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**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
FEBRUARY 11, 2020**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:03 a.m., Tuesday, February 11, 2020, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Mr. Lawrence Carnicelli: Maui Planning Commission, February 11<sup>th</sup>, 2020, is now in session. My name is Lawrence Carnicelli. I am the Chair. Also in attendance with us today is Vice-Chair Christian Thackett.

Mr. Christian Thackett: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner Castro.

Mr. Stephen Castro: Good morning Chair.

Mr. Carnicelli: He used his mic. Commissioner La Costa.

Ms. P. Denise La Costa: Aloha Chair.

Mr. Carnicelli: Aloha. Commissioner Robinson.

Mr. Keaka Robinson: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner Thompson.

Mr. Dale Thompson: Aloha Chair.

Mr. Carnicelli: And Commissioner Freitas.

Mr. Kawika Freitas: Aloha. Good morning.

Mr. Carnicelli: Aloha. Good morning everyone. Excused is Commissioner Pali and Commissioner Gomes. Also in attendance with us today is Corporation Counsel Michael Hopper, and Director Michele Chouteau McLean.

Ms. Michele McLean: Aloha Chair.

Mr. Carnicelli: Aloha. Director, I guess we'll get right into it.

**B. Overview of the March 2018 Maui County Code (MCC) Title 19 Zoning Code Audit and introduction of the MCC Title 19 Zoning Code Rewrite (T19) project by the Department's consultant Orion Planning + Design (OPD). This will be the first of several meetings for the estimated four year project. (C. Cortez) (9:00 a.m. - 12:00 p.m.)**

1 Ms. McLean: Okay. Thank you Chair. First order of business is an overview of the March 2018  
2 Maui County Code Title 19 Zoning Code audit, and introduction of the Title 19 Zoning Code  
3 rewrite project by our consultant Orion Planning and Design. This will be the first of several  
4 meetings for the estimated four year project. And introducing this will be planner Carolyn Cortez.  
5

6 Ms. Carolyn Cortez: Hi. Good morning everyone. Thank you. My name is Carolyn Cortez and I  
7 am a planner with the Plan Implementation Division, and we are introducing to you today the  
8 Title 19 Zoning Code rewrite project which we anticipate is going to be approximately four years.  
9 With us today is our consultant, Orion Planning and Design. We have Carol Rhea who is a  
10 partner, Allison Mouch, another partner, and then we have Kimi Yuen who is with PBR Hawaii.  
11 She is also on the team. And they are going to give you a short overview of the audit that we  
12 conducted, and also, the Title 19 rewrite project that we are going to kick off today. Thank you.  
13

14 Ms. Carol Rhea: Thank you Carolyn and Commission. It's our pleasure and honor to be here  
15 today to talk to you about this very important project. It's also our honor to be a part of the audit.  
16 And Carolyn said that we'll go over that here in just a minute. One of the things that we want  
17 to get to before too long so I'm not going to spend a whole lot of time on these slides is the  
18 discussion part. Because we want to have plenty of time to answer any questions that you might  
19 have, and have a dialogue about anything that concerns you. And we're interested in hearing  
20 about your experiences working with the Code. But we will go over the audit.  
21

22 I'm going to first introduce, introduce our entire team. And then we're going to talk about roles  
23 and responsibilities because everybody involved in this update process has a role to play, and I  
24 thought it would be really good for us to present what we see as your role, what we see as our  
25 role, and that, we can also have a discussion on that. I'm happy to take questions on that.  
26

27 So we have actually a fairly large team. We have Orion Planning and Design and we are the  
28 lead firm. Allison and I are co-leading the team. We also have PBR Hawaii who brings a wealth  
29 of knowledge and experience in many different areas, and especially in Hawaii. And Kimi is here  
30 representing her team today. We have Rundell Ernstberger Associates out of Indianapolis, and  
31 headed up by Cynthia Bowen. And they are going to be providing the assistance more towards  
32 the public engagement part of the process and the user's guide which I'll talk about here in just  
33 a minute. And Carlsmith Ball also with very deep experience and roots in Hawaii and Hawaii  
34 law. So I feel very blessed with this team. With this team what you get is a wealth of experience  
35 literally from the very eastern part of the country all the way to Hawaii. So the breathe of what's  
36 going on across the country as well as the depth of what is going on in Hawaii. And what the  
37 requirements and expectations and experiences are here in Hawaii that needs to be included  
38 within the Code rewrite.  
39

40 So one of the --. Let me just ask really quickly, how many of you were at any of the meetings  
41 related to the Code audit.  
42

43 Mr. Carnicelli: A few.

44 Ms. Rhea: So you probably saw some of these slides.

45 Mr. Carnicelli: Yeah.  
46  
47

1  
2 Ms. Rhea: But I thought I would just go over this one. To put in perspective for you how old the  
3 actual -- actually the original Code is and it has not been significantly updated, not a  
4 comprehensive update since it was adopted. But it was --. Hawaii became a State in 1959, and  
5 almost immediately thereafter Maui adopted Title 19. Since that time, we've had man on the  
6 moon. We've have had the first microprocessor. We've had the first PC, Windows, form based  
7 codes. 2007, the first iPhone. And who can even imagine what life would be without an iPhone  
8 or a smart phone of some type. They've become such an integral part of our, our lives. And then  
9 we started the audit in 2017, completed in 2018, and so now our goal is to bring to you a  
10 comprehensive update of Title 19 that brings you up-to-date and that helps to ensure that your  
11 Code is embodying the best practices and moving you where you want to go.

12  
13 So the purpose of the audit and a part of this was stated in the RFP that was released and part  
14 of it through our dialogue and conversations, but, you know, you have a great staff. They, they  
15 know that your Code framework was out of date. They know that it can be improved. They have  
16 some struggles with parts of it. They wanted to know how is the Code really address the plan.  
17 Because zoning is one of planning's primary implementation tools. And if your Code is not  
18 aligned with your plan, then your plans really won't get implemented. At least not fully and  
19 probably your Code is working against your plan. So they wanted us to look at that. And they  
20 wanted us to bring to them what's some contemporary best practices were.

21  
22 So, we conducted the audit. And part of that was we just dove in depth into the Code. We  
23 looked at all of the plans. We did an assessment of all the plans and code relationships. We  
24 conducted user surveys. Did any of you take part in one of the surveys? Because they were  
25 internal and external surveys. We went out and actually visited all of the island, the three  
26 inhabited islands. We toured Maui fairly extensively. We weren't able to get over to Hana that  
27 day, but, you know, we got to a lot of it. And we interviewed stakeholders. We had a number of  
28 stakeholder's roundtables. And stakeholders were anybody who really engaged with or had  
29 significant impacts from the Codes. So, developers, realtors, designers -- who else? A lot of  
30 staff. Lots of different divisions, State, DOT, so -- neighborhood councils. It was a very large  
31 group. So have any of you seen the audit document, the final report? It has a table in it. It has a  
32 list of all the stakeholders that we talked to.

33  
34 And then finally, we came up with some draft recommendations. So what did we find? Well, first,  
35 we found that the Code organization and readability is pretty weak. It is really important that  
36 people be able to read a code; people especially who use codes a lot. So, your development  
37 community, your realtors, your attorneys and all that. They can pick the code up and find within  
38 a reasonable amount of time what they need to find out and how to develop in Maui. The Code  
39 lacks flexibility. It's a pretty, pretty hard in that term, in that sense. That the processes aren't  
40 clear and transparent. And of course we heard that a lot from the external stakeholders, but we  
41 also heard it from some of the internal stakeholders that said that their processes could be  
42 better defined in the Code. The text and maps were difficult to read. At the time we started the  
43 Code audit process, when we said, you know, we haven't seen a copy of your zoning map.  
44 Could we get a copy of that? And we were taken to plat files. So now you're lucky that's all  
45 getting digitized and hopefully -- you know, certainly by the time this is adopted you will have  
46 had an online Code for quite a while. And this should play into that really well. And housing --  
47 one of the things that was most evident in some of our tours and mostly came up in

1 stakeholder's group is housing affordability is a real issue in Maui. And actually I have a picture  
2 and it's later on, I believe in one of the slides that I snapped from the newspaper in Makawao,  
3 when we were on our tour that talked about unaffordable housing was on Maui.

4  
5 So we also found that Maui is very auto-centric. That's unlike -- just about every other place in  
6 our country unfortunately. But that adds to a lot of the frustration and stresses in the community  
7 in terms of transportation and getting around.

8  
9 You still have something called stacked zoning, and that's where you have districts where every  
10 -- basically anything goes. It says you can do anything that you can do in all these other districts  
11 and it's really not working.

12  
13 Historic buildings in some cases as we've heard from some groups are challenged by some of  
14 the current regulations.

15  
16 Short-term rental regulations actually take up an inordinate amount of staff time, and understand  
17 you're actually moving something now to maybe address that.

18  
19 There is little contextual design. Now what does that mean? That means that the standards  
20 within your Code fit the places where -- that are being built. That what you're getting isn't  
21 anywhere USA. That it fits Makawao, or that it fits Lahaina, or that it fits Wailuku.

22  
23 And agricultural zoning has been a challenge. And there is a challenge in how some of the  
24 farming exemptions are and are not working.

25  
26 So we had -- we came up with a list of recommendations, and I've just distilled them for our  
27 conversation today. But the first was create a simplified hybrid code. Now what is hybrid code?  
28 There are different ways, different formats of codes. What you have right now, in our profession,  
29 is referred to as Euclidian Code. And that's after Euclid, Ohio, and not the mathematician. And it  
30 has to do with one of the first or the first case that tested the legality of zoning, creating different  
31 zones to address different uses in the United States, and it was upheld by the US Supreme  
32 Court.

33  
34 There are -- as I've showed on the timeline -- there is something called formed based codes and  
35 they have become very popular. There are some places like Miami, Florida that have gone  
36 totally gone form based code, but most have integrated elements of form. So for example,  
37 Hawaii's code has a form based district. Your Maui Research and Technology Park is a form  
38 based district. And then anything in between the two end points of form and Euclidian is referred  
39 to as a hybrid. There are other codes like performance based codes, and those really didn't take  
40 off because they're very, very complicated. The last I know is Breckenridge, Colorado. If you  
41 want to look them up it was mind boggling how they administer.

42  
43 The other recommendation was, to the extent that we can within your code, promote housing  
44 choice and affordability. Now we're not going to be able to solve Maui's housing affordability  
45 issue with the new zoning code. But the new zoning code can help. And it can help in ways  
46 some of the best practices that are emerging all across the country include making sure that a  
47 full range of housing options are available. And that we return to historic development patterns

1 in many places that allowed single-family detached, duplex, triplex, quadraplex, and in some  
2 cases, even very small apartment buildings, like, eight units, all by right within, within a  
3 neighborhood.

4  
5 And also accessory dwelling units. In the entire State of California has said that all of the  
6 governments have to allow AD use.

7  
8 So those are ways that zoning can help with housing affordability, and allow people to have  
9 more, more choice than just a single-family detached residential structure. It may be completely  
10 unaffordable. I saw the other day that Maui's --. I believe I saw, median housing cost was  
11 \$858,000. So, you know, a third of that, 30 percent, which is the industry's standard for  
12 affordability. That's a pretty high salary. I've doubt that any of your public servants sitting in the  
13 room are making that kind of money. So it's important. It's really important for our workers.

14  
15 Address specific use, needs and issues. You have this already in Title 19 to some degree where  
16 you have a use, and it says, this is -- if this use goes in then it has to meet these standards. Just  
17 looking at those and beefing those up because you can use use standards in many cases to  
18 address difference where right now maybe you have two zoning districts because that was the  
19 only way at the time that people knew how to address those differences. And now we know we  
20 can address them through conditions and maybe merge some of your zoning districts.

21  
22 Create multi-modal standards. This is to allow all forms of mobility; certainly that are reasonable.  
23 We haven't yet gotten to the jet packs or, you know, the unmanned helicopters that I think are  
24 flying over in the Middle East carrying people around. But we have gotten to, you know, you  
25 have busses. But you have a lot of people who probably would choose to ride bikes. Cycling.  
26 Some motorized, like, bicycles and those what we call micro-transportation systems can take a  
27 lot of load off of your streets that cars are now putting on the streets. So making sure that your  
28 standards address that.

29  
30 And then one of the recommendations that we had was revise the plan content and process,  
31 and I believe right after the audit came out, the Long Range Planning did that with the West  
32 Maui plan, and so they're already -- they've already began implementing that part of it, and I  
33 think it's looking really good.

34  
35 So this is just simply to illustrate three things that we try to balance. And these circles could  
36 probably do overlap a whole lot more than I'm showing them, but I was afraid we'd get too  
37 incomprehensible. But public priorities and those are usually expressed through your plans, but  
38 they may come from other policy documents as well. Private property rights which, you know,  
39 we have to respect private property rights. But also local capacity, and that's the capacity of  
40 your staff to take on new or different types of zoning enforcement or administration. But also the  
41 capacity of you and the other planning commissions, the County Council, and any other board  
42 or group that may have a part in implementing this Code. We have to try to balance this, and so  
43 we're looking for that sweet spot where we're hitting all of those. There may be something that  
44 comes up in the Code, and I'm not going to try to predict what it might be. But there may be  
45 something that we bring forward as a recommendation that you may want to consider that is  
46 outside of the green circle. And you have to make a decision whether or not to increase capacity

1 or back off with that recommendation. So, that's part of that balance act. But we will try to point  
2 out for you where those areas are.

3  
4 So I wanted to show you a little bit about some of the things that we've already talked about in  
5 terms of code organization, and I'll just stop here, though, and quickly say that we don't have a,  
6 a form. We don't have a template, a code template. We have things that we've written in other  
7 places that we particularly like, and we say, you know, what we think that will fit here, and we  
8 many use that or a particular style or table. But every code that we write is customized to what  
9 your needs are. And so we're going to working very closely with the staff, and with you as we  
10 bring the draft to you, to come up with a code organization that fits your needs and as well as  
11 code content.

12  
13 So these are just examples, but I know it's very, very difficult to see. But on the left-hand side is  
14 your Current Title 19, and it's the, the list of uses. On the right is the type of table that we see  
15 you moving to, and so that at a glance, you can see uses across districts. And if you're  
16 developer, and you build hotels, and you want to know where on Maui can I build a hotel, this  
17 the very easy way to very quickly to know which of those districts you need to be looking at the  
18 property.

19  
20 Or, if you have a particular property in a district, and you know what that district is, you can go  
21 down the column and see very quickly what things you can do with your property. Now that's in  
22 general. Because there would be conditions, and maybe some of them would require a special  
23 approval. But it is, at a glance, in some ways list of what you can do use wise.

24  
25 Mr. Carnicelli: Carol, could I ask you just a quick on that? Is that also going to include all of the  
26 other layers with which we have? Because we have State Land Use. We've got Countywide  
27 Policy Plan. We got Community plans, we've got historic districts. We've got all --. So it might  
28 even be great you can go over there and say, okay yeah, I can build a hotel because of the  
29 zoning. But there's like, you know, a whole other handful of things that may not line up. So I  
30 mean, how are you guys going to --? Is that table going to address that part too? Or is in your  
31 rewrite, is that going to be a piece of this?

32  
33 Ms. Rhea: No, because this table only addresses districts, zoning districts. Now there are going  
34 to be places in the Code that will refer people to other rules, regulations, laws that impact what  
35 they may want to do. So for example, you might be able to build a mall on this location but you  
36 have a wetland. You're going to have to deal with the Corp of Engineers. This Code only tells  
37 you that, hey, if you have this, you now, there are going to be other laws that you need to look  
38 at. So, it, it's not blind to them, but it deliberately does not include them for, if no other reason,  
39 then you want to make sure your code does not get out of step with what those other laws and  
40 regulations might be. So it's a broad reference, cross reference to them.

41  
42 Now as far as the plans go, the code should reflect what the plans are asking for. So that's how  
43 the code addresses the plans. But there are always going to be other layers of regulations and  
44 things that people will have to know, and it would be virtually impossible to put it all under a  
45 cover, and certainly not possible to put it all in a zoning code.

46  
47 Mr. Carnicelli: Okay, thank you.

1  
2 Ms. Rhea: You know, I know where you're coming from. It would be nice.  
3  
4 Ms. Kimi Yuen: Carol, can I also?  
5  
6 Ms. Rhea: Yes.  
7  
8 Ms. Yuen: One thing we are trying to do as well though is to update everything in GIS. So if you  
9 guys are familiar with map base, right, information systems, that's one way we can start to layer  
10 in. So we asked the Planning Department for their other, like, the community plans, and general  
11 plans, the growth boundary kind of elements. So we're going to update the zoning maps in  
12 conjunction with a lot of that. So, we'll work with Maui County their IT Department to see if  
13 there's a way to make all of those layers to be all together some place so you can turn on and  
14 off some of those layers whether they are wetlands and that kind of thing. So there are map  
15 based information systems that can layer all of those requirements so you could just click on a  
16 property and pull up anything that might be impacted by whatever layers. So that's one way  
17 we're going to try to integrate what comes out of the Title 19 rewrite and coordinate it, you know,  
18 visually through GIS. So hopefully that helps as well.  
19  
20 Mr. Carnicelli: No, that does. Thank you Kimi. With that too then as community plans get  
21 updated then obviously then those maps will be updated along the way as well.  
22  
23 Ms. Yuen: Right. Right. And I know the West Maui Community Plan is being done in GIS as  
24 well. So all of that, we're going to make the zoning, you know, matches up with what they're  
25 doing there and then the Planning Department will definitely keep that up as they go forward.  
26  
27 Mr. Carnicelli: Thank you. Sorry to interrupt your flow.  
28  
29 Ms. Rhea: No, no, you didn't. And I'm happy to take questions as I go. So, no, that was an  
30 excellent point to make because, you know, everything from flood plains to state land use areas  
31 whatever can be shown as an overlay when you turn those layers on and off. And that helps  
32 give you a visual of what you might . . . (inaudible) . . . as well.  
33  
34 Mr. Carnicelli: No, that would be great.  
35  
36 Ms. Rhea: There was something else that I was going to say on that. I'll try to remember it and  
37 come back to it.  
38  
39 Mr. Carnicelli: I do that all the time. I'm sorry.  
40  
41 Ms. Rhea: No, no. No, actually it was -- it was --. Yeah, it was something that I was springing off  
42 of Kimi's -- a comment that Kimi made, but --. GIS is a wonderful thing. Once yours is fully up  
43 and running you're going to love it.  
44  
45 So on the left is currently your dimensional standards and how they are presented on the right is  
46 just a black and white illustration of how you can just by simple tables and organization and

1 color make things easier to read. So some of what we're doing isn't really going to maybe  
2 impact the content, but the organization and the readability should be vastly improved.

3  
4 I know what I was going to say. And it's the -- keep in mind when we talk about your code  
5 implementing the plan. Plans are long range and they're aspirational. Codes are fairly short  
6 range and so they need to be updated, your zoning maps, your zoning ordinance on a fairly  
7 regular basis. I showed you that, that time line, and we were talking about this yesterday when I  
8 said how many people would buy a car in 19 . . . (inaudible) . . . and drive it until 2020 without  
9 ever doing any maintenance on it? Really? I mean, putting gas into it, yes, you know. Patching a  
10 hole in the tire, yes. But no real good tune ups. And so I encourage you to look at your code as  
11 a living document. It has to change and evolve to be relevant. And so it's not a once and done.  
12 It's do it now, and know that you need to update it at least every couple of years, and  
13 incorporate all of the amendments fully within the code documents so that it stays a living  
14 document. I can't underscore that enough. It's just so important.

15  
16 So let's talk about content. You can't really read that, but that's okay. It's just illustrating how  
17 many districts you have, and this isn't even project -- yeah it is, your project district starts on the  
18 bottom left. But you have a lot of districts. There aren't that many jurisdictions that we work with  
19 that comes close to the number of districts that you have. So what we're going to be looking for  
20 and your guidance could be helpful in this as well, but we're going to be looking at your, your  
21 districts and saying do you really need two of these? Will one do? Now I understand that you've  
22 already merged parks and some others. But do you really need an open space district? Is open  
23 space a value that needs to be encouraged if not required in this places and most districts? Do  
24 you -- how much of what is in a district can you move into standards as I mentioned before and  
25 just start doing some clean up. It's not that you're trying to get to very few districts. You're just  
26 trying to make sure that the districts that you have are really necessary to illustrate or to  
27 implement the vision for Maui. Also, keep in mind that one of the best practices that is really  
28 emerging across the country in the smallest Mississippi towns to the most urban areas is the  
29 belief that we really need to look at mixed use districts as the default pattern, and single  
30 purpose districts as something that, you know, you may have. But you really need to have a  
31 special argument for why you need to be in a single purpose district if I were to come to you for  
32 a rezoning. Because multi-use helps us get some of those uses that are compatible and get  
33 people out of their cars. If I can walk to the store or to the restaurant, then I don't need to get in  
34 my car and take up road space and parking space and all of that. So we're going to be looking  
35 at how we might be integrating more mixed use principles into some of your current districts as  
36 well.

37  
38 Mr. Carnicelli: So I have a question on that.

39  
40 Ms. Rhea: Yeah.

41  
42 Mr. Carnicelli: How just contextually and just the verbiage wise, how do you separate mixed use  
43 from stacked?

44  
45 Ms. Rhea: Good point.



1  
2 Mr. Carnicelli: You know, because it seems like stacked would be the same thing, but why are  
3 they different or how are they different?  
4

5 Ms. Rhea: And I think -- I think initially when stacked zoning was created --. Well, initially it was  
6 single family residential detached is deemed the highest and best use of all property within a  
7 jurisdiction. I mean, that was the thought pattern back in the 50's and the 60's. And so they said,  
8 okay, well, if that's it, then if I'm going to build something in another district, then I should be  
9 able to build anything in the R-district, that residential district. And then here's one that's less,  
10 and so stacked implies that there is a highest and best use across the entire jurisdiction and it  
11 shows up like a pyramid. And those different districts stack one on top of the other. What we  
12 now know is there is no highest and best use of property within Maui County. There is perhaps  
13 a highest and best use of a particular piece of property, in a particular location, at a particular  
14 time. Things evolve, things change. And so stacked zoning is completely blind to how all of  
15 those uses and all the other districts that are tied to it work together or don't work together.  
16 What the incompatibilities might be. And there's an awful lot unpredictability in those types of  
17 districts. And one thing in our conversations with developers from coast to coast is they don't  
18 like unpredictability.  
19

20 Mr. Carnicelli: Right.  
21

22 Ms. Rhea: They really don't. They don't like it in processes, and they really don't like it in  
23 standards. Your best developers want to know what's going to go around them and --. No,  
24 actually, in fact I'll just relay a conversation I had with a former planning director in Sheridan,  
25 Wyoming -- small place. They have a stacked zoning district, and they thought that is where  
26 everybody is going to want to go because they can do whatever they want to do. That is our  
27 economic development avenue, our corridor. And Home Depot was looking at the town, wanting  
28 to come in. And so they, you know, very proudly took them down to the strip, and they said, well  
29 what can go here? Well, you can do anything you want here. And they said, we're not building  
30 here. And they were shock. And they said, no, we're not building here because we invest a lot of  
31 money and our property, and they own your property. They don't just pay somebody to build it  
32 and they lease it. They own it. And they said, we're not investing our money in that property  
33 unless we have some assurance of what's going to go in around us is going to help protect our  
34 investment. And they did not have with stacked zoning.  
35

36 So what mixed use does is it's a very deliberate and thoughtful process that looks at a range of  
37 uses and says these uses go together. These uses can work synergistically. They can be and  
38 have a symbiotic relationship and really help support each other. So we know the residential  
39 and retail. It's historic. All the historic downtowns, and residential above retail. It's -- it's been  
40 that way. I was in China, and they have live work units in China that are like 1,500 years old,  
41 and we think that's a new concept. It's really not. So putting residential above work spaces is  
42 not a new concept. We just zoned it out for so many years we think it is. And so what we're  
43 going to inspire you to do is to really look at that and decide, you know, what is in Maui's best  
44 interest going forward. And is what you currently have is okay, or do you want to move in this  
45 direction?  
46

1 We, we are not going to disappear and write a code and then come back and plop it down right  
2 in front of you and say this is the code that you need to adopt. That is not the way we do  
3 business. It's a partnership. It's very much a team effort. We will provide best practices. We will  
4 compile the document. We will argue if we think that something really needs to be considered.  
5 But at the end of the day, if it's not illegal, immoral or unethical, we'll embed it in your code and  
6 say that's great. That's your choice, that what you want to do. Now you want to go down one of  
7 those other roads, I'll Mike deal with illegal or --. You know, but I think you understand what I'm  
8 saying is that we, we will do our best to provide our best guidance. But this is your code. This is  
9 your community and we respect what you tell us. So if you say, no, we love stacked zoning, we  
10 want it everywhere, we're going to say, wow, we think this is a really bad decision, but, you  
11 know, we'll, we'll do that because it's not illegal, immoral or unethical.

12  
13 So anyway, we will be working with you. And I'm going to talk a little bit more about that here in  
14 a minute. Okay, so on the left is the way that your current districts are appear in your code. It's  
15 just a string of text. It's fairly dense in sense that every page is just full of text, for the most part.  
16 The alternate, in districts, is to be very visual and helping to describe the purpose of the district,  
17 what that district might look and feel like. We will also the table of contents which we'll talk about  
18 here in just a second. In front of you, you can see in there where we have things broken out  
19 there's a use section and there's going to be a lot type section, and then there's going to be a  
20 building type section. And then we get into other design standards. And so the illustration on the  
21 right hand side that has the green around it that is illustrating basically a lot type and building  
22 pattern that is appropriate in that district.

23  
24 So there's The Maui News article I was referring to. I think at the time it was ranked number two  
25 behind San Francisco as the least affordable place in the country. And --. But there are a lot of  
26 issues that are impacting not only Maui or potentially Maui, but other places across the country.  
27 And we're tracking those for all of our clients as well as our fellow planners. We presented them  
28 these topics at our professional conferences. But affordable housing is an issue everywhere. I  
29 mean, in New Albany, Mississippi, it's a problem. It's really a growing a problem nationwide. So  
30 we're looking for best practices that would help deal with that. Short-term rentals, we know  
31 where places are doing more with short-term rentals. Of course if you guys throw them out the  
32 window then that issue is solved. But if you still want to allow them in some way, we will have  
33 some recommendations on how you might do that in a way that impacts your economy and your  
34 housing affordability a little bit differently. Historical and cultural preservation and respect is  
35 thankfully -- and this is my personal opinion -- very much first and foremost on a lot of agendas  
36 across the country. We lost too much of our history during post-war booms. I was born and  
37 raised of the city of Charlotte which probably demolished just about every single historic building  
38 in its downtown to make way for new and shiny. It's a nice downtown today, but there's little  
39 depth because it doesn't go back beyond about 1970.

40  
41 The future of agriculture. Wow, this is a big one everywhere. We are losing prime farm land in  
42 every county and every place that we work, and we're also tracking how agriculture is becoming  
43 more urbanized. And how future practices might allow us to do the farm to table agriculture in a  
44 different way than what we've seen in the past.

45  
46 Mobility options, again, this another best practice, trying to make sure people can move around  
47 the community in as many ways as possible, safely. This not only gets people off the street, but

1 we realize as planners that we have basically house bound, created house prisoners of many of  
2 our elderly and our young people who can't drive, and people who choose for whatever reason  
3 not to drive. I've got a niece right now, she's had a seizure about once every four months. Until  
4 she's seizure free for six months, she can't drive. And, you know, she's 20-something years old.  
5 So mobility issues are a big deal in a lot of places. And so helping people get around just makes  
6 it easier for people to live their lives, and makes especially what we we're finding is elderly  
7 people able to stay in their homes longer.

8  
9 And then climate adaptation. I was proud to help put together a panel on climate adaption at our  
10 last national planning conference. And we had people presenting from PFM. I don't know if  
11 you're familiar but it's Public Financial Management. They're a big firm that advises local  
12 governments of public finance issues with Moody's and with some resilience officers. And I have  
13 this quote up here Moody's, and this is in one of their reports. "Climate change will be growing  
14 negative credit factor for issuers without sufficient adaptation and mitigation strategies." I can tell  
15 you now that all five of the major bond rating agencies are seriously tracking climate change  
16 and your response to it. They're not looking to see that you are, you are climate change proof.  
17 They're looking to see that you are actively trying to deal with this issue. And, so your Code can  
18 help provide that. And through your Code's policies and standards, we can help you move  
19 towards climate adaption and towards the State of Hawaii's new rules, or policies related to  
20 climate adaptation.

21  
22 Then the last one which is the illustration. Here is actually quite interesting. Are any of you in the  
23 electric industry? Electric industry? Okay, my father was an electrical engineer with what is now  
24 Duke Energy for 43 years. My husband is a CFO of Huntsville Utilities which is electric gas and  
25 water. And we had a panel at the conference in Alabama, and we're putting one together for the  
26 one in Houston to talk about the future of energy.

27  
28 The energy industry has virtually been unchanged for the most part since the turn of the 20<sup>th</sup>  
29 century. Big, generation facility going into transmission facilities, going into substations breaking  
30 down, and lowering the voltage, sending it out to distribution lines to individual users and clients  
31 or customers. What we're seeing is a revolution, and the energy industry is recognizing this  
32 revolution. We have Facebook that's building a huge facility in Huntsville, and they have  
33 demanded a TVA. TVA. I mean coal, and hydro, and nuclear. They have said over 50 percent of  
34 our power has to be renewable, or we're not coming. And so all of the energy industries are  
35 taking note. And, and, you know, in Houston, they're also realize things are changing. So we're  
36 going to more of what they're calling a distributed energy generation system. So we're tracking  
37 that. So what does that mean for zoning? That means that we need to look at your solar  
38 policies, your wind policies that your zoning may impact, and make sure that the public interest  
39 are addressed, but the road blocks are removed. As much as possible that we respond to this  
40 change in dynamic. And Hawaii's been on the forefront of some of this energy transformation  
41 with some of your wave generation, your wind generation, lots of solar panels on the roofs. So  
42 you're really ahead of the curve in terms of many of the places that we work in. But we want to  
43 look at that in Title 19.

44  
45 So we have a lot of roles and responsibilities. And I'll just say that Carolyn can make this. She  
46 can get you this presentation after today, so you can sit and read all the words that you can't  
47 read from your seat today. But very shortly, you know, our job is to help you write the best Code

1 that you can write right now that serves your needs for the next five years. You know, the next  
2 short range again. Because things are changing so fast. We live in what they call the age of  
3 acceleration and exponential change. In five years, who knows what might happen, what might  
4 be next that your Code needs to really be revised to address. But we're going to work with your  
5 staff very closely to make sure that the public is engaged at the appropriate times. And I mean  
6 that because it's -- there's a lot of back and forth. There's a lot of tweaking. Sometimes that first  
7 draft doesn't look anything like the fourth draft, and so -- or the public draft that comes out. So  
8 when we have a product that we think is getting close to where it might need to be, then we'll  
9 bring it to the public, we'll bring it back to the planning commission, and we'll have a big  
10 community -- big community conversation around the Code elements.

11  
12 And we're going to be working with your stakeholders. We're working with an advisory group,  
13 which is representative of a number of the stakeholders within the community. And we're going  
14 to be working with the County Council's subcommittee, the PSL, very closely. So we're also  
15 going to be creating information pieces, so there's going to be a project website. It's, right now,  
16 it's going to be up as part of the County's website. And so we'll be feeding information. Right  
17 now what we have ready to go as soon as the website is enabled is the beginnings of a Q&A,  
18 and some basic information. We'll provide the links to some of these best practices, and articles,  
19 and white papers that people might be interested in reading more about some of these issues  
20 that we'll be talking about.

21  
22 And then -- so in addition to your Code, though, we are going to be working on a user's guide.  
23 And this is hopefully, you know, the goal is to have the guide that's fairly succinctly can tell  
24 people what the Code is all about and how to go through it, and how to glean from the  
25 information that they need. Now your design professionals and your developers are probably  
26 aren't going to need that users guide. But your individual residents who might want to build a  
27 garage in your backyard might find that users guide very helpful. The intent for it, it will be an  
28 online document, and they can be printed. But we're going to make sure that it's a good online  
29 format with some online functionality.

30  
31 We're also going to be working on an online version of the Code, because very few people  
32 actually print codes anymore, and carry them around with them. They use them online. They  
33 pull it up on their computer. They want to be able to get to pieces or places on that Code as  
34 quickly possible. So we're going to be, once we have the Code version adopted, we're going to  
35 be putting that into an online version that will be easy for the County to maintain going forward.

36  
37 So what do we need from you? We, we need a number of things from you. First and foremost,  
38 ask you to support the process, support the project, and help build support within it -- for it within  
39 the community. We're not asking you, at this point, to endorse anything except just the fact that  
40 we need to go through this process to create a better Code for Maui. It's going to make the jobs  
41 of your staff easier. You know that local capacity bubble, right now there's a whole lot of your  
42 staff capacity that is tied up in antiquated processes and processes that can be streamlined.  
43 Then they can use that capacity to do some more innovated things, and help move the  
44 community forward. Commit to being involved. You know, come to the public workshops that we  
45 have as much as you can, and to help us determine, you know, the who, what, why, when, how,  
46 and where. So if you hear about a group that we failed to address, let us know. But we think  
47 we're casting a fairly wide net. Share your thoughts and visions for the code what you think will

1 make your lives easier when it comes to the pieces of the code that you deal with. We live in an  
2 age of misinformation. This is everywhere. It's easy for somebody to put something up on  
3 Facebook or out through text messaging or whatever that's just not correct. So that's one of the  
4 reasons why we want to have an active website. So I would encourage you to drive people to  
5 the website for information. Upcoming meetings will be posted there. Drafts will be posted there.  
6 The other information pieces I mentioned will be posted there. If you can help us make sure that  
7 people are getting accurate information. Because if they come to a meeting like this, and they  
8 want to stand up and speak against the draft or against something in that draft, I'd really like for  
9 them to know what they're speaking against and not, you know, us not have a dialogue about  
10 something that isn't even in the code or it doesn't exist but they heard that it was in the code.  
11 And then provide time and relevant information.

12  
13 So to...to just give you a really quick overview of the process, right now, you know, we're in the  
14 current code issues and direction part of the process. There will be three points. We'll have  
15 three different drafts that will come out, and the third draft will lead into the adoption process.  
16 And then we'll get to the user's guide workshops and the online draft will come after the Code is  
17 adopted. It's divided into seven phases, and again you can study this when you get this  
18 presentation. You'll be able to read all of those pieces, the different tasks that fall underneath  
19 those phases. We're currently in phase one. We will, you know, move with all do hast, but we  
20 don't want to move faster than we can get good and comprehensive evaluation and input on the  
21 draft. And we have a public engagement plan, and hopefully you know, it's pretty much  
22 complete, but everything is still --. You know, we can amend it if we find out that we need to do  
23 something that's not on this list. But I think you can see that we have a fairly comprehensive  
24 engagement process in place. And you can see which phase different things will happen. And  
25 so you can see for example, right here on this line, it says planning commission work session,  
26 we plan, you know, a few work sessions for you guys. This last one -- oops -- in phase seven is  
27 to really go through the new Code and answer any questions you might have about things that  
28 might come to you and how to use the Code.

29  
30 So what we need from you generally; positive outlook, hopefully. I mean, you know, if you  
31 disagree with something that's in the Code we definitely expect you to tell us. But just generally,  
32 you know, approach in the positive. Change is scary. I know it's scary. It scares me sometimes,  
33 and I'm a planner. My whole job is about change, but I know how scary it can be. Give us  
34 information, we've been through most of this so I'll let you read through that at your leisure.

35  
36 And then this is a part that is really interesting to us. You've heard from us, but now we want to  
37 hear from you in terms of any questions you have about what I have presented. But in your  
38 answers you have to any of these questions that we've posed or any other questions that you  
39 can think of. So how do you struggle with the Code? What are the most common complaints  
40 about zoning that you hear in the community? And please let us know if there's anything in your  
41 current Title 19 that you will just adamantly oppose any change to. Some people get funny  
42 about, you know, what they're, what they're connected to. But, no, seriously, you know what's  
43 working, you know generally what's not working, and we want to hear from you.

44  
45 Mr. Carnicelli: Thank you very much. Appreciate that. So Commissioners, I guess, at this point  
46 in time what we can do is we still have a little bit of time. They've got about a half hour before

1 they got to catch a flight. So at this point I guess I'll open up the floor to questions that anyone  
2 has for anyone on the team. Commissioner La Costa.

3  
4 Ms. La Costa: Thank you Chair. My biggest issue with Title 19 -- I'm a real estate broker -- is the  
5 double negatives what you can accept for and, and you read it 16 times and you mark through  
6 what does not apply and you have nothing left at the end. Instead of saying you cannot do A, B,  
7 C, D, E, F; don't even think about it. And that will be so much easier because the public, I have  
8 clients who said what does this mean? We said to them, read it and draw diagrams and to figure  
9 out, and a lot of them it was very nebulous or it is -- it cancels itself out. So that's my biggest  
10 complaint about Title 19 right now.

11  
12 Ms. Rhea: Well thank you. And I think it's fair to say we've heard that from staff too.

13  
14 Mr. Carnicelli: Thanks. Commissioner Castro, any questions at this time?

15  
16 Mr. Castro: No. I'm still confused.

17  
18 Mr. Carnicelli: Commissioner Thackett.

19  
20 Mr. Thackett: I have nothing at this time. Thank you.

21  
22 Mr. Carnicelli: Commissioner Robinson.

23  
24 Mr. Robinson: Yes, Chair, I guess I have a question to you and how you see us talking about  
25 this topic and, like, phase one and phase two, or we talk about what we like, we don't like, how  
26 do we fix it. Is it just a community for her now, where we're going to go later, that's kind of like  
27 my.

28  
29 Mr. Carnicelli: I'm really open ended at this point. I mean, this is kind -- this is the start, right?  
30 We're at the very beginning so I'm coming at it. Personally, I'm looking at this from 50,000 feet,  
31 100,000 feet. Just, okay, we're not in any details. I mean, I have some basic questions myself,  
32 you know, just about how things are going to work. So you can take it any direction you want. If  
33 you want to drill down on, you know, STRH zoning, do that. If you want to ask how things fit  
34 together, you know, that's fine too. So whatever you want to do, that's -- we're open for another  
35 35 minutes.

36  
37 Mr. Robinson: Well we're open for her, but are open, like, say with Maui County on different  
38 things. That's what I'm --

39  
40 Mr. Carnicelli: Sure. I mean we have staff here as well so --

41  
42 Mr. Robinson: I mean, yeah, because, because personally what I like is, is I like to maybe  
43 rehash the last few years of challenges that we had with our Code with all of us, and, and, you  
44 know, what happened, and, okay, how do we address those challenges that we had that we  
45 were in court, and how do we, you know, minimize, you know. I did hear some things about it's  
46 a living code, but then this is going to take forever to do, you know. So, and, and, and then, you  
47 know, as this is then done, then is this going to evolve again, you know. Of course, we have our,

1 you know, we have our County, our County that then dictates this is different things in zoning  
2 and how our steps are, you know. And I think, you know, just from, just from my point of view,  
3 it's, it's the processes is sort of, is sort of long. But with the developers, everything has to be  
4 long because you can't have things change around you, you know, it takes, you know, it takes  
5 some times ten years to get a project done. You know, so there's that living, and there's that --  
6 you know, we try to get that compromise and I, and I understand that. And so with me  
7 personally because I'm almost out. I, I, you know, I won't be here at the end, but I would love to  
8 try to, you know, be at, be at the beginning part of try to address the things that went wrong, and  
9 maybe, you know, how to look at it. And that could be later today that we can bring those up.

10  
11 Mr. Carnicelli: When do you guys come back...to us? Or is this our shot for quite a while?

12  
13 Ms. Kathleen Aoki: Well --. Hi. I'm Kathleen Aoki, Planning Implementation Division Chief. So  
14 they won't be back for a while, but Member Robinson, what I would say is staff is always willing  
15 to hear from anybody. So if you have input, or if anybody has input that they want to provide  
16 whether it's you or the public or whomever, we're available. So they can contact Carolyn and  
17 talk to her, write to her. Give us your feedback. We're, we're very much interested especially  
18 from the members of the Planning Commissions because you see the projects, you see what  
19 the staff goes through, you see what developers go through, you see what private citizens go  
20 through so we can pass on that information to the consultant and adapt it into the  
21 recommendations that we form and make as part of the code update.

22  
23 Mr. Robinson: So Chair, if I can, I'll bring my instance this time.

24  
25 Mr. Carnicelli: Yeah.

26  
27 Mr. Robinson: And it encapsulates it. And, and, I know, and you brought up a few things. You  
28 brought up agriculture. You brought up everything is inclusive, you know, as far as zoning. And  
29 then you brought up of, of us not wanting to make sure that's too narrow. You know, I mean, as  
30 we went through this thing, I heard a lot of things, and there's one that, you know, it's, it's --. I  
31 always see both sides for different projects, and the comment you made is, you know, it's, it's  
32 planning is, is not now. It's --. What's the word? I saw you write it down too Kawika. You said a  
33 word; a planning is --

34  
35 Ms. Rhea: Long range.

36  
37 Mr. Robinson: Aspirational. Right. And so, you know, as we always, we always, we always  
38 aspirations of always having people having the best interest of the community and development  
39 in mind. But every once in a while, there's people that don't. And we had, we had a very  
40 challenging one with a, with a --. What the hell is that called, that cable thing? What's that --?  
41 What's the, the cable line? Zipline. So, so, so we had a zipline challenge, and, and, and the  
42 irony is we had ziplines that got along great with the community and one that doesn't, and one  
43 that just murdered it. And at the end it wasn't up to the planning commission because of our  
44 zone, you know. They found that loophole, and, and it worked for --. Since Title 19 and  
45 everybody got special permits and the thing works, but then we find that one instance where,  
46 ah-ha, here we have -- we have a person who doesn't have the best interest of the community  
47 or even the neighbors, but yet the zoning allowed them to do it, you know. And that's the type of

1 things that, that I understand we want to, we want not to have the checks cannot cannot. We  
2 want to be able to have a mixed us type of things. But we also want to be able to protect a  
3 certain area especially when it comes to Ag, you know. In my eyes, special use permit, you can  
4 do anything, anywhere if you've got a special use permit, you know. But if, if we have everything  
5 in the code, then, then they never have to come for a special use permit because everything is  
6 included. And so those are my concerns. My concerns about keeping bad players out, not  
7 letting good player in. So, so how do you balance that or how do you try to --? You know, how  
8 does one bad apple spoil the whole bunch?

9  
10 Ms. Rhea: Another good question. A lot of regulations have been written because one, one  
11 example, you know, and it respond the whole code or, you know, a major amendment to a code.  
12 So zoning often times is described as preventing the worse from happening. In the past, it  
13 certainly didn't do anything to inspire the best. That's been changing, some, especially with the  
14 design standards that not only require better design and better things for the community. But  
15 also the processes that can encourage the right things, the things that the community want to  
16 see. So we're going to look at all of that. And I know that that's very amorphous for you right  
17 now. It's kind of really gray. But I hear what you're saying that there are a lot of unintended  
18 consequences and loopholes that can occur in a code. We're going to do our best ferret it out  
19 with those unintended consequences, and in the new regulation might be and eliminate them  
20 before they it's ever adopted. And run it through enough staff, and the consultant team, and our  
21 legal team with the Corporation Counsel to try and make sure that loopholes --. You know,  
22 there's nothing that we foresee that's going to be a problem. I wish I could tell you that we could  
23 write you the prefect code and it would never have to be amended and it's going to be perfect  
24 from day one. I've never seen a perfect code. If we wait until perfect, it will never get adopted.  
25 So we're going to aim for let's make it the best we can make it in the time that we have. You're  
26 right four years is a long time. Four years is a really long time in a place that is changing a  
27 rapidly as Maui, as rapidly in the world that we live in. But the hope is that this is a really, truly  
28 comprehensive update that's going to involve, you know, the entire community at some point, or  
29 at least those who want to engage. And when you do your updates after that, you're not doing  
30 this huge comprehensive update, and it should be able to move a lot quicker.

31  
32 In terms of processes, one of the challenges that we're going to be aiming for is -- and this is  
33 something that I said when I presented the audit results -- is I said we, we recommend that you  
34 get to the answer whether that answer is yes or no from a development project as quickly and  
35 as reasonably possible. I mean, you're not helping now by delaying the yes, or delaying the no,  
36 but it's maybe using money that could be that developer could invest in sidewalks, or in  
37 landscaping or something else that might improve the community. So we encourage that in all of  
38 our communities to have processes in place that move as efficiently as possible. Now with that  
39 said, there are a lot of public priorities that need to be evaluated. You know, you need to make  
40 sure that they're not building over a sewer line or they're not, you know, creating problems for  
41 the community. So there are checks and balances, and things take time. But, you know.

42  
43 Mr. Robinson: Yeah. So, so, with your experience, you know, going across the nation is has,  
44 has -- I'm hoping you've found some county has a better idea of how to protect themselves from  
45 that player, say as a, you know, a sentence or part of the code to where if certain things don't  
46 happen, the community or neighbors or certain -- there will be a certain threshold if they past --  
47 if the County can prove that it's becomes a nuisance to the community or something like that,



1 that somehow we can, with a reason, try to draw a permit back that we granted. You know, like I  
2 said, it's, it's, it's always for that worst case, but you know, it's what we don't want is because is  
3 we don't want to break up our communities. We don't want people against each other. We don't  
4 want -- you know, it's easy to get anti-development. Maui's going --. Maui is a huge island that's  
5 going to be developed; large, large, large developments. But if it keeps on becoming negative,  
6 every project is going to be bogged down, and then therefore things are more expensive. It's  
7 kind of what's happening now. So we want to be able to protect ourselves from bad players. I  
8 don't know some municipalities across the nation has found some type of code to where  
9 everything is good, but if you, but if you know if there's enough opposition of something to it, it  
10 ain't just, well, it's in the code, I'm sorry, everybody, you know, too bad, you know. And, and,  
11 and we've had a few of those actually in the last few years, you know. And so, you know, from  
12 stopping and picking, picking the person's business so they run out of business. You know what  
13 I'm trying to say. It's, it's more, well, this is not what the community wants, and so at this time it  
14 could be a pause or if the zone was -- a zone or law was incorrect for it not to be grandfathered  
15 in forever. I mean, it's a retraction is what I'm trying to say. How do we retract something that we  
16 granted before, take it back if something bad happens?

17  
18 Ms. Rhea: Yeah. I think that that's actually going to have to be a dialogue with our legal counsel  
19 to make sure. Because it depends on what the issue is. If it is a permit that was issued an error,  
20 if it's a permit where something is part of permit process that was presented as fact it's not, and  
21 we find out that it was untrue. There are ways to claw that back. If somebody receives an  
22 entitlement in good faith, and they've made significant investments, then they may have a  
23 vested right to continue. So we just have to evaluate that. But I hear what you're saying and I  
24 know Allison has taken that note down, and we will make sure that that is a filter that we run  
25 through. But I'd really like it since you have experience if you -- when you get your draft, you  
26 know, spot check for anything like that, any problem area that you might know of.

27  
28 I can say that in places across the country, one of the best tools that we found to address  
29 making sure that things are right is doing a lot more with design. In the past, where uses could  
30 just come in and they didn't matter what they looked like, we only cared about the use are gone  
31 in most places. They care about how it fits within the community, that context based zoning. And  
32 that's what we hope to bring to Maui that will help address some of these, maybe conflicts that  
33 you're talking about.

34  
35 At the same time, you're absolutely right. I mean, you know, certain things will drive up cost, and  
36 in the end you might end up with an undesirable development pattern. In some communities  
37 they thought that large lot zoning was the panacea. It was going to ensue open space. Large lot  
38 zoning does not get any open space. There's no public open space in there for sure, and the  
39 minute everybody fenced off their one or two acres, the dogs or whatever can't -- the deer --  
40 can't cross between one yard and the other without jumping the fence. It's not open space. And  
41 so we've learned that clustering and then preserving open space in other places is a much  
42 better way to accomplish that to get the green space and to get people places that they can go  
43 and help preserve the environmental integrity. So we do know things that other communities  
44 have done and are doing to help make sure that the bad apples and the bad players, you know,  
45 they have to play by the rules. So one of things is making sure is many of the rules as we can  
46 predict them in advance, embed them in your code. Put them in the code. Make it clear. Let  
47 people know, this is what's required. If you do these things, you can, you can go here. For those

1 that are unpredictable, that's where you special processes need to come in place. That's where  
2 you have to go through a special process where you present what you want to do and a board  
3 makes the decision whether or not what you presented is appropriate for that location. It gives  
4 the public a chance to come and have a say. The public's chance on the rest of the code that  
5 where you embed those standards is those standards are based on your plans, your plans and  
6 your plan's goals. And we run the code through, you know, the public. They have a chance to  
7 say, at that point, whether they like those particular standards. But once they're in code, they're  
8 there and they're running, and you know, they're making sure that things are as compatible as  
9 possible and leaving out the bad apples.

10  
11 And then there are -- you know, if it's a use, because we can't predict every use in the universe  
12 that might appear in the next even year, let alone five. Yeah, so if it's not in there, you know,  
13 there will language in your code that we will recommend that gives the planning director the  
14 authority to say, that's just too different than anything we have currently in the code. You're  
15 going to have to go through a text amendment if you want to do that. And that puts it back into  
16 County Council's lap. And they get to evaluate whether or not that use is appropriate for Maui.  
17 And then the district from which they want to go.

18  
19 So there will be some, some protection from that sense. So we will try to, to ferret those out.  
20 One of the things that we're going to be looking for you know, when you mentioned going  
21 through a lot of cases -- that's, that's perfect. You know, go back and see what's really been an  
22 issue for you. We're also going to be looking at board of adjustment cases. What are those  
23 variances cases? You know, how many times has something gone for a special approval of  
24 some sort, and the conditions were the same. That's, that's a clear sign to us that those  
25 conditions can go in the code, and that use can go in the code, by right, as long as they meet  
26 those conditions. Because if the conditions are always the same, then why have a special  
27 process. Again, get to the answer as quickly as possible.

28  
29 So I hope that that's --. I know that's -- I didn't --.

30  
31 Mr. Robinson: I mean, I mean, I think that's, you know, to me if we could that's a big part of not  
32 having to be perfect like you said.

33  
34 Ms. Rhea: Yeah.

35  
36 Mr. Robinson: Because people are human, and, and when they come up for a permit they  
37 always seem to say the right things and promise everything, and then later on you find out that  
38 it's different. And you can try to catch everything, but sometimes, sometimes people just do  
39 things and like I said, County can fine them, County can take them to Court, but one line always  
40 seem to, always seem to get them out. So, forced to protect them even if the line is there. You  
41 know, if there's big enough movement or a big enough reason, you know, the community thinks,  
42 you know, that it would work.

43  
44 Mr. Carnicelli: And Commissioner Robinson I really appreciate you bringing this up and your  
45 responses because it helps, at least me and hopefully the other members here, to try to  
46 understand the lens with which you're trying to help us look at this from, right. Like, as planning  
47 commissioners. We're not just nine members of the community. We have a different role in this

1 capacity. And we see certain things that community doesn't see. And so to take that, and quite  
2 honestly, just sitting here today right now I don't have things that necessarily pop off the top my  
3 head, but as we turn this -- and I'm starting to understand, okay, how does the planning  
4 commission see this? How do we integrate this? How do we have to interface with this and to  
5 sort of look at it from that lens? Go ahead.

6  
7 Ms. Allison Mouch: One of the important aspects of that phasing program that was on one of the  
8 slides Carol presented was when we come back there's two or three iterations in the drafting  
9 process where I think there will be more of an opportunity for you all to provide almost that  
10 scenario based feedback to us where we can bring forth kind of different creative ways to solve  
11 problems based on what we've experienced across the country. And we can walk through when  
12 we have built in time these next trips to walk through with the planning commissions. You know,  
13 does this get at that issue, that specific issue, if it came through and you evaluated it based on  
14 what we've drafted, would it, would it address the problem adequately? Are there still  
15 loopholes? It's easier when you have something by which to, to frame that, that potential  
16 application or permitting process and say, nope, we're still going to have the same issue or this  
17 doesn't address the concern. But that's -- it was very intentional when we created the drafting  
18 process that we want to come back and have those conversations with that language and really  
19 dig into those details. And so that's where those perspectives on, on challenges that have come  
20 up over the last four or five years is going to be really critically important for us to hear in the  
21 context of the code draft.

22  
23 Mr. Carnicelli: Got it. Thank you Allison. And yeah, because just as an example the zipline  
24 wasn't a zipline. It was an aerial farm tour...so it was an Ag use. I believe that's how it typically  
25 went down. But Commissioner Thompson, I'll give the floor to you.

26  
27 Mr. Thompson: I have one maybe more narrow in scope. Does this address anywhere mobile  
28 homes, or tiny homes, or those that could be moved?

29  
30 Ms. Rhea: They will be addressed. Now how will they be address is going to be dependent on  
31 the feedback we get from the community, and what they, what they want. In some communities,  
32 they want us to write codes that enables tiny homes. In other communities, they control tiny  
33 homes. So it really it depends on what your personal preference is. I can say that tiny homes  
34 are being used in, in a lot of places or in growing number of places to address homelessness  
35 and as well as, you know, some housing affordability issues for singles and, you know, two  
36 people type homes.

37  
38 If I could, though, I would like to reiterate what Kathleen said. This is our first trip. We are just  
39 starting. We will spend the next year basically pounding out code, and working back and forth  
40 with the staff. This is not your only opportunity to have input until we come back. You can have  
41 input through Kathleen and Carolyn, and I believe the project now has its own dedicated e-mail  
42 address. And so you can e-mail. And what that means is that if you have specific concerns,  
43 questions, scenarios you want considered, you can send it to that e-mail address. And it's not  
44 going to get lost in Carolyn and Kathleen's. I'm sure they get a thousand of e-mails a day,  
45 probably, you know, half of those from me. But they get a lot of e-mails every day. And that's  
46 going to make sure that they have one place to go for all of the comments on this code update.  
47 And that e-mail address will be shared with you and the public.

1  
2 Ms. Aoki: We can, we can tell everybody right now and public, it's T, T as in title, 19, rewrite,  
3 with rewrite, R capitalized. T, 19, rewrite, at Maui County dot gov. So anybody who has  
4 suggestions or information. We'll also -- it will be when we update our PID page on the Planning  
5 Department website, on the Maui County dot gov website, there will be links to all of this as we  
6 update that page. We haven't done that yet, but we should be doing it, I would say in the next  
7 few weeks.

8  
9 Mr. Carnicelli: Thank you Kathleen. I'm going to -- if I could real quickly I'm going to the Director  
10 who wants to make a comment.

11  
12 Ms. McLean: Thanks Chair. Just listening to some of the comments and things that we've heard  
13 over the years about people's frustration with the Code, there are several different  
14 characteristics of the code that makes this such a huge project. First of all, there's the structure  
15 of the code; the user friendliness of it was the example that you gave. You know, it's hard to find  
16 thing, and it's --. You can do this, except for that, provide this, and so the structure of it. And  
17 then there's the actual content. You know, you should be able to do that, you shouldn't be able  
18 to do that. You know, what should be allowed where. There's also what it allows the staff to  
19 administer and the amount of discretion that it gives us in different --. You know, what's the  
20 Planning Department doing? And then also its role with the Community Plans, you know. What  
21 is the purpose of this thing? Does it implement the community plans? So, those are just like four  
22 kind of distinct categories, but they all intermingle. So when you're giving your comments and  
23 thinking about this, you know, you could have one criticism that affects two or three of those  
24 things. But it's, you know, it -- what they're doing isn't just one of these things, it's all of them  
25 together. And so that's why it's going to take so much time. That's why they have all of these  
26 phases. That's --. And so your role as commissioners is not just how you use it as a  
27 commissioner, but what you hear from people. It's maybe like, oh, you know, that really isn't  
28 something that concerns me or that I've seen, but there's so many ways that this thing needs to  
29 be fixed. So, as you hear from other people, you know, it might not be the same kind of way that  
30 you're used to using the code, but other people may use it differently or have a different  
31 experience with it. So, please give all of that to us because it, it, it all works together, or it's  
32 supposed to work together. It doesn't always work together, but that's how it's supposed to  
33 work. So please give all the feedback that you can. And, you know, you'll have scheduled  
34 meetings with these folks, as Kathleen said and -- this is one of the most significant projects so  
35 any feedback, anytime, please pass them along.

36  
37 Mr. Robinson: And so there's planned outreach? And there's planned outreach with the  
38 developers, with you folks, and invitations more than once, where they can also get back to the  
39 County when you're not here.

40  
41 Ms. Rhea: So when we come back, after we come up with the first draft, it's going to be in a  
42 workshop format. Roll up your sleeves, roll out the maps, you know, let's have -- let's talk about  
43 the districts. You know, it's going to be very much a working session, not so much formal. And  
44 you'll be a part of that, the developers will be a part of that; everybody will be invited. But, yes,  
45 the stakeholders will get special invitations to some of those meetings.

46  
47 Mr. Carnicelli: Great. Thank you.

1  
2 Ms. Rhea: If we might, just really quickly.

3  
4 Mr. Carnicelli: Sure, we have 10 minutes left roughly. I mean, you know, you guys got to leave  
5 at 11:30 a.m. I would still live Commissioner Freitas to be able to ask questions too. That's  
6 okay. I want to be able to get to you too, and then I have just a couple of questions and  
7 comments as well. So anyways, if you want to go before he asks his questions. You have  
8 something to tie up what we're talking about right now?

9  
10 Ms. Rhea: I just wanted to say very shortly as you're talking about Title 19, we did create a logo  
11 and you can see it on the slide, you can see it here. Officially information that comes out about  
12 this project should have a logo on it. And that's kind of your key and you can tell the public that's  
13 their key that is official information about this project and they can trust what it says.

14  
15 Mr. Carnicelli: No fake news. So this one from the Planning Department we should throw out,  
16 right?

17  
18 Ms. Rhea: If it has the Planning Department's address on there.

19  
20 Mr. Robinson: It's got the emblem.

21  
22 Mr. Carnicelli: Commissioner Freitas.

23  
24 Mr. Freitas: Thank you. First of all, I would like to say I'm happy to see that affordable housing  
25 was a priority as one of yours that was listed. You also listed some examples from some other  
26 cities that might be something that we could look at as a model. I think it would be better if we'd  
27 look -- if we could look at other cities that are similar to Maui. And what I'm talking about is  
28 tourism cities. That would make more sense than say San Francisco, let's match up what we do  
29 with San Francisco. The reason is that communities that are building where people live are so  
30 close to some of the resorts, and therefore it might be a little different. Of course, we do have  
31 communities that are out there. That's one of the things I wanted to share about the report.

32  
33 And then also, on your last page, I really agree with you that the audit team maintains that the  
34 best approach for Maui is a single comprehensive rewrite. I totally agree with that. Instead of  
35 giving a little bit at a time, and confusing people with some old, some new. Just do it all one  
36 time. So I agree with that.

37  
38 And then my last question is who is PBR and how did they contribute to the report?

39  
40 Ms. Rhea: Who is PBR? To the audit report?

41  
42 Mr. Freitas: Yes.

43  
44 Ms. Rhea: They were actually one of the stakeholders. They weren't part of the team that did  
45 the audit.

46  
47 Mr. Freitas: Oh, okay.

1  
2 Ms. Rhea: But Kimi, do you want to say something about PBR?

3  
4 Mr. Freitas: Because I see Ramsey Taum in the picture so I'm wondering, okay, that's a cultural  
5 guy involved so I'm happy to somebody like that.

6  
7 Ms. Yuen: Right. Right. So Ramsey -- Ramsey is actually a staff member at PBR so part our  
8 task as sub-consultants to Orion is to look at the environmental and cultural issues, and how do  
9 we weave that into the code. And if I can just offer to, you know, when you think about Maui and  
10 the special places and the things you're trying to protect -- kind of what Commissioner Robinson  
11 was getting at -- let's start looking at that as your starting point, right. And I think what form  
12 based code -- just to give you a little bit more on that -- was trying to do was exactly that, is you  
13 basically have development sit with already existed historically in a place and you allow a mix of  
14 uses, but on the outside it still looks like the surrounding town or neighborhood. And so that was  
15 a way to get away from Euclidean zoning which had, you know, the same standards for  
16 commercial whether you're in Wailuku, whether you're in Hana, or wherever it would have been,  
17 and you would say, okay, that might fit in Wailuku, but that is not going to fit in Hana, right, but  
18 it's the same zoning district. And so, you know, when you start looking at a big picture, like Chair  
19 was saying from the 50,000 level, you know, think structurally, that's kind of what we're looking  
20 at too in a rewrite. So if there is a historic town, or some historic site, or view plains, like, let's  
21 start mapping that out first, understand that first, and what is special about each place, and then  
22 make sure the code is protecting those specific elements that way.

23  
24 So think of this as the time where the code can really keep Maui special for what is special. Or if  
25 it's Lanai, or if it's Molokai, right, so the code is supposed to work county wide. But, as you  
26 develop it and I think what would be great since the team isn't necessary going to be here next  
27 year, but to talk internally about whether you guys have your internal workshops like you were  
28 getting at Commissioner Robinson when you guys can do this brainstorming, you know, during  
29 this year and really pull together all the big concerns you want, feed that back to the team as  
30 they draft it over this next year, so we make sure we hit all of those things the right way from the  
31 get go. So just in thinking of, you know, what you guys might be able do over the next year, that  
32 might be something you consider workshops, you know, every other month, I don't know what it  
33 is, until the next year. But, you know, things like that. But I think since you guys are the frontline  
34 of a lot of this, what are those things, help us identify the special places that you want to protect  
35 and that sort of thing would be very helpful in this first year.

36  
37 Ms. Rhea: So one of things that I didn't mention is two of our team members have been on the  
38 ground with us this week and are out there right now. And they are designers, and they are  
39 going to all of the typical places or the places that we, you know, low hanging fruits that  
40 certainly, they're beginning to place type. And they're working. They're going to be working with  
41 Long Range planning and making sure that, you know, we have a good understanding of the  
42 design foundation of these special places. So, please, if you do have a special place that you  
43 love, as Kimi said, let us know.

44  
45 Going to your question about affordable housing, though, I want to just briefly mention that I had  
46 an opportunity in Washington when we were working on the audit to talk to two people who are  
47 really on the forefront of affordable housing issues. One is Richard Florida. He is a professor at

1 the University of Toronto, and a visiting professor at, I believe, is it Columbia or NYU? I think it's  
2 NYU. But anyway, he and one of the regular contributors to the economists were talking about  
3 affordable housing to a group of planners and policy makers in Washington. And I went up and  
4 had a conversation with him. I asked him afterwards, and I said where can I go to for a good  
5 example of a tourism based economy that is effectively addressing affordable housing? And  
6 they both looked at me and said when you find them let us know. I mean, Maui has an  
7 opportunity to maybe be the first and the best example. But unfortunately there are no apples to  
8 apples, and Florida is not a great example, but we will, we will be looking. And I can tell you that  
9 it is not an issue that can be solved through zoning, but zoning can be a part of the solution, and  
10 we will do everything that we can to make sure that new code help solves the problem.

11  
12 Mr. Freitas: I have only a statement, question.

13  
14 Mr. Carnicelli: Go ahead.

15  
16 Mr. Freitas: I would like to add that on your timeline you said that the Title 19 started in 1960. It's  
17 interesting that in 1964 is the start of all of the hotels that began to be built in Kaanapali as well  
18 as in Wailea for the next 20 years. I'm not sure if Title 19 was a great title to help all of that  
19 development, but I hope whatever you're doing takes into consideration, I would like to say,  
20 better planning on how hotels, if any, are going to be built.

21  
22 Mr. Carnicelli: Thanks. So I have a couple of comments and maybe just quick questions. One,  
23 I'm just going to reiterate what Commissioner Freitas says as far as rewrite versus edit. You  
24 know, like you're using the car analogy. You know, we bought at car in 1960. We've been  
25 driving it since 2020, and we haven't, you know, fixed it up at all. I say we just ditch it, and buy a  
26 Tesla. You know, rather trying to fix that old jalopy, just, you know, it's like to try to edit this thing  
27 just seems crazy.

28  
29 One of the big things for me, you know, just as far as comment goes, is all of the layers, kind of  
30 like what I saying earlier and we can rewrite this. But one of the things that, that, you know, say  
31 people who want to, you know, stop development. Like, you had your little circles as far as,  
32 okay, personal property rights versus, you know, what's best for the community, you know,  
33 where that intersects is people that want to stop development of any kind often just pick the  
34 layer that's in congruent with whatever is trying to happen. Real easy to do because somewhere  
35 along the way it's not going to match, so okay, I'll pick community plan. Oh, I'll pick zoning. Oh,  
36 I'll pick island plan, whatever it might be. District boundaries. So I think that, as far as, I don't  
37 know if you're going to do comprehensive rezoning or comprehensive whatever it is, I think  
38 that's another big piece of this for the predictability. For somebody to be able to go like, oh, go  
39 to realtor and say what can I build here on Maui? It's like, well, you might in this, and there's a  
40 special use or whatever else it is. So I think just that is something that should be addressed not  
41 just in Title 19, but up and down the whole thing.

42  
43 I think it's interesting that when you bring up, like, you know, best practices versus code, you  
44 know, how do we integrate that? You know, about a quarter million acres on Maui is Ag. And  
45 we've got, I don't know, something like 450,000 acres, so you know, more than half is in Ag, or  
46 roughly around there. So what we do in Ag is going to be a big deal. You know, what do we all  
47 in Ag, what do we not allow in Ag. You know, most growth, even the growth boundaries are

1 zoned Ag even though there might urban or rural growth boundaries that are in Ag. So I think  
2 that's just something that we're going to have to face. You know, how much of this do we keep  
3 Ag or not? What do we do in Ag? What's appropriate? What's not appropriate? What's worked  
4 in other places?

5  
6 Question I have for you as far as public input goes. And this is a real slippery slope because we  
7 want public input. But there are a lot of people that are going to line up with opinions that have  
8 never read the code, don't know what the code is, don't know the difference between zoning  
9 and plans, they don't know what a use is. I mean, they literally don't know anything, but they're  
10 going to line up and they're going to come to your charrette or your workshop, or they're going  
11 to go online and they're going to give opinions. And they're valid, and yet we also have to take  
12 them for what they are. So how do you guys, when you go around the country doing this, how  
13 do manage that?

14  
15 Ms. Rhea: Well, you have to filter. I mean, because there are, there are -- there's differences in  
16 the different stakeholders. You're absolutely right. Public either comes with pre-conceived  
17 notions or somebody has told them you need to go and speak out against this and they really  
18 haven't read it. Most often what we find and when we do a general call to the public to come  
19 and talk about zoning is they come in and they say how is this going to affect my property?

20  
21 Mr. Carnicelli: Right. Everybody's a . . . (inaudible) . . .

22  
23 Ms. Rhea: Well, I mean, it's valid.

24  
25 Mr. Carnicelli: We all are.

26  
27 Ms. Rhea: That's the only context that they have for zoning is their house, or their shop, and  
28 they want to know how's it going to affect my property and that's a valid concern. And we'll do  
29 our absolute level best to answer that question when they ask it. We and staff. And, you know,  
30 we hopefully have these workshops very well staffed so that we can answer as many questions  
31 as possible. But we will take all the feedback, and it doesn't mean that it results in a change in  
32 the draft. But we want people to know that they were heard. And where we're not sure what to  
33 do with the feedback, we look at staff, we look at Planning Commission, we say, what should we  
34 do about this? People say we have this group that says yes, and this group says no. Who --  
35 you know, where -- is there a compromise that we had, or do we want to go this way or this  
36 way? Some of those --. You guys will have to help us and answer. We just won't be able to do  
37 that for you.

38  
39 Mr. Carnicelli: I know you're up against it here, inclusionary zoning...does it work? Does it not  
40 work? I mean, it's not working here.

41  
42 Ms. Rhea: I'll give the Carol Rhea version of the answer to that question.

43  
44 Mr. Carnicelli: Okay.

45  
46 Ms. Rhea: Different people have different responses. I haven't found anywhere in the country  
47 that I think it's working well. It is working in some places, but it's such as small dent in the need.



1 And the need is growing faster than the housing that's coming out it. And there's very little  
2 oversight, long-term. There's -- it, it doesn't create. It's very difficult for it to create a perpetual or  
3 a long term affordability, affordable housing stock. It just doesn't. I mean, yes, the developer  
4 commits to five units.

5  
6 Mr. Carnicelli: It's 25 percent here.

7  
8 Ms. Rhea: I haven't seen it --

9  
10 Mr. Carnicelli: It used to be 50, it's now 25 percent.

11  
12 Ms. Rhea: So, but what happens is even when they build it, how long is it affordable?

13  
14 Mr. Carnicelli: Our code is ten years.

15  
16 Ms. Rhea: Well, you know, in ten years . . . (inaudible) . . . is gone.

17  
18 Mr. Carnicelli: Right.

19  
20 Ms. Rhea: So what, what I have come to personally believe that is one of our often untapped  
21 resources is our community land base system that we -- you have the ability. You guys have  
22 one, I believe.

23  
24 Mr. Carnicelli: Yeah. The Hale o Maui.

25  
26 Ms. Rhea: But they have the ability to hold property and manage that property, and ensure its  
27 long term affordability. And so public private partnerships are one of the best ways. And in the  
28 communities that have an active land bank system, they are having quite a bit of success. There  
29 are some successes in, we're starting to see in Montana, from these types of public private  
30 partnerships. And I have -- we have a colleague in Miami who was an assistant deputy  
31 secretary to HUD, and she and I have talked quite a bit about it, and I think she shares my  
32 feelings on it. It's tough. It's a sticky wicket. It's a multifaceted problem, but I don't think you can  
33 solve it without public private partnership. And I don't think zoning in of itself is going to solve  
34 the problem. I think one of the biggest things that we've done that's contributed to the problem is  
35 zone out a whole range of housing types that are essentially affordable.

36  
37 Mr. Carnicelli: Right. Well, and what we've seen too is it's starting -- you missed the middle then  
38 too. Because the further you go on to the affordable side, then the developer has to go to the  
39 high end to make up the difference and we're starting to miss the middle.

40  
41 Ms. Rhea: Yeah. There's just no market incentive to create affordable housing.

42  
43 Mr. Carnicelli: Right. One last thing if I could just throw in there. I'm assuming you guys know . .  
44 . (inaudible) . . . Seren Antonio is one his partners, came here actually gave a talk to the  
45 Planning Department, and just the whole traditional neighborhood design is something that's  
46 really trying to become more and more the part of the fabric of our conversation of how we need  
47 to grow. And one of the things that they talked about is how Maui has the bones for it.

1  
2 Ms. Rhea: Yeah.

3  
4 Mr. Carnicelli: Paia, Makawao, Wailuku, Lahaina. Like, we have those bones. We know how to  
5 do this. We know what it is. Even Waikapu Town which is, you know, going through the  
6 entitlement process right now. And so, anyways, I think when you're talking about creating the,  
7 the code just sort of fit what Maui is, like we've got that. Like it's in our DNA. It's in our bones.  
8 We sort of know of know how to do it. It's just like if we could just sort of try to recreate that and  
9 not create -- not build for cars, but build for people.

10  
11 Ms. Rhea: Exactly.

12  
13 Mr. Carnicelli: Yeah, so that's my last little comment. I know that you guys got to run.

14  
15 Ms. Rhea: Yeah, we're actually going to Molokai to make a presentation for the planning  
16 commission.

17  
18 Mr. Carnicelli: I love it. I love it. That will be really interesting to see what they have to say.  
19 Molokai is always fun. Anything else from anyone before they run out the door? Commissioner  
20 Freitas.

21  
22 Mr. Freitas: I just want to say that I hope you folks can put together a zoning code that will be  
23 the model for our State, and we start here in Maui, so keep up the work, the good work.

24  
25 Ms. Rhea: Thank you. We love to be a model.

26  
27 Mr. Carnicelli: No pressure. No pressure at all.

28  
29 Ms. Rhea: No pressure.

30  
31 Mr. Carnicelli: None. Okay, guys, I think at this point in time we'll go ahead and take a quick  
32 recess and come back. So, anyways, thank you very much ladies. We appreciate your time, and  
33 good luck the rest of the way.

34  
35 ***(The Maui Planning Commission recessed at 10:36 a.m. and reconvened at 10:46 a.m.)***

36  
37 Mr. Carnicelli: Commission meeting of February 11<sup>th</sup>, 2020 is now back in session. I believe at  
38 this time, we're going to continue a little bit of conversation on Item (B), the Title 19, Zoning  
39 Code Audit. Commissioner Robinson.

40  
41 Mr. Robinson: Thank you Chair. And I guess this is just -- this is open to the Director or the  
42 County. It's -- we talked about, you know, us maybe having a role in it, but exactly what role  
43 does the planning commission have. Is, is -- are we giving suggestions and then it goes to more  
44 to the, to you and the Mayor and the Council or do we have anything that we can actually have  
45 solid input on?

46

1 Ms. McLean: Thanks for the question. Your input, whether it's in a meeting like this or whether  
2 you e-mail staff directly, that will go to the staff and the consultant. Nothing at this stage until  
3 much later stages will go to the Mayor and the Council. That's not until adoption. They will do  
4 workshops with the Council, just briefing them on the status and so forth, and getting their input  
5 as well. But, your input is direct input. It doesn't get filtered through anybody else. It will go to  
6 staff and the consultants.

7  
8 She mentioned that, I think, it will be the next meeting that they have with you will be more of a  
9 workshop format where you can really get into it and engage back and forth, and specific  
10 language and so forth. So you will be, this Commission will be very much involved as, as it  
11 progress. It's a, it's a four year process so there's a lot of time to get involved.

12  
13 Mr. Robinson: I'd like to dip my toes into the water and see if it's not...not off topic, but I have a -  
14 - you know, we had talked about the affordable housing. We brought up about the how is, how  
15 is the housing working and the inclusiveness and stuff like that. And, and what, what I've never -  
16 - or at least myself -- is I've never seen any statistics or any data about people that are using the  
17 credits instead of the actual houses. This is not houses, and then they get the credit, and then  
18 they're selling it. But people then choosing to pay the fee instead of, instead of, instead of, you  
19 know, doing a credit or a housing. Is, is -- does that -- where does that money go? Is it, is it  
20 special use for housing? Has that been used? Is there a built up fund? I mean, how would, how  
21 would one know how that fund is being used?

22  
23 Ms. McLean: That isn't a process that the Planning Department administers. That's  
24 administered by the Department of Housing and Human Concerns. And a developer who has an  
25 affordable housing requirement has three options for fulfilling their requirements. They can  
26 provide the units, they can purchase credits, or they can pay an annual fee. And the credits,  
27 like, you will see fast track projects getting approved by the Council that are 100 percent  
28 affordable. Those developers while -- what they do is very important, very valuable, they're not  
29 doing it out of the goodness of their hearts. They're doing it because it's profitable because of  
30 these credits. There's also State tax, there's tax credits, and then affordable housing credits. So  
31 when you hear from a developer who says, I'm going to fulfill my requirement by credits, those  
32 units are probably already built and they're buying those. So you actually get the affordable  
33 housing before the project that has it in advance. So that's, that's one of the upside of that is  
34 you get the -- you typically get the housing first.

35  
36 The money that's collected if the developer pays the annual fee goes into the affordable housing  
37 funds, and there are a number of ways that those funds can be spent. We could agendaize at a  
38 future meeting a presentation from the Department of Housing and Human Concerns to talk  
39 about that if you wanted to get in that more deeply.

40  
41 Mr. Robinson: I, I mean, I would love that. And you know, and, and just speaking for myself it's -  
42 - and what she talked about was that, that partnership between private and public, between land  
43 and lessee, between you know, are, are we doing assistance in affordable housing by helping  
44 people pay for their rentals or HUD, you know. On the credits, there's a State credit, not a  
45 County credit, right. And, and -- yeah, for tax -- and, and, and, and I've, I've understood 80  
46 percent of it, but there's always the 20 that I don't understand. And I think when we start going  
47 through this, and affordable housing is number one, I think a lot of people don't understand how

1 this works and how, how -- even though -- you developers can still make money out of 100  
2 percent affordable if they do it right with the credits. And the credits are getting more and more  
3 expensive because there are less and less credits out there because less people are building  
4 affordable housing, you know.

5  
6 Ms. McLean: There's competition for it. That's another thing when a lot of times they have these  
7 aggressive timelines because they expire every year. So it's -- the affordable housing  
8 developers, you have the folks on the housing side, but then you also have the financial people  
9 to put all the puzzle pieces together to make sure the thing can get financed because it's going  
10 to be funded by tax credits and housing credits.

11  
12 Mr. Robinson: So, so, can I please follow up? So, so the three categories, is that State  
13 categories or is that County categories? I know that the credits is a State credit for --

14  
15 Ms. McLean: Those are County categories that's in Maui County Code. Chapter 2.96 is the  
16 County law that imposes that requirement on developers. And it give those three options. And  
17 so the credits that are available on the County level are housing credits, not tax credits.

18  
19 Mr. Robinson: Okay.

20  
21 Ms. McLean: So if you go build 100 percent affordable then you can sell those credits to a future  
22 market developer to fulfill his housing obligation.

23  
24 Mr. Robinson: Okay, so, so, is, is credits awarded to a developer when he gets his CO, when  
25 his permit is passed? Is, is there a, is there a timeline for when they're able to get a credit. I  
26 mean, they, they could sell futures to anybody if they want to but, but if they never get the credit  
27 then the future, you know, it's a sucker's bet.

28  
29 Ms. McLean: It depends on the type of permit that is needed for the project, but they are  
30 required to execute a workforce housing agreement with the Department of Housing and  
31 Human Concerns where they have the discussion of how the developer intends to meet their  
32 requirement and then the timing for, you know, for those options to be met. Because the  
33 developer can use a mix. I'll pay some, I'll build some, or I'll build some and use some in credits.  
34 So that's laid out in the agreement, and that agreement also spells out when those different  
35 obligations need to be met.

36  
37 Mr. Robinson: Okay --

38  
39 Ms. McLean: It can tie into, you know, building permit issuance, CO issuance, SMA, etcetera.

40  
41 Mr. Robinson: Okay, so, so, so here's a curve ball. How does Hawaiian Homeland trade land for  
42 credits, like it was in the paper a couple of months ago? Where they traded acreages of land,  
43 and they gave credits to a, a local Maui developer.

44  
45 Ms. McLean: Is that Kiawe Street? You're talking about Kiawe Street?

46

1 Mr. Robinson: I'm just saying it's, it's just raw land so there is no houses developed there, but  
2 the credits were -- it was an exchange. They exchanged the credits for property. Now so -- so I  
3 understand the first scenario that you said, you know, now does DHHL have a different  
4 category? Were, were they able to do credits differently than the County does and regular  
5 developer? Is that a --?

6  
7 Ms. McLean: I don't think this applies to DHHL lands. I don't think it does.

8  
9 Mr. Robinson: Okay.

10  
11 Ms. McLean: I don't think it does because their lands are developed for homestead purposes.

12  
13 Mr. Robinson: And, and --

14  
15 Mr. Carnicelli: . . . (inaudible) . . .

16  
17 Ms. McLean: It does? It does apply?

18  
19 Mr. Carnicelli: Is, is some of the -- is some of the department -- some of the Hawaiian Home  
20 Lands especially the ones upcountry when they were originally were built were given tax credits  
21 to that developer. So that developer actually did receive credits for those homes.

22  
23 Mr. Robinson: You know, so, so, so the homes qualified. I mean, Waiehu Kou qualified and  
24 that's how they got the credits for Makena, right? So, I'm saying --

25  
26 Mr. Carnicelli: Right. Exactly.

27  
28 Mr. Robinson: But, but raw land --

29  
30 Mr. Carnicelli: Here's, here's how I understand it, though, too. Is because what we're talking  
31 about is when I said the word inclusionary zoning is a term for what we call our workforce  
32 housing ordinance 2.96, which means if you build 10 homes, 2.5 of them have to be affordable,  
33 right? So as the Director said, if you build all -- you know you build -- or say if you have a 100,  
34 right. You build 100 homes, 25 have to be affordable. If all 100 of them are workforce housing  
35 you now have 75 credits. You've built 75 more homes than you need, right, so now you have  
36 these credits. They're not worth anything or they're worth something.

37  
38 Mr. Robinson: Do you have 75 credits or 100 credits?

39  
40 Mr. Carnicelli: You have 75 because 25 of them you had to build, had to be built, right. 25  
41 percent had to be affordable.

42  
43 Mr. Robinson: Okay.

44  
45 Mr. Carnicelli: So you built 75 more than you needed to. So you have these. You can sell them,  
46 you can give them away, you can do whatever you want. I don't know that specifically what  
47 you're talking about, but if somebody has a credit it's worth something. It could be worth five

1 bucks, it could be worth \$100,000, whatever it's worth. Somebody wants to swap those for land  
2 -- I mean, again, I don't know the details of what you're talking about, but it's free market.

3  
4 Mr. Robinson: I'll, I'll . . . (inaudible) . . .

5  
6 Mr. Michael Hopper: So just a couple of things. One, it does look like entities are not can be  
7 exempted from workforce housing. It does say...a development by a government entity or a  
8 community land trust is approved by the Director; that's an exemption. You can also donate raw  
9 land in lieu of the fee. So I don't know if DHHL donated -- gave land to a developer to then  
10 donate as their land, I don't know. But you should probably get information on the specifics  
11 instead of speculating. But the ordinance does allow, it does say a government entity can be  
12 exempted from the requirement as approved by the Director, and you can donate raw land  
13 instead of providing housing units under the ordinance anyway.

14  
15 Ms. McLean: Okay, so again, when we're talking about credits we're talking --

16  
17 Mr. Robinson: Thank you.

18  
19 Ms. McLean: We're talking about two different things. One is State tax credits and the other are  
20 housing credits as one of the ways to comply with the County.

21  
22 Mr. Robinson: And the housing credits are County?

23  
24 Ms. McLean: Yes. Yes.

25  
26 Mr. Robinson: So, and, and, and, and the Council determines those three categories?

27  
28 Ms. McLean: Yes, that ordinance was adopted by the Council.

29  
30 Mr. Robinson: And the Council could, could increase categories or abated a category if they so  
31 choose?

32  
33 Mr. Carnicelli: Is, is all of Chapter 2.96 is...is under review this year. And so that will actually be  
34 taken up in the Affordable Housing Committee, Tasha Kama's Affordable Housing Committee.  
35 And it's actually already -- the bill is already on the floor, but they're going to be looking at  
36 making amendments and, or edits to Chapter 2.96 this year.

37  
38 Mr. Robinson: Do you know if there's any abatements to the categories or --?

39  
40 Mr. Carnicelli: I think they're going to, they're going to look at the entirety of, of the whole  
41 ordinance as I understand it. Commissioner -- oh, go ahead Director.

42  
43 Ms. McLean: I, I think there is a concern that the in lieu fee is too low. I believe that is one thing  
44 that they're going to be looking at is increasing that.

45  
46 Mr. Carnicelli: Or just eliminate it.

47

1 Ms. McLean: And I have heard people talk about getting rid of credits and so forth, but I don't  
2 know that there's that broader understanding that these independent, 100 percent, affordable  
3 projects would likely go away if you took away the credit because there's that whole market for  
4 them that, that current process allows. So, that's needs to be discussed before the Council  
5 makes that decision.

6  
7 Mr. Robinson: I mean, and I -- and I think credits -- I mean, I think the fee works if the fee is  
8 used. But if it just sits in a coffer and it does nothing, then it doesn't help, help the goal of trying  
9 to get some type of incentive.

10  
11 Mr. Carnicelli: Yes. Commissioner La Costa.

12  
13 Ms. La Costa: Thank you Chair. I hear continuously in everyone, and ad nauseam about  
14 affordable housing, affordable housing. And when we have projects that come before us and  
15 they, quote on quote, buy their way out of the affordable housing without actually building  
16 housing units, it just contributes to the lack of affordable housing. So at what point will that -- is  
17 that when 2.96 is being rewritten? It's just, like, no you're not paying anybody anything, you're  
18 building the units because that's what needs to happen. I mean, and it's private public  
19 partnership, and long-term rentals, and land bank, and the whole nine thing -- the whole nine  
20 yards needs to be looked at so that we just don't throw up, you know, communities to cover the  
21 affordable housing aspect even if they fit in the zoning portion. But it just annoys me no end  
22 when people come up and they build multi, multi-million dollar projects, and they buy their way  
23 out of building affordable homes for people that are working on the project. So, that's my two  
24 cents.

25  
26 Mr. Carnicelli: Thank you Commissioner La Costa. Not to segue completely away from the  
27 affordable housing thing. But the other part of this Title 19, you know, audit -- not the audit but  
28 the actual rewrite that's now coming -- is, and in just talking to the ladies as they were leaving --  
29 is, I guess I'm just going to throw it out there, it's those of you, you know, Commissioner Freitas,  
30 Commissioner Thompson, Commissioner Pali, you guys are going to be here a lot longer than  
31 we are. Kawika -- I'm sorry -- Keaka's got a couple of months left. You know, Stephen and I have  
32 a year left, so you know, we're going to cycle out. So it's really important that you guys, you  
33 know, that we try to help, I guess, you guys transfer some of our understanding and knowledge  
34 that we've accrued, you know, so but --. You know, anyway, I'm kind of putting it out there that  
35 each time we show up we learn something new, and so just keep that in mind that you guys are  
36 going to be the ones that really, you know, shepherd this thing to the end. And so not to put  
37 additional burden on you, but just kind of like keep that in your mind that some of us will be gone  
38 by that Title 19 rewrite is complete. I'll still show up and testify though. I'm come to the  
39 workshops. You can't shut me up.

40  
41 Mr. Robinson: Hopefully it's done while you guys are still here.

42  
43 Mr. Carnicelli: Is, is, if there are no objections I would like to --. I guess, is that for Item B? Does  
44 anybody else have anything that they would like to add on Item B on the agenda? And then if  
45 there are no objections, I'd like to skip C and D, and go to E.

46  
47 Mr. Castro: Chair, just one question?

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Mr. Carnicelli: Yes, Commissioner Castro.

Mr. Castro: If the developers, if they don't develop any affordable housing, but pay into the coffer so how is that fund doing right now? And is the County planning on developing any affordable housing?

Ms. McLean: I don't know the answer to that. The money is collected, and kept in a fund, and I think the County can purchase lands, can build units. I don't know if that funding can be used for rental assistance or down payment; I'm not sure. But that is -- I mean, that can be among the questions if we bring in the Department of Housing and Human Concerns, they would be able to answer that because I don't know.

Mr. Castro: Thank you.

Ms. La Costa: I'm sorry Chair, I do have one question. On number 14 --

Mr. Carnicelli: Number 14 of?

Ms. La Costa: -- of the handout.

Mr. Carnicelli: Okay.

Ms. La Costa: Being that the Director is here, if you could clarify some of that wording please.

Ms. McLean: Number 14 on the memo starts with reduced dependents on discretionary actions and overlays thus enabling the Department of Planning to function more efficiently and do more with limited resources. And you're asking what does that -- give an example of --?

Ms. La Costa: No, I'm saying and farther down it's provide for a hierarchy and approvals that requires few and simple processes for uncomplicated projects and more stringent processes for complex and controversial projects. Whenever possible increase the range of development and, or use proposal which can either have no active review at all or administer approvals for simpler projects. Does that mean that they would come before the Planning Commission? That will be handled by the Planning Department?

Ms. McLean: That could be. If you look at any action that's taken related to land use, there are some things that are allowed outright where you don't have to get anybody's okay to do it. There are other actions that require administrative approvals so staff has to sign off on a permit, or staff makes a call on a use. And when I say staff that includes me because staff works under my authority. And then there are actions that require Commission approval, and then there are actions that require Council approval. And so the objective here is to figure out which actions need which level of approval, and how many can be pushed down to a lower level. Being mindful of State law and of the Charter that defines the authority of planning commissions. But otherwise, it really is up to the County Code to say what kind of action needs what kind of approval. And so, again, you will be participating in this. There may be things that go to Council now that might get pushed down to the commission. There may be things that the Commission



1 approves now that get pushed down to the administrative level. There may even be things that  
2 right now that you need a permit for that you won't need a permit for. So, the idea is to push  
3 everything down to the lowest approval that's -- that it should be.

4  
5 Mr. Robinson: And I think it's sort of like this, you know, like the minors. You know, instead of us  
6 having us to -- it's for us to look at but we don't have to -- she can get an approval without it.  
7 And, and I want to say one last thing about the affordable housing, and I don't want it, I don't  
8 want it to sound like I'm against the fee, or I'm against credits because I understand it's all a  
9 piece of a pie. If you're going to have a commercial building, you don't know how to build  
10 homes, you're not a homebuilder, so therefore you would look for an avenue, and would cost  
11 you to try to get the credits. Same thing with the person who only wants to build affordable  
12 houses. It's, it's -- my experience, it's having those credits help the people building affordable  
13 homes find the feasibility to build it because we have a threshold with the County of what an  
14 affordable housing cost is. You know, I, I, I think there's -- I think there's other challenges beside  
15 just the fee. I think there's the tier system of 20 percent this, 60 percent that, 30 percent income  
16 this, 10 percent that. I think that's a challenges of people filling up those homes like at Kamalani,  
17 you know. I think -- I think the other things is there's not enough, there's not enough  
18 exemptions. You know, why aren't, you know, why aren't teachers, firemen -- why aren't unions  
19 going to the Council say I want all my union members to be exempted from, from having to  
20 follow these qualifications. And I should be able -- and my people should be able to go to  
21 affordable housing project. Just because my guys are successful and they're working for  
22 construction for ten years, they shouldn't opt out if this is still their first homes. You know, I think  
23 there's, there's so many layers and we can keep on trying to, you know, you know, blame the  
24 developer but developers are the only guys who will build the homes. So we need to work with  
25 them to find other ways to entice them to build it here and to get the numbers up, but to let more  
26 people qualify, you know.

27  
28 Like when we had Dream City, the construction workers that were working on Dream City  
29 couldn't afford Dream City which is insane. But you have to have a certain level, certain  
30 percentages. But, but the Council can go ahead and get exemptions, right? How are teachers,  
31 firemen, you know, first responders, how are all of these -- why is there even a criteria? That's  
32 the kind of stuff I think we should -- that's the stuff, I think, that we can easily get passed and  
33 hopefully with Tasha and all these people and just say let's everybody be included that's a first  
34 time home buyer, you know. Why are going to send our kids to college and then come back with  
35 high paying jobs, and they're not qualified for affordable housing. So either they're going to have  
36 to jump to the second tier or stay in my backyard, you know. Why can't they if they're going to  
37 make a certain amount of money?

38  
39 And so there's -- you know, it's complex like everything, but again is, is, is -- I'm not so sure it's  
40 how we're doing it, if we're using fees, great. If we're not, but then that's one category. But I  
41 think the developers, you know, from their eyes, well, they don't want to build homes. They want  
42 other people to build homes, and then they can trade their credits for doing this. You know,  
43 people who build malls usually don't build homes. You know, it would be nice that, that the  
44 homes would have to be built before they can do their project and that's what the credits are. So  
45 I was asking the, the Director, the credits, do they get them when they get their permit or when  
46 you get your CO? You know, I would think it would be CO. The guy could purchase his -- that  
47 guys credits on the future, but he couldn't qualify for a permit until those credits becomes

1 actually tangible, you know. I think that's -- I think those are all things that, you know, hopefully  
2 they'll look at in this next Council season to help get people more affordable housing because  
3 everybody needs affordable housing, you know. That's what's it is. Sorry, sorry, Chair.

4  
5 Mr. Carnicelli: No, no, no. Those are all -- those are all very good and valid points. And, and I  
6 think the suggestion to maybe bring in Department of Housing and Human Concerns to give us,  
7 you know, as part of our training, you know, to where we can understand inclusionary zoning,  
8 Chapter 2.96, workforce housing ordinance so we don't ask these questions. You know, we can  
9 get an understanding of what credits are. We can get an understanding of what, you know, fee  
10 in lieu is or land in lieu, or whatever it might be. So I think that that might be really appropriate  
11 for us because those are often time questions that we have when we're going ahead and giving  
12 our approvals. Is there anything else on the Chapter 19 that anybody would like to address?  
13 Okay, so then our public hearing items is scheduled on the agenda as starting at 1:00 p.m., so  
14 we're going to go ahead --. We can skip over that. And then if you guys will also allow us if  
15 there's no objections we're going to go ahead and skip over Item D, our Communication Item,  
16 and go to the Director's Report. Is there any objections? Okay, seeing none, Director.

## 17 18 19 **E. DIRECTOR'S REPORT**

### 20 21 **1. Attendance at Commission meetings (§12-010-28 Attendance)**

22  
23 **Status of Council item GET-40 and proposed amendment to Commission**  
24 **Rules. This is for discussion only; no action is anticipated.**

25  
26 **<https://mauicounty.legistar.com/View.ashx?M=F&ID=8036615&GUID=41A7E970->**  
27 **[F5FF-477F-89F6-0CA02492B7FD](https://mauicounty.legistar.com/View.ashx?M=F&ID=8036615&GUID=41A7E970-F5FF-477F-89F6-0CA02492B7FD)**

28  
29 Ms. McLean: Thank you Chair. The first item under Director's Report is attendance at  
30 commission meetings. As you know, the County Council's Governance -- I can't remember what  
31 GET stands for -- their committee is reviewing a bill that the Mayor's Office proposed about  
32 attendance at commission meetings. So this would apply to all boards and commissions that if  
33 there is a certain absenteeism over a certain amount of time, then the Chair, or if not the Chair,  
34 the staff that supports that commission or board would notify the Mayor's Office, and initiate the  
35 process to have that member removed. So that is still in committee. They're -- they're  
36 deliberating it but they have a very full master agenda so they just haven't had the time to get to  
37 it. And I don't know if they will be able to finish it before budget.

38  
39 At the same time, this Commission has its own rules of practice and procedure, and I don't  
40 know if you got in your packets or if you clicked on the link but I, I drafted a quick amendment to  
41 your rules that if you are favorable to this, then we would go through the proper process and  
42 have a public hearing, and you can vote on this to adopt it. Your rules currently say no member  
43 shall be absent from the service of the commission unless the member is sick or otherwise  
44 unable to attend, and has so advised the chairperson prior to the meeting. That's the end of it.  
45 What a suggested amendment would be in accordance with subsection 13-2.5 of the Revised  
46 Charter of the County of Maui, the chairperson shall request that the Mayor recommend to the  
47 Council the removal of any member who is absent and misses half or more of the commission's

1 regular meetings over any 90-day period. So the main things would be what percentage of  
2 absence over what period of time do you feel would be appropriate if you want to go forward  
3 with a rule amendment like this.

4  
5 Mr. Carnicelli: Commissioner Robinson.

6  
7 Mr. Robinson: What is the -- what is the rules for attendance for the City Council?  
8

9 Ms. McLean: I don't know. I don't know if they have a rule, and if they do, I don't know what it is.  
10

11 Mr. Robinson: So when you say half the time of a 90-day period, so what if somebody is sick  
12 for, for a month and half, or they have pneumonia or something or they get really bad. Is it 90-  
13 days or is it or 90-days of a year? I mean, and, and, and if it's 90-days, if they're out, they're  
14 absent.

15  
16 Mr. Carnicelli: Well, they're our rules, right. So if we're going to amend our rules, we can change  
17 them to say whatever we want.

18  
19 Mr. Robinson: No, no, no. Is that our rules now?  
20

21 Ms. McLean: Your rules don't have --  
22

23 Mr. Robinson: No, no. But you're saying 50 percent of 90 days.  
24

25 Ms. McLean: Correct. Using the language that I read, so in a three month period you would  
26 typically have six meetings. And so if you miss three of those, then the Chair would ask for your  
27 removal. That's why I said is the percentage what it should be, and is that duration appropriate?  
28 Should it be four months? Should it be six months? Should it be a year? I believe the Mayor's  
29 bill, and you know, this could change through the Council, but I believe he said in a 12 month  
30 period -- in any 12-month period it would be the missing 50 percent or more of the meetings. So  
31 the same percentage, but a little longer duration.  
32

33 Mr. Robinson: So it's -- if a person is out six months and then they're out six months and one  
34 day, then you don't have to wait for the year to be up. They would be -- they would theoretically  
35 -- they've already missed 50 percent, so therefore they will be gone.  
36

37 Ms. McLean: Well, if they're out six months, then you, you're 12 month period would be six  
38 months prior to that. You wouldn't be forecasting six months ahead, you know, like, in that, in a  
39 12 month period. So if you had good attendance for your first six months, and then missed the  
40 second six months, then you could be asked to be removed.  
41

42 Mr. Robinson: So it's not calendar, it's more fiscal.  
43

44 Ms. McLean: It's, it's not -- it's any 12 month period.  
45

46 Mr. Robinson: Any 12 month period.  
47

1 Ms. McLean: Any 12 month period when those absences start to be significant.

2

3 Mr. Carnicelli: And so Director, if you could also address though is from what I understand it's  
4 not like, okay -- if --. Whatever --. If we want to amend our own rules and we make it whatever it  
5 is, right, six months, 50 percent, a year, 25 percent, whatever we -- it's still isn't like, okay,  
6 boom, you're gone, right. It's still is then a transmission of a letter to the Mayor, who then sends  
7 it to Council, and then Council then initiates the removal.

8

9 Ms. McLean: Correct.

10

11 Mr. Carnicelli: Okay. Is there a way -- maybe this is a question for you Michael -- is, is there a  
12 way with which that, quote on quote, removal can be a part of our rules and not go through the  
13 process of, you know, Mayor to Council to then decision by them?

14

15 Mr. Hopper: Off hand, I don't think so because the appointment authority lies with the Mayor and  
16 the Council and that's under the Charter. So removal authority, I think would have to go the  
17 same, through the same body. Like, like you know you've been discussing, I think you can send  
18 communications and, you know, request that. But I do think you need action from the appointing  
19 bodies for removal, unless the Charter was changed or clarified in that respect.

20

21 Mr. Carnicelli: Got it. Thank you. So part of it --. But here's sort of the impetuous of this right is  
22 we're all volunteers, all nine of us, right. We're just us. People have called us the heaviest work  
23 load of all of the commissions, right. We meet twice a month. We've got full agendas. Is -- life  
24 happens, however, there's also a certain equity that needs to happen in fulfilling the duties to  
25 the other eight people, right. It's my obligation to then also show up for the other eight people.  
26 So, on one hand life happens. You get sick for a month and a half, and then suddenly, boom,  
27 you're gone. Versus saying, okay, if there's something perpetual, and maybe if you get sick for  
28 two months, maybe you should just say, you know, it's time for me to step away and I'll come  
29 back another time or whatever it might be. So I think that there's a balance there. If it's too long,  
30 and then you suddenly go, like okay, gosh I'm missing, you know, 18 meetings over the course  
31 of year, is that too much or too little? Is that too long of a timeline? If you make it too short, you  
32 just get sick. So I don't know. I mean, I don't think we need to make a decision today on it.  
33 Maybe we do. I'd like to hear your guys' thoughts. But that's sort of the thought of it is, you  
34 know, in just fairness to the other members of the commission, you know, life happens, but, you  
35 know, you're also committed to being here. So Commissioner Castro you had a question or a  
36 comment?

37

38 Mr. Castro: Yes. So the exemption for the rule right now is if you're sick, you know, to be  
39 excused for a certain amount of time, and people take vacation, so would that be taken into  
40 consideration as well?

41

42 Ms. McLean: Your rules can address whatever you want them to. The -- right now the rules  
43 don't distinguish between excused or unexcused, if you notify versus if you don't notify and just  
44 not show up, whether your absence is because of work or family or sickness or vacation, it  
45 doesn't make any kind of distinction. So, yeah, I could see a situation where someone is, you  
46 know, has pneumonia and is laid up and misses a couple of meetings, and then they have a  
47 planned vacation, you know, so all of sudden what would have only been missing a meeting or

1 two turns into, oh my gosh, they, they might get removed. So that's why I said, you know, is the  
2 percentage what it should be and is that duration long enough?

3  
4 Mr. Carnicelli: And I think the other part of it though too Director is let's just say it is, okay, you  
5 got sick and you had a planned vacation and it was one of those things, and the transmission  
6 letter goes to the Mayor. And, you know, you write a letter to the Mayor, and say, hey this is  
7 what happened, this was circumstance. And so it sounds like a fait accompli, you know,  
8 because it also then has to go the Council, and maybe tell the Council, hey this is what  
9 happened as well. So, I don't know. It's, it's, it's a tough one, but anyways, Commissioner La  
10 Costa.

11  
12 Ms. La Costa: Thank you Chair. When this came out I did make a comment about it, a written  
13 comment, and I think that it is only in fairness to everyone who sits on this Commission and  
14 every other board and commission, if you're sick with pneumonia or something like that, you let  
15 the Chair know, you let the secretary know you're not going to be here. I'm, you know, on my  
16 death bed, I'll be there as soon as I can. Bonafide -- I don't know how you define that --  
17 absences are one thing, but not being present it creates a problem. We have in this  
18 Commission alone, we have had instances where if we didn't have unanimous vote because we  
19 were, we were missing members, then things got passed that had we had the full membership,  
20 they wouldn't have been passed. So my concern is we do all have a work load, I mean, families  
21 and other businesses, but the people who come all the time accepted the appointment, pledged  
22 whether internally or externally to show up and to serve the County of Maui and the other board  
23 members. I think that 90-days or maybe even up at the most 120-days which is three and four  
24 months. You know if you're not going to be well, you know if you've got things going on, you  
25 know that, you know, you fall and break your leg, or you all of sudden have to take care of your  
26 elderly parent or whatever, and so that commitment will foreshadow your duties here. But you  
27 then you should step away because it's not fair to everybody else to read and work and be  
28 present and have decisions that affect peoples' lives affected because you just didn't want to  
29 show up.

30  
31 Mr. Carnicelli: Thank you. Mr. Hopper.

32  
33 Mr. Hopper: Just to clarify, the Charter says that to be removed, it says "the members of boards  
34 and commissions appointed by the Mayor with the approval of Council may be removed for  
35 cause upon recommendation of such removal by the Mayor and the approval of two-thirds of the  
36 entire membership of the Council." So you're a Charter board, so this would apply to you. So  
37 just clarify how that would have to happen under the Charter.

38  
39 Mr. Carnicelli: Commissioner Robinson.

40  
41 Mr. Robinson: We're a --. We need five votes to, to make a verdict so to me that's what the  
42 minimum is for a board. If a -- if because you feel you're the fifth member and you have to vote  
43 with the other four otherwise something is not going to pass and if there's more people there  
44 that might have changed, well, then you shouldn't vote. I mean, you should just say no. I know  
45 it's hard. It's hard to be the outside guy but you get used to it. You got to practice; you got to  
46 practice.

47

1 But, but, but having that said, it, it, it's dysfunctional if you always have five, and you know, it  
2 limits motions, it limits inputs, it limits expertise from different areas, you know. And every single  
3 member that we have here, the more we have, the more input we have, the better the grasp we  
4 get of the consequences. Somebody always thinks of something that, that, you know, we  
5 weren't thinking of and I think that's the beauty of having that many members. Is, is, is I think -- I  
6 think missing six meeting out of 12, I think, you know, I think that's something, you know,  
7 because there might not be meeting it might be passed. I think that's something that's  
8 reasonable, you know. It's, it's -- I've, I heard, I heard the last one they told somebody that you  
9 have to make every meeting or something and it pulled people back from wanting to be on this  
10 Commission, so, so, as a deterrent, you know. So, you know, there, there, there's thought also,  
11 you know. In other boards and commissions, it was always was sort of up the chair who we all  
12 vote on to have to say, okay the Chair has the discretion to say, okay, you know what I'm giving  
13 you a warning, you've missed too many, so . . . (inaudible) . . . you go through proceedings. And  
14 if, if -- because we vote for the Chair and he's not appointed, you know, from somebody else, I  
15 think that is also something that we should look at too to where six out of 12, and if the Chair  
16 agrees. Because, because when we miss, at least when I miss I'm always contacting the Chair,  
17 right? So the Chair might know more information than the rest of the Commission because, you  
18 know, you don't want to spread our kuleana to everybody right? We want to just kind of keep it  
19 and so that kind of discretion. But that is something that I would be comfortable with, you know,  
20 six out of 12, and, and, and then if the Chair -- then the Chair also has to agree that that person  
21 is, you know, whatever, whoever the Chair is. Thank you.

22  
23 Mr. Carnicelli: Director.

24  
25 Ms. McLean: I would not recommend that it be mandatory because that puts -- if it's  
26 discretionary on the Chair's part that makes it difficult for the Chair -- you know, the absent  
27 member, you know, is saying, oh but I'm going, you know, I'm going to make the next one. I  
28 promise I'll let you know. It just makes it hard for the Chair. Whereas, if you're comfortable with  
29 the timeframe and the percentage, then it's the Chair shall do that. And that way the Chair can  
30 say, I -- the rules say I have to do this.

31  
32 Mr. Robinson: I got you. So, so in, in the past, the challenge is we know there was empty seats,  
33 but yet we didn't fill them. We knew there was going to be empty seats and we didn't fill them.  
34 And so my worry is if somebody is out six weeks in a row, or I mean, six meetings in a row, and  
35 then the letter goes to the Mayor, and then the letter goes to the Council, how long is that seat  
36 going to be empty before we even start looking for somebody, you know? And that's a challenge  
37 too. And, and, then if it's two seats, right, somebody abruptly stands up and walks out, right,  
38 then you know, the commission --

39  
40 Mr. Carnicelli: That would never happen.

41  
42 Mr. Robinson: Again.

43  
44 Ms. La Costa: It's whether they're -- whether the person is not here because they've been  
45 removed or not here because they choose to be, you still have that effect of not enough people.  
46 So the appointments come from the Mayor obviously so that is kind of out of our control. But the

1 mandatory, you miss six meetings in 12 months that means you're not committed, or if you're  
2 that sick or that's an issue then you step away.

3  
4 Mr. Robinson: Six out of 12 -- six out of 12 meetings, not six months.

5  
6 Ms. La Costa: Then you should step away if that's what the deal is so that another person can  
7 sit in.

8  
9 Mr. Carnicelli: So, so -- I want to continue but just so you guys know is this was not agendized  
10 as a hearing item, so we can't make a decision on it today. But I think that in your minds then  
11 think of, okay, what's the duration, what's the percentage? And if it's six and 12 then, you know,  
12 that's fine. Also is it a shall? You know, as the Chair, I personally would like it. I would rather  
13 have it be a shall just because I don't, I don't want to be the bad guy with another commissioner,  
14 right? I don't want to have to tell another commissioner I made the decision to remove you. I just  
15 don't think that's fair for anyone to have to do that. And maybe the only other piece to tweak that  
16 I know did happened at the Council they talked about is does the transmission letter come from  
17 the Chair or does it come staff, you know, the support of staff? And either way, if it's a shall, I  
18 guess, it doesn't really matter. But, those are, I guess, the pieces of it that, you know, you guys  
19 considered when it comes back on the agenda we can make those decisions. So any other  
20 further conversation on that? Commissioner Freitas?

21  
22 Mr. Freitas: I think is should be clear that it's something like three calendar months or 90  
23 calendar days, instead of just saying 90 days because it can start from the meeting date that  
24 they missed, and you go 90 days from there. Or I think that got to be clear. And then somebody  
25 says business days or do it include the weekends. So if you put those details in, calendar, I  
26 think it's a little more cut dry.

27  
28 Mr. Carnicelli: You know, you just made me think of something though. But what if, like in  
29 December sometimes, we only have one meeting, right? So if we're --

30  
31 Mr. Robinson: But so right now we're talking about is meetings, so six out of 12 meetings.

32  
33 Mr. Carnicelli: Meetings; six out of 12 meetings. Yeah, but I hear what you're saying, though,  
34 too, it works.

35  
36 Mr. Robinson: . . . (Inaudible. Did not speak into the microphone.) . . .

37  
38 Mr. Carnicelli: Right. So I think the Director can tweak with the language then so --. I guess  
39 moving on with your report.

40  
41 **No Action was taken. Matter will again be placed on a future agenda.**

42  
43  
44 **2. SMA Minor Permit Report**

45  
46 **This is for notification and review purposes. No action is anticipated.**

47

1           **3.       SMA Exemptions Report**

2  
3                   **This is for notification and review purposes. No action is anticipated.**

4  
5 Ms. McLean: Okay. Next on the Director's Report are the SMA Minor and Exemptions Reports.  
6 Are there any questions on any of those items?

7  
8 **No questions or comments on the SMA Minor or SMA Exemption Reports.**

9  
10           **4.       Discussion of Future Maui Planning Commission Agendas**

11  
12                   **a.       February 25, 2020 agenda items**

13  
14 Ms. McLean: And lastly is the next regular meeting is February 25<sup>th</sup>. You have the memo from  
15 Mr. Yoshida. One public hearing item; an adoption of a decision and order, and consideration of  
16 a settlement agreement for SMA and Shoreline violations. Any comments or questions on future  
17 agendas?

18  
19 Ms. La Costa: I was just going to say I'm going to be gone next week because I'll be in Miami  
20 and Boston so --

21  
22 Mr. Robinson: We didn't vote, Chair.

23  
24 Mr. Carnicelli: Tick, tick, tick, that's your first meeting missed. Although I think Christian actually  
25 never missed. Have you ever missed a meeting?

26  
27 Mr. Robinson: Yeah.

28  
29 Mr. Carnicelli: I think you've got perfect attendance.

30  
31 Mr. Robinson: Yes, I missed one.

32  
33 Mr. Carnicelli: You missed one. Wow.

34  
35 Mr. Robinson: He had snacks that day.

36  
37 Mr. Castro: That's how he remembers it.

38  
39 Mr. Robinson: I'm just kidding. And, another cause.

40  
41 Ms. McLean: That's an immediate, immediate removal.

42  
43 Mr. Thackett: It was one. I, I don't believe I missed snacks. I don't believe I ever missed snacks.

44  
45  
46 **D.       COMMUNICATIONS**

47



- 1           **1. MR. RAYMOND CABEBE, of CHRIS HART & PARTNERS, INC. on behalf of**  
2           **The Family Life Center to amend Condition No. 1 of the County Special Use**  
3           **Permit relating to a Time Extension to operate an overnight shelter for fifty**  
4           **homeless individuals in the Family Life Center on approximately .95 acres**  
5           **of land in the R-3 Residential District at Maui Tax Map Key (2) 3-7-005:015,**  
6           **95 Kane Street, Kahului, Island of Maui, TMK: (2) 3-7-005:015, (CUP**  
7           **2007/0003) (P. Fasi)**  
8

9 Mr. Carnicelli: So, Mr. Fasi, you ready? Okay so if there are no objections, we'll go ahead and  
10 move to Item D on the agenda. Seeing none, Director.  
11

12 Ms. McLean: Okay, thank you Chair. This is a communication item for Mr. Raymond Cabebe of  
13 Chris Hart and Partners on behalf of the Family Life Center to amend Condition No. 1 of the  
14 County Special Use Permit relating to a time extension to operate an overnight shelter for 50  
15 homeless individuals in the Family Life Center on approximately 0.95 acres of land in the R3  
16 Residential District, at TMK 3-7-5 parcel 15, at 95 Kane Street in Kahului. And Paul Fasi is the  
17 project planner.  
18

19 Mr. Paul Fasi: Good morning Commissioners and thank you --  
20

21 Mr. Carnicelli: Good morning Paul.  
22

23 Mr. Fasi: -- for juggling your schedule a little bit just to accommodate me as I was on the road.  
24 Anyway, a brief history of the project, this is the Family Life Shelter, homeless shelter, for 50  
25 individuals. They are existing -- they're operating under an existing special use permit that was  
26 originally granted on September 9<sup>th</sup>, 2008 by the Planning Commission. On November 27<sup>th</sup>,  
27 2012, this same -- approved for a time extension until September 30<sup>th</sup>, 2019. The permit is  
28 currently expired and so they're back to request a 10 year time extension on the current permit.  
29 They did submit a compliance report and they are compliant. The Department accepted it. And  
30 the Department has no issues with the existing use and their past history, and so we're good  
31 with it. Raymond Cabebe is here. I think he has a small presentation regarding this project. And  
32 so if there are no questions for the Department I'll turn it over to Raymond.  
33

34 Mr. Carnicelli: Thanks Paul.  
35

36 Mr. Fasi: Thank you.  
37

38 Mr. Raymond Cabebe: Good morning Commissioners.  
39

40 Mr. Carnicelli: Good morning Raymond. And thank you for moving your schedule as well.  
41

42 Mr. Cabebe: My name is Raymond Cabebe with Chris Hart and Partners. Maude Cummings  
43 was going to be here but she had a workshop this morning and she was going to be here this  
44 afternoon but I emailed her and I don't know if she got it and if she'll be able to come in here to  
45 answer any questions if you have any questions about Family Life Center.  
46

1 This is just a short presentation just to show you what is happening there, and if you're not  
2 familiar where the site is. It's in Kahului, and this is the TMK map. This is Kane Street,  
3 Kamehameha Avenue here. And some land marks in the area. Foodland is right across the  
4 street. Queen Kaahumanu Center. The new affordable housing project is right to the north of it.  
5 And it's -- State Land Use Urban, it's in the Urban Growth Boundary, and it's Community Plan  
6 for Public/Quasi-Public. But it's zoned for R3 Residential, so that's why we need a Special Use  
7 Permit for this, for this facility. It's not in the flood zone. And basically it's just the operation of a  
8 shelter with support services for 50 individuals. And as Paul said, you know, it was approved,  
9 first approved in 2008, and it got an extension 2012. It expired in September, but we had the  
10 extension in 90 days prior to that. This is the site plan. The shelter itself is this building here on  
11 the top. This is the, I believe this is still a church, used as a church and a meeting area. And this  
12 small building here is showers and restrooms for, for the people that they serve. Here are a few  
13 pictures I just took this morning so you can see the ground is wet. It's from across the street,  
14 right in front of Foodland, looking towards the project and down the driveways. And this is the  
15 parking lot in the back.

16  
17 So they have complied with all the conditions. We submitted -- as Paul said -- we submitted a  
18 compliance report in October, and so the Family Life Center is requesting a 10 year extension  
19 right now.

20  
21 Mr. Carnicelli: Great.

22  
23 Mr. Cabebe: Thank you.

24  
25 Mr. Carnicelli: Thank you very much. At this point in time we'll go ahead and open up the floor  
26 for public testimony. Is there anybody that would like to --? Seeing none, we'll go ahead, without  
27 objection close public testimony at this time. Questions? Commissioner Freitas.

28  
29 Mr. Freitas: I'm trying to find the compliance report. You said it was sent in October?

30  
31 Mr. Fasi: The compliance report was probably not included in here. I normally don't include the  
32 compliance report in the presentation.

33  
34 Mr. Freitas: We got an old one from 2012.

35  
36 Ms. McLean: Yes, it's in there. It's exhibit two.

37  
38 Mr. Fasi: Attachment two.

39  
40 Mr. Freitas: But the date on attachment two is August 16. There it is. Okay.

41  
42 Mr. Fasi: There you go. It is Exhibit two; October 25, 2019.

43  
44 Mr. Freitas: That was just my concern was compliance. I didn't see that. Thank you.

45  
46 Mr. Carnicelli: Any other questions? Commissioner La Costa.

1  
2 Ms. La Costa: I don't know if you can answer this Paul but it may be for the developer, but are  
3 there families that are being served there or just individuals?  
4

5 Mr. Fasi: I don't have the answer to that. It says, it says individuals so I'm assuming it would be  
6 just be 50 homeless individuals.  
7

8 Ms. La Costa: Okay. I just didn't know if there were any families.  
9

10 Mr. Fasi: But I'm not certain on that. I can't answer that with a definitive answer.  
11

12 Ms. La Costa: Do you have any kind of statistics on whether or not if there is elevated crime or if  
13 there are issues in the neighborhood because of that?  
14

15 Mr. Fasi: I do not.  
16

17 Ms. La Costa: Okay. Thank you.  
18

19 Mr. Carnicelli: Any other questions? Seeing none, I'll take the recommendation.  
20

21 Mr. Fasi: The Planning Department recommends that the Special Use Permit be granted its ten  
22 year time extension and valid until September 30<sup>th</sup>, 2030. And that the report and  
23 recommendation be accepted by the Maui Planning Commission.  
24

25 Mr. Carnicelli: Thank you. Motion? Commissioner Robinson.  
26

27 Mr. Robinson: Commissioner La Costa, is I did speak to their neighbor, the senior living, if  
28 there's any concern. I just happen to know him, and he said there has been none and they've  
29 been good neighbors. That was my concern as well, so I just wanted to let you know that.  
30

31 Mr. Carnicelli: So motion on the floor? Commissioner La Costa?  
32

33 Ms. La Costa: I move that we accept the approval as provided by staff.  
34

35 Mr. Carnicelli: Okay, moved by Commissioner La Costa to approve as recommended by staff.  
36 Do I have a second?  
37

38 Mr. Castro: Second.  
39

40 Mr. Carnicelli: Second by multiple people. We'll choose Commissioner Castro as our second.  
41 Would anybody like to speak to the motion? Seeing none. Director.  
42

43 Ms. McLean: Thank you Chair. The motion is to approve the time extension as recommended in  
44 the staff report.  
45

46 Mr. Carnicelli: All those in favor, please raise your hands. Unanimous, six eyes. Thank you very  
47 much, Paul. Thank you very much Raymond. We really appreciate you guys coming in at an

1 odd time as to what you thought it was going to be. So I believe at this point in time we have  
2 only one thing left on the agenda that has to be taken up at one o'clock so we will go ahead and  
3 recess until one o'clock.

4  
5 **It was moved by Ms. La Costa, seconded by Mr. Castro, then unanimously**

6  
7 **VOTED: To Approve the County Special Use Permit Time Extension as**  
8 **Recommended by the Department.**

9  
10 **(Assenting – P. D. La Costa, S. Castro, K. Freitas, D. Thompson,**  
11 **K. Robinson, C. Tackett)**  
12 **(Excused – T. Gomes, K. Pali)**

13  
14 *(The Maui Planning Commission recessed at 11:36 a.m., and reconvened at 1:05 p.m.)*

15  
16 **C. PUBLIC HEARINGS (To begin at 1:00 p.m. or as soon as practicable)**

- 17  
18 **1. COSTCO WHOLESALE CORPORATION requesting a Special Management**  
19 **Area Use Permit for the proposed construction of a five-island expansion of**  
20 **the existing fueling facility, canopy and related equipment located in the**  
21 **State Urban District on 4.08 acres, at 548 Haleakala Highway, TMK (2) 3-8-**  
22 **103:001, Kahului, Island of Maui. (SM1 2019/0005) (P Fasi)**

23  
24 Mr. Carnicelli: Good afternoon everyone. The Maui Planning Commission meeting of February  
25 11<sup>th</sup>, 2020 is now back in session. I believe we have one item left on the agenda. Director.

26  
27 Ms. McLean: Thank you Chair. This is your public hearing item. And this is a request from  
28 Costco Wholesale Corporation for a Special Management Area Use Permit for a proposed  
29 construction of a five island expansion of the existing fueling facility, canopy and related  
30 equipment located in the State Urban District on 4.08 acres, at 548 Haleakala Highway, at TMK:  
31 3-8-103 parcel 1 in Kahului. And once again, Paul Fasi is the project planner.

32  
33 Mr. Fasi: Good afternoon Commissioners.

34  
35 Mr. Carnicelli: Good afternoon Paul.

36  
37 Mr. Fasi: The project site is in the SMA for the island of Maui, and due to its price tag, \$2.2 mil,  
38 an SMA Major Permit is required. The Planning Commission is the approving body. It does not  
39 abut the shoreline so the, so the shoreline setback rules for Maui Planning Commission do not  
40 apply.

41  
42 Just briefly, historically, the Special Management Area Use Permit originally was issued in April  
43 of '94 for construction of a Sam's Club, but it was subsequently transferred to Costco. In  
44 September of 2011, a Special Management Area Permit was issued to expand the warehouse  
45 and install the fueling facility which is what we're talking about today. A drive-thru carwash was  
46 also approved, but that was never built. On September 3<sup>rd</sup>, 2019, the UDRB reviewed this  
47 project and basically had three items for discussion. They didn't make any recommendations,

1 but the three items were the electrical vehicle charging station, the review of the traffic flow  
2 pattern through the parking lot, and a possible separate entrance and exit to the fueling station  
3 to streamline traffic flow.

4  
5 Briefly, the land use designations are State Land Use District is Urban. Maui Island Plan, it's in  
6 the urban growth boundary. The Wailuku-Kahului Community Plan is Light-Industrial. The  
7 County zoning is M-1. And it's in the Flood Zone X. It is in the Special Management Area. The  
8 fueling station is in the M-1 Light-Industrial District. And the purpose of the M-1 Light-Industrial  
9 District is to contain mostly warehousing and distribution types of activity. And it also allows any  
10 uses permitted in the B-1, B-2 or B-3 Business Districts, and since gasoline retailing is a  
11 permitted use in the B-1 District, it is therefore permitted in the M-1 District.

12  
13 There are -- it was sent out for agency comments, and there's really nothing that's significant  
14 that came back. It is an existing use. It has been there for a while. There are only proposing to  
15 expand the number of fueling stations back towards the existing stations. There's going to be  
16 basically no or very little earth moving, maybe for just putting in piles for foundation and  
17 supports.

18  
19 The traffic flow, there's basically no or very little impact to traffic flow. The TIAR is included in  
20 this report. They did estimate the weekday, p.m. peak hours, 55 additional vehicles. And in  
21 Saturday, midday peak hour, a total of 60 additional vehicles. And this number is due to the fact  
22 that they're processing the vehicles in a more efficient matter throughout the parking lot.

23  
24 And so since this went to the UDRB, and the UDRB had a concern regarding the ingress and  
25 egress of the traffic, you know, in and out of the fueling stations, the applicant did take another  
26 look at it. And they came back with this on February 6<sup>th</sup>, 2020 letter which I think you all have.  
27 And they've modified the entrance location to add another driveway to accommodate the traffic  
28 pattern and kind of ease the confusion in the parking lot.

29  
30 So that's basically the Department's report. If you don't have any questions, I'm going to turn it  
31 over to Raymond. He'll show you the project's details and what they are encompassing. Thank  
32 you.

33  
34 Mr. Carnicelli: Thanks Paul.

35  
36 Mr. Raymond Cabebe: Good afternoon Chair Carnicelli and members of the planning  
37 commission. My name is Raymond Cabebe with Chris Hart & Partners. And this is -- the item  
38 before you is the Costco Fuel Facility Expansion. I would like to introduce Ms. Amy Hart and  
39 Ms. Christine Lasley of the architectural firm of MG2. They will be presenting the design details  
40 of the project. Also here is Mr. John Ellingsen of Ellingsen and Company, who is the project  
41 manager, and he can answer questions about the general questions about the project also. Also  
42 present is Tyler Fujiwara of Austin Tsutsumi & Associates. And he can answer questions about  
43 circulation.

44  
45 The project is the expansion of the existing Costco fueling facility which is proposed to better  
46 serve its customers. A fuel dispenser will be added to each of the five existing islands, adding  
47 10 fueling positions for a total of 30 positions. This will increase the number of customers that

1 can be served at one time, reducing the line queues and waiting time. Existing landscaping will  
2 not be affected. The project is at 548 Haleakala Highway, and the actual area of the...gas  
3 station is about two-tenths of an acres or 9,000 square feet. Some of the major landmarks in the  
4 area is Kahului Harbor, Kahului Airport, and Kanaha Pond.

5  
6 This tax map shows the location of parcel 13 of plat 79. In 2010, parcel 13 was subdivided to  
7 create the north project area of the Maui Business Park Phase II, and the fuel facility is located  
8 on parcel one of that, of plat 103 which a tax map is not available yet. This aerial shows nearby  
9 landmarks; the former K-Mart building to the south, airport industrial area to the west, the  
10 Marriott Courtyard Hotel, Water Department and DOT baseyard is to the north, and the Maui  
11 Business Park Phase II north project to the east. Access from driveways on Lauo Loop which is  
12 the main loop road for the Maui Business Park. And there's also access through the Costco  
13 Warehouse parcel from Dairy Road and also from Haleakala Highway.

14  
15 The parcel has, as Paul says, a State Land Use designation of Urban. It's within the Maui Island  
16 Growth Boundary. It's designated Light-Industrial in the Wailuku-Kahului Community Plan. And  
17 it is zoned M-1 Light-Industrial.

18  
19 These are a couple of photos from the view from the Airport Access Road. It's kind of hard to  
20 see, but in the back you can see...you can see the Marriott Hotel and it's like right, right in front  
21 of Marriott. You can barely see the canopy. So the canopy will just be extended to the west.

22  
23 At this point I'll bring up Christine Lasley to talk about the design of the project.

24  
25 Ms. Christine Lasley: Good afternoon Mr. Chair and members of the Commission. I'm Christine  
26 Lasley from MG2 Corporation, architect, for Costco, and I have the pleasure presenting to you  
27 today. I was the original, part of the original team that presented the, the addition that  
28 happened, the 30,000 foot addition, back in 2012, and also the new fuel facility at the time. And  
29 now I have the pleasure of presenting to you again, eight years later.

30  
31 So just a little history. Costco always strives to improve their shopping experience for their  
32 members. I don't know if anyone remembers, the Costco is basically limited to this portion,  
33 divided by the, or terminated by the existing culvert that was here, or dividing it. And they  
34 basically only had this area until Costco purchased the four acre lot here, and improved the, the  
35 ingress and egress to the site. They also did this addition here. And so Costco is really  
36 continuing to improve the member shopping experience. So today, we have the pleasure of, of  
37 doing another improvement to the site which is the fuel facility addition. Also to mention, Costco  
38 has since added photo voltaics to the site, and installed solar trees which we were also -- our  
39 team was part of that. So again, just want to further reinforce that Costco is trying to improve  
40 the shopping member experience and making it as efficient as possible.

41  
42 So in review of the architectural design, basically we have minimal impact. We are keeping with  
43 the original design. What we did was we used the organic form of trees, and that was our  
44 design, our design intent to have columns that emulated trees. And the block that's on the  
45 columns are locally sourced blocks from Maui Block. And as you can see the top is the existing  
46 fuel facility, and the lower portion is our computer generated, 3-D model for what the addition

1 would be. Again, minimal impacts. The addition would be on this side, and we'd still maintain the  
2 same architectural design intent of the columns.

3  
4 So this is standing on Haleakala, looking mauka. And this is west on this side. So, again,  
5 minimal impacts. The same high quality materials. It's a . . . (inaudible) . . . finish metal, and it  
6 would match the same colors that was originally on the gas station, which also matches the  
7 main warehouses.

8  
9 Same view, minimal impacts. So this is the existing here, and this is the computer generated  
10 rendering of what it would look like once we add the, the row of five across.

11  
12 So the existing from the intersection on Dairy and Haleakala. And then the below would be the  
13 computer generated rendering of what it would look like. So again, minimal impacts. This is the  
14 site plan with the proposed changes. Again, the row of new dispensers here, and then minimum  
15 site changes that I'm going to go over. We made these changes in response to the earlier  
16 UDRB meeting. So the row of five dispensers here, and then we would be basically...adding a  
17 third driveway entry. This would only be reserved for fuel, fuel truck movements. And then the  
18 stalls that were lost in this area were returned in this area here. And this is the improvements  
19 that we've done in response to the UDRB comments for onsite circulation. So very minimal  
20 impacts. No impacts to the existing landscaping except for this area; very small.

21  
22 And so I just wanted to highlight from our last comments, there are three major comments from  
23 the UDRB presentation. The first one was a concern about the ingress and egress. So the  
24 response was to add the additional driveway which you see here. And the second one was a  
25 question about EV chargers and Costco does have existing EV charger at the front entry near  
26 the tire center. The third concern was about maneuvering distance at the fuel facility. So we  
27 added this exhibit to show you the new dispensers would be here. And so the distance between,  
28 for maneuvering distances for any car sort of jockeying around an existing fueling position here,  
29 and the relationship, but basically 36-feet between cars. Ample room for car movements. And  
30 also between the cars, 14-foot distance which is wider than your typical one-way street.

31  
32 So just to showcase, you know, how Costco is streamlining, and the efficiency, and trying to get  
33 the members to move through the lot quickly, efficiently. Keeping down the amount of idling cars  
34 that would be in this area here, and improving the amount of cars moving through. And  
35 basically, improving queuing by, depending on peak hours, 35 to 52 percent improvement in the  
36 stacking and moving cars out of there. Again, Costco's dedication to improving member  
37 experience, shopping experience, efficiency and, and tweaking their site plan to make sure that  
38 it's improved and it's best for everyone to enjoy and make it a better experience.

39  
40 So, if there's any questions, we did bring our team here to answer any questions that you have.  
41 Thank you for your time, and we're open to anything that you may want to ask us.

42  
43 Mr. Carnicelli: Thank you very much. We appreciate your presentation. At this point what we're  
44 going to do is open up the floor for public testimony. And then after that we'll go to Q&A. So I  
45 don't believe there is anybody signed up. If there is anybody that would like to come forward to  
46 speak on this particular item please do so now. Seeing none. Then without objection, we'll go  
47 ahead and close public testimony. That was easy. So Tyler, why don't you come up first. We

1 know that you're going to be the star witness here. So why don't you talk to us about traffic and  
2 the changes that were made from the Urban Design Review Board for your ingress and egress,  
3 and then the traffic flow onsite please.

4  
5 Mr. Tyler Fujiwara: Okay. Tyler Fujiwara, Austin Tsutsumi & Associates. So currently there's an  
6 existing access here. This is where the cars enter and exit. The plan is to put bollards here, so  
7 this would just be restricted to fuel trucks, entering and exiting fuel trucks. As part of the UDRB  
8 comments, we're relocating the access driveway here. It's about 75-feet further south of Lauo.  
9 So we will still have entering and exiting vehicles. The idea is vehicles will enter, turn right and  
10 continue this way to enter the gas station. Likewise, they'll exit, if they're exiting through Lauo  
11 Loop, come down, make a left Lauo Loop. Part of the benefit of this is to just increase the  
12 stacking distance here. So right now we'd exit at this location. You know, vehicles exiting gas  
13 station are queuing up within the gas station site. So now we're providing some queuing storage  
14 for exiting vehicles heading on to Lauo Loop.

15  
16 Mr. Carnicelli: So my, my question is we added the parking stalls because we lost parking stalls.  
17 Is that correct? Is that just to keep our number of stalls what we need it to be?

18  
19 Mr. Fujiwara: That's my understanding, yes.

20  
21 Mr. Carnicelli: Because if I look at the second conceptual site plan that you have that was  
22 presented to us today, if you have that, because there's another entrance that's further south,  
23 like what's now the second entrance, right? So if you don't turn in right by the fuel station, if you  
24 keep going south, and then you turn in to the site, you can go all the way across to where those  
25 new stalls are, right? And then you can just make a little left hand turn, right hand turn in. With  
26 adding those new stalls, it now becomes a maze for those people entering from that bottom.

27  
28 Mr. Fujiwara: This entrance.

29  
30 Mr. Carnicelli: Yeah, from that right there, it now becomes kind of a maze. So, I don't know, do  
31 you want to address that then? Go ahead, come forward. Thank you.

32  
33 Ms. Lasley: Christine Lasley, MG2 Corporation. So what we had added this because of the  
34 deletion of this.

35  
36 Mr. Carnicelli: Right.

37  
38 Ms. Lasley: What we can do, and if this is a concern, we can actually -- we can, we can take  
39 away those stalls and I can check with Planning to see what the exact number of stalls. We're  
40 trying to respect the amount of stalls taken away.

41  
42 Mr. Carnicelli: Sure.

43  
44 Ms. Lasley: And we can return them --

45  
46 Mr. Carnicelli: Paul?



1  
2 Ms. Lasley: We wouldn't need to return them. I had doubled checked. I think we had some  
3 extras.

4  
5 Mr. Carnicelli: Oh, you do have extras.

6  
7 Ms. Lasley: Right. So I can check with . . .(inaudible) . . .

8  
9 Mr. Carnicelli: So then --. Okay, so if you don't need an exemption or, you know, an approval or  
10 something like that, I just think for traffic flow -- I mean, I appreciate you wanting to keep just as  
11 many stalls -- but I don't know, just me personally, I think for traffic flow, that lane going all the  
12 way through might be more beneficial than the extra three stalls that we're going to recover.

13  
14 Ms. Lasley: Okay, we can look at that.

15  
16 Mr. Carnicelli: I mean, I'm only one voice of, of, you know, what is it eight in the room. So, but I  
17 just wanted to do that. So I will yield the floor then. Commissioner La Costa, do you have any  
18 questions at this time?

19  
20 Ms. La Costa: If you are blocking the entrance and only having fuel trucks come through there,  
21 then how are you going to mitigate the people walking in front? I'm just concerned. I mean,  
22 everyone here has gone to Costco, and had to, you know, hope and pray that nobody does see  
23 and jumps out from their car because it's so difficult right now to get out and across the lane,  
24 and then turn and then turn onto Haleakala Highway and have people stacked up from here to  
25 Tuesday. So that's my big concern is the traffic flow both here and on the highway.

26  
27 Ms. Lasley: Sure. And with every popular store, you know, there is, there is going to be a  
28 demand during the peak hours. So, the warehouse, you know, will put cones out, if needed, to  
29 mitigate traffic. And they also, if there's, if there's a need, you know, just how like they do the  
30 fuel facility, they have staff available to help mitigate. And, again, it's, it's during peak hours, so  
31 safety is a concern for Costco, and I agree with that. We all agree with that. And so installing  
32 these bollards here is a very good move for Costco to control, you know, for fueling, only fuel  
33 trucks only. And it gives enough stacking space for cars to safely maneuver in that area. And  
34 pedestrians are really are supposed to use the dedicated pedestrian pathway to the public right-  
35 of-way. And there is some sidewalks flanking the culvert here as well. So, really people are,  
36 people moving back and forth usually travel along these drive aisles here. So I don't believe  
37 there's a tendency for pedestrians to go this direction over here. You can correct me if I'm  
38 wrong, but I think there's a gravel lot that's over here. So I hope that answers your questions.

39  
40 Ms. La Costa: I was talking about the people with their carts who have just come from Costco.  
41 And because there are no place to park they had to park farther way. And they walk in between  
42 cars with their carts and, you know, they don't pay attention. If there's more traffic that comes  
43 out and moves through the parking areas, that's what I'm concerned about.

44  
45 Ms. Lasley: Sure. Sure. So, that's, that's really something that, you know, the amount of traffic  
46 that the store has is similar to the other Costco's. And Costco has -- we have it programed for  
47 extra wide drive aisles, wide -- it's standard for our, our design -- wide parking stalls. Enough

1 room for maneuverability from the pedestrian's point of view. And that was applied for this  
2 project as well. So, people walking away from the store, you know, would -- I agree, there are  
3 things that they have to maneuver, but it's similar to any challenges they face at a Target, or  
4 other Costco's, and so forth. I agree, there's, there's -- because of the amounts of...consumers,  
5 yes, there's a larger amount of people walking back and forth. But it's built into the Costco's  
6 protocol that they have extra wide lanes, extra wide stalls for maneuverability in the site.

7  
8 Ms. La Costa: You have -- Costco's been a great citizen in putting in solar everywhere. Are  
9 there going to be panels on this section of the pumps?

10  
11 Ms. Lasley: Currently the solar PV services the warehouse, and it is sized large enough for the  
12 actual load that is required. There's also a culvert that runs across so logistically they were  
13 trying to reduce the amount of conduits running across the existing culvert. But this is the actual  
14 sized solar array that, that meets the current demand for the Costco. So, it's already built in as  
15 far as the size and the amount of trees. So, are you asking for, for the fuel facility? Right, it  
16 requires a source that is stable. And because of the equipment that's in there that monitors all of  
17 the tank requirements, the measuring requirements and so forth, that they do have a, I believe  
18 they have a tap box for generator and so forth during outages and so forth. But that kind of  
19 power source needs to be reliable, and so they put it on the warehouse where it's a larger bank  
20 for solar array, and then it's sized accordingly to feed back into the main panels of the  
21 warehouse. So --

22  
23 Mr. Carnicelli: Thank you. Commissioner Castro, do you have any questions or comments at  
24 this time?

25  
26 Mr. Castro: Not at this time.

27  
28 Mr. Carnicelli: Not at this time. Vice-Chair Thackett.

29  
30 Mr. Thackett: So I -- I enjoyed your guy's store. I go there rather frequently. Although it seems  
31 pretty busy. Like, like you said, it's a popular store. My concerns are the pedestrians. There's a  
32 lot of people pushing their wagons especially during peak times. Good luck getting anywhere  
33 near Costco. You know what I mean. You're going to be back there by the pumps at the peak  
34 times. And then, and then, the traffic getting out is kind of, is kind of makes me weary as well.  
35 And then the third thing is what, what are the ramifications for the, for the mom and pop gas  
36 stations that are around town when you guys are that big. So those are three things that I worry  
37 about with, with what you're trying to do there. Because a lot of poor people they need a gas  
38 station close to them too. So if all the ones in town don't do very well, and they have to go there,  
39 and you only have a half gallon worth of gas left, you might not make it. You know what I mean?  
40 Because it's far away from a lot the, the other places, the more residential places, you know. So  
41 I would like to see that the mom and pop gas stations survive.

42  
43 And then the, the last thing, I guess, that was kind of a concern for me is when you guys did put  
44 up the photovoltaic -- I go there, I go there a couple times a week -- and the guys that were  
45 putting it together, the crew was speaking entirely in Spanish which I thought was odd. You  
46 know what I mean? Like, it didn't seem like local contractors at all to me. But anyways, those  
47 are, those are my concerns with, with, with what you have right now. But once again, I'm

1 grateful you're here and I do, I do appreciate the lower cost and the quality that you guys have  
2 brought so far. But that's, that's my take on it right now.

3

4 Ms. Lasley: I'm sorry, I've got three questions about traffic.

5

6 Mr. Thackett: Those are just my --. They're not really questions.

7

8 Ms. Lasley: Okay.

9

10 Mr. Thackett: It's just the way I -- I'm sitting with your, your project. Like I don't know if that's the  
11 right numbers, and the right time and place for, for this right now. So I'm on the bench.

12

13 Ms. Lasley: Sure. Sure. Back in 2012, we had -- we also were asked that question, and actually  
14 it does help mom and pop. It, it -- you know, it's the muffins that they sell on the counters, and  
15 the, you know, the pack of nuts and so forth. As far as the prices, I do remember Maui was the  
16 most expensive amongst all of the islands. And the day that Costco opened it brought the, you  
17 know, it brought it down 30-cents a gallon. And you know, that, that really helps the community.  
18 And it's sort of gut check to everyone for fair, for fair retail practices. But, you know, Costco  
19 continually tries to improve the member experience, but they do take care of their people. Back  
20 in 2012, they did offer up, you know, more jobs, you know, once the project opened and  
21 increased in size, and added a fuel facility. So, yes, they are contributory to the community, to  
22 the people of Maui, and as far as traffic, you know, everyone loves Costco and, and Costco  
23 follows rules and protocols in their designs to make sure that there's enough space, you know,  
24 for maneuverability, for visibility, for wayfinding, and for ingress and egress. So, really, you know  
25 adding the extra drive aisles, improving the circulation, making sure that, you know, the trucks  
26 go in a certain spot and leave in a certain spot. They are concerned with safety, and you know, I  
27 guess with every popular place there's the good and bad that comes with, with, you know, being  
28 successful and everybody wanting to go to the store. So, you know, we acknowledge and, you  
29 know, hopefully that sort of answers your question about your thoughts and concerns about this  
30 project.

31

32 Mr. Carnicelli: Thank you. I think he just wants the \$1.50 hot dogs.

33

34 Ms. Lasley: Everyone does.

35

36 Mr. Carnicelli: I love the \$1.50 hot dogs. Commissioner Robinson.

37

38 Mr. Robinson: Thank you Chair. How many, how many EV stations do you have right now?

39

40 Ms. Lasley: Currently we have one by the tire center.

41

42 Mr. Robinson: One parking stall?

43

44 Ms. Lasley: Yes, sir.

45

46 Mr. Robinson: So out of all the parking spaces, and all that solar you guys have out there, you  
47 guys are just charging one car?

1  
2 Ms. Lasley: The demand is for one right now. According to ---. We talked to the warehouse  
3 manager and he said that, like, to get around the island really it takes, you know, so many  
4 hours. And the demand for having a vehicle charger isn't really needed, so because by the time  
5 they --

6  
7 Mr. Robinson: Okay, I don't want to, I don't want to argue with your, with your manager. I just  
8 want to disagree.

9  
10 Ms. Lasley: Okay.

11  
12 Mr. Robinson: I think, I think it's --. I have --. Nobody dislikes Costco. Everybody likes Costco,  
13 you know. Everybody uses Costco. I go to Costco in different states, different islands, but there  
14 is, there is one thing about Costco that's a reoccurring theme and it's always parking, traffic.  
15 Once you get into the store, get out of your car, you're okay. But there's an anxiety until you get  
16 to your parking spot, and until you actually drive back on to the highway. I know in Honolulu, just  
17 last weekend, I sat for 10 minutes because the traffic was blocked to get into your gas station.

18  
19 Ms. Lasley: Yes.

20  
21 Mr. Robinson: The street was blocking the highway. Not your driveway. Everybody on the street  
22 had to wait from King Street to go on to Alakaua, and everybody was going into --. It wasn't  
23 Home Depot. It wasn't your food. It was your gas. The gas is a demand. Everybody loves cheap  
24 gas, everybody is trying to save money. And as a responsible business you got to understand  
25 that. And when you make a comment that, you know, you follow rules, I don't think any study  
26 ever said, we're going to block traffic for 10 minutes.

27  
28 Ms. Lasley: That's correct.

29  
30 Mr. Robinson: So, and again, it's your concern, and I just want to address that because we're,  
31 we're, we're not here to put you guys down, but we got to be real. We can't say stuff that aren't  
32 true. When you say there is only one EV station for all photovoltaic and you want to add on  
33 more gas stations, and yet our goal is to get off of gas. You have competitors that come in front  
34 of us and we required, required to get their SMA Permit that they would have to put EV stations.  
35 And there is no proposal for you guys to even to add any because your manager says all you  
36 need one stall out of the, I don't know, I don't know how many you have, but you've got a lot of  
37 stall, okay.

38  
39 I like Costco, but Costco has to make it work. When I go to Costco, there is a traffic problem. It  
40 doesn't matter what time of day because the entrance to Costco is the exact same place as the  
41 exit to Costco. Not even the gas station. You don't know if the car is coming to turn right, you  
42 don't know if the car is going to do the 35 mile an hour to go straight to the parking or to the  
43 airport. And then when I do want to turn left, because there's a light there, the cars are backed  
44 up all the way. And then people are sitting and then that's when the, that's when friendly people  
45 stop being friendly. That's when the cars start to back up into Costco. That's when we have  
46 trouble with people trying to rush the cart to go through because people aren't letting people  
47 pass, and that's a concern. And so we're going to add more trips on to that road that concerns

1 me too. I think it's great that you guys listened to the, the, the Urban Design. But Urban Design  
2 also talked about photovoltaic and charging stations, but I didn't see that on top of the  
3 paperwork.

4  
5 But that driveway, I think, is could be an addition, but I think you guys got to back to the other  
6 street. I think you got to have an inlet coming earlier into your main Costco area, at least, at  
7 least 50-feet for people coming in. So that way it's a one-way in, and it's a one-way out. And it  
8 gives people a buffer to know that that car is either coming at speed to go to the airport or to the  
9 gas station, or they can turn left. And once we get that flow, I think everything else flows better.

10  
11 I also think that if we're worried about cars idling that you guys can incorporate what you do in  
12 your store. You throw people at the problem, you don't throw space or . . . (inaudible) . . . If  
13 there's a lot of people in line and they have a lot of basket cleaned up, you guys go ahead and  
14 guys help a guy with the box and stuff and you guys go through. But the gas station, I've been  
15 there, there's nobody helping. So if a guy has a credit card problem, if a guy, if a guy can't find  
16 his Costco card or he can't punch it in, us, we're waiting behind this guy forever, you know. And,  
17 and you look for assistance, there's no assistance. There's just a guy pointing to traffic, you  
18 know. Other gas stations, like mom and pops, they have a guy that comes out and they help  
19 you pump or they help you take cash or do other things. So, I think there's -- I don't want to say  
20 that I don't want this project, but it seems like it's just adding, we're just adding more, more gas  
21 stalls, but there's not really any benefit. All is it going to benefit is you guys are going to be able  
22 sell more gas to more cars, but we're going to get more traffic, we're not going to have any  
23 charging, any more. I just can't believe you guys aren't going to have any more charging  
24 stations. I just --. I mean, I'm sorry, I'm stuck with that. That is just, that's just irresponsible.  
25 Every store. I mean, I see little small stores have at least two stalls, and Costco has only one,  
26 and it's by the tire station. I wonder if it has a sign there too that you can't park here because  
27 this is for the tire center, you know. It's, again, we all like Costco, but I think you guys got to  
28 maybe take a step back and, and look more how to make things easier.

29  
30 So for me, traffic is number one. I'm not comfortable with the current traffic, and I think you have  
31 to correct the problem that you have now which is the inlet and outlet of your main, your main  
32 entrance to Costco as it goes with everybody going. And, you know, another thing is you have  
33 to understand that we have a lot of tourists that don't even know where they're going, they're  
34 looking at their GPS. There's a lot of timeshares in Maui as you know, everybody comes to  
35 Costco, they fill up, but they don't know where they're driving to, you know. And, and, and, and I  
36 don't want to say that I've seen accidents at that intersection, but I know I've seen at least one  
37 little small fender bender. And, you know, and that's, you know, that's me going there maybe,  
38 you know, I don't know, half a dozen times a year, okay. I like Costco, but we can, we can make  
39 this better for everybody. Thank you.

40  
41 Mr. Carnicelli: If you'd like to address that go ahead.

42  
43 Ms. Lasley: Sure. We acknowledge your concerns, and it is, it is a really tough site. I did work  
44 on the Iwilei project and they were very limited as far as land and where they could get --. I  
45 know that they were actively trying to get more property to alleviate the situation and it's a tough  
46 site. And, and they do everything they could, they can on the Iwilei side to make sure that that  
47 Alakaua is not impacted because the warehouse manager here --

1  
2 Mr. Robinson: So do you have, do you have folks assisting people at the, at that gas station or  
3 you still have one person just telling to go left and right?

4  
5 Ms. Lasley: At Iwilei?

6  
7 Mr. Robinson: Yeah.

8  
9 Ms. Lasley: I believe Jay, the warehouse manager works with the appropriate personnel, and  
10 even with HPD when they're, they're significantly impacted episodes.

11  
12 Mr. Robinson: And I guess we have different ideas of what is significant. I guess what I'm saying  
13 is you guys could add some service people to help speed the process along for people filling so  
14 that the cars would move smoother along.

15  
16 Ms. Lasley: Sure.

17  
18 Mr. Robinson: You know, like I said, you guys have a product that is in high, high demand, and  
19 to, and to, to accommodate that high, high demand on that great product is we have to, you  
20 know, is sometimes a business has to, you know, step up and go forward. Just like with all the  
21 delivery people and big trucks, we can't just say our trucks are going to block because we have  
22 to make a delivery. We have to, we have to throw sometimes an extra body or two in a truck to  
23 make our delivery faster so we're not encumbering some other part of the community. So it's  
24 just different way to look at it.

25  
26 Ms. Lasley: Acknowledged. And John Ellingsen who represents Costco can make a comment  
27 on what we plan on doing to, to --

28  
29 Mr. Robinson: Again this is Maui. I just brought up Iwilei as an example, but you can focus on  
30 Maui . . . (inaudible) . . .

31  
32 Mr. John Ellingsen: Good afternoon. My name is John Ellingsen. I represent Costco as the  
33 development manager, and yeah, I think we should focus on Maui, obviously, a completely  
34 different site with the configuration.

35  
36 A few of the comments, first, on the trip generation, the amount of business that's being  
37 generated by the new fueling positions, the intent here, again, is to process our members that  
38 are already coming to the site. We don't see a significant jump in business from the additional  
39 dispensers, and that's because we are a membership based facility. So we have established a  
40 membership base here on Maui. So we don't see that growing considerably because we're  
41 adding additional fueling positions.

42  
43 The analogy that we like to use here with additional fueling positions is just like adding cashiers  
44 at the rush hour at the grocery store. When the line starts backing up, you've got two cashiers,  
45 you call in support, you get a few more and you process the line that much more quickly. It's the  
46 same idea with the additional fueling positions.

47

1 Mr. Robinson: But it's not self-served cashiers, though, correct. It's actually -- there's people  
2 there helping to speed the line.

3  
4 Mr. Robinson: Obviously, that is a really good point, and I want to address that as well. So,  
5 when I hear that there aren't employees out at the fueling facilities that that causes some  
6 concerns. So we should always have our trained employees at the facility assisting the  
7 members. And that's assisting them through the process, going through the maintenance on the  
8 fueling positions, dispenser, hoses, and nozzles. They're responsible for going through full  
9 checklists every day for that. But paramount to that is the, is the member assistance. And so  
10 with that, as they see volumes grow or they are circulation issues, what we can implement is a  
11 queue management plan is basically what we call that. It's usually a step process where if the  
12 employee or the attendant is seeing those volumes build, they call for additional support. And if  
13 they still can't keep up with that, there are other elements to implement whether we're rerouting  
14 members through the parking lot or bringing additional employees out to help manage that  
15 queue. So that's typically how we handle that, and that's something I personally will be talking to  
16 the warehouse manager about, making sure that is implemented here. Particularly if there is an  
17 issue with circulation.

18  
19 The additional driveway that Tyler was talking about and in explaining the thought behind that,  
20 we recognize the conflict between the gas exit and the movements at the driveway. We're  
21 currently coning a portion of that off, and that helps to a certain degree, but not completely. We  
22 try not to rely on those kinds of measures. It's much better to design for the issue than try to  
23 implement something later to address it. So if we have an opportunity to do that we'd like to  
24 take advantage of it. And so in consultation with the traffic engineers, we decided that  
25 maintaining that driveway just for truck access made sense. Maintain the existing truck route.  
26 But then to move the driveway further to the south to separate those, those movements. So  
27 we're giving additional stacking space from the exit movement, and from the gas station which  
28 is . . . (inaudible) . . . It's coming out periodically. It's not a steady stream of vehicles. And the  
29 same from the loop road. So providing that separation, in our opinion, is addressing that, that  
30 circulation problem.

31  
32 Mr. Robinson: Can I ask a question?

33  
34 Mr. Ellingsen: Absolutely.

35  
36 Mr. Robinson: So, and the reason why I -- I mean, the place where I got the increased trips was  
37 from the data that you guys provided in the mainland where every single location that you added  
38 pumps on you guys also added increase traffic.

39  
40 Mr. Ellingsen: Yes.

41  
42 Mr. Robinson: Because it went a little bit faster and it makes more convenience instead of  
43 people saying I don't have time to fill gas, I'm going to fill gas. But it also added trips, so -- and,  
44 and the traffic study also said it added trips. So we have to, we have to sort of come to a point to  
45 we have to agree that there is more trips or there's not . . . (inaudible) . . . this is going to have  
46 more trips.

47

1 Mr. Ellingsen: Absolutely. Yeah, I totally agree. I absolutely agree.

2  
3 Mr. Robinson: And, and, and, and in your other locations, you know, again I like Costco, so  
4 Hawaii Kai, you know, Iwilei, you have, you have independent exits. You know, you have the  
5 right turn in Hawaii Kai to go to Hawaii Kai that's not an in or out. Iwilei, you have a right turn to  
6 go out, and it has a --. You know, even though there's traffic, there still is a flow. While I'm  
7 seeing here in Maui that in and out there is a safety issue there, and, and so that's what I'm  
8 trying to address. And, and I'm not even opposed to having one in and one out. I mean, by the  
9 gas station or not, I'm more worried about safety. I don't think people would be too worried  
10 about, you know, going all the through and doing the stop light, as long as it is safer and faster.  
11 Because I don't think it's faster just trying to every time, guess, is this guy is going to turn,  
12 they're not going to turn, you know. And then I got to shoot out, and then I got to look right  
13 because it actually becomes three lanes, right, in that small part. You have the turn lane, you  
14 have the thru lane, and then you have the lane coming back. And, and, and again, I like the  
15 addition on your gas side, but I think there's a, there's a more safer, I mean, more safety issue  
16 problem and that's the main entrance, you know. And I didn't write to you, but while you're here,  
17 I want to make sure that we bring it up and address it because we are adding more trips to that  
18 gas station which passes that main entrance. So thank you.

19  
20 Mr. Ellingsen: Yeah absolutely. And in terms of the additional trips, what we've typically found is  
21 that that's the latent demand that you alluded to. That members see that the gas station is busy  
22 and they just don't want to go there, so they come back at another time, another visit to the  
23 warehouse. So now that they're seeing the vehicles being processed more quickly and it's a  
24 shorter queue, okay, that's my, that's my flag to go get, get gas. And so that's typically where  
25 we're seeing those additional trips. Yes, there is going to be additional trips that are coming on  
26 the roadway. We see that from our trip generation estimate both on the weekday p.m. peak and  
27 the weekend p.m. peak, or weekend mid-day peak, excuse me. So, yes, there is going to be  
28 more trips, but we think that with moving of the driveway, providing the additional separation,  
29 giving up more distance from the intersection of the loop road on Haleakala are all a benefit to  
30 that and in addressing that, that conflict.

31  
32 The other element here is also we are still looking and we're coordinating with the County but  
33 we're looking at the options for a signal. Whether or not it makes the most sense at the main  
34 driveway, or here at the loop road. There are a number of design considerations that are being  
35 considered and initiating design options and those discussions with the County.

36  
37 Mr. Carnicelli: What would trigger those?

38  
39 Mr. Ellingsen: With the original development there was a condition of approval that required us  
40 to continue to monitor the need for a potential signal and so we've been doing that. And we  
41 think we're getting close to that warrant, if not, at that. And so we need to work with the County  
42 to address that.

43  
44 Mr. Carnicelli: Okay. Thank you.

45  
46 Mr. Ellingsen: Now if I may on the EV station.



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Mr. Robinson: Please.

Mr. Ellingsen: That, that is a significant issue for us, and we take environmental sustainability very seriously. And EV stations, it just does not work out well for us, over the last, gosh, I want to say 10 years perhaps. They have been installed at various warehouses around the country, and similar to those other locations, here in the islands, we just don't see a high demand for the EV stations from our members. So we've had them with a very low occupancy rate, as low -- less than 10 percent on an annual basis, and they end up getting removed. And so just from that perspective it's not something that our members are demanding from us. And they end up sitting idle. Most of the time they're idle.

Mr. Robinson: Is that study from Maui?

Mr. Carnicelli: What's the occupancy, occupancy rate of the EV station from Maui?

Mr. Ellingsen: I can get that information for you. If, if it made sense that, you know, we would be installing more of those if there was a demand from the membership for that. But typically what we find is maybe there's, you know, one or two that maybe using it. But again, it counts for that very low occupancy rate across the year. And so members just are not using them. And again, here on Maui, given the, the distances traveled, that's another reason why they just have not been effective here in retail environment where we have rapid turnover granted Costco is a little bit longer, 45 minutes to an hour, typical visit time. But it's just not enough time to get a significant charge that's needed that they're not getting it at all, or at the office or their place of business.

Mr. Robinson: It's as I see EV charging stations used quite often through Kahului, and maybe, you know, if you don't think that your, that your customers use it, maybe you can provide it for your employees since they'll be parked there for a longer time.

Mr. Ellingsen: We have looked at that and we have been looking for other warehouses. There are a number of other complicating factors to that that not necessarily I can go into here, but with the business model, the cost, regulatory requirements. It's, it's a real sticky wicket getting into EV stations. It seems like a great idea, but given the usage rate that we see, and the regulatory requirements around that, and the cost, it's a direction that we chose not to go into at this point.

Mr. Robinson: Okay, thank you. And, and I don't know if you know but the State encourages EV uses especially in our airports where parking is free. So being right next door to the airport and people going to and from the airport, and maybe stopping by and, you know, going to Costco before and after, it's hard to imagine that I see all these EV stations around Kahului full and yours is the only empty when yours a pretty popular designation. So I, I, I, I'd like to please if you can please look into that.

Mr. Ellingsen: We will certainly look into it.

Mr. Robinson: Thank you.

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Mr. Ellingsen: Thank you.

Mr. Carnicelli: Thanks. Commissioner Thompson.

Mr. Thompson: I'm going to chime in on that EV, and I've got an electric car, and I go there and I can rarely ever get that spot, the only one. Safeway came here to add a gas station in Lahaina, they're putting in seven spots. I think you got to be ahead of curve here, not behind it. We're going to go electric. We're going to use less of that gas and much more electric. Like I said, I go there all the time too. So how many people a day do you get in Costco?

Mr. Ellingsen: I don't have, I don't have those numbers.

Mr. Thompson: How about the gas station? How many people go through there a day?

Mr. Ellingsen: I don't have those numbers either. I wouldn't want to just throw out a number.

Mr. Thompson: Alright. How many gallons a day do you guys . . . (inaudible) . . . ? Do you know that?

Mr. Ellingsen: That's not something I can share.

Mr. Thompson: Can't share that?

Mr. Ellingsen: No, I don't know that for --

Mr. Thompson: How about how many tankers come a day that pull . . . (inaudible) . . . ?

Mr. Ellingsen: At this facility I would...I would . . . (inaudible) . . . probably seeing three a day would be my guess.

Mr. Thompson: Thank you. Yeah, that EV part, I mean, maybe your manager and obviously you guys do some studies on that. Now that's a paid one in there, right?

Mr. Ellingson: Typically they are paid, and it is at cost. And so there is regulatory issues with that as well. So you can only -- the amount that you would have to charge in order to make anything off of that obviously would be considerable. The cost to run those is not inexpensive. So it's a nominal cost just to meet the cost of the station.

Mr. Thompson: Yeah, I'm just afraid we're going the wrong way if we're not putting any in. And if you're an average stay of an hour, that's plenty to charge up your car. I mean, that will get you anywhere on the island.

Mr. Ellingsen: I think, you know, we just found that the other sustainability measure is that, that we employ at Maui and other warehouses, and we can certainly provide what we are doing there, just provide more bang for the buck if you will than we would what we would receive from EV stations. The whole idea is you're trying to set off the carbon footprint, right. And so you're

1 having to generate that electricity from somewhere, and typically that's coming from...something  
2 that is going to increase the carbon footprint and so --

3  
4 Mr. Thompson: Maybe. Yes. Solar farms here that feed into the grid that they run off of.

5  
6 Mr. Ellingsen: Yeah, and it's difficult for me to say. You know, I'll get into those kinds of details,  
7 but that is one element that we've looked at that causes, causes concern. It increases the  
8 carbon footprint for what we typically see by providing an EV station.

9  
10 Mr. Thompson: Yeah, I'm not sure I buy into that at all. We're going to go electric. They're going  
11 to have electric car here. It's just --. There's no doubt about it, and I think we got to be in front of  
12 the curve, and not behind it, and one spot is just horribly insufficient. At Safeway, they came  
13 here in front of this body and said, you know what we're going to put a gas station. We're going  
14 to offer Safeway members the card, you're going to get 30 off or whatever it is off. And they  
15 didn't have one. You asked them, do you have one? No. We talked about it, and they said we'll  
16 add them. We'll put seven spots in. We've got shoppers for an hour; that's plenty. So I think  
17 they're on top of it. They're more but one is just not enough, not even close. And I don't know  
18 how many people you got per day since you didn't have that. But, there's, I don't know, 50,000  
19 people a day? 100,000 people? So one spot, you've got 16, let's say there's there half an hour  
20 to an hour, you know, you're serving 10 people out, I don't know, of a 100,000 people. I mean,  
21 how many people go in there?

22  
23 Mr. Ellingsen: You know, I think that if with EV station it's something that we typically wouldn't  
24 want to do but if that is, if that's a condition of approval that's certainly something that we would  
25 accept.

26  
27 Mr. Thompson: Okay, that's fair enough. I would push for that. Thank you.

28  
29 Mr. Carnicelli: Thanks. Commissioner Freitas.

30  
31 Mr. Freitas: Yes, thank you. First of all, I would like to say if you're going to come in here and  
32 propose to put more gas stations you would know how many people you are servicing now, so  
33 I'm surprised you don't have that figure. Am I okay to go up to the map to explain my situation?

34  
35 Mr. Carnicelli: Sure.

36  
37 Mr. Freitas: Or do I have to be on a mic?

38  
39 Mr. Carnicelli: No, no.

40  
41 Ms. McLean: Use the handheld mic.

42  
43 Mr. Fasi: Carolyn?

44  
45 Mr. Carnicelli: Yeah it's on. Thanks Paul

46

1 Mr. Freitas: Every time I go, not sometimes, every time I go there's traffic right in this area here.  
2 People are trying to turn into the gas station, people trying to turn to find an area here. What I'm  
3 noticing is when I go into the gas station, this cars are backed way back. And now you're going  
4 to take one-third of what was there, you're adding and you're taking away from more cars. I can  
5 see this backing up this way, and like Commissioner Robinson had said it's going to go all the  
6 way back to the road. You've got this truck here is going to block people from coming here, so  
7 it's going have one huge bottleneck right here. By adding it here, and taking away the waiting  
8 area...I don't have to -- you don't have to be guessing whether it's going to be traffic. It's  
9 inevitable. I cannot, I cannot see approving this based on that area right there.

10  
11 Mr. Ellingsen: Excellent question. May I address that now or if you --

12  
13 Mr. Carnicelli: Okay, go ahead John.

14  
15 Mr. Ellingsen: Excellent. So...again the intent of the additional fueling positions is to help  
16 process our members more efficiently and quickly. Again, the analogy of the cashiers at the  
17 grocery store. What we've found and what we documented in the, in the report that was  
18 provided is that we would see a 30 to 50 percent reduction in the queue lanes with the  
19 additional fueling positions because of that effect. Again, we have a minimal number of new  
20 trips being generated, we have an established membership base, it's an existing use that's  
21 already there, so we're just adding positions to that. So with that in mind, think about the vehicle  
22 sitting in the queuing area. So rather than sitting there idling or waiting for a fueling position to  
23 open up, they're already at a fueling position, they can move along their way. So the idea is that  
24 we're processing the vehicles more quickly. We see a great reduction in the queue lanes when  
25 we add the fueling position. So the whole idea again is the member experience at the site. We  
26 don't want them waiting in line, twiddling their thumbs waiting for a fueling position. We would  
27 rather get them into a fueling position and move them on their way.

28  
29 Mr. Freitas: Example when you go to, to a store and you're in the line to the cashier, what helps  
30 break that line is another cashier opening up on the side.

31  
32 Mr. Ellingsen: Right.

33  
34 Mr. Freitas: If you opened up extra tank dispensers on the side that will lessen this, this back  
35 log, this line, this queue. But what you're trying to say is, oh, we're going to add one more  
36 cashier right next to that other cashier that line is -- I don't see it going much faster.

37  
38 Mr. Ellingsen: What we're able to do --

39  
40 Mr. Freitas: You're just jamming more people into a crowded area and then safety becomes a  
41 concern.

42  
43 Mr. Ellingsen: And that's just not what we see. We're able to distribute the members across the  
44 fueling positions. Here we have a very, wide, open stacking area so there's good visibility to, to  
45 the lanes that are available. And it's not, it's the location of that line, it's just that, just that  
46 cashier in that instance is open, and so people can move over to that position. But if we have all  
47 them in a line, the additional position are available we're able to process those members

1 quickly, like always having all of the cashiers available. You'll never see a line at the grocery  
2 store if every cashier was always occupied. That's, that's the idea. And that's what we've been  
3 able to see with the other expansion that we've done.

4  
5 Mr. Freitas: Well, I think there's, there's traffic and congestion now. I, I don't see that as helping.  
6 I see it as more as during the crunch period, like you said, if I heard correctly an addition of 60  
7 during the peak period, what is a peak period? An hour? What do you consider that peak  
8 period? Two hours?

9  
10 Mr. Ellingsen: It's a peak hour.

11  
12 Mr. Freitas: Yeah, when is that?

13  
14 Mr. Ellingsen: So in the evening, it's typically five to six. And then the weekends, it's mid-day, it's  
15 typically one to two. And that's when we would see the greatest number of members coming to  
16 the site, and so that's typically where our traffic analysis would focus are those areas of greatest  
17 impact. And so even in those period of time it's a relatively nominal number of new trips. But  
18 again, the idea is, you know, we don't want to create a situation that makes things worse or  
19 even holds them same. We want to improve the member experience onsite. And by doing that,  
20 by adding the fueling positions, we think it will do that. Excellent questions; I appreciate that.  
21 Thank you.

22  
23 Mr. Carnicelli: Thanks John. So what is the pattern of the fuel truck? I know where it comes in,  
24 but where does it go out? Because I know it doesn't back out or at least I'm assuming. I mean, I  
25 go to Costco about -- I mean, to get gas there once a week. I've seen it pull in. I can honestly  
26 don't remember seeing it pull out. Which direction does it go?

27  
28 Mr. Ellingsen: Well, I think now with this plan we've actually blocked that, and that's another  
29 reason why I think that needs to change. So the truck --

30  
31 Mr. Carnicelli: Those additional stalls is where he goes out?

32  
33 Mr. Ellingsen: That's right. That's correct.

34  
35 Mr. Carnicelli: He or she, I guess.

36  
37 Mr. Ellingsen: So the truck, with this design, we're able to keep that truck totally out of the drive  
38 aisle.

39  
40 Mr. Carnicelli: Right.

41  
42 Mr. Ellingsen: Completely out of the stacking lanes like you would typically see. So that he's  
43 completely separated from the overall operation. But he would come in that first driveway on the  
44 loop road, and then make his delivery there at the pull out, and then he would head south again  
45 on that next drive aisle and out the --

1  
2 Mr. Carnicelli: Right. So if we actually put those stalls in, he's going to go exactly where  
3 Commissioner Freitas was just telling us where the bottleneck is.

4  
5 Mr. Ellingsen: Yeah. I think we need to remove those new stalls that we're --

6  
7 Mr. Carnicelli: I think that would be a very good idea, yes.

8  
9 Mr. Ellingsen: I agree.

10  
11 Mr. Carnicelli: Okay. My next question is going to be off of I think it might be the slide before  
12 what we're at right now, but the now one that's a little bit more zoomed in. Yeah, that one there.  
13 Although it doesn't have dimensions. That pinch point where everybody gets into the actual gas  
14 station from the parking lot, it's only 23-feet, nine-inches wide.

15  
16 Mr. Ellingsen: Correct.

17  
18 Mr. Carnicelli: Does that make sense to widen that? I mean, I'm not a traffic engineer. I don't  
19 know flow patterns. It just seems like does it make sense to widen that? I mean, it's nothing but  
20 a concrete curb. I'm not an engineer. I'm just, I'm just asking a question.

21  
22 Mr. Ellingsen: You know, I would say first blush I don't think it's necessary, but we can certainly  
23 look at that and work with staff.

24  
25 Mr. Carnicelli: Because it gets a little chicken mouse right? The guys that are coming from this  
26 way and the guys that are coming from this way, you get a little chicken mouse. But is, is it's  
27 going to be -- I mean, with the new driveway, it's the chicken and mouse is actually going to  
28 occur, it's going to occur now where the end of, on that slide, the bottom of the blue there, the  
29 water, the runoff thing, right? So people are going to come in straight now, and they're going to  
30 be turning right.

31  
32 Mr. Ellingsen: Well, I don't think there's any difference to what they're currently doing. The only  
33 change that we have is to improve the exit of the gas station, and the, the driveway of the loop  
34 road. That's the only circulation change. Everything else is going to operate as it is today which  
35 to my knowledge were not observed as having been an issue.

36  
37 Mr. Carnicelli: And no and maybe we're beating this thing to death here. But right now there's  
38 basically three ways to get here, right. You're going to come off of this way. You're going to  
39 come this way, right?

40  
41 Mr. Ellingsen: Correct.

42  
43 Mr. Carnicelli: You're going to come through here if it's not coned off, and you're going that way.

44  
45 Mr. Ellingsen: No, you can't --

46  
47 Mr. Carnicelli: No, I know, in the proposal that won't happen. But I'm saying currently. In current

1 situations, you come this way, you come in here. You come this way, you go that way. Or, you  
2 go come down here, and you come up and over, or you come --. So you come down from the  
3 other one, and come up and over. If we put this here, the new pattern is now your pinch point is  
4 going to be here because these guys are going to come across most likely. I don't know -- they  
5 might go this way or they might come this way. Those guys are going to come that way. These  
6 guys are --. So you're now going to end up with your jam point here. I don't know. I mean, I'm  
7 just -- you know, we're all having concerns about where it's going and where the flow is going,  
8 and this is also onsite. The other thing, I think that Commissioner Robinson and Freitas were  
9 also talking about is the traffic patterns here and here. And I don't --. I mean, if you could ahead  
10 and address that I guess.

11  
12 Mr. Ellingsen: Sure. Great points. What we, what we find is it's best to maintain options. If we  
13 get everyone going into one spot that's usually what creates problems. So what you just  
14 outlined there are all the various routes that a member can take to get to the gas station and  
15 that's a good thing. So in terms of the entrance into the stacking area, could that be a little  
16 wider? Yeah, we could do that, but I would want to take a closer look at that just to make sure  
17 that we're not creating some unintended consequence to that. But, so right now, I think the rest  
18 of the design it works well, and I think that these new stalls that we added here should probably  
19 come out to maintain that additional access point. But, yeah, I agree, and I think that that's a  
20 good circulation pattern for this site.

21  
22 Mr. Carnicelli: So my next question is historically when you've done this at other stations -- here  
23 on Maui we're pretty polite. We go two at a time. I don't know if on the mainland people drive  
24 around each other, or on Oahu, you know, like, you know the one guy in front and you get  
25 impatient. Here we kind of just wait for the other guy to go and then we go two at a time. How  
26 long does it take for people to understand it's now three at a time?

27  
28 Mr. Ellingsen: With the fueling positions?

29  
30 Mr. Carnicelli: Yeah. Because now it's going to be three at a time, right. We're going to have to  
31 count three at a time. Because when I pull in, like I'm counting lanes, and I'm counting cars  
32 when I pull into Costco. I'm like, oh, that's an odd number, or that I'll go over here because it's  
33 faster. We're going to have to count threes now. How long does it take for the public or for the  
34 members to understand we've got to count three?

35  
36 Mr. Ellingsen: Well, the great thing is that the design allows for --. So as soon that middle  
37 position opens up, you can pull in there without doing, you know, a ten point turn. It's an easy  
38 pull in. We add additional space between the now front fueling position and the middle, new  
39 middle fueling position, so the cars can pull in directly. They don't need to wait for the entire line  
40 to, to clear out.

41  
42 Mr. Carnicelli: Okay, thank you. Commissioner La Costa.

43  
44 Ms. La Costa: Thank you Chair. So, I did not get my question answered previously about solar. I  
45 don't want dancing around. I don't want any political stuff. I want to know. Is there going to be  
46 solar on those panels like you have the rest of it, and like we demanded of Safeway, or are you  
47 just going to let it sit like it is and think it's going to be okay? I don't want to hear about it has to

1 be a positive power source. We have a lot of sun here. And if you're not going to think about EV,  
2 then I want to know about solar because that's my hotline.

3  
4 Mr. Ellingsen: Sure. Understood. No, we don't provide solar on the canopy, gas station  
5 canopies. The amount of weight that that typically generates which you're probably more than  
6 aware of really changes the structure that we already have there that we're connecting to for  
7 this expansion. The number of panels that we would need to provide to generate power for the  
8 facility, if we're able to do that, we just wouldn't be able to do that with that, with that structure.  
9 So those are typical reasons why we try not to provide solar panels on our canopies.

10  
11 Ms. La Costa: And also I would like to have some answers please about Haleakala Highway  
12 and the congestion there. There isn't anybody in this room that hasn't had to be on the  
13 oncoming lane, and the turn to the Holiday Day Inn there because otherwise you're blocking the  
14 lane that is going straight. So I need to know about the mitigation for all of that mess, and going  
15 so you can turn left. Do you need me to point it out where it is?

16  
17 Mr. Ellingsen: Would you please? I'm not sure --. Is there --? Excuse me. Maybe I need to have  
18 Tyler address this, but I'm not familiar with the --

19  
20 Mr. Freitas: You mean the Courtyard. You said Holiday Inn. Maybe you're confusing him.

21  
22 Ms. La Costa: So currently when you pull out of here, you wait, you wait, and you wait. Like they  
23 said, is this guy going to turn or is he still going to go 35 miles an hour? So then you come here,  
24 and you have choke cars ahead of you and then pretty soon you've got to pull in here because  
25 everybody's back up to turn. This causes a problem when people are trying to get into the hotel.  
26 And then again, it starts backing up everywhere. So that mitigation needs to happen.

27  
28 Mr. Ellingsen: Sure. Yeah, I can provide just a very broad overview but in terms of specifics I'll  
29 have Tyler address that as best as he can. But I do know that there are discussions about  
30 signal, either at our driveway or at the loop road, looking at design options and talking to  
31 interested parties, et cetera, and then the County to figure out what makes the most sense  
32 along this corridor. There's nothing that's associated with this project. However, that's an  
33 ongoing matter that we'll be participating in.

34  
35 Ms. La Costa: Thank you.

36  
37 Mr. Ellingsen: You're welcome. Did you need any additional background on that, or is that okay?

38  
39 Ms. La Costa: I'm good.

40  
41 Mr. Ellingsen: Okay. We're more than happy to answer questions.

42  
43 Mr. Carnicelli: Commissioner Castro, do you have any questions or comments at this time?

44  
45 Mr. Castro: It's been pretty much answered.

46



1 Mr. Carnicelli: Okay. Commissioner Thackett? Commissioner Robinson? Commissioner  
2 Thompson?

3  
4 Mr. Thompson: And I do like Costco, and I do go there, so I don't want to sound like the bad  
5 apple and I believe that actually you'll speed up traffic, you'll serve more people, and it will  
6 speed through there. My only issue was just the PV. And I think one of the reasons that a lot of  
7 people don't use them even if . . . (inaudible) . . . is that you have to have the club card to --  
8 you've got to be a part of that system to use that.

9  
10 Mr. Ellingsen: We don't require a membership. That's one of the other issues is that it's open to  
11 everyone.

12  
13 Mr. Thompson: Right. But that's one a paid one. But yeah, if the other ones were slide your  
14 Costco card in or your credit card, and be outside the multi charging system you would -- I think  
15 it would get used really well. Free. Is Safeway doing them for free? I know Home Depot does  
16 and the mall does, and Whole Foods. Well, Kelli's got, I got; there's two out of 10, 20 percent. I  
17 think you're going to see that. Next year, it will be 30 percent of the cars will be electric. You're  
18 going to be thinking I'm going to wipe out some of those gas things, and put fast chargers in.  
19 You'll get your money that way. But anyway, thank you.

20  
21 Mr. Ellingsen: You're welcome.

22  
23 Mr. Carnicelli: Okay. Horse and buggy. We've go back to horse and buggy. I think that's it for  
24 now. I think we're done with questions. So I do believe that there were two major concerns. One  
25 being the non-addition of the additional parking stalls to allow for the ingress and egress. And  
26 then EV charging stations. So I believe as she always does, the Director has written some  
27 potential conditions that we might considered. So, Director.

28  
29 Ms. McLean: For the EV charging station issues, the applicant shall provide blank -- you fill in  
30 the blank -- electric vehicle charging stations that shall be operational before or at the same time  
31 the new fueling positions are operational. So you would just have to decide what number is  
32 appropriate given the impacts of the project.

33  
34 Mr. Carnicelli: Okay, and then the second one?

35  
36 Ms. McLean: The applicant shall provide the additional driveway entrance on Lauo Loop that  
37 displaces four parking spaces. If the four parking spaces are not required, they shall not be  
38 relocated. If the four spaces are required, the applicant shall request a waiver from the Planning  
39 Department so that these spaces do not have to be provided and the existing parking and aisle  
40 configuration can remain. If the waiver is not granted, the applicant shall apply for and pursue in  
41 good faith a variance for the same purpose.

42  
43 Mr. Carnicelli: That works for me. Mr. Hopper, do you want to weigh in on either one of those  
44 conditions, please? The first one was requiring an additional, or a number to be determined  
45 additional photo -- I'm sorry -- PV station -- EV charging stations.

46  
47 Mr. Michael Hopper: I think you would state what the impacts of the project are adding five extra

1 stalls that would result in an SMA related impact that would result in the need for additional  
2 stalls. I'm not sure I see that on the record. And, and what the basis would be for that. And the  
3 basis would be for choosing a number...and how it's related with the goals, objectives and  
4 policies of the special management area because it's an SMA Permit.  
5

6 Mr. Carnicelli: Commissioner Robinson.  
7

8 Mr. Robinson: I just want to note in the past we've had conditions that the applicant agreed to,  
9 and so therefore we put it in there, and didn't have to actually be one of our criterias for what is  
10 for that certain permit. Thank you.  
11

12 Ms. McLean: Chair if I may?  
13

14 Mr. Carnicelli: Director?  
15

16 Ms. McLean: Related to one of the SMA objectives for the Commission to consider involves an  
17 irrecoverable commitment to or loss or destruction of any natural or cultural resources. If we're  
18 talking about environmental impacts and climate change and the importance of offsetting carbon  
19 footprints, the justification for the additional EV charging stations could be this is in addition of  
20 five fossil fueling stations and you want to balance that out with encouraging use of electric  
21 vehicles while you're encouraging the use of gasoline powered vehicles.  
22

23 Mr. Carnicelli: Commissioner Thompson.  
24

25 Mr. Thompson: So if we were to --? What comfortable number would you guys want besides  
26 zero?  
27

28 Mr. Ellingsen: Perhaps, perhaps we -- rather than establishing a hard number, perhaps we need  
29 to work with staff to determine that the appropriate impact, if you will, for that. One of the  
30 concerns that I have is I think that would likely would make the EV stations make sense is to  
31 determine the number of employees that we have that are, that are driving electrical vehicles  
32 that would help inform that decision on the number of EV stations.  
33

34 Mr. Thompson: So let's say we'll add three.  
35

36 Mr. Ellingsen: Again, I don't know if we have that number of employees. I apologize, maybe we  
37 kept it open like that or we go with, we go --. We can go with three, I guess, if that's, if that's  
38 going to make things easier to me.  
39

40 Mr. Robinson: I think because it's an SMA area, and you know, this is, again, nothing against  
41 the business but this is for profit entity. And for the offset, and what our State of Hawaii goals  
42 are, and our goals are to reduce fossil fuels, not to increase it, and to help people use it more  
43 often. And I think like we did in Lahaina, if we, if we were to consider this, it should at least be  
44 one for one. You know, for every pump that you're going to put in, you're going to put in an EV  
45 and to help offset it even though we know it's going --. The fuel use is going to out weight the  
46 saving we're going to get from the EV station.  
47

1 But I'd like to go back to our SMA guys. Our SMA, my concern is the traffic. My concern is the  
2 traffic and I'm not comfortable. I mean, we all know that Costco is a problem. You know, it's a  
3 fantastic product that we all love, but we didn't know how much traffic was going to be when this  
4 was first granted. And now that it's coming back to us, it's hard for me to add to that problem.  
5 We're going to have more trips. The trips are going to be --. It's just I don't fuel at Costco  
6 because it takes too long. So if, if, if the wait time drops people it's going to be more convenient  
7 and people are going to use it more because it is the cheapest gas that anybody can buy  
8 without being part of the oil company clause. They're already know the company. So, I mean,  
9 that's why they're so busy. And they're busy everywhere. This isn't just an anomaly on Maui. So  
10 we're going to add, you know, 50 trips one part of the day, 85 another part of the day. Our stop  
11 lights are already backed up. Our infrastructure that we thought would be okay at that area.  
12 We've got a hotel now coming at the end. You know, everybody is using that now as the detour  
13 to the airport. It's -- you know, I have no problem. You know, the pumps and the EV, that's  
14 great. But the traffic. There's still that traffic. It's still going to get worse with this, with this thing,  
15 and, and I'm not sure that --. I like what they did on the right side of the loop area, but the  
16 problem is back on the main entrance. That's where I think all of the congestion is going to be,  
17 and that's where the increase is going to be. You're going to have increase going out. But I don't  
18 see people driving by. Like I said -- like the applicant said, there's going to be stop light. There's  
19 going to be stop light at the loop. You know, it's -- Costco's not going away anytime soon, you  
20 know. And I would love to hear the traffic study person, hear his comments.

21  
22 Mr. Fujiwara: Tyler Fujiwara. So as John mentioned, you know, there is a condition that the  
23 main intersection across of the Marriott access, it's going to be analyzed yearly and determine  
24 when it's warranted. And then Costco will then work with the County to determine if the County  
25 even wants a signal there, first of all. And if they do, then it would be constructed.

26  
27 Right now, you know, the question -- the comment that you brought up about queuing on  
28 Haleakala turning onto Dairy Road. You know, that has gotten actually better since before the  
29 CONRAC was constructed. So there's a lot less cars right now on Dairy Road and Keolani  
30 Place. So it has helped, you know, free up some of the lengthy queues in that left-turn lane. One  
31 thing that wasn't mentioned was that, you know, DOT is still, I believe, considering an on-ramp  
32 from Haleakala Highway onto Airport Access Road. And if that ever does get constructed, and  
33 you're converting exiting left turners from Costco to exiting right turners, which would probably  
34 help a lot of the traffic issues internally within the Costco sites and Laou Loop.

35  
36 Mr. Robinson: So Tyler, I just heard you say that you guys, you guys look at it annually, the  
37 traffic?

38  
39 Mr. Fujiwara: Yes.

40  
41 Mr. Robinson: So you guys haven't seen a problem in the last four years?

42  
43 Mr. Fujiwara: Well, we just did the signal warrant this year.

44  
45 Mr. Robinson: Okay, besides the signal. How about just safety? How about you have the turn  
46 lane, the straight lane, and then the opposite lane when people are trying to come across to turn  
47 left onto, onto, you know, getting to Dairy Road. I mean, there hasn't been a study to say that

1 that's a problem? Because I mean, I guess, to me it all affects Costco because it all backs up,  
2 the left turn lane, it all backs up, people trying to get to the, to the gas station. And that's where  
3 you have that crisscross that we're talking about, you know. And on different Costco's, like I  
4 said, they had independent, you know, this is the way we're routing you. We're routing you only  
5 right, we're routing you only left. And I'm not a, and I'm not opposed to that. I just looking for  
6 safety. You know, if a guy has to drive an extra five seconds to make sure everybody is safe,  
7 then he's going to drive five seconds. But to, but to, to allow 150 more trips at an unsafe area is,  
8 is adding to an already, I feel, not safe situation, and so that's my concern. So, and I, I, I think  
9 you see where we all see that, you know, if we all just turn right or if we all just, you know --. If  
10 we just had a buffer. If we had a buffer to where people could come in to Costco earlier so the  
11 person turning left knew that that person wasn't come in, that they were going straight, they  
12 would wait. It's when the guessing happen where they think they're going to turn and they go  
13 half way and, you know, that's the concern, you know. I mean, you've been to Costco. You  
14 understand what I'm talking about, right?

15

16 Mr. Fujiwara: Yeah. Sure.

17

18 Mr. Robinson: Okay. But that's all. And we could -- if you could address that, I mean, you know,  
19 the EV is addressed, I mean I think, I think you know, I think that's where, you know, it's a win-  
20 win for everybody.

21

22 Mr. Fujiwara: Yeah, and like I said we can work with the County. We can continue to work with  
23 the County on a potential signal there. And it would mitigate a lot of left turns exiting the site.

24

25 Mr. Robinson: Without a signal, couldn't you just --. I mean, if we just put an entrance into  
26 Costco sooner than it is now, I mean, couldn't it -- then wouldn't that alleviate a signal?

27

28 Mr. Fujiwara: Are you talking about a new access off of Haleakala Highway?

29

30 Mr. Robinson: Well, well, so, so we have the exit, everybody turns in and turns out. But instead  
31 of us turning in at the same place, if we shorten that turn in lane, and have it turn in earlier into  
32 the parking lot, then for we only have two lanes. We don't have to look at three lanes coming  
33 across the highway. Right now the car has to drive three lanes. He has, he has to drive past the  
34 turn lane. He has to drive past the lane going towards the airport and the other lane. If, if we  
35 take away that -- if we take that, that turn lane and make it sooner, then it's only crossing the  
36 highway one lane to get to your turn lane instead of two. That's, that's, that's what I'm looking at.

37

38 Ms. La Costa: Chair?

39

40 Mr. Carnicelli: Commissioner La Costa.

41

42 Ms. La Costa: The other consideration where the congestion is is there was a project before us  
43 that will come back before us in the triangle, in that little area. So, there's also are traffic  
44 mitigation issues for that and it's coming out of the same place. So something definitely has to  
45 be done, you know, sooner rather than later on that and Costco is the major contributor for  
46 vehicles on that road. So the traffic is, is a real red flag for me.

47

1 Mr. Fujiwara: Yeah, unfortunately, you know, signals they can only be constructed if they are  
2 warranted, so, you know, like I said, we are continually to warrant it -- or analyzing the signal  
3 warrants and we'll work with the County on that.

4  
5 Mr. Carnicelli: Tyler, I got a question on that because I know we granted an SMA on that little  
6 triangle piece next to the Marriott, right, and so that's going to change the dynamics as well. I  
7 mean, it's going to change Costco's dynamic, right. So I mean, you obviously can't factor that in  
8 because it's not there, but how do you account that when you do your study?

9  
10 Mr. Fujiwara: We can forecast some of the traffic generated by that Keolani Triangle piece. You  
11 know, I think specifically the site and potential signal at that intersection though, I would think  
12 the County would want it warranted based on actual traffic flowing, traffic flowing patterns.

13  
14 Mr. Carnicelli: Okay. Thank you. Commissioner Freitas.

15  
16 Mr. Freitas: I'm still on the traffic and the more I look at now I'm even more concerned about  
17 leaving the fueling station. You're going to have 33 percent more pumps. So now cars are going  
18 to line up along that road there trying to get out. Now you're going to have cars trying to come  
19 in. So will there be a stop where that person has to make sure that cars coming in is okay? And  
20 that's going to back up all the way to the, to the turn in the, in the dispensing area. And then all  
21 of sudden you have a truck that's going to turn in to put fuel. Now everything is --. So will there  
22 be a stop sign right where the truck comes in and there's like a line at least? And we going have  
23 all this space for, you know, people going have to space out. So by adding that you're thinking  
24 you're going to have a long line of cars and people going be moving smoothly. I really don't see  
25 that happen. And then where are people going to turn? Are they going to go out or they going  
26 and try, ah, this thing is all messed up, I going turn by where the truck is because it's clear.  
27 Then he finds out he's going to be part of that bottleneck jam for people going in. So if you look  
28 at the big picture, it's a mess...in and out.

29  
30 Mr. Fujiwara: To answer your first question. I believe there will probably be a stop bar that would  
31 have the exiting gas station user stop there and wait for the opening so they're not actually  
32 blocking the driveway which is what is currently -- it's how it's currently operates right now.

33  
34 Mr. Freitas: But you have 33 percent more dispensing and that many more cars making that  
35 turn. That's going to back up, and then going back where we started from, coming in, the  
36 bottleneck.

37  
38 Mr. Fujiwara: A couple of days I went out to, you know, look at the queues, and as John had  
39 mentioned earlier, you know, the exiting vehicles at the gas station they're metered so they're  
40 not constantly coming out at the same time, right. So people are coming out at staggered  
41 different times. So I was -- I got an average of about maybe five vehicles every minute coming  
42 out of the gas station. And that was for maybe two days, for an hour's worth, which isn't a whole  
43 lot if you're thinking about the queuing internal from the site. So we're adding, you know, 33  
44 percent more stations, so I would think the, you know, the exiting queuing, exiting vehicles  
45 would probably be around seven, seven vehicles a minute. I still think it's manageable.

46

1 Mr. Carnicelli: John, I've got a question for you. I'm, I'm recollecting back to the Safeway in  
2 Lahaina that people are referencing, and one of the things that just pinged in my head as  
3 Commissioner Freitas was talking about the queuing aspect, and that is when the fuel truck  
4 shows up it creates a certain element of chaos or it can potentially do that. Because you're  
5 talking about he's crossing the ingress/egress. You know, if he's coming in the ingress/egress of  
6 where everybody is trying to leave the site. Are you amenable to having fueling done off peak  
7 hours? Because that's kind one of the things that we did in Lahaina. We just said, hey, listen,  
8 you know, there's certain times where we all know. You know, I mean, there are certain times I  
9 don't go fuel at Costco, and maybe those are the times we should haven't the big bad truck  
10 there. So what are your thoughts on that?

11  
12 Mr. Ellingsen: Yeah, so, a couple of comments. So the way the, the drop lane is designed is to  
13 keep that truck totally out of, out of the drive aisle, out of the operation of the gas station. And so  
14 the chaos should be at a minimum when that truck is sitting in that, in that position. When he's  
15 coming in we're talking and, you know, a few seconds that he's coming across that that drive  
16 aisle. So I'm comfortable with the way that is operating. In fact, this is a superior design to a lot  
17 of stations where you have the gas station and the stacking are mingling with the operation of  
18 the gas station.

19  
20 In terms of --

21  
22 Mr. Carnicelli: Yeah, and I think that's kind of what our question in Lahaina was that, that it was .  
23 . . (inaudible) . . . so I see what you're saying.

24  
25 Mr. Ellingsen: Yeah, it's, it's a superior design. In terms of fuel delivery hours, we, we do our  
26 best to deliver during off peak times, but there might be times where it might be necessary. And  
27 so we try to avoid, you know, having that kind of business constraints if at all possible. But that  
28 is the intent is that we're delivering during times that makes the most sense for the site, but  
29 understanding that there may be that off chance when they have to make a delivery during a  
30 peak hour.

31  
32 Mr. Carnicelli: So the, the pylons that we're going to put there and I think a chain across or  
33 something to that affect, that's going to have to be --. Is, is your employee going to be the one  
34 taking that out or is that the truck driver is going to have to stop in the middle of the loop road  
35 and get it out and do it himself? So I mean, is there assistance with that or not?

36  
37 Mr. Ellingsen: Yeah, great question. Yeah, it's the employee that does that. So they're  
38 scheduling the deliveries based off of the inventory at the facility so they know exactly when the  
39 trucks are coming in. And so they can go out, pull the bollards and the chain. In fact, it's a very  
40 quick maneuver. We use it at other sites when we have a similar situation like that.

41  
42 Mr. Carnicelli: And you've got the employee there to help direct traffic and things like that.

43  
44 Mr. Ellingsen: Correct.

45  
46 Mr. Carnicelli: Okay. Thank you. Commissioner Robinson.

47

1 Mr. Robinson: Chair, I'd actually like to request a five minute break.

2

3 Mr. Carnicelli: Any objections? Five minute recess.

4

5 ***(The Maui Planning Commissioner recessed at 2:34 p.m., and reconvened at 2:39 p.m.)***

6

7 Mr. Carnicelli: . . . Planning Commission of February 11<sup>th</sup>, 2020 is now back in session. Where  
8 were we? Oh, that's right, you asked for a brief recess. We're back to you Commissioner  
9 Robinson.

10

11 Mr. Robinson: Thank you Chair. I don't have any questions.

12

13 Mr. Carnicelli: Okay, at this point in time, do we have enough information to make a decision?  
14 Okay. Is Paul back? We're missing Paul. Okay. Don't go anywhere Tyler. Commissioner  
15 Robinson.

16

17 Mr. Robinson: Thank you. Tyler, so I'm trying to figure a question that I could ask without, you  
18 know, without you asking another way. But I guess is, is there a way that we can alleviate the  
19 right-turn into Costco?

20

21 Mr. Fujiwara: From Lauo Loop?

22

23 Mr. Robinson: From, from Haleakala.

24

25 Mr. Fujiwara: This one?

26

27 Mr. Robinson: No, into Costco.

28

29 Mr. Fujiwara: Going this way or this way?

30

31 Mr. Robinson: Yeah, going into it.

32

33 Mr. Fujiwara: Coming from Dairy Road?

34

35 Mr. Robinson: Yes.

36

37 Mr. Fujiwara: Well, you know, it's currently an allowed, an allowed entrance. So, you know, I  
38 don't think...I don't think the County has the ability, ability to restrict it.

39

40 Mr. Robinson: Well, I'm not talking about restrict it. So I guess if you have an entrance -- so the  
41 turn right accumulation lane, the, the County owns that, not Costco, or does Costco own that?

42

43 Mr. Fujiwara: Right now, Haleakala Highway is currently in the County jurisdiction.

44

45 Mr. Robinson: And that accumulation lane is still the County's?

46

47 Mr. Fujiwara: Excuse me?

1  
2 Mr. Robinson: The accumulation lane to turn right. It ain't just a right turn, there's a few cars that  
3 comes in and then it turns right. Right, there's a certain footage before the right turn. So the cars  
4 don't stop, you go right and then you turn right into Costco.

5  
6 Mr. Fujiwara: Yes. Yes.

7  
8 Mr. Robinson: So that little indentation, that 30 feet, the County still owns that?

9  
10 Mr. Fujiwara: Within Costco site?

11  
12 Mr. Robinson: Sorry, on the highway, on the highway.

13  
14 Mr. Fujiwara: The right turn lane.

15  
16 Mr. Robinson: See and again my challenge is if we had a berm to where people -- so people  
17 would know where that car could pull out a little more and know that these cars coming at them  
18 is there's no chance for them to go straight, that would alleviate to me most of the safety  
19 problems. So, it's, it's -- I know the entrance in and how the parking lot is structured to flow all  
20 the cars away from the main entrance but into the parking stalls and how that's designed, it's  
21 great. But my challenge is how do I get the people in without the car turning -- either I make this  
22 person turn right or this becomes a cannot, cannot go straight berm and they're always safe to  
23 turn left because they only have to worry about that one lane going past. Because right now  
24 they're worrying about two lanes. As soon as this car, as soon as this car starts to turn right into  
25 Costco, the car behind him who is impatient picks up speed and, and starts to go. And to me, if I  
26 can alleviate just that challenge there I feel so much comfortable about the safety of this place.  
27 So I don't know how to get to that, and I know it's hard. Because that's what I was trying explain  
28 to say, can we get a safer entrance into Costco?

29  
30 Mr. Fujiwara: In terms of the geometrics I'm not sure at this point. To your question though, you  
31 know, as part of the signal warrant, we look at operations of every movement going on and off  
32 of Haleakala Highway. And I think what you're talking about is site distance, you know, having  
33 the guy exiting, turning left from Costco onto Haleakala Highway and having the comfortability of  
34 making that movement with a right turn vehicle in the right turn lane. So based on our  
35 observations when we're doing the warrant analysis, you know, that wasn't a major issue that  
36 we saw. You know, a lot of left turners exiting Costco were making their left turns even if there  
37 was a right turn turning into Costco from the right turn lane. So it appeared to us that site  
38 distance was adequate in that they were comfortable, comfortable enough to make that turn.

39  
40 Mr. Robinson: Okay. Thank you Tyler.

41  
42 Mr. Carnicelli: So do we have enough information to be able to make a decision at this point?  
43 Okay. Mr. Fasi, if you could give us the Department's recommendation please.

44  
45 Mr. Fasi: Thank you. The Planning Department recommends the Maui Planning Commission  
46 adopt the Planning Department's report and recommendation including the February 6<sup>th</sup>, 2020  
47 modifications, and the applicant shall provide three EV charging stations. And in regards to the



1 parking for lost stalls shall be supplied or accommodated with a parking stall waiver or  
2 accommodated in another manner onsite. We'll get the wording down.

3  
4 Mr. Carnicelli: Okay. Does everybody understand?

5  
6 Mr. Robinson: I have.

7  
8 Mr. Carnicelli: Okay.

9  
10 Mr. Robinson: I understood five EV stations total. One for each pump.

11  
12 Mr. Carnicelli: Okay. So we can have --.

13  
14 Mr. Robinson: . . . (inaudible) . . .

15  
16 Mr. Carnicelli: Okay. So, do I have a motion on the floor? Commissioner La Costa?

17  
18 Ms. La Costa: I'm making this motion so we can make a vote. And I move that we deny the  
19 application.

20  
21 Mr. Carnicelli: Okay, motion to deny is on the floor.

22  
23 Mr. Freitas: I second.

24  
25 Mr. Carnicelli: Seconded by Commissioner Freitas. Discussion on the motion. As the mover,  
26 Commissioner La Costa.

27  
28 Ms. La Costa: Thank you Chair. I am majorly concerned about traffic. I have lived here 30 years,  
29 and I've been going to Costco ever since they opened its doors. I didn't get sufficient information  
30 and I am --. I don't know how many times I've almost hit pedestrians because they don't look.  
31 They are hurrying to get to their car from their car. I don't need a response. I'm just speaking to  
32 a motion. Thank you.

33  
34 Mr. Carnicelli: Commissioner Freitas.

35  
36 Mr. Freitas: I think the intent is great to add options for purchase and try to alleviate traffic.  
37 However I still feel that the way that it is designed it will increase traffic to an unsafe level, both  
38 in and out.

39  
40 Mr. Carnicelli: Commissioner Robinson.

41  
42 Mr. Robinson: I'm not, I'm not for a denial, and neither am I for an approval. I'm for a remedy  
43 and to me the remedy is one way into Costco, one way out. One way in through Haleakala.  
44 Don't allow people to turn left. And then figure some other way through your enormous parking  
45 lot to where people can exit out. Maybe through, through the loop and then might be a future  
46 place for a stuff. But as it is, I'm, I'm not comfortable with, with anymore traffic. Thank you.

47

1 Mr. Carnicelli: Would anybody else like to speak to the motion? Commissioner Thackett.

2  
3 Mr. Thackett: I'm also going to be against this particular project and the reason is because the  
4 traffic is bad over there. And not only is it bad, but the triangle hasn't developed yet. You have a  
5 huge empty lot in front of you that's not contributing to traffic at all right now. And then you have  
6 an industrial park towards the back that, that hasn't got off the ground yet. So, those are, those  
7 are the reason why I don't think that the, the, the traffic is ever going to get any better. And if  
8 you, if you, if you take it to its, to its, to its max right now, what happens when all those other  
9 places start working? You know, it kind of, it kind of, it kind of takes away from everything that  
10 they're trying to put behind. And like I said, we still got two big blank spaces in front so it's a --  
11 yeah, it doesn't seem like it would be forward thinking to me.

12  
13 Mr. Fasi: Chair, if I may?

14  
15 Mr. Carnicelli: Mr. Fasi.

16  
17 Mr. Fasi: The applicant has a request.

18  
19 Mr. Carnicelli: What is the request? We do have a motion on the floor, though, so I mean it is a  
20 little --. Would anybody else like to speak to the motion before we call for the vote?  
21 Commissioner Robinson.

22  
23 Mr. Robinson: Guys, want to say remedy it's -- if you're for -- if you're for denial, I understand.  
24 But I would, I would for them -- I would like it to be a deferral and give them an opportunity to, to  
25 absorb what we, what we shared with them today. See if they can come back with absorbing  
26 what we said and come back with a better plan that I think we're all comfortable with and it could  
27 be better, be better for the community, and that's what I'm for. I'm not for the project, but I think  
28 with a deferral if they can, if they can make some adjustments that we talked about I think then it  
29 can be viable. Thank you.

30  
31 Mr. Carnicelli: Would anybody else like to speak to the motion? So I would like to speak to the  
32 motion. I too will not be supporting a denial. I think that it's --. We do have concerns but part of  
33 the Special Management Area that we are in charge of, that we've been by, by State law and  
34 County Charter, we've been, you know, given the authority of. You know, there's eight criteria to  
35 the Special Management and...unfortunately traffic is not one of them. And so that's one of  
36 those things that I think if, if...you as a Commission want to move forward with a denial, I think  
37 that what we'll need to do is spell out very specifically how does this not meet the criteria of the  
38 Special Management Area.

39  
40 I, like Commissioner Robinson, think that it's fair to the applicant to allow them to take what it is  
41 that are concerns are, see if they can tweak the project to then --. Because I think that's a part  
42 of what it is that we are tasked with is allowing people to mitigate the, you know, the impacts.  
43 And so if they are able to mitigate the impacts and come back, then, you know, maybe possibly  
44 we can grant this. If not, then we can deny it another time. But I'm just going to say that I won't  
45 be supporting the motion to deny, and just say offering up an alternative to defer as  
46 Commissioner Robinson said, and maybe come back with another design based on this  
47 conversation. So, Commissioner La Costa.

1  
2 Ms. La Costa: Thank you Chair. The SMA portion I was based off -- my motion to deny was  
3 based off the October 14, 2019 letter from Chris Hart & Partners. It talks about the highways  
4 division and does specifically address the SMA at that portion. So they said that there was not a  
5 significant traffic issue and that's why I made my motion because it in line, I think, with the SMA  
6 based on this letter. Thank you.

7  
8 Mr. Carnicelli: Thank you. Anybody else would like to speak to the motion? Commissioner  
9 Castro.

10  
11 Mr. Castro: I'm in agreement with Commissioner Robinson because I too have issues and I  
12 think it would only be appropriate to give them the opportunity to get back to us with our --  
13 through our recommendations because I, I have problems making the left turn out of there. And  
14 the other concern is that the bottleneck, that congestion is going to be right in here coming into  
15 the service station. So if they can somehow come up with alternative plan, you know, that I think  
16 something that we can support, I'd like them to think it over.

17  
18 Mr. Carnicelli: Great. Thank you. Anybody else? One last comment? So Director?  
19

20 Ms. McLean: The motion on the floor is to deny the Special Management Area Use Permit.  
21

22 Mr. Carnicelli: All those in favor of the motion, please raise your hand. That is -- no, that is deny.  
23 That is three. Those opposed to the motion? One, two, three. So it's three and three, my vote is  
24 not going to matter either way, so the motion dies. So we can now have a new motion.  
25

26 **It was moved by Ms. La Costa, seconded by Mr. Freitas, and**

27  
28 **The Motion to Deny the Special Management Area Use Permit, FAILED.**

29  
30 **(Assenting – P. D. La Costa, K. Freitas, C. Tackett)**  
31 **(Dissenting – K. Robinson, D. Thompson, S. Castro)**  
32 **(Excused – T. Gomes, K. Pali)**  
33

34 Mr. Robinson: Chair, I'd like to make motion to defer, giving the applicant an opportunity to  
35 come back to us with the suggestions that we made.

36  
37 Mr. Carnicelli: Do I have a second?  
38

39 Mr. Thompson: Second.  
40

41 Mr. Carnicelli: Seconded by --. So moved by Commissioner Robinson, seconded by  
42 Commissioner Thompson. Would anybody else like to speak to this motion? Commissioner  
43 Freitas?  
44

45 Mr. Freitas: Is this the first time this Commission has heard this or did they only speak to the  
46 Urban group?

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Ms. McLean: This is the first time you've heard the expansion.

Mr. Freitas: Okay. Okay.

Mr. Carnicelli: Anybody else would like to speak to the motion?

Mr. Robinson: I would too please.

Mr. Carnicelli: I would also like to address that in the SMA though we do have the, we do have the levity to look at public safety. And public safety could be considered traffic safety and, and implications that it have of it not being safe. I don't know if we have to prove it, but public safety is a part of the SMA and I think that, you know, if, if, if they were to come back and it wasn't addressed I think we could, we could definitely look in that avenue and have that a reason for denial. Thank you.

Mr. Carnicelli: Commissioner Freitas again.

Mr. Freitas: Would this be a time that we could add a condition for them to put the PVs on the part that's being built? Not EV, the PVs.

Mr. Carnicelli: Right, right, right. Is I think what we should do -- is this is what I think we should do is if we make a motion to defer, I think what we'll do is we'll have John come back up, and we'll kind of just cover a couple of things that we would at least like for them to address. You know, whether they meet us 100 percent or not, but at least, okay, these are the questions that we have now. When you come back, please address these things. You know, have these answers ready for us or why are going to do this or not do this or whatever it is. So I think if we go ahead and defer this, I think it's fair to bring them up and say, okay, let's be clear -- us -- let's be clear with them as far as what are the things that we're concerned about as far as them trying to mitigate or not. Okay? So, Director.

Ms. McLean: The motion on the floor is to defer.

Mr. Carnicelli: All those in favor? That is five ayes. Those opposed? One abstain. So that is six-oh, so we have a motion to defer.

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

**VOTED: To Defer the Special Management Area Use Permit in order to address the Commissioners concerns as discussed.**

**(Assenting – K. Robinson, D. Thompson, K. Freitas, S. Castro,  
P. D. La Costa, C. Tackett - abstained)  
(Excused – T. Gomes, K. Pali)**

Mr. Carnicelli: So...you know, let's have John come forward instead of you Paul, and, and let's just maybe go over some of the things that we're considering right now, right? So first and

1 foremost is kind of a one for one, EV charging stations for new pumps. I think we when start  
2 looking at, you know, the three top applicable regulations involves a commitment to cultural and  
3 natural resources, beneficial uses of the environment, and long range environmental policies  
4 and goals, I think that's where we'll go ahead and put those EV stations kind of in that bracket. If  
5 you could get, you know, the percentages of what the usages is of the current one, and all of  
6 those other things, I think that would be important.

7  
8 The...additional stalls, right, we're going to not have those additional stalls. Between now and  
9 then please find out whether or not you have to have those or not, and whether or not you need  
10 to get a variance of whatever it might be.

11  
12 Photovoltaic on top of the, you know, just at least look at that, study that to see what it is, it isn't,  
13 as far as having photovoltaic on top of the canopy.

14  
15 Commissioner Robinson, as far as traffic goes, I think you can address that or speak to that.  
16 Vehicular circulation throughout, I mean, I think that's a big one, right. Even like one question  
17 that we didn't come up, where you decided to put that new ingress/egress. I don't know, just  
18 further south even make it, you know like, that queue long, that queue line longer. But anyways,  
19 just look at circulation within, within the site. And then of course, like you know, everybody's kind  
20 of talked about it as well whether or not that signal on Haleakala Highway is warranted or not,  
21 and kind of coming off and on the site itself. The, you know, not only just the gas station but  
22 also, you know, Costco proper, I guess, I'll call it. Am I missing anything else?

23  
24 Mr. Robinson: You had a question about, about the local labor being used.

25  
26 Mr. Thackett: I cannot say for sure. Maybe, maybe there's a nitch in, in Maui County that, that  
27 speaks nothing but Spanish. But as I went in and out in your, in your, in your PV or your  
28 photovoltaic were -- your roof top canopy that you put together. So every time I would go, your,  
29 your electrical side was being done by a crew that was putting up the things and I believe they  
30 were, I think they were DuWatts or something like that. But the other --. Something like that,  
31 yeah. But then the other groups of guys, and there's quite a few of them, and they spoke  
32 nothing but Spanish. And I know that you guys have been pretty, pretty favorable for Maui  
33 County with the labor that you guys have done before because I actually built Costco when I  
34 was a kid, so I mean, I know, I know that you guys at one point were favorable.

35  
36 Mr. Robinson: Is Costco that old?

37  
38 Mr. Thackett: Yeah, it was one of my first jobs, you know. I built the little bridge that goes over  
39 and you know, I'm just --. I think, I think that's why it's still there. But yeah, I think that, I think  
40 that there are social economic things that could be addressed that, that would help the County.  
41 And I thought that was kind of odd. Like I said, like, I'm not saying that it was or it wasn't. I just  
42 thought it was odd, you know. And then going forward the, the economic and social welfare of  
43 this, this whole area is tied into that traffic. Like the future businesses going in the back, it's  
44 going to, it's going to affect their economics. Whoever decides to go into the place that used to  
45 be K-Mart, it's going to affect their economics, you know. So, I mean, I don't know what's going  
46 to go into that front station. Maybe you guys should take both. I don't know, you know what I  
47 mean. But I'm just saying that there is social economic affects at hand here, and, and, and

1 there's a huge amount that you guys are going to feed into it. So that's what I saw. But thanks  
2 for allowing me to comment.

3  
4 Mr. Carnicelli: Yeah, thanks John. And I think, you know, it is -- maybe visuals or something like  
5 that for us to really understand traffic next time, right. Like is we go there, we have our own  
6 experiences, but maybe you guys could, like, historically I mean I look to some of the numbers  
7 from the mainland, you know, where you're saying, okay, x-amount percentage increase in  
8 users, but decrease in queuing and that. And so maybe, you know, just have us be able to  
9 understand it too so that, you know, just in your, in your presentation next time too.

10  
11 So, any questions for us after all of that that we've just dumped on you?

12  
13 Mr. Ellingsen: Well, thank you. I appreciate the opportunity to come back. And it's helpful to  
14 have detailed questions that, that we need to address. A couple of questions, and I'm thinking  
15 the -- so on the traffic and circulation issues when we applied for the application, a TIAR wasn't  
16 triggered or requested by the County. But we went ahead and had provided the trip generation  
17 and queuing memo that we, we submitted in order to help inform the review of the application.

18  
19 Mr. Carnicelli: Right.

20  
21 Mr. Ellingsen: Again, it has gone through what the intent of the expansion is and showing that  
22 through that analysis by our traffic engineer. And so I'm wondering if at this point should we be  
23 scoping an analysis with staff to make sure that we're --. Because right now as you pointed out  
24 we have a lot of personal experiences if you will on the site, and sometimes those personal  
25 experiences don't necessarily reflect the actual condition that would applicable to a project like  
26 this. And so I want to make sure that we're addressing what we need to here, and I don't come  
27 back with the team again and not address what you are really concerned with. And if I'm  
28 working with staff, is that adequate?

29  
30 Mr. Carnicelli: I think that at this point because it seems as though, I mean, we kind of have a  
31 couple of things that we're concerned about. Health and safety, traffic is probably going to be  
32 one of the biggest ones. So as far as trying to come back with actual, factual data for us  
33 wouldn't hurt. Commissioner Robinson.

34  
35 Mr. Robinson: And I'm only saying because I've kind of sticked out on this it's...it's -- I would  
36 look at your other facilities, you know, where you have one in and one out. And, and, you know,  
37 if we're the bad guys, we're the bad guys, but you know, we're looking at safety. If -- or look at  
38 different options that you guys might be open to. I, I think when more than one person is saying  
39 the same thing, then, then the personal opinion becomes more of a, of a, you know, more of an  
40 information that you could use instead of, instead of, you know, . . . (inaudible) . . . on the side.  
41 And so, it's up to you, you bring whatever you want to bring. But hopefully you look at options.  
42 And, again, none of us were asking for -- none of us needs something that we think is going to  
43 work with a report. But if you think, but if you're opposed to what we thought, then you're going  
44 to need some concrete evidence to say why we're wrong is what I'm trying to say.

45  
46 Mr. Ellingsen: So it would helpful if we had --. There appear to there are two areas on site that  
47 were of a particular concern, perhaps three. The first was the one we were attempting to

1 address with the new driveway and closing the existing, the only truck access. And so there's  
2 some questions about moving that perhaps further --

3  
4 Mr. Carnicelli: No, that was me just kind of --. I don't want to over complicate it. I think that what  
5 you proposed actually works. I mean, I just kind of globbed something in here in the end which  
6 I'm, you know, infamous of doing, so apologize for making it more complicated. So, no that  
7 ingress/egress I think that works. Take out the parking stalls. You know, the, the fill truck can  
8 still get out that way. I think we're alright that way. But, then how, you know, coming off of  
9 Haleakala Highway, I think is really what Commissioner Freitas is talking about, that's what  
10 Commissioner Robinson is talking about. It's coming off of Haleakala Highway and then making  
11 that left back towards the gas station. I mean there's just -- that's one of those bottleneck points  
12 within onsite.

13  
14 Mr. Ellingsen: So, an internal circulation study is really what we need to do is show you how  
15 that's working.

16  
17 Mr. Carnicelli: That would be helpful.

18  
19 Mr. Ellingsen: And any, anything . . . (inaudible) . . . that we think is necessary in order to prove  
20 that.

21  
22 Mr. Carnicelli: It would be helpful.

23  
24 Mr. Ellingsen: Okay.

25  
26 Mr. Robinson: And as far as I know it's hard for me to tell you what to do on your property, but  
27 on the highways which we are charge of and the safety of that, that's where, that's where we  
28 need the safety and the flow. Of course, hopefully it will go hand in hand, right. The easier it is to  
29 come in and out, the easier it would be on top of your property . . . (inaudible) . . .

30  
31 Mr. Ellingsen: So with that then, with work on Haleakala Highway, are we -- is there a desire for  
32 us to be looking at the operation of that, of the highway? Because it seems like we're getting  
33 beyond the scope of the expansion. The number of trips that we're actually generating, there's  
34 not a nexus between what we're being asked to look at and the impacts that we're generating.

35  
36 Mr. Robinson: Is, is my experience is there's a problem now even though you guys haven't seen  
37 it in the last four years of review by just use and everybody I talked to has the same view. So I  
38 think the people that you are giving information from maybe it might need to get a little bit  
39 different information. But Haleakala Highway is problem now, and with adding any cars is that's  
40 increasing the problems. So, so, if, if we know that there's a problem and we vote to increase it,  
41 we're not doing our job.

42  
43 Mr. Ellingsen: Understood.

44  
45 Mr. Robinson: So our job is to mitigate, right, mitigate problems and to make is safer. And so,  
46 and so however you guys decide to do it -- I think, I think just personally is Haleakala Highway is  
47 only in, and the loop is only out. That's just my personal view of being at different Costco's. And

1 people don't really worry. If they're in their car and in their A/C, they'll drive another three, four  
2 seconds to go to a different exit, but it's, it's safer that way. You know, you don't have two  
3 entrances and exits at your different location.

4  
5 Mr. Ellingsen: So that's what you're talking about, the one in, one out, the main driveway on  
6 Haleakala turns into an entrance only.

7  
8 Mr. Robinson: That's my opinion.

9  
10 Mr. Ellingsen: And that loop road goes to an exit only.

11  
12 Mr. Robinson: That's my opinion because --

13  
14 Mr. Ellingsen: We're getting everybody coming through one circulation pattern through the entire  
15 site. Everybody is going in one straight.

16  
17 Mr. Robinson: And, and, and people pushing carts only have to look one way which is cars  
18 coming one-way, not I'm clear and then here's the other guy coming the opposite way.

19  
20 Mr. Ellingsen: Yeah, that's very helpful. So we can look that, and merits, and --

21  
22 Mr. Robinson: But if you guys see something better, you know.

23  
24 Mr. Carnicelli: Director.

25  
26 Ms. McLean: Thank you Chair. Tyler mentioned that Haleakala Highway is County jurisdiction. I  
27 thought it was State, but he would know better than I would. But neither State DOT or County  
28 Public Works in reviewing this made comments on the impacts to the highway. So I would  
29 suggest in your discussions, and in ideas you may come up that you engage with the  
30 appropriate agency to talk about it. So if you're going to come up with different solutions like  
31 what Commission Robinson suggested or other ideas you want to interact with them to make  
32 sure that, that's acceptable to them too because we don't to approve something and then they  
33 say, oh no, you can't do that.

34  
35 Mr. Ellingsen: Thank you. I appreciate that. And typically we try to follow what the professional  
36 engineers are telling us, relying on the traffic engineers that things are operating well, and we'll  
37 continue to do that. And so we put a lot of credence into the report that they do and the designs  
38 that they provide so hopefully we're making decisions based off of those facts, and if we can put  
39 those things together, you know, and hopefully we can be successful. But I appreciate your  
40 patience with my questions and we look forward to coming back.

41  
42 Mr. Carnicelli: No, it's better that we iron this out now. Commissioner La Costa.

43  
44 Ms. La Costa: Thank you Chair. So John when you talked about the lack use of EV charging  
45 stations, and your manager had some input on that. Purely a suggestion, but perhaps when  
46 people are leaving, you know, how everyone checks their receipts, maybe a question could be  
47 asked, do you drive an electric car and if we had more power stations would you use them? And



1 form a poll, then that way you might get a better feel whether than one person saying, it's only  
2 used 10 percent of the time. Because we're asking you to consider adding more EV and, you  
3 know, capitalism can be a great thing, but we also have to look out for our environment. So --

4  
5 Mr. Ellingsen: Thank you.

6  
7 Ms. La Costa: Thank you John.

8  
9 Mr. Carnicelli: Commissioner Freitas.

10  
11 Mr. Freitas: Can I give you some suggestions about what I'm looking at for flow. You know,  
12 when I look at your parking lot on the gas station side, wouldn't it be pretty cool if the very south  
13 -- where I'm pointing -- south entrance, that becomes the gas station entrance. It goes in -- it  
14 doesn't turn where you have that big opening. You go a little more and then you'll have a  
15 straight shot right into the gas station. Very similar to what Commissioner Robinson was saying.  
16 You have a one way in and one way out. This little do hickie entrance that you want to build  
17 over there, if that one can be an only out and not an in. The only in would be way out here. That  
18 would be the in and the out that I think he was mentioning that might improve. I also --. If you do  
19 that I think you would then open up over here a little bit and I think you might have a, a better  
20 flow. I was going to say, if not, you might take away those five stalls that's right along that  
21 culvert because when people get in and out, and if that's where an area we think is going to  
22 bottleneck maybe that got to go, or make that be part of a wider entrance into -- the bridge over  
23 the culvert. Thank you. I don't know about that.

24  
25 Mr. Ellingsen: Well, we've already capped a good portion of the culvert there. By adding another  
26 bridge, I don't think is --

27  
28 Mr. Freitas: But my suggestion is that makes some sense or is that too hard to realign your  
29 parking stalls so that the road kind of goes right into the --. Because right now, you got to make  
30 a right there, go this way and then go that way. It's kind of, it's kind of a maze. A lot of different  
31 ways that you can go which also creates a little bit of a safety issue for me too. Anyway, just as  
32 a suggestion.

33  
34 Mr. Carnicelli: So John, I'll leave you with this.

35  
36 Mr. Ellingsen: Yes sir.

37  
38 Mr. Carnicelli: Is the takeaways from us should be the what's not the how's, right? We're kind of  
39 telling you what we kind of want. We're not engineers.

40  
41 Mr. Ellingsen: Yeah, I completely understand.

42  
43 Mr. Carnicelli: You know, is this like, so if we start trying to design your parking lot, it's not a  
44 good thing.

45  
46 Mr. Ellingsen: I appreciate that.

1  
2 Mr. Carnicelli: So you kind of know what we want, go figure out the how and come back.

3  
4 Mr. Ellingsen: I appreciate that.

5  
6 Mr. Carnicelli: I think at this point, any other questions or comments? Cool. Thank you very  
7 much for your time. Appreciate it. Thank you for coming by. Paul, thank you for your efforts as  
8 well. And I believe that is the end of our agenda so we are now adjourned.

9

10

11 **F. NEXT REGULAR MEETING DATE: FEBRUARY 25, 2020**

12

13 **G. ADJOURNMENT**

14

15 The meeting was adjourned at 3:12 p.m.

16

17 Respectfully Submitted by,

18

19

20

21

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II  
*For* CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

22

23

24

25

26

27 **RECORD OF ATTENDANCE**

28 **Present**

29 Lawrence Carnicelli, Chair

30 Stephen Castro

31 Kawika Freitas

32 P Denise La Costa

33 Keaka Robinson

34 Christian Tackett, Vice Chair

35 Dale Thompson

36

37 **Excused**

38 Tina Gomes

39 Kellie Pali

40

41 **Others**

42 Michele McLean, Director, Department of Planning

43 Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

44 Jordan Molina, Deputy Director, Department of Public Works

45