22 enough demand that it will be good for everybody having the additional competition within the
23 area. You know, we think that there's enough that can support the stations that are there, and
24 Safeway, and also give benefit to the residents by giving them an option to have a lower price
25 point if they choose to. And so, you know, we hope that you'll take that into consideration today
26 as well. And again, I want to thank staff and Michele McLean and Paul Fasi for all of their
27 support and guidance during this process and that's my comments for today. Thank you very
28 much.

29
30 Mr. Carnicelli: Thank you very much.

31
32 Mr. Overton: Thanks Jay. At this time, we'd be glad to respond to your questions.

33
34 Mr. Carnicelli: Great. Thank you. So I guess at this point in time what we'll do is take questions
35 from the Commission. Just real quickly, Commissioner Thompson, were you able to review all
36 of the materials from April 9 and you feel like you're up to speed? Okay, great.

37
38 Mr. Thompson: Yes, thank you.

39
40 Mr. Carnicelli: Then I'm going to go ahead and start with Commissioner Tackett. Do you have
41 any questions for the applicant at this time?

42
43 Mr. Tackett: I don't.

44
45 Mr. Carnicelli: Okay. Commissioner Castro.

46

1 Mr. Castro: Yes, actually, I have a couple of questions. This is for Dan Ford. Hi. You
2 mentioned that contaminants would not penetrate the clay area. But if they do, how much
3 penetration would the contaminants -- how far could they potentially reach and contaminate the
4 water?

5
6 Mr. Ford: Well even if, even if it's in the water, it would not travel very far because of the clay
7 soils. Because the clays are impermeable, or less permeable I should say. So it's just -- if
8 they're tight, it's a matter, you know, trying to pour water through clay would . . . (inaudible) . . .
9 If the fuels there, it would just, it wouldn't travel. It's really highly unlikely for a fuel station to
10 travel that far even if they had . . . (inaudible) . . . from some of the old ones.

11
12 Mr. Castro: Has there been testing with the fuel actually with clay?

13
14 Mr. Ford: Yeah. Yeah, there's lots of study.

15
16 Mr. Castro: Okay, thank you.

17
18 Mr. Carnicelli: Anything else?

19
20 Mr. Castro: Yes, I guess this would be for Todd.

21
22 Mr. Carnicelli: Okay.

23
24 Mr. Castro: Hi. Todd, you mentioned that you looked into the solar, and your advice there's not
25 enough surface area.

26
27 Mr. Paradis: Yeah, they said that they wouldn't get, they wouldn't be able to put enough panels
28 up there to make it worth the amount of energy that they would derive from the units so that they
29 didn't want to put in there as an investment.

30
31 Mr. Castro: Right. So not even with the surface area above the fueling stations towards the
32 convenience store?

33
34 Mr. Paradis: Yeah, we looked primarily at the area, the canopy area because that would be the
35 most logical location. The kiosk is relatively small and probably would be a challenge with some
36 of the other units that would be in the wells on top of the, on top of the kiosks to make sense of
37 it. So the logical location was on top of the canopy and they felt that they could get quite a few
38 up there. There's a decent surface area. I think there's 6,000 or 7,000 square feet I'd say of
39 surface area if I remember correctly. So it does provide something. They just didn't feel that it
40 was -- they could get enough up there to make sense of that particular investment.

41
42 Mr. Castro: Thank you Todd. And one more for the --

43
44 Mr. Carnicelli: Go ahead.

45

1 Mr. Castro: Okay last time we met there was a concern about the...the vehicles leaving the
2 fueling station and the convenience store right across. I don't see any changes in the drawings
3 for crosswalk, for pedestrian crosswalk. So was that being addressed?
4

5 Mr. Overton: So the design that we show, you're correct, we've not modified it because it meets
6 the standards that are necessary for vehicular circulation in this area, as well as transient
7 between these. Now are you talking about demarcating say a pedestrian --?
8

9 Mr. Castro: Someone is filling up gas and someone in the car decides to go to the convenience
10 store, there's no crosswalk for their safety.
11

12 Mr. Overton: Such as a marked area.
13

14 Mr. Castro: Correct.
15

16 Mr. Overton: So again, I would defer to Todd and whether that is part of the design that would
17 come out in terms of the paving, or Sohrab, what your experience has been at these fuel
18 stations in there. Because I know, you know, basically you're coming from eight different fueling
19 positions or 16 total, and people aren't typically challenged.
20

21 Mr. Rashid: Yeah, that's exactly what I was going to say is that the purpose of a crosswalk just
22 in general is to do two things. One, it's to notify the driver that you potentially could be
23 conflicting with pedestrians. And the second would be to show where pedestrians where to
24 walk. Because of the multiple locations you'd be of origins, let's say, from the car to the
25 convenience center, we wouldn't be able to channelize on it. And even if we demarcated
26 maybe one or two, it's highly unlikely that people would use that just because of the different
27 angles so, and it's a pretty, pretty common occurrence. And again, I would defer to the Safeway
28 folks, Albertsons folks. But, but we don't normally stripe those at a service station.
29

30 Mr. Castro: It's just a concern. So if someone does get hit, you know, well, they weren't in a
31 crosswalk. Well, there wasn't no crosswalk.
32

33 Mr. Rashid: Yeah, I think what I would say is that I would, I would be more concerned about it if
34 we were kind of on what I would consider a throughway. But for people who are leaving the
35 service station, they're all going to be basically starting from a stop position and all be
36 channelized to the left so they should be traveling at a relatively low speed. But I would just say
37 it's sort of a typical configuration. I share your concern but I don't think there's a really sort of,
38 from a feasible way, to demarcate that.
39

40 Mr. Castro: Okay, thank you. On page 8 of the drawing, in the corner there's a propane tank
41 enclosure. I don't know if that was included last time around in the drawing.
42

43 Mr. Overton: What, what we have, you know, this shows it on here. Is that --? Now I'm going to
44 defer to Ryan who's consulting with Albertsons. Do we still have the propane tank enclosure
45 like the barbeque gas, you know, one of those types of enclosures outside of that? That's still
46 included in the layout?

1
2 Mr. Carnicelli: You got to come up.
3
4 Mr. Overton: Sorry, you have to come up.
5
6 Mr. Carnicelli: And just so that everybody remembers, you've got to, each time you come up,
7 identify yourself just for...for transcripts.
8
9 Mr. Paradis: Hi, Todd Paradis, real estate manager. I, I don't recall whether that was on the
10 plan the first time around, but that is accurate. What it is, it's sort of a little structure, a caged
11 structure, that a vendor will come around every once in a while and replace the empty tanks
12 with new little propane tanks. And if somebody wants a tank, often times they would bring an
13 old tank back, and it would just get exchanged.
14
15 Mr. Castro: Exchanged.
16
17 Mr. Paradis: Exactly.
18
19 Mr. Castro: But no filling of it.
20
21 Mr. Paradis: No filling. No, not at all.
22
23 Mr. Castro: Thank you.
24
25 Mr. Carnicelli: Great. Thank you. Commissioner La Costa.
26
27 Ms. La Costa: Thank you Chair. So, do any of the principals live in Maui, specifically West
28 Maui?
29
30 Mr. Overton: The owners of the group.
31
32 Ms. La Costa: Do any of the people who have contributed to this study, do any of your
33 consultants live on Maui or travel in West Maui?
34
35 Mr. Overton: Frequently travel to West Maui. None are residents of West Maui. We do have
36 the architect for the drawings is a native son of Maui. He works with our office in Honolulu and
37 his family is still here. I know Michael have several projects on the island and we all work on
38 projects over here, but none of us are residents of Lahaina or surrounds.
39
40 Ms. La Costa: The reason why I am asking that question is because I am, and I travel that road
41 at least five of seven days a week and my major concern is the traffic. You can sometimes wait
42 10 minutes to get from Keawe down to this intersection and go through left or right. There are
43 four, five points of ingress into this station and I'm very concerned about the traffic congestion.
44 Using Costco as an example, how many times have you waited in line to turn into the gas
45 station in Costco? It's the same kind of thing that I'm concerned about because traffic is

1 horrocious there already. So that's my major concern is the backup and the additional
2 congestion that this will cause.

3
4 Mr. Overton: Our response to that, and I'll ask our traffic engineer to come back up, is that we've
5 planned for this very carefully in consultation with both DOT and your Public Works about
6 exactly the point that you raised. Because that's a concern. Now we're a little bit different than
7 the Costco model in terms of the flow because many of these patrons are already shopping on
8 the site and will be coming through. But exactly your point, queues that cause backup that
9 conflicts with other traffic such as yourself coming through, that's not fair. So we needed to
10 design this so that the cars can get into the driveway to queue on the site. We took the
11 Commission or the Urban Design Review Board's comments and we modified the design to
12 provide better storage within the fuel station site so that we can get three, four, even five cars
13 deep at each of these positions at the most busy time in here. We don't anticipate that
14 happening, and I believe Costco because of it's heavily discounted gas prices in there is a little
15 bit different model than what this one is here. Sohrab, you could maybe talk more about this if
16 there's something more to offer but we've paid attention to that and we hear your concerns.

17
18 Ms. La Costa: If I may Chair.

19
20 Mr. Carnicelli: Go ahead.

21
22 Ms. La Costa: Thank you. The second thing I have, a question about, and I know it's been
23 spoken to, but the issue of solar. It says in your commentary that you might look at it for future
24 improvements whether or not it's feasible. The dollars today that it's going to cost to put in solar
25 versus what is mandated by 2045, if you look at that and you look at the environment, I just
26 don't know why you're not putting in solar and using what it is dollar for dollar. I mean, I'm not
27 your consultant, but that's my comment is that I think that we need to look at that for our
28 environment, for our islands, for the global weather, everything.

29
30 Mr. Overton: Yeah, I have PV on my home as well.

31
32 Ms. La Costa: So I don't understand if you have 6,000 square feet; one, the fueling station roofs
33 and have a section at the convenience store, why it's not being done.

34
35 Mr. Overton: I do believe the answer to the question on the convenience store because of
36 penetrations in the roof. It will be very limited on an 800 square foot building. However, the
37 canopies, and we're not precluding that potential for the future here. It's just that in the current
38 iteration of it they've not included it because of their analysis that Mr. Paradis explained. But it's
39 not precluded in the future, and it would be a surface area that could be if they run the balance
40 sheet and look at this in the future we probably have to come back before you to amend things
41 at that point in time. But right now it's not included in the current application.

42
43 Ms. La Costa: Okay. And my last question is I'm not an engineer and I could not read these
44 drawings because it was so tiny. What is the total depth including the ports that these tanks will
45 be safe?
46

1 Mr. Overton: The total depth of the -- and the diagram is that cross section diagram there --
2 roughly somewhere between 13 to 14 feet of the base of the tank from the ground surface at
3 that location. I think the, you know, again the design has to be done after we get through the
4 entitlements, there'd be actual construction plan designs in here. But that's roughly the depth of
5 the base of the tank.

6
7 Ms. La Costa: And the water table is at point is what please?

8
9 Mr. Overton: Roughly 11 feet.

10
11 Ms. La Costa: So your tanks are going to 14 feet, but the water table is only 11 feet?

12
13 Mr. Overton: That's correct. Similar to the other settings that exists in Lahaina today where
14 there are fuel tanks.

15
16 Ms. La Costa: Thank you.

17
18 Mr. Carnicelli: Thank you. Commissioner Robinson.

19
20 Mr. Robinson: Good morning. I want to...I want to echo my fellow Commissioners and I hope
21 you guys hear what we're talking about when it says my consultant said that PV's aren't worth it.
22 Maui, I think, is one of the largest islands that use PV. I think we know PV pretty well. And
23 we're trying to get away from fossil fuels, and we're going to put in a fossil fuel station, but yet
24 we're unwilling to put any PV because it doesn't pencil out. We're here for the community, but
25 doesn't pencil out. So this is -- hopefully you guys hear this and you guys put some PV there.
26 I'm just, you know, please listen.

27
28 Second thing, how many electrical charging stations do we have at Safeway for electrical cars?

29
30 Mr. Paradis: Just in, just in --. Todd Paradis with Real Estate. Just in general or --?

31
32 Mr. Robinson: Safeway. In front of Safeway for Safeway shoppers, if, if they were to use a
33 charging station it would be in front of your store.

34
35 Mr. Paradis: Not necessarily. It could be at another location within the parking.

36
37 Mr. Robinson: Safeway. Just Safeway.

38
39 Mr. Paradis: They are becoming more and more popular. I would say at this point it's probably,
40 it's probably gotten up to -- I'm only guessing, but I know the team is working pretty hard -- it's
41 probably 40 percent at this point of our stores are starting to have. I take that back. I'm thinking
42 about the California market more than any other place. But we are rolling out charging stations.
43 That's not something that I had looked into in terms of this location, but it's certainly something
44 that we could and we are, we are rolling those out solely but surely. Actually it's picking up
45 some momentum at this point as well.

46

1 Mr. Robinson: Is you answer none?

2

3 Mr. Paradis: No, we have, we could possibly do it here too, as far as charging stations.

4

5 Mr. Robinson: Is do you have any currently.

6

7 Mr. Paradis: Yes, I would say 40 percent of our locations.

8

9 Mr. Robinson: No, in, in --

10

11 Mr. Paradis: Oh, at this location, I don't believe we have any at this location. No, not in Lahaina.
12 I thought you meant as a company, sorry.

13

14 Mr. Robinson: No problem.

15

16 Mr. Jay Kerner: Jay Kerner. So I wanted to address the as far as the electric vehicle charging
17 and I think we talked about this briefly at the last hearing as well. As far as the property goes,
18 the Cannery itself, we are committed to having electric charging stations there. We have not
19 gotten to that point yet, but it will be coming. And we love the idea of electric cars and power
20 stations. I drive a Tesla myself. And at some of our other centers we're in the process of
21 working with Tesla and others in order to install them. It takes some time to get through the
22 process with some of these folks, but we are absolutely going to have electric charging stations
23 at Lahaina Cannery.

24

25 Mr. Robinson: Do you have an amount?

26

27 Mr. Kerner: I do not. And I can tell you that, that typically it's been eight to 12 has been what
28 we're doing at two of our other properties right now in California. And so we talked to Tesla and
29 we've talked to some other providers here as well, and we're just working on that conversation
30 now. But it will, it will be -- I would commit that it would be in that range of eight to 10.

31

32 Mr. Robinson: Is I just want to make a comment it's not Lahaina, it's Safeway. I'm a Safeway
33 shopper and I don't know of any Safeway location that has a charging station in Hawaii. But,
34 but you guys are going into fossil fuels. I just, as an opinion and you guys, I think you guys are
35 looking at the wrong way. And I think you guys would try to at least, you know, help offset a
36 footprint of what you're going to do with fossil fuels with some electric charging and with PV
37 systems. And that's just, that's just the future, and that's a state mandate that we're trying to get
38 away from fossil fuels. Thank you on that. Thank you.

39

40 Mr. Kerner: Thank you.

41

42 Mr. Robinson: It's is I'd like to talk about the traffic study please and the TIAR. Hi. My question,
43 if you could pull up your, your diagram chart please.

44

45 Mr. Rashid: Which one.

1
2 Mr. Robinson: The, the traffic flow. Yeah, it's, it's -- can you please tell me in your queue how
3 many vehicle you can hold on the highway before the turn, and then what the queue is for the
4 amount of vehicles it holds after the turn from the highway to the gas station.
5
6 Mr. Rashid: Sure. Sohrab Rashid with Fehr & Peers. I want to make sure I understand the
7 question. Are you talking about here on the highway, going in?
8
9 Mr. Robinson: Correct. Yeah.
10
11 Mr. Rashid: Okay.
12
13 Mr. Robinson: There's a right turn, right, it's off the main line. We have a right turn going into
14 the Cannery, is that correct?
15
16 Mr. Rashid: It's a shared. It's actually a shared thru right turn lane. So there's not an exclusive
17 right turn lane.
18
19 Mr. Robinson: It's shared with the whole Cannery.
20
21 Mr. Rashid: No, it's a shared lane means it's right turn and --
22
23 Mr. Robinson: Oh, it's straight. So there is no, there is no right turn.
24
25 Mr. Rashid: There's no dedicated right turn.
26
27 Mr. Robinson: Okay, so the only queue we have is after the turn.
28
29 Mr. Rashid: Correct.
30
31 Mr. Robinson: Okay.
32
33 Mr. Rashid: Correct. And I was just going to say and we would not want to, I mean, we would
34 not want a situation where we're queuing traffic back onto the highway just in general.
35
36 Mr. Robinson: So what is the queue?
37
38 Mr. Rashid: The queue, the actual distance I'm not specifically aware of. I know that when we
39 laid this out internally here we were getting a minimum of two to three cars behind each of the
40 pumps. So we'd have two cars at each of the fueling positions, and then three additional cars
41 on most of these lanes. It's a little bit tighter here. And then we're probably in the neighborhood
42 of 200 feet, so depending on the length of the car that could be another eight to 10 vehicles.
43
44 Mr. Robinson: You can hold it so, so...we'll say eight because people are going to be back to
45 back. I hear you on that. And then that eight goes all the way through also to Safeway and that
46 feeder also goes to Long's Drugs and everybody else in the Cannery, right? So that eight

1 vehicles shares the whole, the whole Cannery. Now, now is it a single lane or is it a double
2 lane? Because if people are waiting to go into your gas station, will that then backup the people
3 that just want to go to the store or is it a double lane?

4
5 Mr. Rashid: It's a single lane at this point through.

6
7 Mr. Robinson: . . . (inaudible) . . .

8
9 Mr. Rashid: Correct, single lane both ways. We have separate, we have separate turn lanes at
10 the intersection, but within the site it's a single lane in each direction.

11
12 Mr. Robinson: And, and, and where our exit?

13
14 Mr. Rashid: The exit from the fueling positions, vehicles would come out and the wayfinding and
15 this lane, this aisle, excuse me, is being converted so that all of the parking spaces on this aisle
16 will basically will back into this in one direction. So it will be a single direction aisle. And then at
17 this point, it will be a decision for the driver. They can turn left and head out this direction back
18 towards the highway. They can turn right to, to eventually go to Kapunakea or through to get to
19 the Front.

20
21 Mr. Robinson: Is there any ability for vehicles to come back through the entrance way and mess
22 up the flow? Is, are people able to turn right instead of left?

23
24 Mr. Rashid: There's not really any way to do that. I mean, theoretically, you know, there's space
25 between the vehicles so that when the vehicle in front, let's say, is continuing to fuel and
26 somebody is behind them, there's room for them to pass around. Now could they theoretically
27 come back this way? The pavement, the striping will be basically directing everybody out that
28 direction.

29
30 Mr. Robinson: So my question is if somebody wanted to turn right.

31
32 Mr. Rashid: Turn right? Sorry, from where?

33
34 Mr. Robinson: So say I'm in the, I'm in the far left island, in that area, and the convenience store
35 is to the right, so I go in and I park my car and I turn right against traffic, and then I continue to
36 turn right and go all the way back around the same place I came in because that's where
37 because as a driver I know that there is an exit that way because that's the way I came in.
38 While I go left, I don't know where left is because I've never been there before.

39
40 Mr. Rashid: Sure.

41
42 Mr. Robinson: And that's just human nature.

43
44 Mr. Rashid: Yeah.

45
46 Mr. Robinson: We know that there's an out there so we're going to go where we came from. So

1 do they have the ability or is it too narrow for them to go that way? Because, because if you do
2 that, then we have, we're then crossing traffic, and we have eight cars being able to lockup and
3 that's my concern there.

4
5 Mr. Rashid: Sure. The idea is between the pavement delineation and the signage basically
6 directing everybody out. So the short answer is it's theoretically possible because we have to
7 have enough passing area because we don't want to have anybody, again in my example, we
8 don't have the second person trapped while the first person continues to either fill their car or go
9 to the convenience store. So we need to provide additional width for them to pass. So
10 theoretically it's possible, but again between the wayfinding signage and the stripping we're
11 going to be directing everybody out that way. And that's very common by the way. I mean the
12 station that I use has the one-way circulation and I would say 95 or more percent of the people
13 do that. You can the occasional person coming the wrong direction. It doesn't happen very
14 often.

15
16 Mr. Robinson: In Maui with tourists it happens all the time.

17
18 Mr. Rashid: Sure.

19
20 Mr. Robinson: And it's -- last question regarding traffic is when talking to the DOT, did you guys
21 ever talk about taking some of your property away and making that a turn lane instead of
22 sharing it with the highway?

23
24 Mr. Rashid: Here? This lane?

25
26 Mr. Robinson: Yeah.

27
28 Mr. Rashid: We did not. They did not bring that up. And when I actually looked at the traffic
29 volume specifically related to this question, and with the project -- and this is in our traffic study -
30 - I believe the traffic volume is on the order of about 70 vehicles an hour. That's with the service
31 station. And we typically don't -- it's not an absolute -- but typically the rule of thumb in traffic
32 engineering it's about 100 to 150 vehicles is when you would start to look a separate right turn
33 lane. So you don't really -- but given that number it's on an order of about a vehicle a minute
34 that's turning right, you typically don't have to put a right turn lane based on that volume.

35
36 Mr. Robinson: Is, did your traffic study take into account that the vehicles that are turning into
37 this project are then are going to return from that project, and then as they turn right they're
38 going to slow down oncoming traffic. As in, you know, people are coming straight, but now
39 there's more cars turning right back onto Honoapiilani Highway. Did your traffic study
40 incorporate that as well?

41
42 Mr. Rashid: It did. It did. It included not only the new trips that we generated to the site, but
43 during my presentation when I mentioned the past five traffic. So somebody, let's say, who's
44 currently driving by site today, every day, and doesn't stop here, now they want to turn into the
45 gas station, instead of being of thru movement, they turn right, come in, fill up, circulate back out

1 and turn right, we've included them entirely in the calculations. So that's included in our level of
2 service analysis.

3
4 Mr. Robinson: Thank you so much.

5
6 Mr. Rashid: You're welcome. Thank you.

7
8 Mr. Robinson: I have a question for the, for the tank.

9
10 Mr. Overton: We'll bring Dan Ford up. I wanted to follow up on one of the earlier questions.
11 Jeff Overton. We've just been doing some quick research and chatting over here. So it's one
12 per 100 parking spaces EV requirement for a new project. So, the group have committed to --.
13 We're over 600 parking spaces in the project so their commitment is to do seven EV stations at
14 a minimum if you wanted place this as, add a condition on the overall project. It's just we're not
15 asking for an overall project, it's just a fueling stations, but it's something that...Jay and the
16 team have committed to and the question about future EV charging at Safeway or within the
17 complex. There might be some on the Long's side as well. Well, I just don't know.

18
19 Mr. Carnicelli: Thank you for adding that condition to your permit.

20
21 Mr. Overton: Yeah.

22
23 Mr. Carnicelli: There we go, so that's great.

24
25 Mr. Robinson: And it would help offset that is PV.

26
27 Mr. Overton: Yeah. And we're going to talk a little bit more about the --.

28
29 Mr. Robinson: Thank you. Is that about the tanks or --?

30
31 Mr. Paradis: No, he'll come up in a second. We were just talking really quick and your
32 comments about, about solar really resonated with me so I want to go ahead and just say we'll
33 figure a way to make that work. It seems important and we'll be first one, but sometimes the
34 first one is what it takes to make some change around, so we'll make that commitment to --. I'm
35 not sure what it will, you know, how that would work out. But we'll commit to it, we'll figure it out.
36 We'll try to get that up there and start generating some power on the canopy. Thank you.

37
38 Mr. Carnicelli: Do you guys currently have PV on the Cannery itself?

39
40 Mr. Paradis: No, I looked into it. The way the roof steps in four different directions it made it a
41 real challenge, and the roof is older so it didn't look to us. We weren't quite sure if we could get
42 it to work up there. But we did -- but that was one of the initial questions I had too because that
43 has lots of surface area.

44
45 Mr. Carnicelli: Got you. Thank you.

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Mr. Paradis: Yeah.

Mr. Robinson: Mr. Ford.

Mr. Overton: Yeah, we'll bring up Dan to address this. It may be a bit of a tag team. He's a hydro geologist not a tank designer.

Mr. Robinson: Okay. And, and, and my question is on the, is on what happens. So, is I understand it's double walled and when it penetrates the first wall then there's an automatic shut off system. Is that what my, is that the understanding?

Mr. Ford: Correct.

Mr. Robinson: And, and in case of an, in case of, you know, last week earthquake, you know, on this fiberglass. Fiberglass cracks. So is fiberglass more flexible than a different type of tank and therefore it's earthquake, I guess, specs to where it could handle a certain amount because it can flex a certain amount. Can you help me with that?

Mr. Ford: Well, I'm not the engineer for fiberglass tank.

Mr. Robinson: Got you.

Mr. Ford: But, I mean, they're designed for corrosion protection. So the old days they had steel tanks where, you know, they would corrode quicker and have . . . (inaudible) . . . As far as how they are earthquake designed, I know they used as far as the piping and things like that they are designed for that. I don't know specifically for this.

Mr. Robinson: Worst case scenario is, is, is we do have a breach in the tanks, maybe all three. Is it all it all in one cavity or do you have three separate cavities that the tank goes inside?

Mr. Ford: They're compartmentalized.

Mr. Robinson: So, so, the worst we could have is three individual, one compartment is going to have failure, but not all one huge compartment.

Mr. Ford: Right.

Mr. Robinson: And then what would be the remediation if something like to were to -- if we did have an earthquake?

Mr. Ford: Well, if it did, if fuel had gotten into the ground, I mean, typically what would have happened -- see, the tanks are installed in a gravel type cushion and so we put the tanks into the ground. They're anchored down, and there's gravel, so if fuel were to get out, it would probably stay contained within that area, within the gravel area. So to recover that --. There's

1 observation wells that are a part of the installation, and you would recover it out of those wells if
2 something like that were to happen.

3
4 Mr. Robinson: Is, is, do we have a, do we have a safety plan in place for, for worst case
5 scenario? I mean, you know, it's, a plan is a piece of paper and what to do instead of saying,
6 oh, we just broke all of tanks. And we're 100 feet from the stream and the ocean, but we got to
7 go, we got to go and check. Or, we could have a plan in place so that when something like this
8 does happen we just pull up appendix D.

9
10 Mr. Ford: Right. They're required by regulations to have . . . (inaudible) . . .

11
12 Mr. Robinson: To have the plan. So, so there will be a plan in place for mediation in an instant?

13
14 Mr. Ford: Yeah. Right. You have to do -- I mean, there's release response with the Department
15 of Health. You have to notify them within 24 hours. You have to recover whatever you can get
16 out.

17
18 Mr. Robinson: And, and, and I thought you said gravel. I thought it was, I thought it was sand
19 and gravel.

20
21 Mr. Ford: Sand.

22
23 Mr. Robinson: The sand.

24
25 Mr. Ford: It's not the surrounding material.

26
27 Mr. Robinson: Right.

28
29 Mr. Ford: I mean, that's what I do for a living, really, is to clean up beside me going to
30 investigate and cleanup sites. So most of these sites, if something were to -- and most of them
31 are old sites, but if something were to occur, it would likely be contained.

32
33 Mr. Robinson: Well, I mean, it's not going to be soil, so it's not going to be absorbed as clay, like
34 you say, which doesn't absorb.

35
36 Mr. Ford: Right.

37
38 Mr. Robinson: So therefore we'll have fuel just sitting in there.

39
40 Mr. Ford: Right, and you can recover it out through various methods.

41
42 Mr. Robinson: And there's a, there's a different pipe or something? I mean, I guess, is it made -
43 -? I mean, clay alright, great, it's not going to leak. But once it's there, how do we then take it
44 out or do you have to take the whole tank out? I guess the tank is going to be cracked so you're
45 going to take the --?

1
2 Mr. Ford: You'd have to take it out.
3
4 Mr. Robinson: You're going to remediate the whole thing anyway.
5
6 Mr. Ford: Yeah.
7
8 Mr. Robinson: Right. Okay. And, and, and do you have to go -- how many phases of inspection
9 do you have to go through before you can remediate them? What time? How long will that be
10 in there?
11
12 Mr. Ford: I mean it would really vary in how much the target to say how long it would take to
13 remove something.
14
15 Mr. Robinson: Yeah, I've been through some remediation too and it's usually, you know, three
16 to four months before you can start remediating something with the test, you know, to make
17 sure it's all --. But if there's -- you're saying there's a plan in place before.
18
19 Mr. Ford: Right. And our plan would be in place.
20
21 Mr. Robinson: And I'm asking you these questions because these were our concerns from the
22 last meeting. It was traffic and it was these tanks and the safety and the ocean. And so we're
23 not trying to pick on you but these are the answers that we want to get.
24
25 Mr. Ford: No, no, I understand. I mean, it's...it's really rare for one to travel that far through the
26 soil. As far as remediation goes --
27
28 Mr. Robinson: Well, it, it's, it's below sea level right?
29
30 Mr. Ford: Right.
31
32 Mr. Robinson: And it's lighter that, it's lighter than sea water, so if there's earthquake, if water
33 comes through that location, then it's going to be floating above it, correct?
34
35 Mr. Ford: Right. It would float on the water.
36
37 Mr. Robinson: Yeah.
38
39 Mr. Ford: You would get, you'd get skimmers in there and you can basically skim it off.
40 Petroleum companies --
41
42 Mr. Robinson: Thank you Chair.
43
44 Mr. Carnicelli: Commissioner Pali.
45
46 Ms. Pali: Thank you. I'm really enjoying sitting beside this one Commissioner here. He took out

1 a lot of my questions; thank you so much. Okay, so I believe it's Todd, I wanted to talk about --.
2 Oh, maybe I'm wrong, maybe you can help me. Someone mentioned that the customers were
3 either surveyed or polled and it showed that there was a demand for another gas station. That's
4 the gentleman that I'd like to speak to.

5
6 Mr. Overton: Great. Okay, we'll bring Todd back.

7
8 Ms. Pali: Hi.

9
10 Mr. Paradis: Hi. They weren't polls. We get a lot -- the store director and the store employees
11 get a lot of direct feedback from the customers, and they share that, they share that with our
12 Department and so forth. The club card data, we know by the number of transactions in the
13 store, and generally now many folks based on the number of transactions that we do or intend
14 to use their club card. So from that data we are able to make some assessments.

15
16 Ms. Pali: Okay, so when you say you get feedback, is that a verbal feedback, is that a written
17 feedback, or is just club card usage and you're just assuming that if they're using the club card
18 they would also use the gas station?

19
20 Mr. Paradis: A lot of the feedback that we get is verbal feedback that, that customers in the
21 store, generally, talking to cashiers, talking to assistant managers and so forth during their visits
22 which they share with us. And then the club card data is completely separate data that we used
23 to, to do to make some analysis and so forth.

24
25 Ms. Pali: Okay.

26
27 Mr. Paradis: On a -- or, you know, where people are coming from and things like that.

28
29 Ms. Pali: Okay. So...I need your help. As a Commissioner when we get lots of witnesses and
30 they represent themselves in a way, we have a hard time figuring out when we hear data and
31 we've heard, or we've been told, or our research shows, and that's why I'm sort of picking this
32 one apart particularly because it sort of gives a blanket coverage of maybe a fact that you're
33 presenting to us. And sometimes it's hard for us to know how much weight to put on that. And
34 so I'm going to take this apart a little bit, so I can be fair and give it the proper weight that it
35 deserves. And so as you have these verbal suggestions from your clients and as you do your
36 data through the club card, did you also do any other research or polls or even verbal
37 discussions with the customers on where they currently fill gas now. Did you take it further than
38 just the benefit of Safeway? Because usually when you do a study, you try to do pros and cons.
39 And I'm seeing a lot of information on the pros, and then based off on the pros, I feel like you're
40 missing -- you haven't convince me that you did the same amount of research or study on the
41 cons. And it's really hard to make a decision fairly if you haven't balance your approach on both
42 sides. And so I will say that I may not be convinced that this gas station would not directly
43 impact the other six gas stations within a four block radius. Now I don't know the definition of
44 the block. But, for the record, my block would be next street, block, next street, block, just for
45 the record. So you have about six stations that I counted in my head within a four block radius.
46 Probably less than a half a mile or so. That's a heavily saturated gas stations, and so I'm still

1 confused as to why you believe, and especially you're talking about 16 stations, we're talking
2 about traffic back up. I don't necessarily believe unless you have research that you've done to
3 show me that it would not directly impact the current gas stations. So what's your comment on
4 that?

5
6 Mr. Paradis: Well, it wouldn't say that it would have no impact on the other stations. I think
7 whenever you open up a facility there's going to be some impacts, and --

8
9 Ms. Pali: Sure.

10
11 Mr. Paradis: -- and, you know, if somebody is selling gas, and it used to, it does come from
12 another, somebody else that used to provide that service. We didn't, we didn't ask people in a
13 survey where they, where they currently buy gas and how that dynamic would change if this
14 new gas station opened. So, it doesn't do that. But there will be some impacts. I think, I think
15 that the --

16
17 Ms. Pali: I think your comment was that you're pretty confident that gas stations wouldn't close
18 down.

19
20 Mr. Paradis: Wouldn't close down because 65 cents to 70 cents per gallon profit on a gallon of
21 gas. And especially when you look at a trade area where all the, all the competitors in a
22 particular area are all at the same price, exactly that same price, it's kind of telling them
23 anyways what's, what's sort of happening behind the scenes because it's not really any, any
24 impetus to be more competitive than necessary which is --. And then, and so we also look
25 when you look at the six facilities that you mentioned that are out there, we sort of look at, you
26 know, over time some times, a lot of times what happens is they were larger to start with and
27 then your streets got widen or expanded and so forth. They used to have a certain amount of
28 stacking room that was available to them that was diminished by street widening and what have
29 you. So a lot of times you may have four dispensers, eight fueling positions, but that doesn't
30 necessarily mean that that particular location has a tremendous amount of capacity to be able to
31 do a lot of . . . (inaudible) . . . to that because it's very limited to get on the site and off the site,
32 and so forth. So --

33
34 Ms. Pali: If I can reel you back if you don't mind. I'll reel you back to the basic of where I'm
35 going. But thank you for that information. So I'm the math geek just like it sounds like you may
36 be too, so I get you. But these fancy mathematical measures of the margins that you talked
37 about and that tells you that, you know, it shouldn't be that much of an impact. Well, simple
38 math, kindergarten, if I may. If there were 100 customers a day, and 50 go to yours, that's a big
39 blow, no matter what the margin says. That's a realistic people count, and so I don't think it
40 takes too much mathematical formula to figure that out. And so I just want you to know sort of
41 what I believe we're tasked at, and I just feel like, you know, I do like the company, the like the
42 design, I'm just struggling because I don't know that I'm convinced that we need another gas
43 station. And we can't always stop traffic. I think that's normal progression of how we grow as a
44 community. But we have to make wise decisions to do our best to reduce it as best as we can.
45 My family is from Lahaina, and when they leave work, they don't get to escape the tourism
46 industry. They get caught up in it at the stores, gas stations, and on the street. And so I believe

1 that we are tasked here to make sure that we're doing our best to find a good balance and so
2 that's where I'm at. Thank you.

3
4 Mr. Paradis: That makes sense. And we're, just like I said, so we're -- the point that I'm trying to
5 make is that I think that this can be, you know, provide a more affordable gas alternative while
6 at the same time just not putting anybody under. And that's the point I wanted to make is that
7 when you see, when you see particular areas that are all pricing the same, that usually gives
8 you some interesting information to work off of. And when you compare that same area to the
9 other islands, and historical price and so forth, and why you see that they are generally always -
10 -. You know, at least the highest as, you know, the only other high price that I saw like that was
11 the Kona side of the Big Island probably for many similar reasons, you know, number of
12 dispensers for capita, and so forth. But I was just trying to make a point that we could put this
13 facility in and there might be folks that are price sensitive that are waiting to do their gas
14 purchase when they come into town here, maybe combining a trip to Costco and so forth. And
15 so, you know, while we're measuring traffic and so forth, sometimes that piece of the traffic
16 equation gets overlook is that people are potentially driving out of the area to get gas and
17 coming back in. And so it helps in many ways like that.

18
19 Ms. Pali: I'm glad you mentioned that point because I also -- even though I didn't hear it in your
20 presentation -- thought that maybe you're not necessarily stealing all of the Lahaina customers,
21 but you might be taking the Lahaina customers and say you don't have to go to town to fill your
22 gas. You can actually do it when you're back on this side which would help. It would help.
23 Thank you.

24
25 Mr. Paradis: Thank you.

26
27 Mr. Carnicelli: Commissioner Thompson.

28
29 Mr. Thompson: Good morning.

30
31 Mr. Overton: Good morning.

32
33 Mr. Thompson: Jeff, actually, you kind of already answered one of my questions which was
34 about my main concern was the EV charge. You guys are committing to that, and that could
35 definitely use a half a dozen level two chargers, you know, it would be good proactive. I think
36 your project will be a huge success for your company, no doubt about that. And I don't think
37 there will be additional traffic. It's not -- nobody's destination is to go to a gas station, into an
38 overpriced convenience store. By the way, is your convenience store is run by Safeway or is
39 that subbed out to ABC or something?

40
41 Mr. Overton: The answer is by Safeway.

42
43 Mr. Thompson: Well, there you go. Well, I guess that will do a lot of business for sure. Yeah, I
44 know it's been before the Urban Design Review had mentioned about the EV charging stalls,
45 and I know you said, yes, we'll put it in as a condition, and that will be a home run for an electric

1 car drivers. And, you know, to meet our goals here. Can you guys make money off of electric
2 cars?

3
4 Mr. Overton: I can't answer that.

5
6 Mr. Thompson: Okay. I mean, that's probably a --. I know you're batting around for giving the
7 solar and I think you can, you know, especially if you're using some that, the roof. What do you
8 have, a 100,000 square feet of the Cannery?

9
10 Mr. Overton: So it's --. What's our total roof area? Yeah, in that ball park. As you know it's a
11 very irregular surface.

12
13 Mr. Thompson: Yeah, it was a Cannery.

14
15 Mr. Overton: Yeah. So, so would they study future opportunities for solar? I think if it makes
16 sense that will be something that will be something that they will look in the future. Right now
17 it's not a part of this application request.

18
19 Mr. Thompson: Yeah, I understand that. Yeah, I'm sure you spend a ton on electricity trying to
20 keep that cannery cool. That's the middle of Lahaina and it's what? 30 foot ceilings or
21 something up there, so it's burning a lot. What's awesome about the EV charging I think that
22 will be great for customers that can park their car and go shopping while their car charges up.
23 That's all of my comments.

24
25 Mr. Overton: Thank you.

26
27 Mr. Carnicelli: Thank you. Sohrab, if you could come up, I've got a couple of questions for you
28 please. And if you guys could put on slide 9 for me that would be great. So, I guess, first just
29 clarity from the presentation. In the bottom left hand corner there where we kind of have the
30 four way stop. In the presentation, just to be clear, you guys said you guys were going to put a
31 four way stop and markings in that?

32
33 Mr. Rashid: I originally said a side street stop. One thing that we didn't want to do was sort of
34 impede the inbound flow. I'd be concerned if there were, you know, three or four or five
35 vehicles, let's say, queued head into the shopping center or impeding flow into the service
36 station then we run the higher risk of backing up. So kind of maintain the side street stop here.

37
38 Mr. Carnicelli: Okay, side street stop but not --. How about coming from the Kapunakea south
39 that direction? Because I think there's currently a stop sign there right now, yeah?

40
41 Mr. Rashid: We could. We could. It's a little bit of a challenge with when you kind of control
42 three of the legs then it's a little unclear sometimes about who gets the right-of-way.

43
44 Mr. Carnicelli: Okay.

45

1 Mr. Rashid: So...that's a little confusing for drivers so we, unless there's a real safety reason to
2 do it we try not to do that.

3
4 Mr. Carnicelli: Okay. Yeah, that just, that intersection is, is a little bit screwy. So then going
5 above that, you said that you're going to make those parking stalls uni-direction.

6
7 Mr. Rashid: Correct.

8
9 Mr. Carnicelli: Okay.
10

11 Mr. Overton: Jeff Overton. So I apologize. The revised site plan that we submitted actually does
12 show parking only as if you're traveling makai bound. And this is an older layout that
13 unfortunately we didn't pick up the update here. But the way it's submitted in our revised,
14 official revised submitted site plan in there, they are as, it's a single traffic direction, makai
15 bound in there, and it's diagonal parking going both ways. So that would really prohibit people
16 coming mauka and parking.

17
18 Mr. Carnicelli: And that can be in your final compliance report when you've completed . . .
19 (inaudible) . . .

20
21 Mr. Overton: Correct.

22
23 Mr. Carnicelli: Okay, thank you. The other part of this that I guess I did bring up in April, and I
24 sent an e-mail prior to this is I'm still kind of trying to wrap my head around the fact that you've
25 got a gas station that we talked really about the ingress, and, okay, traffic backing up to the
26 Honoapiilani and everything like that. But we're just dumping everybody into a parking lot when
27 we leave. So when I look at this on either side of the 16 pumps we're going mauka on both
28 sides. Why would we not have the arrow on the left hand side go makai? Why would we not
29 send people that way as well? Because I think naturally people may do that. Now if you're on
30 the far left pump you're not going to be able to do that. You're going to have to dump out into
31 the parking lot. But it just seems as though that it's a little odd to just dump us into the parking
32 lot. I mean, you're the traffic engineering, what do you have to say about that?

33
34 Mr. Rashid: Sure. Well, you're a license traffic engineer too if you have a driver license so those
35 are the people that we deal with. I mean, honestly, and so, so I think one of the things we want
36 to do in a situation like this where we know that we're going to have at times some higher
37 demand. I don't want to say Disneyland, but I'll say Disneyland. I mean, I think we sort of want
38 to channelize people and just maintain the flow. If we sort of have one area and it, it -- back to, I
39 believe it was Commissioner Robinson's comments about people doing that, to be able to sort
40 of sign that as an exit -- I think it might introduce some confusion.

41
42 Kind of circling back to the parking situation, one of the things that I had suggested potentially is
43 that this area to the extent that it could be, could maybe designated for employee parking for the
44 Cannery. And then you just have fewer spaces turning over, and then it's just fewer conflicts.
45 So I think there might be some ways. Those are some of the ways that we try and address
46 parking conflicts and traffic conflicts when they occur the same time. There's no question you

1 could do what you're suggesting which is to do the reverse flow there. I would just be
2 concerned about...making it more complex for the drivers at the end of the day especially with
3 the tourists.

4
5 Mr. Carnicelli: Yeah, no, no, that make sense. I mean because there are actually a couple of
6 gas stations on Oahu that I'm thinking of right now, the same sort of thing. So, I guess, had you
7 guys considered taking out a row of parking in that, you know, ingress, in there, like we were
8 saying, the employee parking? Just because it seems anyways I'm just -- was that a
9 consideration?

10
11 Mr. Rashid: It was not something that we considered from the traffic engineering perspective. I
12 don't know about the architectural side of the team, but that was not something that we thought
13 needed to be done. You know, these spaces right here are a little bit less desirable just from a
14 location relative to the Cannery. That's one of the reasons why we suggested potentially doing
15 the employee parking.

16
17 Mr. Carnicelli: Okay.

18
19 Mr. Rashid: But I'll let Jeff speak to any architectural potential.

20
21 Mr. Carnicelli: Thanks.

22
23 Mr. Overton: Yeah, real quick Commissioner Carnicelli. We appreciate that concern because
24 we did study that. As you recall we were in an earlier iteration of the plan where we had
25 eliminated the green space in front of where Starbucks --

26
27 Mr. Carnicelli: Right. Right.

28
29 Mr. Overton: -- was previously. And then based on Commissioner La Costa's comments, we,
30 we put it back in. Essentially we're keeping the green space there. So now we're a little tight on
31 the parking demand here. We would like to try to keep these spaces if it make sense. We know
32 future build out of the site might allow us to be more flexible with parking, but we need them
33 right now.

34
35 Mr. Carnicelli: No, and that's fair. That's fair. So one more question, Sohrab, when are peak
36 driving hours? As the traffic engineer, what is, what do we consider that?

37
38 Mr. Rashid: They certainly vary by location. I would say, I would say, and I can't recall
39 specifically the hours here, we actually have them in the traffic study. I can look them up. But,
40 you know, typically in the morning it's the one hour between seven and nine, and if memory
41 serves, I want to say it's sort of 7:15 to 8:15, that time frame. In the afternoon, it tends to
42 happen a little earlier in Hawaii in general. It's, you know, typically in that 3:30 to 4:30 to 5:00.
43 It's usually a little earlier though. Kind of the 3:30 to 4:30 range. And that can vary 3:45 to 4:45.

44
45 Mr. Carnicelli: Okay. Based on that, Jeff, please come back up, and slide 18 please. So in
46 slide 18 we show where the tanks are located and where the filling would happen which is going

1 to be, you know, basically right in our traffic flow. So what I would like to suggest is if you were
2 to get this permit is that those tanks can only be filled in non-peak hours.

3
4 Mr. Overton: The timing for the truck deliveries.

5
6 Mr. Carnicelli: Correct. Because that truck sitting there at eight o'clock which, you know, like
7 sometimes you go to Costco, right. Though Costco's one is, you know, is off to the side. It
8 doesn't impede traffic at all. This would impede traffic. So I just think that filling it, it would
9 make sense that you don't fill it during peak hours.

10
11 Mr. Overton: On either end of the day, the a.m. or the p.m.

12
13 Mr. Carnicelli: Either one. I mean, I would just suggest it. Yeah Sohrab, you can go ahead and
14 come back in.

15
16 Mr. Rashid: Sohrab Rashid, Fehr Peers. I actually had the page open to that specific location.
17 So in the traffic study, the peak hours vary by intersection which again is not a surprise. That's
18 actually typical. At the Keawe, Honoapiilani intersection, the peak hour in the morning is 7:15 to
19 8:15, and the peak hour in the afternoon is 3:45 to 4:45, so I was close.

20
21 Mr. Paradis: They want me to say yes. But I was hoping --

22
23 Mr. Carnicelli: Well then say yes.

24
25 Mr. Paradis: It's probably easier to do on the islands because it's, you know, you can get around
26 a little bit easier. Generally, the struggle is if you don't know if there's going to be -- where ever
27 the delivery is coming from, you don't know if they'll be grid locked somewhere else before they
28 get there and then be, you know, locked out of the window and so forth. I don't think we're
29 going have that problem here so we're probably more manageable here. But I guess what I
30 would ask is could we, could we have it where we try it unencumbered without any restrictions
31 with the idea that if there are conflicts that staff at any time could say these will step in and be in
32 place. Because I think what you'll find is that the trucks actually slip in and slip out real easily
33 and everybody always feel like there's going to be some type of issue significant or whatever
34 over there. But there really generally isn't. And so I'd like to propose that because I think what
35 you'll find is, I mean, there was some questions about the opening and then the other cars
36 coming in and so forth. But what this has which is pretty nice is it has a really wide opening so
37 we have room for three more cars of stacking just in front of the dispenser. So we have room
38 for 24 cars right there. I don't think you're ever going to see anything near 24 cars. So really
39 the reality of the matter is I think the tanker truck is going to be able to come and off that site
40 any time of the day, 24 hours a day, without conflicting or be in anybody's way. And most
41 people don't even realize they've shown up or left. They usually takes about 30 to 35 minutes
42 to perform that activity, yet it's surprising how often people don't notice it. So, if that was okay
43 with folks, I'd like to propose that because I'd like to, I'd like to see if there's an issue before we
44 condition around it, and then if everybody would be okay it. If there is one, staff could just at
45 any time just say, we're implementing this in a certain way.

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Mr. Carnicelli: I'm going to let our attorney respond to your proposal.

Mr. David Galazin: Thank you Chair. And for your information, as well as the Commissioners, I'll let the Director speak to it too after I'm finish. It would be difficult, I think, to implement a proposal like that without having any specific standards about when the department would be able to implement controls as the applicant suggests, and then what those controls might be. I think one option might be to request that they not schedule deliveries during certain window and then that wouldn't preclude contingencies. Whereby if, if delivery happens to occur outside of when it's supposed to be schedule that way you're at least keeping it out, you know, trying to keep it out of the window, but there is no penalty for, you know, things that you cannot plan or things the applicant cannot plan for. But as the applicant proposes, I think it would be difficult to work that into the permit.

Mr. Carnicelli: Let the record show that the Director nodded yes. Do you understand our --? Yeah, because we get one bite of the apple here, right, and who's going to monitor it, and who's going to say it's working or not?

Mr. Paradis: Well, it could be even something based on certain number of complaints that folks have called and said...made a complaint on it. It doesn't have to be set up where, where the city has to make a convincing argument in advance for it to happen. We don't have to make it onerous like that at all. It can just be maybe staff has witnessed there's been issues and that's good enough to say here's, here's what's going to happen now. You're not going to build out deliveries, what are we saying, from four o'clock to six?

Mr. Carnicelli: 7:15 to 8:15 and 3:45 to 4:45.

Mr. Paradis: Okay, we'll work at that. We'll figure out how to do it. I think those are, I think those are narrow enough block outs where they can manage.

Mr. Carnicelli: It's just an hour in the morning, hour in the afternoon.

Mr. Paradis: Yeah, that's fine. Yeah, fighting for something is probably not worth it, so that's fine.

Mr. Carnicelli: Thank you.

Mr. Paradis: Yeah.

Mr. Carnicelli: Okay. I believe that is all of the questions I have. Do, do any of the other Commissioners want to revisit any other questions, anything else? Commissioner Robinson.

Mr. Robinson: The question is what do we do if the traffic study was wrong and we have traffic on Honoapiilani Highway? Does DOT take care of that and talk to the owners or because they got this permit it's tough luck? Director?

1
2 Ms. McLean: I'll first say that the, the traffic study makes predictions, so that's their best
3 estimate following standard requirements that's used, that are used around the country. So
4 their assumptions could be wrong, conditions could change elsewhere in the region. They could
5 get, they can be far more popular than they're anticipating. So, yes, those things are possible
6 so then if the traffic situation becomes unsafe...State DOT would be concerned with the safety
7 of its facility. What they would propose to do about that, I, I could guess at things, but I don't
8 want to speculate. So they would take some degree of responsibility for studying situations and
9 proposing options. And it could also be incumbent upon the applicant and perhaps we can craft
10 a condition for them to also see what kind of changes they can make on their site to help
11 improve it if this does end up being a huge crowd generator and causing problems not just for
12 the fueling station but for the rest of the Cannery. That would certainly be an incentive to them
13 to...to propose alternatives to improve traffic flow. I can't, I can't commit to State DOT taking
14 care of the problem because I don't know what their resources are and how they might react so
15 I don't want the Commission to think that they'll come in and figure it out.

16
17 Mr. Carnicelli: Commissioner Pali.

18
19 Ms. Pali: I'm just coupling on top of that. So this is the intersection where the new bypass sort
20 of dumps Lahaina out. And I know personally when I come that traffic I'm already, I haven't
21 even gone through the intersection I get, I get kind of in this big, long line just trying to get out.
22 And so if I was trying to get over to put gas and that one lane is all filled, then that's just going to
23 pile up across higher. For the applicant, have you considered what a third lane would look like
24 once you cross where the gas station could have its dedicated turning right lane, and then the
25 flow to get the Cannery and Long's could stay in the middle lane, and then bypass that. Is that
26 been considered in this situation? Because that's only a matter of time. It might not happen
27 today. And is there room --? Because you own the parcel on the right side, if I'm looking at this,
28 you own the whole parcel so you would have the ability to widen that driveway if you needed to.

29
30 Mr. Overton: So there's, there's currently two lanes that narrow to one in that area. On the
31 outbound you have a dedicated turn out and they merge in the way in. You're talking about the
32 potential to widen that in the future to allow for more lanes in there. When we were first doing
33 the layout for the fuel station we actually had a pocket of right turn cars to queue on the inbound
34 to take say three or four vehicles before they get into the fuel station, to get them out of that flow
35 of traffic.

36
37 Ms. Pali: Oh, you mean after the turn.

38
39 Mr. Overton: Yeah.

40
41 Ms. Pali: Okay.

42
43 Mr. Overton: So, right here, again it's hard to see, it actually extended further out here, and
44 everybody came in the last 25 percent of the site. When we met with Urban Design Review
45 Board, they said start that sooner. Let those cars get out of the flow of traffic --

46

1 Ms. Pali: Get out of the way.

2

3 Mr. Overton: -- and get into these lanes because we have tremendous. We have eight times
4 four basically storage capacity. So we thought that was a great idea. It also corresponded with
5 DOT raised the same point. We want to make sure you're not backing up onto the highway,
6 and addressing the other Commissioner's question, causing a problem. So this ends up being -
7 -. We even pushed that tanks further, the pump sites further mauka by taking a row of three out
8 and widening them. So all those points are being factored in here.

9

10 Ms. Pali: Sure. But in the event it's not enough --

11

12 Mr. Overton: Could we do more?

13

14 Ms. Pali: -- so what is your future plans and are you already preparing for a future expansion if
15 needed? That would be kind really good to do with this today instead of find ourselves three
16 years later and everybody just being miserable trying to get into Lahaina, and that new thing we
17 approved is sort of the headache of the new traffic jam, you know what I mean? So I'm just
18 asking have you looked ahead, and have you said, if this becomes a problem, we have the
19 ability to potentially in the future to do this. Has that been considered?

20

21 Mr. Overton: So we did not do a mitigation design that caused a greater widening of the entry
22 area to add another thru lane in bound direction that would cover that. So, it's not accounted
23 for. Of course we're, you know, the design of the property as it stands now does not go towards
24 the south in the Lahaina town direction. On that side of the driveway there is land there, but
25 right now it's currently landscaped. There's mature palms along that edge in there. It works
26 quite nicely, and in fact Sohrab, the traffic engineer study is a future projection of flow going out
27 to 100 percent complete in occupancy. So they did not identify that sort of Armageddon
28 scenario that you're proposing here. He also brought up the fact that there are additional
29 improvements to the next phase of the bypass which may further alleviate this. And our traffic
30 study again was for 18 versus 16 pumps, and it did not at all factor Safeway patrons in there.
31 So we have a very conservative traffic study that you're reviewing. But I appreciate your
32 thoughts for the future.

33

34 Ms. Pali: I think we just already know it's a problem and you're not there yet. So I think it would
35 be unwise for us to disregard what's already there. And then you want to build this in an already
36 problem area. And so -- anyways, that's my concern, but thank you.

37

38 Mr. Carnicelli: Commissioner La Costa.

39

40 Ms. La Costa: Thank you Chair. When we asked Mr. Ford about the mitigation plan if there
41 were a spill, he did not give a definitive answer. Do you have a plan B if there is an earthquake,
42 a tidal wave . . . (inaudible) . . .

43

44 Mr. Overton: I'd be glad to give you a little more information.

45

46 Ms. La Costa: Thank you. I appreciate that.

1
2 Mr. Overton: And this also goes to Commissioner Robinson's questions about the tank and the
3 potential for failure. First of all, Department of Health, Shane was nice enough to pull up the
4 Department of Health, periodic operation and maintenance walk through inspection. So it's not
5 the earthquake scenario, but it's what are we doing on a regular basis. So this is every 31 days
6 they have to go through a checklist, and make this report to the Department of Health about
7 their spill prevention equipment. They do visual checks. Remove any kind of debris. The
8 double wall spill prevention equipment has to be monitored. And again, this is two walls, and it's
9 a very expensive product. So if there's a tiny leak on the inside wall, they know immediately,
10 we're losing product, we're losing dollars. They don't want to lose dollars. I mean, they're also
11 concerned about the environment too, but they're also concerned about losing dollars. So
12 immediately they know there's an issue and they're not going to sit around. They got to go
13 protect their investment as well as the environment. They're mandated by the Department of
14 Health. Detection equipment has to be checked. This is monthly to make sure that the alarms
15 all function, and the release detection equipment is all tested. And if there are any deficiencies
16 they have to report this and repair it. The Department of Health requires it. Containment sumps
17 as well as the other detection equipment. So there is a monthly evaluation and report that they
18 have to check through with the State. That's a good thing to know.

19
20 Ms. La Costa: Who are, who are they please? Is there a specific employee that's going to be
21 assigned to it?

22
23 Mr. Overton: Yes. There's actually within the Safeway fuel team, there are people that are
24 assigned to this. This is their responsibility and they have to make these monthly reports, and
25 they have to get checked off and signed, signed off. And they may be working with a Hawaii, of
26 course, a Hawaii based consultant that's licensed. So they have to go through and they're
27 familiar with this process. Department of Health knows that there are reliable consultants.
28 That's who we have to work with.

29
30 Mr. Carnicelli: Commissioner Castro.

31
32 Mr. Castro: Thank you Chair. I just have one more question in regards to the tanks. I'm sure
33 they meet all of the specs and all that. But have they've been UL tested?

34
35 Mr. Overton: I believe the answer is yes, but I don't know definitively. There's a . . . (inaudible) .
36 . . . or whatever. The color diagrams that are inside your packet there and...is that a UL test?
37 I'm just looking for a head nod from our guys. They have to meet these very rigorous US EPA
38 Hawaii Department of Health. And then I also put in the California Department of Health is one
39 where they're meeting these standards in there, so these are kind of the top of the game in
40 terms of requirements for these and testing. I don't know the specific laboratory that certifies
41 these.

42
43 Mr. Castro: And the only reason I ask that is because I do electrical work.

44
45 Mr. Overton: Right.

1
2 Mr. Castro: And everything, and particularly, like in California, Los Angeles area and with all the
3 earthquakes they have and shockers, a lot of equipment goes through vigorous testing at the
4 underwriter's laboratories.

5
6 Mr. Overton: Page 6 of that colored handout. I'm sorry, I gave you so much stuff. The title says
7 Storage Tank Solutions. Yeah, so it's about in the middle, and then at the bottom right it says
8 UL listed for the different fuel types in there. So Underwriter's Laboratories are certified.

9
10 Mr. Castro: Thank you.

11
12 Mr. Carnicelli: Okay Commissioners, do we have enough information to make a decision?
13 Alright, Paul.

14
15 Mr. Fasi: Before I give the recommendation I have the Department's six conditions here, and I
16 believe we're going to add three as a result of this discussion. Fuel delivery schedule,
17 considerations given to an electrical charging stations, and commitment to PV installation.

18
19 Ms. McLean: And we can go through detailed language as the Commissioners give their
20 comments.

21
22 Mr. Fasi: I'm not going to write the conditions on the spot, but generally in that direction.

23
24 Mr. Carnicelli: That's why we pay the Director. She writes the conditions on the spot.

25
26 Mr. Fasi: In consideration of the foregoing the Planning Department recommends that the Maui
27 Planning Commission adopts the Planning Department's report and recommendation prepared
28 for the April 9th, 2019 meeting as its Findings of Fact, Conclusions of Law, and Decision and
29 Order, and to authorize the Director of Planning to transmit written Decision and Order on behalf
30 of the Planning Commission. Thank you.

31
32 Mr. Carnicelli: Thank you. So I guess at this point in time, is there a motion that someone wants
33 to place on the floor? Go ahead, speak into the mic Commissioner Thompson.

34
35 Mr. Thompson: I motion to approve the request with the conditions added. Is that the motion
36 that you want?

37
38 Mr. Carnicelli: As recommended by staff including three additional conditions.

39
40 Mr. Thompson: That's correct.

41
42 Mr. Carnicelli: Do we have a second?

43
44 Mr. Robinson: I second Chair.

45

1 Mr. Carnicelli: Seconded by Commissioner Robinson. So as we move on I will let go ahead and
2 speak to the motion first.

3
4 Mr. Thompson: I just recommend that we approve it with those conditions. Is there more I
5 should be adding? I'm still the new guy here.

6
7 Mr. Carnicelli: That's okay. I'm kind of putting you on the spot a little bit, aren't I? Thank you.
8 Commissioner Robinson.

9
10 Mr. Robinson: I seconded the motion. I still am concerned and I hope that we have a
11 remediation plan in case of failure, in case of a tank failure. I'm sure, I'm assuming that DOH is
12 going to require that and part of the permit process, but I want to reiterate that, I want to make
13 sure that there is, there is that is on file so that way when something does happen the County
14 doesn't have to call up the State for help. They can already see the plan and know what should
15 be done in this circumstance.

16
17 Mr. Fasi: So noted.

18
19 Mr. Robinson: Thank you.

20
21 Mr. Carnicelli: Anybody else would like to speak to the motion? Before we vote on the motion,
22 Director, would you like to read the additional conditions that will be placed on this
23 application...please?

24
25 Ms. McLean: Sure. One is that the filling or maintenance of the fuel tanks --. Excuse me. The
26 filling of the fuel tanks shall not occur during peak traffic hours, 7:15 to 8:15 a.m., and 3:45 to
27 4:45 p.m. Scheduled or occurring? I thought they had agreed to --.

28
29 Mr. Carnicelli: You know, I'm okay with scheduled. I don't know if you guys are okay with
30 scheduled or if you want to have it --. Let's say scheduled.

31
32 Ms. McLean: Shall not be scheduled.

33
34 Mr. Carnicelli: It is, it is Lahaina.

35
36 Ms. McLean: Okay. So again, that the filling of the fuel tanks shall not be scheduled to occur
37 during peak traffic hours, 7:15 to 8:15 a.m., and 3:45 to 4:45 p.m. That as represented by the
38 applicant, the applicant shall provide at least seven electric vehicle charger stations on the
39 subject project. And I would propose that we add a time line for that. I would recommend prior
40 to the issuance of their certificate of occupancy for the convenience store. Similarly that is
41 represented by the applicant, the applicant shall install photo voltaic solar panels. I don't know if
42 the Commission and, or the applicant can be more specific as to how many or where. But again
43 prior to the issuance of the CO for the convenience store. I did also scribble down a condition
44 relating to the parking flow of the area that the Chair was asking about, if you feel like that's
45 necessary. And also one relating to coordination with State DOT if the Commission wants to

1 add that. And then we can also add one about requiring the development and the
2 implementation of a plan in the event of a fuel tank failure.

3
4 Mr. Carnicelli: So as far as the parking one, you're talking about the uni-directional flow?

5
6 Ms. McLean: Uh-huh.

7
8 Mr. Carnicelli: I think as long as -- Paul, this will fall on your shoulders -- as long as it's a part of
9 the final compliance report because that is not going to be something that's ongoing. I mean,
10 they did represent that that's what they were going to do, here today. So when they do their
11 final compliance report, as long as that is a part of the, you know, the issuance of this certificate
12 of occupancy and clearance of that, then I'm okay with it not having it as a condition.

13
14 Mr. Fasi: So noted.

15
16 Mr. Carnicelli: Okay. Thank you.

17
18 Mr. Robinson: Chair?

19
20 Mr. Carnicelli: Commissioner Robinson.

21
22 Mr. Robinson: On the, on the condition of requirements for charging stations, I think holding the
23 certificate of occupancy and trying to get that done because there's going to be drawings and
24 planning which they probably have for this, and don't have for that. I would propose 180 days
25 leniency. If they don't do it, they're going to lose their permit and spend all the money, so I
26 assume they're going to do it. I think the good will of them putting seven stations in and
27 deciding where to do it in the mall, it might be different locations, I don't want to hinder that on
28 this project. Yeah, because, you know, it's, it's not that easy. And the PV, I think, I think 180
29 days after the certificate of occupancy, I think, is, is more than fair, and I think, hopefully, they'll
30 agree to that.

31
32 Mr. Carnicelli: Well actually I have a question then for the Department. Thank you
33 Commissioner Robinson because you bring up a great point. Will those charging stations be
34 included in this SMA or will they have to get a separate SMA for those charging stations?

35
36 Ms. McLean: It would a separate SMA. And it would most likely be an SMA Minor.

37
38 Mr. Carnicelli: Right. It would be a minor. Okay, so yeah, let's give them 180 days after CO.
39 Okay, good point. Thank you Keaka.

40
41 Mr. Carnicelli: What was the DOH one?

42
43 Ms. McLean: The DOT?

44
45 Mr. Carnicelli: DOT, sorry. If there's something already.

46

1 Ms. McLean: That the applicant shall implement improvements to Honoapiilani Highway, Keawe
2 Street, or the subject property as required by the State Department of Transportation to ensure
3 acceptable traffic flow and minimize backups.

4
5 Ms. Pali: Yeah, so I had it worded something like add. I had it worded something like add
6 mitigation condition to show developers ability to widen the incoming driving, blah, blah, blah.
7 Like I would like to see that they already know before that this is all said and done that there is
8 an ability looked, at kind of there, and that way if it is warranted and it needs to be implemented
9 later, then the work has been done. Is that too big?

10
11 Mr. Carnicelli: Corporation Counsel.

12
13 Mr. Galazin: Thank you Chair. Commissioner Pali, in response to your concerns. I think you
14 might have two competing issues because if the condition is to respond to what DOT makes a
15 determination, they are going to be the ones having the authority to make that. You don't want
16 to necessarily have them come up with a plan that could be potentially in conflict. Thank you.

17
18 Mr. Carnicelli: So are you okay with --? Okay. So Jeff, if you could go ahead and come forward
19 please?

20
21 Ms. La Costa: I'm sorry, I don't know if it's appropriate that I ask this now, but if there is a
22 widening will it take out the trees that are on Honoapiilani, or is it only on their section and
23 moving east west?

24
25 Mr. Carnicelli: That's going to be -- because we're talking about DOT right now. So, the
26 additional conditions, I guess as we sort of walked through them, are you guys agreeable to
27 those conditions?

28
29 Mr. Overton: Sure, I'd like to address the last one, first, if we could because DOT only has
30 authority over the State Highway, not Kapunakea or Front Street. So that would be done in
31 conjunction with whatever the County. Again, the County has had the traffic study as well as
32 the State. They've not made recommendations for offsite mitigation.

33
34 Mr. Carnicelli: Right.

35
36 Mr. Overton: So what Commissioner was talking about was the internal circulation flow and
37 whether we could think about that for the future should the need arise. And so it's kind of an
38 unopened ended condition for that. There are trees on that south side of the driveway that are
39 mature Royals, yeah, along that side? There's some --. Well, there's some nice palms in there
40 and some others, so it would affect those if we had to take another say 11 or 12 feet for a
41 driveway cut. So the general condition, of course, we'll always have to comply with the State
42 and County transportation agencies should they decide that further mitigations warranted. So
43 that would be kind of a blanket condition, I guess, that we would always have to comply with. If
44 that answers that question, I'll stop on that one.

45

1 Commitment to the other conditions, it all sounds very good. We have the one comment about
2 planning for the fuel tank failure situation. So we would need to comply with what the State of
3 Department of Health requires for fuel tank systems and possibly with the sensitivity of this
4 coastal zone setting that we would need to elaborate on this in some type of a follow up
5 commitment with the Department of Health and the County that just elaborate on us complying.
6 Would that be adequate?

7
8 Mr. Robinson: Is what I'm asking if the Department of Health is not asking for a remediation plan
9 in case of failure that you develop one.

10
11 Mr. Overton: Right. Okay. We agree to that. Then there were the other conditions that the
12 Director reiterates, so the fuel delivery time table as described is fine. Thank you. The EV
13 charging, the new condition on this, I like the idea of having the flexibility of locating these. And
14 if we could please have the 180-day additional CO of the convenience store that would be very
15 helpful. Thank you. As well as the PV installation on the canopy that Todd, Safeway folks have
16 agreed to, yes, we consent to that, and again with the 180-day flexibility post CO on the
17 convenience store. And then there was, Director had talked about the parking area and the uni-
18 directional flow, I don't know that's essential. We will provide a correct diagram, not what just
19 showed incorrectly here.

20
21 Mr. Carnicelli: Okay.

22
23 Ms. McLean: Do you want me to go through these again?

24
25 Mr. Carnicelli: Just to be clear. I think just so everybody knows what we're, what we're voting
26 on.

27
28 Ms. McLean: That the filling of the fuel tanks shall not be scheduled to occur during peak traffic
29 hours, 7:15 to 8:15 a.m., and 3:45 to 4:45 p.m. That as represented by the applicant, the
30 applicant shall provide at least seven electric vehicle charging stations on subject property
31 within 180-days of the issuance of the certificate of occupancy for the convenience store. That
32 as represented by the applicant, the applicant shall install photo voltaic solar panels on the fuel
33 canopies within 180-days of the issuance of the certificate of occupancy for the convenience
34 store. That the applicant shall implement any improvements to Honoapiilani Highway, Keawe
35 Street, or the subject property as required by the State Department of Transportation and the
36 County Department of Public Works to ensure acceptable traffic flow and minimize backups.
37 And then Commissioner Robinson if you wanted to also include that the applicant shall comply
38 with State Department of Health requirements and shall develop and implement a remediation
39 plan for any failure in the fuel tanks.

40
41 Mr. Carnicelli: Are you okay with that last one Jeff?

42
43 Mr. Overton: Yeah, so clarification -- Jeff Overton -- that US EPA is actually the authority on this,
44 and State DOH is an implementing assistant on the local level. And so they are the ones who
45 would evaluate what the need for mediation is and sign off on such a plan. Right, it's not the

1 State Department of Health has the ultimate authority in this case. So whether it's in
2 coordination with the two and Shane is up on this --

3
4 Mr. Carnicelli: Are you really going to come forward and talk? Come on. Come on.

5
6 Mr. Shane Peters: I'm trying not to. Shane Peters. Just to clarify, EPA prescribes mitigation
7 measures that need to be made. They then certifies State agencies to implement those
8 measures. So as an individual private entity they would not be able to just come up with their
9 own remediation plan. Instead, they would need to follow what is Federal law essentially. So I
10 just want to make that clear, clarify.

11
12 Mr. Robinson: And I, and I, I know that there is one. I just want to make sure it's on file so we
13 don't waste time with the remediation trying to, you know, oh, we have to go look it up. It should
14 be with this permit so that way in worst case scenario everybody knows what should be
15 followed.

16
17 Mr. Overton: It would have to be pretty comprehensive because again a remediation is a result
18 of a specific action and we won't know whether it was a pipe or, you know, here or there. So,
19 we get your point. We will consent to that.

20
21 Mr. Carnicelli: Okay, great. Any other discussion on the motion? Commissioner Robinson.

22
23 Mr. Robinson: Is, uhm...I think the traffic problem in Lahaina is, is, is, was here before, before
24 this gas station. I think it's going to be here after the gas station. I'm actually thinking if I was
25 driving and I was stuck in the traffic, I'm like you know what I'm just going to pull over and go put
26 in some gas while I'm waiting, you know, if I can --. But the, but the challenge is and which,
27 which I, which I think is a mistake on your part is I don't have an independent lane to, to get out
28 of that traffic to go fill my gas. So I'm stopping, I still have to wait, and so then that's going to be
29 do I want to wait again or do I want to keep going. That's a marketing thing for you guys. I'm,
30 I'm comfortable with the remediation. I think the reduction --. I think it was overbuilt. I don't
31 think we're going to see as many cars as we think we're going to see. I think people that are
32 turning left aren't going to go into Safeway and then get back on the highway. They'll go to the
33 Minit Stop up in, up in that turn there, yeah, in that plaza area. And I'm hoping that the local
34 people in Lahaina who actually shop at Safeway can get some discounted gas and hopefully
35 that's a benefit for the Lahaina side. Thank you.

36
37 Mr. Carnicelli: Would anybody else like to speak to the motion? Commissioner Tackett.

38
39 Mr. Tackett: So what I'd like to say is, is...I really like the way you worked with everybody here,
40 and you tried to, to make sure that you stay with the progression of, of the way that we need to
41 evolve because everybody needs to evolve. That being said, I don't think it's the right spot. I'm
42 not going to be in favor of it in that spot. I'm not in favor of it because the water line is
43 somewhere mid tank level. Because it's close to the river. Because it's at the worst intersection
44 that you could possibly have it within Lahaina, in my opinion. Because, because Lahaina is its
45 own kind of special place, and it has kind of an old town feel to it, and I think, I think what is
46 going to happen, should it pass and it probably will is just I, I don't feel like, like it's not going to

1 impact all of the other gas stations that are already there. And there is a large amount of gas
2 stations there already. So those are my reasons for not being in favor it. But once again, I just
3 wanted to express my appreciation for your guys flexibility and then to go with the solar, and to
4 go with the, and to go with the, the...the PV to try to, to try to make sure that, that we are
5 progressing. Because I don't even know how much longer we going be in the car stage, you
6 know what I mean? So it's not going to be forever, you know what I mean. So that's where I
7 stand with it. I just don't believe that that corner right there in that four-way stop right next to the
8 stream is the appropriate spot for that sort of thing. So anyway that's, that's my thought, my
9 input to the motion.

10
11 Mr. Carnicelli: Thank you. Commissioner La Costa.

12
13 Mr. Tackett: Thank you.

14
15 Ms. La Costa: Thank you Chair. I concur with Commissioner Tackett. I have been most
16 appreciative and I'm kind of the solar queen when it comes to that portion of any kind of building
17 here on Maui. But I live Lahaina, and I travel that road, and it took me seven and a half minutes
18 to get from Kapunakea to Keawe the other day. Seven and a half minutes and that's without a
19 gas station. The traffic congestion coming in and out of Safeway both Kapunakea and at
20 Keawe is just choke all the time. So, again, your accommodation has been most commendable,
21 but I can't vote in favor of it either. Thank you.

22
23 Mr. Carnicelli: Would anybody else like to speak to the motion? Okay, just for clarification,
24 Commissioner Thompson, the additional amendments we made to the motion, I just want you to
25 confirm that you're okay with those as friendly amendments.

26
27 Mr. Thompson: I do. Thank you Chairman.

28
29 Mr. Carnicelli: And second, you're okay with them as friendly amendments? Okay. So then, I
30 guess, Director, the motion on the floor please.

31
32 Ms. McLean: The motion is to approve the SMA Major Permit subject to the six conditions in the
33 staff report, and the five additional conditions discussed by the Commission.

34
35 Mr. Carnicelli: All those in favor raise your hand. One, two, three, four. Opposed? One, two.
36 Oh geez. Oh goodness. It's funny somebody said one day it's just like, oh you get it easy
37 because you never get to vote. No, I said I never get an easy vote. This is I guess how I sort of
38 look at this. There are going to be impacts. I am really concerned about traffic like everybody
39 else is. I'm concerned about the environmental stuff like everybody else is. But I guess I go to
40 the other side of this is when it takes a -- in order to deny a permit you have to come up with the
41 actual factual reasons why, and I believe that this application does meet the requirements of the
42 permit. And so then therefore because of that I'm going to go ahead and vote in favor of the
43 motion, and...and so then I guess we have five ayes to two noes, and the SMA permit is
44 granted. At this point we're going to go ahead and take at least five, probably 10 minute break.

45
46 **It was moved by Mr. Thompson, seconded by Mr. Robinson, then unanimously**

1
2 **VOTED: To Approve the Special Management Area Use Permit as**
3 **Recommended by the Department with the Six Conditions and the**
4 **Five Additional Conditions as Discussed by the Commission.**

5
6 **(Assenting – D. Thompson, K. Robinson, K. Pali, S. Castro,**
7 **L. Carnicelli)**

8 **(Dissenting – C. Tackett, P. D. La Costa)**

9 **(Excused – T. Gomes)**

10
11 Mr. Overton: Thank you very much.

12
13 *(The Maui Planning Commission recessed at 11:02 a.m., and reconvened at 11:14 a.m.)*

14
15
16 **2. CARLOS AND ALEXA PENAVERGA requesting a Short-Term Rental Home**
17 **(STRH) Permit in order to operate Hale Kai, a three-bedroom STRH located**
18 **in the A-1 Apartment District at 51 W. Kapu Place, TMK (2) 3-9-009:016,**
19 **Kihei, Island of Maui. (STKM T2018/0009) (L. Callentine) (Public Hearing**
20 **was held on May 28, 2019)**

21
22 **The matter is being brought before the Maui Planning Commission for**
23 **review because there are at least two permitted short-term rental home**
24 **operations located within 500 feet of the subject property.**

25
26 Mr. Carnicelli: Aloha everyone. The Maui Planning Commission meeting of July 9th, 2019 is now
27 back in session. Director?

28
29 Ms. McLean: Thank you Chair. The next item under unfinished business is a request from
30 Carlos and Alexa Penavega for a short-term rental home permit in order to operate Hale Kai, a
31 three-bedroom STRH located in the A-1 Apartment District at 51 West Kapu Place, at TMK: 3-9-
32 9 parcel 16, in Kihei. The public hearing on this item was held on May 28th, 2019, and the Livit
33 Callentine is the project planner.

34
35 Ms. Livit Callentine: Thank you Director. Good morning Commissioners. Nice to see you again.
36 As you know you've heard this -- discussed this item on May 28th. Just as a reminder this is an
37 application for a short-term rental in one, three-bedroom single family dwelling. On this
38 property, there have been no police reports ever filed on this property. Also, there have been
39 no request for service filed on this property.

40
41 In response to noticing requirements, the Department received three letters of support from
42 owners within 500 feet of the property. The Department did not receive any letters of
43 opposition. At the meeting on May 28th, five testifiers spoke against short-term rentals in
44 general, but they had no comments or complaints about this particular application. The
45 applicants are here today, if you have any further questions of them, and certainly I'll be happy
46 to answer any questions as well. Thank you.

1
2 Mr. Carnicelli: Great. Thank you. So Mr. Penavega, do you have a presentation of any kind or
3 you're just kind of here to answer questions if we have those?
4
5 Mr. Carlos Penavega: Hello. I'm here for whatever you guys need. My wife also here.
6
7 Mr. Carnicelli: Okay. Okay. So I guess at this point, we'll go ahead and see if anybody has any
8 questions. I'll start with you Commissioner Robinson, do you have any questions for applicant
9 at this time?
10
11 Mr. Robinson: I just want to say congratulations on your newborn.
12
13 Mr. Penavega: Thank you very much.
14
15 Mr. Robinson: It's been that time, and I'm glad -- I hope it wasn't too much stress and you came
16 early. Thank you.
17
18 Mr. Carnicelli: Commissioner Pali, do you have any questions? Commissioner Thompson, do
19 you have any questions? No? Commissioner La Costa, do you have any questions?
20
21 Ms. La Costa: I have one question. Since you were here last, has the home been rented in any
22 way?
23
24 Mr. Penavega: No. We have been literally just blessing people for the last year with that house.
25 We've had family members come and stay there. A lot of local families in between transition
26 from, you know, like moving into another place, they've been staying there. But we have never
27 wanted to accept any money for anybody staying there.
28
29 Ms. La Costa: Mahalo.
30
31 Mr. Carnicelli: Commissioner Castro, do you have any questions?
32
33 Mr. Castro: No questions.
34
35 Mr. Carnicelli: Commissioner Tackett, do you have any questions?
36
37 Mr. Tackett: No questions.
38
39 Mr. Carnicelli: Okay. So I guess at this point, does everybody have enough information to make
40 a decision? Oh, that's right. And were you able to review all of the materials from May --? I'm
41 sorry, Commissioner Thompson, were you able to review all the information from May 28th?
42
43 Mr. Thompson: Yes I have. Thanks.
44
45 Mr. Carnicelli: Okay. So a motion on the floor? I'm sorry, recommendations Livit. Sorry.

1
2 Ms. Callentine: The applicant has demonstrated that the proposed short-term rental meets the
3 criteria for a short-term rental home permit. It is not anticipated to be contrary to the goals and
4 objectives of the short-term rental homes zoning regulations or any of the plans or long range
5 plans. It will occur in a permitted dwelling. And it's not anticipated to adversely affect
6 surrounding properties. The number of guests will be limited to one group at a time, and up to
7 two guests per bedroom, so that's up the six guests. There's adequate parking on the site.
8 There's no record of disturbance. Neighbor notice was provided twice. There were letters of
9 support received. There's a designated property manager who is one of the -- Alexa Penavega
10 father. They do not hold an STR application on any other property. And the Department is
11 recommending that the Maui Planning Commission approve the short-term rental home permit
12 subject to 23 conditions. And the Department is also recommending that the Maui Planning
13 Commission adopts the Planning Department's report and recommendation prepared for the
14 May 28th, 2019 meeting as its Findings of Fact, Conclusions of Law, and Decision and Order,
15 and to authorize the Director of Planning to transmit said written Decision and Order on behalf
16 of the Planning Commission. Thank you.

17
18 Mr. Carnicelli: Thank you. At this point in time is there a motion on floor? Commissioner La
19 Costa.

20
21 Ms. La Costa: I would like to make a motion to approve the permit as --

22
23 Mr. Carnicelli: As recommended by staff.

24
25 Ms. La Costa: Thank you. I was going to say required. Now that's not going to work.
26 Recommended by staff.

27
28 Mr. Carnicelli: Thank you. Do we have a second? Seconded by Commissioner Tackett.
29 Discussion on the motion?

30
31 Ms. La Costa: As I said at the May meeting the Penavega's have done everything that has been
32 required by law, and I just think that because there are five other rentals in the area it is not
33 going to change the neighborhood at all by issuing a permit. So I feel that the permit should be
34 issued at this time.

35
36 Mr. Carnicelli: Thank you. Commissioner Tackett.

37
38 Mr. Tackett: So I second and I second because...I don't see anybody against it, and I'm not for
39 STRH's. As a matter a fact I think they're really a bad idea. But the facts are is they do exist
40 and they are here, and so what, what provide weight with me is how you're going to impact that
41 area. And you have very few neighbors in that neighborhood, and what neighbors you have
42 didn't complain. So, if I have to let STRH's be here, then I would prefer to let the ones be here
43 that aren't negatively impacting other families so that's, that's my second.

44
45 Mr. Carnicelli: Thank you. Anybody else would like to speak to the motion? Commissioner
46 Robinson.

1
2 Mr. Robinson: I was the...I was the one that opposed this motion a couple of months ago, so I
3 am one that's opposed to it. I feel that...this area is like, is like we're rezoning it. We're making
4 all of the homes STRH's, we're making them all TVR's, and so therefore, you know, our
5 applicant had a challenge because they saw a beautiful home, in a beautiful area that they
6 wanted to move into, and then they realized that they're surrounded by, by transients and
7 there's no way to get a community or a family because there's different people living there, and
8 their kids and friends, we get that. And that's the exact reason why that they're no longer there
9 and they moved, and that's what's happening. We're giving up the street. We're giving up the
10 community. STRH's, we have a maximum, but we don't have a minimum. There's 75 allowed,
11 but there's no, you have to fill up the 75. You don't. People a lot of time take these permits and
12 they try to look at who's the person that's trying to get the STRH. I don't think I've ever done
13 that. I think, you know, I think everybody is good in nature. I think everybody who can do their
14 own house, they're successful, so they must be doing something right. But it's just, it's just...this
15 STRH, that whole section is gone. It's all for tourists. It's gated. No local beach access.
16 Locals done. We can't even go in there. We can't even -- unless we're going to go in and pay,
17 you know, a thousand bucks a night to go just have the ability to go to that beach. And it's
18 unfortunate that it happened. These applicants aren't the problem, but there are -- that's just
19 the reality that we're putting ourselves in and the more STRH's we agree to give out the more
20 STRH's that we give permits to, the more and more these locations happen and we look for
21 things.

22
23 And I have before voted for STRH because I was in the same philosophy. I said, you know
24 what, this one is in Kapalua, it's on the cliff, no local is going to stay there, and that was like four
25 years ago, and I was wrong. Because I have friends, I have people that I know that are now
26 renting beach house because, because the cost difference is so small between a residential to a
27 beach front that they're paying that little bit extra, you know. Because they say, well, why don't I
28 just, you know, not do this, but then I can do that? So as far as it never being for a local, I think
29 it is. I think the applicants have been, you know, nice neighbors, people, and it's not a, it's not
30 an applicant focused denial or opposition, it's a location and a --. And I kind like it should be a
31 rezoning, you know, you've got STRH's that whole row. That should be a different rezone
32 instead of a STRH. Thank you Chair.

33
34 Mr. Carnicelli: Anybody else like to speak to the motion? Seeing none. Director.

35
36 Ms. McLean: Thank you Chair. The motion is to approve the STRH Permit as recommended in
37 the staff report.

38
39 Mr. Carnicelli: All those in favor of the motion please raise your hand. That is five eyes.
40 Opposed? Is one. Motion carries. Congratulations.

41
42 **It was moved by Ms. La Costa, seconded by Mr. Tackett, then**

43
44 **VOTED: To Approve the Short-Term Rental Home Permit as Recommended**
45 **by the Department.**

46

1
2 So the applicant's consultant has a presentation that she'll give, and the owners and the
3 consultant will be available to answer any questions that you may have. If there are no
4 objections I'll invite the consultant, Lisa Starr, to come to the podium.
5

6 Mr. Carnicelli: Go ahead.

7
8 Mr. Burkett: Okay, it will be the owner, Mr. Goodman.

9
10 Mr. Carnicelli: Okay.

11
12 Mr. David Goodman: Good morning Chair and --

13
14 Mr. Carnicelli: Good morning Mr. Goodman. Please just for the record, please state your name.

15
16 Mr. Goodman: My name is David Goodman.

17
18 Mr. Carnicelli: Thank you.

19
20 Mr. Goodman: I'd like to invite my mom to stand with me. This is Ramani.

21
22 Mr. Carnicelli: Say your name into the mic then.

23
24 Ms. Ramani: My name is Ramani.

25
26 Mr. Carnicelli: Thank you.

27
28 Mr. Goodman: So I'd like to start with my family story so you understand who we are and where
29 we would like to go. My mother was a farmer in rural America and my father was a photo
30 journalist who documented Hawaii Statehood, experienced the world. My parents moved to
31 Honolulu in '59 when Hawaii became a state. My father, Robert B. Goodman, created Island
32 Heritage Publishing Company, producing the book *The Hawaiians*, as well as the *Sons of*
33 *Hawaii First Album*. He published folktales, myths, and legends of all Hawaii's ethnic groups.
34 Also published by my father is Herb Kane's book *Canoes of Hawaii*. I'm sorry, *Canoes of*
35 *Polynesia* which was the ground work for the creation of the legend canoe, Hokulea. He also
36 published *Kahuna . . . (inaudible. Spoke in Hawaiian) . . .*, the secrets and practice of Hawaii
37 herbal medicine which is now in the six printing. My mother graduated from UH with a BS and
38 MS in nursing. She also became a massage therapists. Our family has lived and breathe in
39 Hawaii for 60 years.

40
41 They took me in the ocean when I was nine days old. My sister, Maile, and I learned to swim as
42 soon as we could walk. I became a tug boat captain at the age 27, and have been towing cargo
43 barges between the islands for the last 28 years. Uncle Les Kuloloio is my sister, Maile, and my
44 hanai kupuna. He's been close to us and supportive our family for many years. He also
45 blessed my father's service when he passed. My father passed on and my mother moved from
46 Oahu to Maui in '89 working as an RN taking care of the kupuna at Kula Hospital. She rented at
47 Pualani from '89 to '96, the property in Olinda that we now own. She traveled to India in the

1 '90's to learn (inaudible) . . . healing practices and was the first person to take herbal oil
2 treatments to the Grand Wailea Spa where she, at age 80, is still currently working as a
3 massage therapist.

4
5 It was our dream to own property on Maui so mother and I hui'ed in and said -- we hui'ed
6 together made offers on properties and it just didn't ever work out or feel right. I said mom, I like
7 the mana of Olinda so we went back to the owners of the property named Pualani. The owners
8 were going to foreclosures and moving out. They rented the place to mom and after a year, the
9 bank offered us a short sale. Our dream became a reality. Uncle Les blessed our home after
10 we closed and we're now the owners of this property and currently working hard to repair the
11 house decks and etcetera from years of deferred maintenance before and during the
12 foreclosure process.

13
14 We both work full-time and have limited time resources but are doing work primarily ourselves.
15 Slowly we're clearing the property of overgrowth, as well as weeding the terrace gardens, the
16 flowers, aromatic plants, lemon grass, rosemary, lemon . . . (inaudible) . . . , lavender, hibiscus,
17 Protea, bananas and avocado trees. We are eager and working on restoring the grounds to the
18 former and productive splendor to commercially market them to local businesses, such as soap
19 and essential oils, makers, as well as restaurants. I'd like to let my mother finish the story.

20
21 Ms. Ramani: Like the Hawaiians, we've always known that the land and ocean sustain our lives
22 and it is our intentions to share this mana and experience to visitors and we're seeking a . . .
23 (inaudible) . . . surrounded by nature in upcountry Maui. Our neighbors are copasetic and
24 supportive as they too enjoy their gardens, the view and the quiet country life. As kamaaina we
25 have been nurtured by this land, this ocean, and by the island people. From the mountains to
26 the sea we have live Hawaii's motto ua mau ke ea o ka aina I ka pono. Our passion is to share
27 this mana, this manao with our guests to send them home with a feeling reverence and respect
28 for the island we all call home, the island of Maui. Mahalo to you all.

29
30 Mr. Carnicelli: Thank you. Does that conclude your presentation? Speak in the microphone
31 please.

32
33 Mr. Goodman: We have some photographs on the property so that if you have any specific
34 questions it would be easier to answer them. So these are some of the terraced gardens of the
35 herbal plants. And these are pictures that were provided to us by the prior owners when the
36 property was in its most pristine condition and we're working hard to bring it back to a level that
37 is hopefully as close to that as possible. Some lavender and the lemon grass.

38
39 Now that was the prior owner decocted essential oils and fragrances from the medicinal herbs
40 and they were, I believe they were not quite doing that lately. I don't think they had the
41 commercial permits and that was part of the reason why they lost the property. We definitely
42 want to do everything by the book. Some of the Protea from the property. A view. And that's
43 about it. We'll answer any questions.

44
45 Mr. Carnicelli: Thank you. I think at this time we're going to go ahead and open up for public
46 testimony, so you can go ahead and have a seat. So we have two people that have signed up.
47 Claire Apana. And it looks like Claire is not here; she left. Leslie.

1
2 Mr. Leslie Kuloloio: Aloha mai Committee. Congratulations to our new Director, Chair.

3
4 Mr. Carnicelli: Uncle Les I just need you to state your name.

5
6 Mr. Kuloloio: My name, my name is Leslie Kuloloio.

7
8 Mr. Carnicelli: Thank you.

9
10 Mr. Kuloloio: . . . (Inaudible. Spoke in Hawaiian) . . . the real name of the sea of Kuloloio now
11 called Honolulu Harbor. It's on record. It's on the maps, of Honolulu map, done by . . .
12 (inaudible) . . . in 1810. So I do come from a lineage of trying to do the best...the commanded
13 archival history in the Waianae people meet, who've I'm met Herb Kane in the early '60's, and
14 also Bob Goodman.

15
16 This person Bob Goodman impressed me at the time I used to sit in the board with. And I know
17 Thompson's dad, of the . . . (inaudible) . . . board for the betterment of native Hawaiians. I just
18 wanted to make it short, Bob Goodman was very special when I heard of him working hand and
19 hand with Phyllis Fox of the National Historical Society Foundation of Hawaii. And they go back
20 in keeping Hawaiian history very intact with facts and no makeup. I am part of this practice. I
21 have great respect for this man, his family. And when I was approached by Dave and Ramani, I
22 said, you folks gonna buy that place? That's expensive. Who's going to pay for it? And yet
23 looking at the objectives of what Bob Goodman did, he is one of the perhaps the kupuna that
24 have wrote in the legends of Kamapuaa. Wow. He came forward in being a guests not from
25 Hawaii, but one of the best imagery photographers that handled Molokai, Honolulu history, our
26 with Herb Kane, Kupuna Beamer, yeah, the reigns of Ulalena, Kamapuaa. I mean, he is the
27 one. Kahoolawe, we have also the story of Kamapuaa. Wow. So I encourage that we support
28 Dave who supporting his mom. 80 years to see your mom working and struggling, but taking a
29 chance so that they can call Maui their home.

30
31 In closing, I support, I support this family. You know why I support them? Because Dave,
32 you're tug boat operator, you know how to face the channel of . . . (inaudible) . . . They bring all
33 the goods when everybody sleeping. You face the winds. You one ocean man, and you folks
34 are well raised with the hinge that you come from. Bob Goodman who wrote the stories of
35 Hawaii, and I cherish kupuna with that kind of knowledge like Mary Pakui and others, and
36 Abraham . . . (inaudible) . . .

37
38 In closing I just wanted to support, ask your support. Give them the chance so that they can --.
39 I hope they make it paying their bill. I hope they make it. I know Ramani. I came here to speak
40 and wow, I, I thank Bob Goodman for being the best working for the National Geographic and
41 bringing in our cultural here on Maui and throughout the world. So Bob wherever you are, this
42 go to his son and to Maile, their daughter, both children, Bob, you raise them well, kamaaina.
43 One is a tug boat operator. If you know how to handle the channels of Ala Nui Ahaa channel . .
44 . (Inaudible. Spoke in Hawaiian.) . . . au au channel you've got guts. You've got guts and you
45 deliver our kau kau on time, rain or shine. And Maile, the daughter, is a flight steward for United
46 Airlines, so they deal with nature. Congratulations. I'm here just to say I support this kind of,

1 this kind of applicant, and I hope they make it. Ramani, I give you credit. Dave, your mom still
2 working 80 years old, wow, trying to make a goal and make her family come home. Thank you.

3
4 Mr. Carnicelli: Thank you. Any questions for the testifier? Seeing none. Would anybody else
5 like to come forward and testify? Seeing none. Without objections, we'll go ahead and close
6 public testimony. Okay, public testimony is now closed. Questions from the Commission.
7 Commissioner La Costa.

8
9 Ms. La Costa: Thank you Chair. This is for the applicant please. Couple of things. First of all,
10 Ramani, how can you be 80 years old and look that fabulous?

11
12 Ms. Ramani: I didn't really work until I was old, but --

13
14 Ms. La Costa: You look amazing, so thank you for being here today. On your plat map which is
15 Exhibit 3. I beg your pardon, Exhibit 2, there is a cesspool that is shown. Is that still there and
16 operational, or has it been filled?

17
18 Mr. Goodman: That is the one below the main house, that's still there.

19
20 Ms. La Costa: Okay. You might want to check with the EPA and find out the rules for
21 cesspools. They're not allowed anymore. Thank you.

22
23 Mr. Goodman: Okay.

24
25 Mr. Carnicelli: Commissioner Castro, do you have questions?

26
27 Mr. Castro: No questions.

28
29 Mr. Carnicelli: Commissioner Tackett, any questions? Commissioner Robinson?
30 Commissioner Pali? Commissioner Thompson? Okay, at this point in time, Jared, would you
31 go ahead and give us the recommendation please.

32
33 Mr. Burkett: The Department has determined that the State Land Use Commission Special
34 Permit for the operation of a bed and breakfast home is a use that is unusual and reasonably
35 used in the State Agricultural District as detailed starting with page 11 of the staff report. Of
36 note is that approximately 50 percent of the property is Class E of the land study bureau's land
37 classification which is the lowest land class and being the least suitable for agriculture. So this
38 is due to the steep gulch that occupies the majority of the property.

39
40 No letters of protest were received by the Department. Two letters of supports have been
41 provided to you today, or in total. Thus the Department recommends that the Commission
42 approves the State Land Use Commission Special Permit until July 31st, 2022 with the seven
43 conditions outlined in the Department's report and recommendation. Again, the Department is
44 the approving agency for the B&B Permit as there were no triggers to bring it before the
45 Commission so again it's just for the SUP2. So if the Commission chooses to approve the
46 permit, the Planning Department recommends that the Maui Planning Commission adopts the
47 Planning Department's report and recommendation as its Findings of Fact, Conclusions of Law

1 and Decision and Order, and to authorize the Planning Director to transmit said written Decision
2 and Order on behalf of the Planning Commission. Thank you.

3
4 Mr. Carnicelli: Thank you. So at this point in time, do we have a motion?

5
6 Mr. Robinson: . . . (Inaudible) . . .

7
8 Mr. Castro: . . . (Inaudible) . . .

9
10 Mr. Carnicelli: Moved by Commissioner Robinson to adopt the staff's recommendation.
11 Seconded by Commissioner Castro. Discussion on the motion? Seeing none. Director.

12
13 Ms. McLean: The motion is to approve the State Special Permit as recommended in the staff
14 report.

15
16 Mr. Carnicelli: All those in favor please raise your hand. That is six ayes, unanimous.
17 Congratulations.

18
19 **It was moved by Mr. Robinson, seconded by Mr. Castro, then unanimously**

20
21 **VOTED: To Approve the State Land Use Commission Special Permit as**
22 **Recommended by the Department.**

23
24 **(Assenting – K. Robinson, S. Castro, D. Thompson, K. Pali,**
25 **C. Tackett, P. D. La Costa)**

26 **(Excused – T. Gomes)**

27
28
29 **D. DIRECTOR'S REPORT**

30
31 **1. SMA Minor Permit Report**

32
33 **This is for notification and review purposes. No action is anticipated.**

34
35 **2. SMA Exemptions Report**

36
37 **This is for notification and review purposes. No action is anticipated.**

38
39 Mr. Carnicelli: Okay, Director, moving on to the next item on the agenda.

40
41 Ms. McLean: Thank you Chair. Under Director's Report, there's the SMA Minor Permit Report
42 and the SMA Exemptions Report for notification. Does the Commission have any questions on
43 any of these items?

44
45 Mr. Carnicelli: Commissioner Robinson.

1
2 Mr. Robinson: Is Director, I did, I did get that e-mail that you sent me. Did that go all the
3 Commissioners or did it just go to me?
4

5 Ms. McLean: I believe -- I would have to check -- I think I sent it to all of the Commissioners.
6

7 Mr. Robinson: Commissioners, did you guys see that discardment that was at the Maalaea
8 Harbor that we talked about at the last meeting? Did you guys see that picture? I know I got it,
9 but I know there was on the question. I don't know if that has to be resent to everybody or not.
10

11 Ms. McLean: I would --
12

13 Mr. Robinson: I, I --
14

15 Ms. McLean: It was within a day or two of the last meeting.
16

17 Mr. Robinson: Yeah, it was like a day or two after our last meeting.
18

19 Mr. Carnicelli: Oh, I got that. About the SMA Minor?
20

21 Mr. Robinson: Yeah.
22

23 Ms. McLean: Yes.
24

25 Mr. Robinson: I think it was just me and Lawrence.
26

27 Ms. McLean: Okay, that's possible.
28

29 Mr. Robinson: That was my question though. You might want to just resend to everybody so
30 you guys.
31

32 Ms. McLean: I can do that.
33

34 Mr. Robinson: Thank you.
35

36 **Commissioner Robinson inquired if all members had been emailed the information he**
37 **received regarding SM5 2019/0107, Hono Kai condominium in Maalaea that he had asked**
38 **for at the June 25th meeting. Director McLean noted that she had emailed it to all the**
39 **members, but would reconfirm that she had.**
40

41 **3. Discussion of Future Maui Planning Commission Agendas** 42

43 **a. July 23, 2019 agenda items** 44

45 Ms. McLean: And then finally the discussion of future agendas, you have in front of you the
46 memorandum from Clayton Yoshida indicating that the next meeting maybe cancelled. It's
47 looking likely. There was one public hearing item, but the applicant did not...publish their public

1 hearing notice on time, so that will not occur, and we don't have any deferred items so it does
2 appear that the next meeting will be cancelled.

3
4 Mr. Carnicelli: Do you want to meet just for lunch?

5
6 Mr. Castro: Enjoy your lunch.

7
8 Mr. Carnicelli: Yeah, we have a lunch of one. So, I guess there will be no meeting on July 20 --
9

10 Ms. McLean: 23rd.

11
12 Mr. Carnicelli: -- 23rd. So then we have whatever, August, the first meeting in August will then
13 be our next meeting. August 13th will be our next meeting then.

14
15 **Director McLean went over the Memorandum regarding the July 23, 2019 agenda items**
16 **noting that the public hearing that was scheduled for that date will be rescheduled as he**
17 **did not meet the public hearing notification requirement to the adjacent landowners. As**
18 **there are no other items scheduled for this meeting, the July 23, 2019 meeting will be**
19 **canceled.**

20
21 Mr. Robinson: Chair, I have a question.

22
23 Mr. Carnicelli: Go for it Commissioner Robinson.

24
25 Mr. Robinson: A while ago, Commissioner Pali is, you had a committee talking about notices
26 since we're talking about. Was there anything ever done with that?

27
28 Ms. Pali: Yes, Denise had join me on that. I made notes, but we just need to follow up. So I
29 guess if you're staying that we can do a working.

30
31 Mr. Robinson: No, I don't want to. I just want to know what the status is.

32
33 Ms. Pali: Okay. Yeah, we have not submitted to you guys our final recommendations. But it
34 was something that her and I took up, and I've done notes on what I'd like to see. So she and I
35 need to get together and then we just need to present what we come up with.

36
37 Mr. Robinson: Thank you.

38
39 **Commissioner Robinson inquired on the progress by Commissioners Pali and La Costa**
40 **regarding the revisions to the notices and forms received by neighbors for STRH**
41 **applications. Commissioner Pali stated they had met to discuss and will be discussing**
42 **again.**

43
44 **E. NEXT REGULAR MEETING DATE: August 13, 2019**

45
46 **F. ADJOURNMENT**

47

1 Mr. Carnicelli: Any other new business? Seeing none, we are adjourned.
2
3

4 The meeting was adjourned at 11:51 a.m.
5

6 Respectfully Submitted by,
7
8

9
10 LEILANI A. RAMORAN-QUEMADO,
11 Secretary to Boards and Commissions II
12

13 *For* CAROLYN TAKAYAMA-CORDEN
14 Secretary to Boards and Commissions II
15
16

17 **RECORD OF ATTENDANCE**

18 **Present**

19 Lawrence Carnicelli, Chair
20 Stephen Castro
21 P Denise La Costa
22 Kellie Pali
23 Keaka Robinson
24 Christian Tackett, Vice Chair
25 Dale Thompson
26

27 **Excused**

28 Tina Gomes
29

30 **Others**

31 Michele McLean, Director, Department of Planning
32 David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel
33 Stephen Welling, Deputy Director, Department of Public Works