

**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
JUNE 17, 2020**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, June 17, 2020, online via BlueJeans Meeting No. 435210240.

A quorum of the Commission was present (see Record of Attendance).

Ms. Shelly Preza: . . . (Inaudible) . . . Roxanne Catiel.

Ms. Roxanne Catiel: Here.

Ms. Preza: Thank you. John Delacruz?

Mr. John Delacruz: . . . (inaudible) . . .

Ms. Preza: I think he said here, but his mic . . . (inaudible) . . . So just make -- everyone, there's a button for your mute and unmute so you might talk and we might not hear you. So just make sure if you're speaking it's on unmute, so but I see John is here. Sally Kaye?

Ms. Sally Kaye: Yes, here.

Ms. Preza: Thank you. Sherry Menze?

Ms. Sherry Menze: Yes, here.

Ms. Preza: Thank you. John Ornellas. John, are you here? Leilani, did he say that he was not going to be making it today?

Ms. Leilani Ramoran-Quemado: Hi Shelly. Actually John is on, he's on the phone call. But let me unmute him.

Ms. Preza: Oh, okay. Hi John.

Mr. John Ornellas: I'm here.

Ms. Preza: Okay, thank you. And Shirley Samonte.

Ms. Ramoran-Quemado: Shelly said -- sorry -- Shirley said she is unable to attend.

Ms. Preza; Okay, sounds good. Well, thank you all for being here. Because we're on this virtual Bluejeans platform I just wanted to go over kind of how the meeting is going to run, and instructions for public testimony. Since there are 36 people on this call, it's very important that

if you're not speaking or if you're not testifying specifically to is that you're muted so that everyone can hear what's going on, so please make sure that your mute is on.

And so public testimony will be taken at each agenda item, and testimony will be limited to three minutes each. And so I will call for testifiers to offer their testimony and if you're not offering testimony at your time just make sure you're on mute please. But you're welcome to turn on your video and unmute yourself when you're called. So if you'd like to sign up for public testimony you have to use the chat function to direct, directly chat with Leilani and just let her know that you would like to testify and on which agenda item you'd like to testify on. So she'll be keeping track of who would like to testify and then she will relay that to us when we get to the agenda items. And then for those of you calling in by phone if you would like to testify after we're done with the -- those who are present on the Bluejeans app, then I will ask if there are anyone or if there's anyone who's calling by phone who would like to testify. So, yeah.

Also it's important to note that you shouldn't try to contact the commissioners during -- with the chat function. We're not going to be looking at that. So if you have any questions or would like to sign up just direct your messages to Leilani please. Okay, great.

So agenda Item A is call to order. Sorry, I feel like we've kind of been together, but this is kind of new for all of us meeting virtually, but I hope you're all doing well and thank you all for being here and I hope we have a good meeting.

**B. PUBLIC HEARING (Action to be taken after public hearing.)**

**1. A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.97, MAUI COUNTY CODE, DECLARING A MORATORIUM ON TRANSIENT ACCOMMODATION PERMITS ON LANAI**

**MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution No. 20-26, referring to the Lanai Planning Commission a proposed bill to establish a moratorium on transient accommodation permits on Lanai. (J. Takakura)**

**The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed> and is summarized as follows:**

**Per Council Resolution No. 20-26, adopted on March 13, 2020, the Council proposes to establish a moratorium of up to one year on transient accommodation permits on Lanai.**

Ms. Preza: So the first item on the agenda is public hearing, B.1., which is a bill for an ordinance establishing Chapter 19.97, Maui County Code declaring a moratorium on transient

accommodation permits on Lanai. So is there a presentation before I open public testimony Jordan or Jacky? Oh, Jacky, hi. Are you presenting?

Ms. Jacky Takakura: Good evening. I just have a short introduction. I don't have a power point for this one. Should I get started? Is that alright?

Ms. Preza: Sure. And then we'll open public testimony after you share.

Ms. Takakura: Okay. Great. Thank you. Okay, good evening everyone. Aloha from Wailuku, Maui. So as you know we have two public hearings this evening. And the first one is for a bill for ordinance to establish a moratorium on transient accommodation permits on the Island of Lanai. So this one is from the County Council. They sent us Resolution 20-26 and it proposes to create a new chapter in the Maui County Code declaring a moratorium on transient accommodation permits on Lanai until bed and breakfast homes and short-term rental home permits limits are established. The moratorium is proposed for no longer than one year. Just some background information. Currently there's 19 short-term rental home permits and zero B&B permits on Lanai. The Maui County Code does not include limits for the Maui --. I mean, excuse me, the Maui County Code does not include limits for the Lanai Community Plan district for either permit type.

Just as you know, also before you is Resolution 20-27 which we're going to discuss next. And that one proposes a limit of 20 STRH Permits for the Lanai Community Plan District. Just so you know, we're, the Department is currently reviewing one bed and breakfast permit and two short-term rental home permit applications for Lanai.

So the Lanai Planning Commission has had many discussions on vacation rentals, and previously discussed setting a limit at 25 for each permit type. So I know there was been a little bit of discussion on that just a few minutes ago, but if the Commission is ready to move forward with those limits, the Department will get the draft bills for ordinance to you as soon as we can pending the decision on Resolution 20-27 for the short-term rental home permit.

So right now, the Commission has the following options. You could recommend approval of the proposed bill to the Maui County Council, or you could recommend approval of the bill with amendments, or you could recommend denial, or you could defer. So Commission, would you care to discuss this matter and make a decision on what to recommend to the County Council? Jordan and I can answer your questions as best we can. But that's basically what you have before you is that moratorium. Are there any questions?

Ms. Preza: Thank you Jacky. Maybe before Commissioners ask questions and discuss we should open public testimony for this agenda item. So...if you recently joined the Bluejeans app, so the protocol for if you would like to testify is to directly chat, send a message to Leilani and she will let us know if anyone had signed up to testify. So, Leilani, has anyone messaged you thus far?

Ms. Leilani Ramoran-Quemado: Thanks Chair. No, no one has signed up to testify on this item.

Ms. Preza: Okay. We have gotten -- and thank you Leilani for sending us all the e-mails with testifiers who have e-mailed their, their letters in the past week, so we have received those. I believe we received three, three separate e-mails from you.

Okay, so if there is no one on the Bluejeans app who would like to testify are there -- is there anyone calling in by phone who would like to testify on this agenda item? Okay. So I did see in the chat to everyone that someone would like to testify. Just for future reference the chat, or the messages should go directly to Leilani instead of to everyone because we might not always be able to look at the chat. Sorry, would anyone by phone would like to testify? I don't hear anything. But I do see that Michelle Del Rosario would like to testify on this item. So please keep in mind that we're limiting testimony to three minutes. And if your mic is muted right now you can unmute and you can unmute your video if you would like to do that as well. Are you there Michelle?

Mr. Bart Baldwin: Can you hear me?

Ms. Preza: Yeah, sorry. Who is speaking?

Mr. Baldwin: My, my name is Bart Baldwin and I would love to testify on the first two topics if that's okay.

Ms. Preza: So we're just on the first agenda item now so if you could just testify on that one that would be preferable.

Mr. Baldwin: So my understanding -- and please correct me -- my understanding is the first agenda item is the moratorium.

Ms. Preza: Yes.

Mr. Baldwin: Okay. Horrible idea. Please do not do it. You've got -- the County did a five year mora --. My name is Bart Baldwin. I'm a realtor on the Island of Lanai. I've lived here 15 plus years. I really respect what you all guys do as far as Commissioners and the sacrifices that you make, but please do not do a moratorium. I think it isn't necessary. The five year ownership requirement; please allow that to shake out and see how that has changed things since it took effect, I believe late September of 2018. And the moratorium, I do not believe is necessary. And that's my main thought. I mean, ultimately if you guys are in favor of it that's your decision, but as a realtor I think it's a bad idea.

Ms. Preza: Thank you Bart. Commissioners, do you have any questions for Bart? Okay. Thank you for sharing your testimony. So, is there anyone else who would like to testify at this time? Leilani, has anyone emailed you?

Ms. Ramoran-Quemado: Thanks Chair. No, no one else signed up to testify. Michelle wanted to testify for the amphitheater so I'll call her name when the item comes on.

Ms. Preza: Okay. Thank you so much. That's why it's good that you're responsible for the chat because it's hard to look back and forth so thank you. So if there are no further testifiers on this agenda item we'll close public testimony for item D.1. So Commissioners, time for discussion, questions for the Planning Department. Please feel free to --. Maybe if you could raise your hand if you would like -- or for those of you who are on video if you would like to make comments. Yes, Sally?

Ms. Kaye: Yeah, my, my concern with this is section two that it takes in effect upon approval and shall not apply to permit applications that are complete. So right now if I read what the County has sent us there are 19 existing and two pending, and if this doesn't go into effect for several months there could be many more. So I think that section . . . (inaudible) . . . It's too ambiguous and . . . (inaudible) . . .

Ms. Preza: Thank you. Sorry, before you continue, I just want to remind everyone if you are not speaking and especially if you're not a Commissioners to please mute your microphone. We can hear some echoes and it's a little disoriented. So if you could make sure that you're muted if you're not speaking. Okay. Sally do you want to -- or is that, is that your thought? Did you want to continue? Sorry, did you have more to say?

Ms. Kaye: Just that I think that this probably came up a long time ago and hadn't been timely dealt with and probably at this point we should -- I would recommend considering recommending not to approve it and just move on to what the County is recommending.

Ms. Preza: Thank you. So you're saying don't approve this and move on to what's on the next item on the agenda.

Ms. Kaye: Yes.

Ms. Preza: Commissioners, do you have other -- do you have thoughts or questions to ask the Planning Department about this moratorium?

Mr. Delacruz: This is John Delacruz. Can you hear me?

Ms. Trevino: I have a question.

Ms. Preza: Yes, go ahead John.

Mr. Delacruz: Do we already have the requirement that all requests, or all applications for short-term rental homes will come to the Lanai Planning Commission?

Ms. Preza: So those edits are not something that are before us right now. Jordan let us know that he is finishing up those changes. You know, so the long discussion we had, all those edits, he'll be sending out to us tomorrow, I believe, so it's not part of -- it's not in effect right now to answer your question.

Mr. Delacruz: Okay, thanks.

Ms. Preza: Sorry, Chelsea, you wanted to go?

Ms. Trevino: Yeah, I just wanted to -- some clarification, I guess, in regards to, I guess, the concern might be so the moratorium would be to, of course, to just completely stop it till things are set in stone or within the year. I guess the concern is at this point we have no cap. Correct? Right? And so we have the proposal that's being worked on that we came up with that, like you said, we're going to be getting maybe in the next day or so which still needs public testimony, correct?

Ms. Takakura: That is correct.

Ms. Trevino: Okay I just want to make sure everyone understands that number one without a moratorium just depending on how many people, but, you know, you could get people what are putting in applications and if their stuff goes through, all of these other things that we're, we're asking or that we want to establish are not yet established and so those things are not being followed at this moment. So I just want to make sure everyone's clear on understanding the pros and cons of the moratorium.

And just from my understanding, the next agenda item I guess it sounds like it's a County suggestion. Is that correct? . . . (inaudible) . . . just the cap number that we were talking about, right?

Ms. Takakura: Yes. That's a proposal from the County Council.

Ms. Trevino: Okay. So that's whatever the County is suggesting and then we have what we suggested in our own little proposal. But either way, whether, you know, the County one or our, the one that we're proposing, either way what, can you give an estimate of a time frame for enactment? Because that helps us talk about why we would or wouldn't want a moratorium.

Ms. Takakura: After the public hearings I gather the minutes of the meetings, and then I send the draft bill. We'll send our recommendation to the County Council and they would have to schedule it. And I can't estimate about when they would be seeing it. But I would probably

work on getting this out depending on your decisions today, you know, by the end of the week if, if everything has been decided.

Ms. Preza: Thank you Jacky. Do you have further questions?

Ms. Trevino: So it could look like as soon a couple months possibly then where stuff is in effect?

Ms. Takakura: I think that's possible. It would really depend on when the County Council would schedule it. But they do have to -- I believe they have to go through --. You know, it might be referred to committee and then it might have to go through a first and a second reading I'm not sure. But I think a couple of months is possible, yes.

Mr. Hart: I could add some comments.

Ms. Trevino: A couple months to let's say six months? Just to -- yeah, thank you -- just for a little. I'm not asking for a definitive answer; just a gage.

Mr. Hart: I think the more relevant issue is, is the order that they're going through the process. So because these came down from Council, they came direct to you. So my ordinances we had been working with you and putting forward revisions, so I'm sending out the revisions to -- Leilani will send them to the members tomorrow. We published the notice of public hearing for the July 15<sup>th</sup> meeting. So you'll review your previous revisions on July 15<sup>th</sup>. So from my perspective adopting the moratorium, that item would go to Council a few weeks sooner than your -- assuming you pass your revisions at your next meeting -- the moratorium would go to Council a month ahead of time. So that gap before your ordinance reaches Council there would be a moratorium in effect. And then once Council passes your revised rules, the moratorium would be lifted.

With regard to pending applications, those are generally protected for an ordinance change as a standard operation. So they would be expected to be protected under the proposed Commission changes as well. That's just basically you apply under a certain existing set of rules you're going to be subject to that existing set of rules. And that's a pretty standard thing that is done with ordinance changes. I hope that clarifies those two items.

Mr. Delacruz: This John again. But the limit would apply. If we established a limit, the limit would apply.

Mr. Hart: Chair, Jordan Hart again. Yeah that's a great -- thank you for bringing that up as well. So in your proposed revisions the Commission proposes a cap. You could, you could go with the cap that's recommended by Council or you could recommend your own cap that is in the draft that you're going to be seeing tomorrow. So that's two -- it's basically two methods. One, the first item, the moratorium, would be a way to make sure that...that nothing happens before your ordinance is passed. There's going to be a little bit of a lag because it has to go

to Council and be adopted by Council, but it will cover that little gap between your two, the two ordinances.

And then the other item is that you could put your cap into effect before your, your revisions are adopted by ordinance because if you pass this, the cap item, out to Council that's likely to be to Council and passed before your revisions which you'll review on July 15<sup>th</sup>.

Mr. Delacruz: But the moratorium would only apply to new applicants. Applicants that are in the process now could still be considered and approved before the ordinance becomes effective, correct?

Mr. Hart: Pending applications could. That's right.

Mr. Delacruz: Right. So I think it makes more sense for us to establish the limits. Because even it only took two months for the moratorium to be approved any or all of the applications that are pending now could be approved without further action by the Lanai Planning Commission.

Ms. Preza: Can I interrupt? But the two don't need to be exclusive from each other, right? Could we establish to -- could we approve the moratorium and then also establish a cap, Jordan?

Mr. Hart: Yeah Chair, based on my previous conversations with this Commission, I would expect that you guys would recommend approval of both because the moratorium halts any changes except for pending applications which would normally be exempt from a situation like this. And then it sets a cap which you're already intending to do with the ordinance that's going to be reviewed on July 15<sup>th</sup>.

Ms. Preza: So I say that because John so it doesn't have to be one or the other. We can establish the moratorium and then also have the --. So what Jordan is saying is that we would -- it would give us the time for no other application to be able to come in and to be, you know, establish our cap. It sounds like we could even, you know, adopt the cap that is in the next agenda item but then still submit revisions for the --. Is that correct Jordan? The ones that you're -- the ones that you're sending tomorrow?

Mr. Hart: The ones that I'm sending tomorrow so one thing I will say to the Commission is that the way it was, the notice of public hearing was posted the last time, it required another visit to the, to the Lanai Planning Commission regardless of revisions. I would recommend if you guys have trusted that I've correctly reflected your changes so far that if you make additional revisions that you just send it to Council pending those -- like with those revisions rather than scheduling another public hearing to review the revisions that we talk about. So that's your decision. But you can make changes, you can have another public hearing, or you could adopt it as you made the revisions last time and just send it to Council. So that's, that's your decision when you review those.

Ms. Preza: Thank you Jordan. Okay, so back to this agenda item. Hi Richelle. Go ahead.

Ms. Richelle Thomson: Just one quick thing to add and maybe to ask for Jordan's clarification on this. So the moratorium looks like it will be in effect until caps on both short-term rentals and B&B's are established not only short-term rental home. So even if a cap is established on short-term rental homes, I think the moratorium would be in place for, you know, until the B&B portion of that is also enacted. So if that's, if that's anything that you wanted, if that's okay with you, you know, then you can pass it as is. Or you could recommend a change if you really more focused on a cap on short-term rental homes versus the B&B. So I just wanted to bring that up.

Ms. Preza: Thank you. I was going to mention or I was going to ask about transient accommodations that covers both STRH and B&B. So thank you for clarifying that Richelle. So Commissioners, based on, you know, our previous discussions with this, I kind of agree with Jordan that I think that establishing the moratorium makes sense for what we --. I think it's something that we kind of wanted to do a while ago, but we're told that we couldn't be the ones to establish it. So now that it's coming down to us, I think that until we are set with our caps and the, the rules that we have been discussing for the better part of the year that a moratorium would just prevent other applications from coming in. But do you, Roxanne, or Sherry, or John Ornellas, do you folks have any comments or --?

Mr. Ornellas: I don't.

Ms. Catiel: No, I don't have any comments.

Ms. Preza: Okay. Go ahead Sherry.

Ms. Menze: We've been working so hard on this that, that I was a little confused also, like, if we're going to do the next agenda item and make a cap as recommended. But I'm kind of becoming in favor of the moratorium because it will hold us, it will hold off us having to have more people apply and hurt more people's feelings when we deny, if that's the case.

Ms. Preza: Thank you.

Ms. Menze: If I'm saying that properly. I mean, if that's what Jordan was saying.

Ms. Preza: Yeah. So I think the moratorium, it doesn't have -- it says for no longer than one year, but it can be until we establish our -- or a cap or the rules that we would like, correct, Jordan or Richelle?

Mr. Hart: Chair? Jordan Hart. Yeah, I think that this speaks to testifier's concern . . . (inaudible) . . . Your ordinances are --

Ms. Preza: Sorry, I didn't catch the last, like ten seconds, of what you just said.

Mr. Hart: No problem. Let me make sure the mics are off. So, so I was just saying that this issue speaks to the concerns of the testifiers. Because you have already been working on your ordinances and you're going to be taking it up on the 15<sup>th</sup> of July that the actual effective time of the moratorium should be pretty short because there is an ordinance for caps that you're going to see today. And then your B&B revision to the ordinance includes caps for B&B's. So I think that the actual life of the moratorium is a short period of time. But for your interest it covers that period of time while you're still working on your ordinances before Council adopts it.

Ms. Preza: Thank you Jordan. I personally think it's a good idea just because I don't think any of us or for those us who were on the Commission for the past couple of years, I don't think we anticipated our short-term rental discussion being this, you know, drawn out. And so with that being said I think having the protection of not having to have more applications, like, either they will slip through because they don't come before us before we, you know, make a decision on caps, or if they all come before the Commission I think it's personally a good idea. Would anyone like to -- or would you folks like to discuss further, or would anyone like to make a motion if you feel strongly one way?

Ms. Kaye: Can I just ask a --

Ms. Trevino: Can I recommend --

Ms. Kaye: -- a clarification?

Ms. Trevino: Go ahead.

Ms. Kaye: Chelsea you want to go? Go.

Ms. Trevino: No, I was going to make a recommendation. Go ahead, get your clarification first.

Ms. Kaye: Yeah, okay. So if I understand what Jordan was saying, then we don't need to worry about the section two being self-defeating. If you're going to get a moratorium, you're going to get a moratorium. And then whatever you guys have worked on over the months will come within a month and then we shouldn't have to worry about it is that correct?

Ms. Preza: So you're talking about that ordinance shall not apply to permit application prior to the effective date?

Mr. Hart: No. I had, I had said -- Chair, Jordan Hart -- I had said that the applications that are pending are going, are going to be exempted.

Ms. Kaye: Right, and what I was concerned about is what if more come in to the mix that are pending by the time the moratorium is actually effective. That's why I thought that was just kind of written in a self-defeating way.

Mr. Hart: Okay, those -- if they pass the review for completeness in the time frame between your recommendation to Council and approval, of Council's approval, then they would, they would become exempted. And so let's just --

Ms. Preza: But this would go . . . (inaudible) . . .

Mr. Hart: . . . (inaudible) . . .

Ms. Preza: -- the July meeting if we make a decision today?

Mr. Hart: I couldn't tell you. That's kind of what Jacky was getting at. To be able to tell you exactly how long it will take to get Council, that's not really something that we're able to, to give you information on. Corporation Counsel may be able to, to give a comment on the process that happens after it leaves the Planning Commission before it goes to Council.

Ms. Preza: The moratorium?

Mr. Hart: Any ordinance. Yeah, the moratorium being the one we're talking about now.

Mr. Delacruz: So this is John Delacruz again. Regardless of what happens during the interim of the consideration of the moratorium if we set a limit tonight the limit applies to everybody who applied in the past and during the moratorium consideration period.

Ms. Preza: I think -- and maybe, you know, Richelle, and I know Richelle had something to say, and Jordan can correct me, but that, the cap, that's also a recommendation, right, so that would still have to go back to Council for approval correct? So that doesn't mean that it covers immediately if we decided that we want a cap of 20 for the next agenda item. Sorry, but Richelle you had a -- I think you were answering the previous question.

Ms. Thomson: I was just going to say that, you know, and Jacky said she can get, if the recommendation is to approve or whatever action you want to take on the moratorium, recommending approval she can probably get that back, you know, transmitted back to Council pretty expeditiously, you know, within a week or so. And I would I can safely count on, you know, probably a month and a half . . . (inaudible) . . . But because this came from Council it obviously got some traction already so I would assume that they would schedule it. And it's not a detailed ordinance so I would think they would put it on frequently.

Ms. Preza: Thank you Richelle. Okay, so with that being said, do you folks have any other questions? Or the options that we have would be to recommend approval of the proposed

bill, recommend approval with amendments, to recommend denial of it, or to vote to defer action. So those are our four options if anyone would like to motion or discuss further.

Ms. Trevino: I would like to make a motion to recommend approval of the proposed bill by the Maui County Council.

Ms. Preza: Thank you Chelsea. So we have a motion to recommend approval. Is there anyone who would like to second?

Mr. Delacruz: This is John. I will second.

Ms. Preza: Okay, we have second. So is there any further discussion before we go to a vote? Okay, there's no further discussion, then all those in favor of approving the proposed bill please --? Well so actually instead of raising your hand saying aye because we're not all here, I'm just going to kind of go through each person if that's okay. So, Roxanne? Richelle, is that okay if I do that because it's so difficult with this virtual platform?

Ms. Thomson: That's fine. Whatever, whatever works. Yeah.

Ms. Preza: Thank you. I figure if we all say aye I might not be able to count since we're not all sitting together. Roxanne, would you vote aye or nay?

Ms. Catiel: Aye. Aye. Aye.

Ms. Preza: Thank you. Sherry? Sherry, what's your vote?

Ms. Menze: Aye.

Ms. Preza: Aye. Chelsea?

Ms. Trevino: Chelsea, aye.

Ms. Preza: Okay. Sally?

Ms. Kaye: Sally, aye.

Ms. Preza: John Delacruz?

Mr. Delacruz: Aye.

Ms. Preza: John Ornellas?

Mr. Ornellas: Aye.

Ms. Preza: And I also vote aye. I believe we're all -- those are -- that's everyone who is present. Is there any noes or abstention? Okay, there being none, it passes unanimously. Thank you all so much.

**It was moved by Ms. Chelsea Trevino, seconded by Mr. John Delacruz, then unanimously**

**VOTED: to recommend approval of the proposed bill by the Maui County Council.**

*(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, J. Ornellas, S. Preza, C. Trevino)*

*(Excused: S. Samonte)*

**2. A BILL FOR AN ORDINANCE AMENDING TITLE 19.65, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOME PERMITS IN THE MAUI AND LANAI COMMUNITY PLAN AREAS**

**MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-27, referring to the Maui and Lanai Planning Commissions a proposed bill to amend the comprehensive zoning ordinance relating to Short-Term Rental Home Permits on Maui and Lanai. (J. Takakura)**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed> and is summarized as follows:

**Per Council Resolution No. 20-27, adopted on March 13, 2020, the Council proposes to amend Section 19.65.030.R. to reduce the number of short-term rental home permits in all community plan areas except for South Maui, and proposes a maximum of 20 permits for the Lanai Community Plan area.**

Ms. Preza: So we're moving on to --. Sorry, let me just look on my agenda. So we're moving on to Item B.2., which is a bill for an ordinance amending Title 19.65, Maui County Code, relating to Short-Term Rental Home Permits in the Maui and Lanai community plan areas. I believe Jacky your thing. Or are you, are you doing a presentation? Okay, so for those of you who are sitting and testifying on this item we'll open public testimony after the presentation. Okay, go ahead Jacky. Thank you.

Ms. Takakura: Okay, thank you Chair Preza? So I'm going to share my screen. And I have a short presentation with some information for you. So I'm just going to do it. And then if you can see it, if you can just give me a thumbs up because I can see you in little boxes. That way I know that you're staring, you're seeing the right thing and then I'll get started. Okay so I'm going to share my screen now.

Ms. Preza: And everyone, please make sure that your mic is off if you're not Jacky, please. Thank you.

Ms. Takakura: Thank you. Okay, so can you all see this blue screen that says Resolution 20-27?

Ms. Trevino: Yes.

Ms. Takakura: Thank you. Okay, so this is Resolution 20-27 from the County Council regarding short-term rental home permits which is included in Chapter 19.65 of the Maui County Code.

The Resolution includes a Bill for Ordinance to revise the maximum number of short-term rental home permits in the community plan regions on the Islands of Lanai and Maui. Just as a refresher short-term rental home permits, or STRH's, are single-family dwellings usually in residential neighborhoods that are rented out for less than 180-days. Unlike bed and breakfast homes the owner doesn't have to be there. So what this means is that this resolution is not about condominiums in the apartment district that have building permits or approvals prior to 1989. It's not about hotels. It's not about vacation rentals that were approved by an ordinance, or have a conditional permit, or a grandfather, or part of a Planned Development. It's only about the short-term rental home permit that you -- that's part of Chapter 19.65.

The bill proposes to reduce the short-term rental home caps to approximately the existing number of permits with the exception of the Kihei-Makena Community Plan region. Per Council Member Kelly King's request to leave the number where it is for that region which 100 permits. She wanted to get more feedback from the community before she made a decision. That's why, that's why when you look at this the Kihei-Makena one looks a little odd because that one doesn't have a change.

The chart that you see here it includes the current limits in the Code, the current cap; the current number of existing permit; and the Council's proposed revisions.

Just a little background information about the short-term rental home permits. At the end of last year, we had 229 permits issued. And of those 118 property owners have addresses in Hawaii, and that's 105 on Maui County and 13 from the neighbor islands of Oahu, Big Island or Kauai. 111 property owners have mainland or international addresses. Short-term rental home use was not prohibited until 1991, and that's why there are a few residential properties out there that are grandfathered because they were actually conducting this use before 1991 when the rules changed. And so they can be used as a vacation rental without a permit, but they have to comply with our chapter on non-conforming uses. The regulations in Chapter 19.65 for short-term rental home permits was adopted in 2012.

So vacation rentals are allowed in other zoning districts like Hotel; the business districts of B2, B3, BR which is Business Resort; some of the Planned Developments like Puamana; some older properties in the Apartment District; and as you know, Bed and Breakfast Homes. We have 157 permits, bed and breakfast right now.

Just FYI, on Lanai, there are 20 short-term rental home permits. Eight have owners with mainland addresses, five have owners with Oahu addresses, four are Maui island owners, and three are owned by Lanai Island addresses.

Ms. Preza: Sorry Jacky, could you repeat those numbers again?

Ms. Takakura: Yeah.

Ms. Preza: And you said, 19 or 20?

Ms. Takakura: I said 20. That's based on the information I have from the March 31<sup>st</sup> list, I believe.

Ms. Preza: . . . (inaudible) . . . have 19 on -- or even on this ordinance, it says existing permits is 19.

Ms. Takakura: So, yeah, I'm sorry, I'll double check that. But I'm looking at 20, and eight owners --. You know, maybe this was the December 31<sup>st</sup> information. Maybe one gave up their permit. But I'll verify this. But eight were owners with mainland addresses, five owners have Oahu addresses, four owners have Maui island addresses, and three owners have Lanai island addresses.

Ms. Preza: Thank you.

Ms. Takakura: And so just a little bit of data about the properties, and this is from the County's real property tax website. So on the left-hand side is just numbers based on the property as a whole. Like for example the average value of all STRH properties in all districts is \$1.7 million. And then on the side in italics I have numbers for the Lanai properties. So the average value of that short-term rental home properties on Lanai is \$442,000. Median value for all properties in Maui County is one million. For the island of Lanai it's \$446,600. And there is quite a range of value, the most expensive one being 12 million. That one happens to be on Maui. And then the lowest is in the 200. The tax revenue estimated from these properties if you were to calculate it at the short-term rental home tax class is about \$3.9 million. For the Lanai properties, the tax revenue would be about \$97,900. And that's just the real property tax.

So now I want to take a look at the long term planning documents for Maui and Lanai. The Maui Island Plan notes in Chapter four that the Hawaii Tourism Authority's report regarding Maui County Tourism Strategic Plan states that among the four counties, Maui is the most

reliant on tourism. Of Maui County's gross county product, 39 percent is attributed to tourism, versus a range of 19 to 29 percent for the other counties. This report also notes that a large portion of jobs in Maui County are low wage jobs, many of them tourist related. Diversifying Maui's economy has been a key long standing County goal. A move towards a more diversified economy will create more resilience, reduce Maui's reliance on tourism and reduce our vulnerability to other external economic conditions. Diversification may also reduce the island's dependence on construction for the visitor and off island housing market, thereby reducing demand on the island's natural resources. Economic diversification will provide a broader spectrum of job opportunities including high skilled and higher paying jobs, thereby increasing jobs that pay a living.

From the Maui Island Plan there is this policy, Policy No. 4.2.3.a which states "promote a desirable island population by striving not to exceed an island wide visitor population of roughly 33 percent of the resident population." The Lanai Community Plan doesn't have a specific ratio like that. In the Lanai Community Plan, the goal is support the growth of permitted bed and breakfasts, small inns, guest houses, and other alternative lodging.

This is from The Maui News back in February, and this is for Maui Island. According to the Hawaii Tourism Authority, they reported that for Maui Island in the year 2019, on average we had 66,414 visitors per day. So let's take a look at those numbers of visitors versus the resident ratios. And what I'm looking at here on the left side is the numbers as a whole for Maui County. And then you can see in italics on the right side the breakdown for the island of Lanai. So for Maui, Molokai, and Lanai, the average visitors per day was 67,952. Those were mostly on Maui like the previous slide showed it was 66,414. For the Island of Lanai the number was 747. The population for Maui County is 154,834. For Lanai, it's 3,135. And so if we look at that policy goal that the number of tourists wouldn't exceed 33 percent of the resident population, 33 percent of the resident population in 51,095. So if we take those two numbers and compare, the number of visitors that are actually coming, the 67,952 is 44 percent of the resident population. It's much higher. It's 11 percent higher over the goal of 33 percent of the resident population. For the island of Lanai the ratio is 24 percent. And that could be because I don't know if some of the houses were under construction in 2019, but, anyways, that's the data for 2019. They can see for the County we are over that goal, at least for what the goal of the Maui Island Plan.

So these numbers here, they kind of tie the long-term, the long range planning goals and policies with the actual numbers. And just FYI, so Lanai you can see 24 percent. The island of Molokai is about 11 percent. The island of Maui is at 46 percent for this ratio of visitors to residents.

So in this time of profound change we're seeing the effect of our county economy being so reliant on tourism. And this is an ideal time to assess where we are as an island economy and what we want this county to look like for our resident and for our visitors in the future. We're seeing that dependence on tourism in neither sustainable nor resilient. And we hear these words, sustainable and resilient, quite a bit, but what do they actually mean? And this is from

the Brundtland Report which is a -- it's actually an international conference that was held in 1987 -- "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs." And there's three components to consider, and that is the economy, and also the environment and social equity. Resilience, the ability a system to cope with shocks and keep functioning in much of the same way. So it's important to think about these two concepts as we plan forward.

Earlier this year, the Department conducted several outreach activities on Maui to obtain public input on phasing out short-term rental homes altogether because of the negative feedbacks received from residents who oppose the impacts that these operations on neighborhoods and the community, and to encourage long-term occupancy of dwellings.

Meetings were held with various interest groups such as the Maui Vacation Rental Association, the Realtors Association of Maui, the Alliance of Maui Community Associations, and the Maui Hotel and Lodging Association among others. There was both opposition and support for this proposal from these groups. On March 6<sup>th</sup>, 2020, the Department held a public meeting to gather feedback from the broader community, from the audience, consisting largely of STRH owners and operators who were strongly opposed to the idea of any form. Some of the options that were discussed are a phase out which could mean that existing operations are allowed to continue until their permits expire at which time they could not renew. An alternative could be an attrition approach where permits are capped at current numbers like the proposed bill; permits remain valid and can be renewed; or when a permit is closed, revoked or expired it cannot be replaced. And the cap in that region is reduced by one. Any phase out should be accompanied by a loosening and broadening of the regulations regarding bed and breakfast homes, and make these more available to Maui County residents. There's much greater acceptance of bed and breakfast because they have a long-term owner or operator onsite who's known by the neighbors. Where the Department does not intend to pursue a phase out of short-term rental home permits as a standalone initiative even though many of these dwellings could be used for long-term housing.

The Department of Planning recommends revising the numbers to accommodate current existing permit and submitted permit applications for all districts, but excluding Molokai, which I believe is the Council's intent. So in this context the Department supports the Council's proposal to limit the number of short-term rental home permits to the existing number with minor revisions to accommodate permits currently being processed and to be consistent with revising the numbers for all the community plan districts. Our proposed caps are shown here and they, compared to the memo that was sent out, I did make one revision to West Maui because there are -- there's actually eight pending applications. And the memo that had gone out previously in May had six, so there's one revision there. You can see the asterisk for West Maui. And so the Department is proposing a total of 232. And that takes into consideration the pending applications that are in the works at this time. And the list of those is in the last page of that memo that was sent out to you folks.

So Commission, we're at a cross roads and this is a rare opportunity to look at where we've been and where we want to go. Tourism will return and when it does we hope to be in a place where tourists have a good experience, residents have a sense of place that this is our home, and we're in compliance with the long-term plans developed by our community forum. We'd like to hear from you about the Council's resolution, the Department's proposal, additional measures that can be taken like the conversation you folks have been having about short-term rental home numbers for your community plan area. So that as we move toward the new normal in our community we'll be in a place where we want to be. So we can discuss this and then decide what you'd like to recommend to the County Council.

So that's the presentation. I'm going to stop sharing, but I can always bring up the screen if you have any particular questions about anything that I've shared. So that's the presentation. Thank you.

Ms. Preza: Thank you Jacky so much. So Commissioners, before we have our discussion I'm going to open public testimony on this agenda item. Leilani, has anyone messaged you that they would like to testify on this item?

Ms. Ramoran-Quemado: Thanks Chair. No one signed up to testify on this item.

Mr. Baldwin: I'm still on the phone. I'd love to testify.

Ms. Preza: Okay, sorry. One moment, we're going to move to phone calls in a second. But in case anyone else has joined us via Bluejeans and they would like to testify, please direct your messages to Leilani and she'll let us know. But at this time if there's no Bluejeans application users who would like to testify then we'll move on to phone calls. So I believe we heard someone who would like to testify if you could state your name please. And you have three minutes.

Mr. Baldwin: Again, my name is Bart Baldwin, a realtor on Lanai. I know several of you. Very disappointed by your initial on the moratorium, but I'll move forward on the cap. Assuming the nice person who gave us her presentation for the County notified us that we're below 24 percent of the goal of 33 percent, and yet we have either 19 or 20 homes that have gone through the process of the short-term rental homes. They're paying higher real property taxes. They have higher expenses. And you guys are considering capping it at that amount. I, I, I plead with you, please if you want to cap it, I respect doing a cap, but I think as I've mentioned in previous meetings, consider 40. Consider something reasonable. At 20, assuming it's a three bedrooms, and not all of those 20 unit homes -- excuse me -- are three bedrooms. But if it's a three bedrooms you're talking about, you know, maybe 60 people. That still doesn't bring us up to the 33. If you raise it to 40 which still somebody who buys a home has to wait for five years to apply. 40 is 120 rooms -- sorry not a 120 people -- but 120 rooms.

I used to work at Hotel Lanai. Room rates were from \$95 to \$195 during the last recession. Now I believe the lowest room rate is \$250. These short-term rental homes are an opportunity

for people to come and enjoy what the rest of us enjoy. They're also an opportunity – the National Guard is currently staying in a short-term rental home. And hotels are closed on Lanai, so they could not stay there, but they're able to stay in a short-term rental home. Local, island residents from the other islands are now able to come, and stay, and enjoy these short-term rental homes, and the hotels are still closed until July 1<sup>st</sup>. Please, consider a higher number. I really respect you all even if I disagree with your decision. Thank you for allowing me to speak.

Ms. Preza: Thank you. So Commissioners, do you have questions for Bart? Okay. There being none, is there anyone else via phone who would like to testify? I don't hear anyone. Leilani, have you gotten any other messages for people who would like to testify on this item?

Ms. Ramoran-Quemado: No, I haven't received any other messages.

Ms. Preza: Thank you Leilani. So at this time I will close public testimony, and Commissioners, we can begin discussions. If you folks have questions for Jacky, or the Department, or if you just have general comments you'd like to share. John, are you still with us? Maybe not. Commissioners, or Sally, would you like to share?

Ms. Kaye: Yeah. I just have a question for Jacky. I'm really surprised at the number of off island owners of these short-term rentals. Are any of them duplicates? Are there --. Let me put it this way, are these all discrete owners, or is there any owner that own more than one property?

Ms. Takakura: Thank you Chair. And I'm looking at my spreadsheet and I can explain the discrepancy between the 19 and the 20. Sorry about that. The data I was looking at earlier this year was as of December 31<sup>st</sup>, 2019, and I believe at that time there were 20. But then on the March 31<sup>st</sup>, there were 19. That list is updated quarterly and so that's why there's a difference of that 19 versus 20. Sorry about that. But in terms of the owners...I believe you can't own more than one. They are all different addresses and owners.

Ms. Kaye: Okay, thank you.

Ms. Preza: Thank you. Richelle, did you have a comment?

Ms. Thomson: I was just going to comment that you can only own one. So it's basically one human, one permit, unless a property is over a certain value threshold. I think it's 3.2 million.

Ms. Preza: Thank you Richelle.

Ms. Ramoran-Quemado: Hi Shelly. I have a question.

Ms. Preza: Hello?

Ms. Ramoran: Hi. It's Leilani. Alberta just put into the message area that she wants to testify on this short-rental, and she's asking if it's too late to testify. I know you closed the public testimony portion of it.

Ms. Preza: Richelle, I am allowed to re-open it? Is that correct?

Ms. Thomson: Yeah, you can re-open it. And always do another call, you know, to make sure there's no one else . . . (inaudible) . . . on this agenda.

Ms. Preza: Commissioners, are we okay with that? Okay. So I'll re-open public testimony and Alberta, you have three minutes if you'd like to share. Alberta, are you there? Maybe make sure that your mic is unmuted and your video is on. Still here?

Ms. Alberta de Jetley: Okay, can you hear me now?

Ms. Preza: Yes. And if you would like to turn on your video, you can do that as well.

Ms. De Jetley: Okay. I, I think it's not the number of vacation rentals that we have on Lanai that matters. It's their location. Because so many of us have small lots, and what has been happening is we have clusters of vacation houses, one in particular, right off Lanai Avenue where there's four or five vacation houses right clustered within a 500 feet of each other. So I think that's what you also need to consider rather than just saying yes we're going to have a cap. Because if all of the houses are right next to each other, they are a problem. That's just my own personal opinion. Thank you.

Ms. Preza: Thank you Alberta. And I can kind of respond to that. So in previous discussions for the edits that Jordan Hart is writing up for us we did take into account density and we were recommending, I think in our previous meeting a while ago, was, I think, a 300-foot radius density for B&B's and STRH's combined. So thank you for your comment. We have been thinking about it. But, I think because we're going to take care of it in a separate, in our other edits, maybe, I'm not sure if we want to add it into this. But thank you for your testimony. Commissioners, do you have questions for Alberta? Okay, if not, then is there anyone else who is present on Bluejeans who would like to testify at this time? Okay, I don't think there are. And anyone else on the phone? Okay, there being none, I'm going to reclose public testimony again. Oops, I actually muted myself; sorry. Commissioners, do you have questions or discussions?

I think that and so feel free you know you folks can chime in, Commissioners, when you'd like to. But I think, you know, the reason --. And I really liked Jacky's presentation because I think COVID-19 has really shown us how unsustainable an economy that is dominated by tourism is. And I think this is a sentiment that we brought up in previous meetings, but the reasons why that -- the reason why a lot of live on Lanai is because we care about this community, we like how close knitted it is, and personally someone who has grown up on Lanai, the ability to

grow up in a neighborhood where you know everyone, is something that really makes Lanai what it is, you know. And so I think our concerns with short-term rental homes have, have -- I mean, obviously the density, the number -- but that it was, you know, they were destroying the integrity of our neighborhood if you have a commercial operation, you have strangers coming in on the weekends when you're trying to raise a family. I feel like those are lots of concerns that I've heard from the community just about how, like, maybe they don't want . . . (inaudible) . . . in residential areas. And so I think that, that concern has been echoed as Jacky has presented in, you know, throughout Maui County. And I'll just bring up too that Molokai put a zero cap on, on short-term rentals which means that they don't even, they don't want any of them. They have none because that is what they have chosen for their community, and so I think that's just like something important to keep in mind. And I think also if we've been keeping up with the news and hearing about, like, you know, strangers going into residential area in Hilo, and you know, maybe they're a part of something so good and that was right next to like a lot of families happening. I think that's like a real concern that's been brought up in the interim since we've last discussed this. And so that's just something. I mean, I'm just trying to situate us back into kind of what we were discussing prior to this.

Also, I think I have question maybe for Jacky or Jordan which is, you know, the . . . (inaudible) . . . by Council for fewer -- like in a couple of instances they proposed fewer, fewer short-term rental home permits than the existing. So that means that some of the -- or a couple of the permits would just be phased out once they expire? Is that correct? Yeah, Jacky.

Ms. Takakura: Thank you Chair. I believe the numbers might be a little off because there were probably basing it on December 31<sup>st</sup> permit numbers. And then, you know, now it's June, so there could be, you know, some that have been approved since then that's why, yeah, some of the numbers that they're proposing is less than what is actual out there. For example, like Hana, the Council is proposing 23, but there's actually 25 because back in December there was 23, but since then two more have gotten approved.

Ms. Preza: Thank you Jacky. So, but is it possible to do --? I guess my question is, is it possible to propose a number that's fewer than the existing? I know that this has been kind of a contentious subject in the past because I know some commission members felt that it was important to not propose fewer than our existing. But my question is if that's possible? Maybe Jordan could answer.

Mr. Hart: Chair? Yeah, this Jordan Hart. So on Molokai the cap is zero. And there was language in the ordinance of how the conclusion of those permits would be handled.

Ms. Preza: Thank you. And I ask that because I've just been thinking about this a lot, and my --. And I know we all care about the community deeply that's why we're a part of this volunteer, you know, commission to, you know, talk about the direction that we would like our community to be in. And I understand the concern of, you know, potential --. I mean, not that this is what is being proposed, but you know, the concern previously with proposing fewer, a cap of fewer than what is existing is that we, you know, I guess people wanted to protect the, the permit

applicants who went through the trouble of making their home permissible for STRH's. But when I thought about it more, I think that we should really be trying maybe to protect less of like the business interest of commercial operations. Because when people, you know, want to open an STRH, that's a business risk in my opinion. And, like their permits are for a certain amount of time with not a guarantee that it's going to be continued indefinitely. And I think we should be really thinking about our community, and what we would like for our future neighborhoods to look like. And I think that should be priority. So that being said, commission members, do you have comments or would you like to share opinions? John, would you like to share opinion or --? John Ornellas on the phone.

Mr. Ornellas: Oh, you're talking to me.

Mr. Preza: Sorry, I forgot we have two Johns now.

Mr. Ornellas: Between me and Sally, we've been talking about this crap for 25 year, and it's still not done yet. In fact, I'll -- I mean, 25, 25 is -- I think 25 would be good for the short-term, and maybe five for the bed and breakfast. But that --. I understand what you were saying Shelly, but we have to have some sort of a balance. And having a balance could be, I think, that --. And you don't want to, you don't want to dip into all these short-term rentals, and take away possible revenue from people who, who rent these units out to hunters. I think the number was counted about two decades and . . . (inaudible) . . . a million dollars a season when...that community received, our business community receives from the inbound hunters. So we -- a balance is probably what I'm asking for and 25 short-term and maybe five bed and breakfast because nobody is doing the bed and breakfast so --

Ms. Preza: I will say I agree a balance is needed. Just to address, I think, Bart Baldwin's comment earlier about oh we're not even asking for 33 percent. My understanding was that what Jacky shared was that is the max number of people that we would like coming to our island in a given, not that's the goal. And I agree. I mean, I think we all live here for a reason. I understand the business that gave breathe or guests who come bring but I don't think we're trying, you know, up our numbers necessarily via short-term rental homes. But that's just my opinion.

But, oh, I will say also that --. So what we're -- just to clarify -- we're speaking on just short-term rental homes. I know John Ornellas you commented on bed and breakfast, but that's not included technically in this proposed ordinance. And in previous discussions I think we, we voiced, and kind of similar to what Jacky was saying that other communities around Maui County voiced more of a, I guess, positive connotation with B&B's because the people who are there need to be on property and so they're actively a part of the neighborhood as opposed to being an absentee owner who just rents out. But, sorry, that's just for clarification. Yes, Sherry, would you like to share your thoughts?

Ms. Menze: Yes. Not to belabor this point to the death as we have for the last year. On page 16 of the power point, the Department proposed 21 of the short-term rentals, the Council

recommended 20. Right now we do have 21 that are, that also includes the people on the list for them. And I kind of recommend going with the 21.

Ms. Preza: Thanks. So that's your thoughts.

Ms. Menze: That's my thought on that is going with the Department's recommendation.

Ms. Preza: Okay. I will say that --. But the pending applications, they haven't been approved yet and so those aren't necessarily --. Sorry, I know where you're going with that.

Ms. Menze: That's why we have the moratorium now. We're going to get the moratorium.

Ms. Preza: Oh, the moratorium won't cover the . . . (inaudible) . . .

Ms. Menze: They can't be, they can't be accepted on the list to be pending.

Ms. Preza: I -- so I think the moratorium won't -- sorry, Sherry, to interrupt you -- I think the moratorium won't cover those that are already like pending if they get approved.

Ms. Menze: No. Not the ones that are existing, but it will stop others from applying. And then if we can --

Ms. Preza: New ones.

Ms. Menze: New ones. And then if we can do a cap, and that includes the people that are already on the list. We kind of cover what we have in motion right now. And I don't recommend 25. I recommend -- I personally feel that the 21 would be perfect because that includes the people on the list so that we don't have to kick them off. And it just -- but again, I address Sally's issue, you know, of them being all in one little area -- I think that was Sally who said that -- each little area. But we still do have that 500 foot radius.

Ms. Preza: Thank you. I think it was Alberta who mentioned density. And think when we get our revisions from Jordan -- no, no worries -- I think when we get our revisions from Jordan, I think we had discussed like a 300 foot density. But I think we'll wait to see what that's like. Sorry, Sally, you raised your hand too right?

Ms. Kaye: Right. I just have a question. I'm confused. Clearly you guys have had discussions for a long time and something coming out that I am unaware of I haven't seen yet. And I'm wondering if, if it's possible -- and this is just a question to you guys or Jordan -- if it's possible to recommend to the Council that the caps for other areas are as they recommend because that's what they're asking. They're asking for all of them not just to us. But, but to leave us out because what's coming from Jordan will address that? That's my question. Otherwise I agree with Sherry.

Mr. Hart: Chair? Jordan Hart. So to respond to that issue, you could do, you could recommend whatever you want to Council. If your goal is to recommend caps in either of the two ordinances that you're going to review on July 15<sup>th</sup>, then you would get a timing benefit by recommending a cap in this.

Ms. Kaye: Okay.

Mr. Hart: Anyway.

Ms. Kaye: Got it.

Ms. Preza: Thank you. So...wait, sorry Jordan, while you're on, so we can recommend a cap now but then also recommend a cap when we review our revisions?

Mr. Hart: My recommendation is that if you recommend -- a lot of recommendations. If you recommend a cap in this ordinance that you're reviewing now that you match that cap to the ordinance that you review on July 15<sup>th</sup>.

Ms. Preza: Thank you. And I think we had thrown around 25 in our previous one. You know given the time and more of the time that I've had to think, I personally think 20 the Council recommendation is what I would prefer. But I don't know other -- Chelsea, maybe if you could give an opinion?

Ms. Trevino: I just -- that's what I wasn't clear on as well as was if we say we went with this, then, then when we finalize ours would ours override it or would we bring ours in alignment with it? That's where I was a little unclear. But it sounds like what he's suggesting is if we go with what the County is suggesting then we are going to adjust ours to match it? Or that would make the most sense?

Ms. Preza: Yeah, I think . . . (inaudible) . . . Sorry, go ahead Jordan.

Mr. Hart: Chair, it's Jordan Hart. So they would be -- so the Council is basically --. Because of the timing of all this they're basically proposing to thinker with the ordinance a couple of times in a row. And so, this one, the Council is, is proposing so they're getting input from the Commission. The other one that you're reviewing on July 15<sup>th</sup> was requested to be initiated by the Department to present to the Planning Commission for your referral to the Council.

Ms. Preza: Chelsea, does that clarify kind of what you're asking?

Ms. Trevino: . . . (inaudible) . . . No. I'm sorry. I don't know if I'm . . . (inaudible) . . . I'm feeling like, I'm feeling like we would just approve this and then when ours come we ask for ours. Because this would be immediate or sooner than ours. But that's why I was, that's why I was asking for clarity on these numbers because their numbers are different than ours. So, would

we just say we go with this for now and then change it or is that weird or redundant or I don't know? I'm just thinking about time and that's why I kept asking about how much time in between things. Because it sounds like because the County is proposing this, it's a priority for them. So this will come to them. They'll be working on this immediately or sooner. Versus ours that has to come and people have to hear it. And we have to get this and that which of course we still want to move forward with ours because have those specific density issues that we're addressing in ours which these, you know, which are not being addressed here. So in my mind I'm thinking we're really just looking at the cap number and are we just going to go with what they say now so we can get that cap in and then work from there.

Ms. Preza: Thank you Chelsea. Richelle, I think you had some clarification to offer.

Ms. Thomson: I just wanted to kind of support what Jordan was saying. Because you're planning on submitting your own, you know, tailored to the local news legislation probably by next month. I would also encourage you if you have a cap in mind I would go ahead and suggest that, you know rather than --. You know, if it matches what the Department's proposed or the Council's proposed, you know, either way or a different number. But I would, I would kind of go with what you want because it's harder to change something than it is, you know, to just go in with a suggestion now.

Ms. Preza: Thank you. So just so everyone's on the same page, I think --. So we're discussing if we would like to, you know, through this with, you know, as is or with amendments, or deny, or defer it. But I think --. So primarily we're discussing the cap and that is not separate from what we might propose next month. And Jordan is suggesting that we would probably match our revisions to whatever cap we decide on tonight. And then we can still submit, you now, our recommendations with regarding density and that kind of, that kind of thing that we discussed previously. Is that correct Jordan?

Mr. Hart: The only thing I would want to clarify is I'm not trying to say that whatever you say tonight you have to stick to. Like if you, if you say something tonight to Council and then you review the ordinances on July 15<sup>th</sup> and you make a different decision you should do that. I was, I was just saying that say whatever -- if you already know what you want tell the Council now and get that plugged in because -- and then you would just match whatever number you want in your ordinances that you're reviewing on the 15<sup>th</sup>.

Ms. Preza: I see. Thank you.

Ms. Trevino: So Jordan, can you remind us what number we chose for the STRH cap?

Mr. Hart: 25 for both.

Ms. Trevino: What did we --? We said 25 and 25, yeah?

Mr. Hart: Correct.

Ms. Trevino: Okay. So my, my consultation on this is in regards to -- I understand people wanting to have this lower number. I totally understand it. However I feel as though the density issues that we're addressing with the other things that we're going to have in it would -- if people are on the line of just not having it. I'm thinking we just stay with the numbers we picked because we picked those numbers for a reason. And we addressed the density issue with creating a smaller circle as far as how many in area, right? Or we made the circle bigger. Whatever we did. We did something so that, you know, you couldn't have as many in an area as are now. So I just -- I don't know. I'm feeling like...sticking with that. And I don't know that I agree with decreasing the B&B numbers because if we want to encourage -- like if that is something we want more, then I don't know that I would necessarily bring it down. But that's just my input.

Ms. Preza: Thank you Chelsea. Commissioners, do you have thoughts or....comments? Or would anyone like to -- just feels strongly and would like to make a --. Oh, sorry, Jordan, do you have a comment?

Mr. Hart: Yeah, I just wanted to clarify. So the language that you're going to see in the two draft ordinances says that no more than one bed and breakfast or single -- short-term rental home or bed and breakfast home can exist within 300 foot radius. So just to clarify. It's for both types within the same 300 foot radius.

Ms. Preza: Thank you.

Ms. Trevino: Yeah, thanks. Because I think we were really diligent in making sure that it's not one or the other. It's both, yeah, in that 300 radius. So it's not like one is being treated separately from the others that are in that sense. But I just, I just am feeling like whatever decision we make we want to make sure that we're going to be consistent instead of the back and forth thing. So not to keep hashing out numbers again which we've done so long, but to really -- because we're going to be making a recommendation tonight on a number, it sounds like.

Ms. Preza: Thank you Chelsea. Commissioners, do you have other thoughts? Or would anyone -- does anyone feel strongly about a number and would like to make a recommendation or --?

Mr. Delacruz: This is John Delacruz. I think we should pick a number tonight be it 19, 20, 21 or 25. And you know if we don't do the 300 foot thing, in the future, we're just going to cut everything in half anyway.

Ms. Preza: Thank you. I think my, I think, you know, I understand we had talked about 25 before. I think my rationale was maybe just, you know, going with the Council's proposal of 20. Because I've been thinking more about, you know, yes, we're almost at that cap for STRH's, but then also thinking about the density, how it's including B&B and STRH's. I feel

like B&B's might be the direction we want to move in. And so like if we put a slightly lower cap on STRH's then maybe it will -- I'm not sure if it will make more room for B&B's or not. I guess that's my thought. I prefer 20 but I understand where everyone is coming from with the other numbers we discussed so. Sherry, did you --?

Ms. Trevino: I think that also --.

Ms. Preza: Go ahead Chelsea.

Ms. Trevino: Sorry. Alright go ahead. No, Sherry, go ahead.

Ms. Menze: I like the 21 because it just takes care of our existing people that we have for the short-term rentals, the ones on the application, and then we're kind of done with it, you know. And we don't have to worry about the one who didn't get it or the two who have applied and spent their money to do that. And it just makes me feel really a lot more comfortable. It's one more just to take care of the people that are already there and then we don't have to come back and address ever again or think about them and feel sorry for them.

Ms. Preza: Thanks Sherry. Chelsea, did you want to share?

Ms. Trevino: No, I just was going to say I believe that when we were discussing the density cap that we were creating, you know, that even if we had set our number at 25, I think when we were looking at we were told that with the space, you know, distance of even the town, I don't think we could even hit 25 was the, was what we were told with the 300 foot...things. I'm just saying that if even if we made it 25 with our other restrictions it wouldn't reach that. And I think that's why we even talked how if there was growth then we would already have accommodations for that, you know, let's just say if there were more larger space of houses added or whatever. Just throwing that out there.

Ms. Preza: Thank you.

Ms. Kaye: I have a question.

Ms. Preza: Yes.

Ms. Kaye: Okay. So I understand that the issue between the 20 and the 22 for the two that are on the list. But if you next, if we next month agree on some density restrictions that would apply to those two, then they don't have any invested interest in this process at this point anyways, right? That's a question.

Ms. Preza: I'm not sure if someone else -- Jordan?

Ms. Kaye: That would be Jordan, I think, or Richelle?

Mr. Hart: Chair, Jordan Hart. So I had kind of been corresponding with Richelle about some of the other revisions that the Commission had requested. And the general line of conversation on that subject was if there's going to be an issue where somebody is going to be affected or uncertain that it should be written into the ordinance. So whether the Commission's proposal is that --. Well, how do I put this? Okay, so if they, if they were to be --. If there was a way for them to be approved before any changes in the ordinance they would be subject to the current ordinance. If they were to exist and a density change occurs, then you would want to write into the ordinance how attrition would work or something like that. I don't, I don't --. Your Counsel may have comment on this. I don't think there is an equitable way to select who is the, is the loser in this situation. So I think attrition is the only practical way and you would probably want to write that into the ordinance.

Ms. Preza: Thank you Jordan. Richelle, did you have a comment on that?

Ms. Thomson: I, I agree. And Jordan and I have talked about this a bit. You know that if, if you're looking to, you know, set the bar lower and to, you know, anticipate basically the permit would not be renewed, we could write that into, you know, into the suggested and changes in the amendment, you know, that upon renewal, you know, permits cannot be renewed if they require the caps to be exceeded, you know. Which means that an existing doesn't -- it might not be renewed.

Ms. Preza: Thank you Richelle for that. And just so the Commissioners are on the same page. So that would be for our, for the revisions that are coming to us tomorrow, not on this particular document. But just to keep that in mind as we're making our decision tonight. Sally, did that kind of answer your question or --?

Ms. Kaye: Actually that was really, really helpful. Thank you, but no, it didn't. I think Sherry's concern were the two that are pending that haven't been approved yet. And, and, you know to cover them so that, as she said, we don't have to feel sorry for them. But if they're pending and then these revisions that density would impact their application, then what happens? They just don't get approved?

Mr. Hart: Chair, this is Jordan Hart. That's what I was trying to say. I can't -- I don't know the details of those applications well enough to tell you a certain answer right now. But if, because they are going to be exempt from the moratorium, if there's a way for them to be approved then, then may get approved in this interim time period. If they have to come to the Planning Commission, then they would come to the Planning Commission. And that would be, you know, your decision on whether or not that they should be approved. But, you know, that's a little bit of an unknown and a gap in all of these things that are going on.

Ms. Preza: Thanks Jordan. I don't know if you folks want to discuss further or if anyone would like to recommend something.

Mr. Delacruz: This is John Delacruz. I, I would go with the thinking what Sherry's talking about.

And the way I, I think the way Jordan and Richelle have been talking if, if the 300 foot thing doesn't come to being during the time frame that the two that are left out, if they meet all the other requirements, then they will be approved. Then after the 300 foot thing is approved, anyone who reapplies or anyone who applies will be subject to the 300 foot thing. And that's going to wipe out about half of the existing short-term rental homes. Because there's only so many blocks on Lanai, and the blocks are 300 foot long, and 150 feet, a 150 feet wide. So I recommend that we go with 21 for the limits for Lanai.

Ms. Preza: So we have a motion to --. So this would be recommending approval with amendment, right. So changing the number to 21? John, is that what you're --?

Mr. Delacruz: Yes, 21.

Ms. Preza: Thank you. So that's on the table. Would there -- is there anyone else who would like to second that?

Ms. Menze: I second.

Ms. Preza: Okay, so we have a second. Is there any further discussion on this agenda item? Okay, so we'll go to a vote. So same as last time, I'll go through each Commission member and then you can -- so we'll go through the ayes first or you tell me what you voted, and I'll write it down. Roxanne?

Ms. Catiel: Aye.

Ms. Preza: Aye. Sherry?

Ms. Menze: Aye.

Ms. Preza: John Delacruz?

Mr. Delacruz: Aye.

Ms. Preza: Sally Kaye?

Ms. Kaye: Aye.

Ms. Preza: Chelsea?

Ms. Trevino: No.

Ms. Preza: John Ornellas?

Mr. Ornellas: Aye.

**It was moved by Mr. John Delacruz, seconded by Ms. Sherry Menze, then**

**VOTED: to recommend approval, with the amendments as discussed, of the proposed bill by the Maui County Council.**

*(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, J. Ornellas, S. Preza)*

*(Dissenting: C. Trevino)*

*(Excused: S. Samonte)*

Ms. Preza: And I vote yes as well. So there's no abstentions, and this recommendation passes with six ayes. Okay, so thank you all very much. I know this -- we've talked so much about this. But I appreciate everyone's input, and I hope we're moving towards, you know, a future that we would to see for our community so thank you very much. And thank you for everyone who's participating and waiting on the chat. I think I'm going to recommend that we have a short break. I'm sorry, I'm not trying to draw this out any longer, but I know what's coming up. There's a presentation it sounds like. And just to give particularly Commission members, you know, if you just need a quick break. If we could return within five minutes. So 6:35 p.m., does that sound okay with everyone? Okay.

*(The Lanai Planning Commission recessed at 6:29 p.m., and reconvened at 6:36 p.m.)*

### **3. PROJECT DISTRICT PHASE 2 APPROVAL**

**LANAI RESORTS, LLC, doing business as PULAMA LANAI, requesting a Project District Phase 2 Development Approval for construction and operation of the Manele Amphitheater at the Four Seasons Resort at Manele. The proposed 600-seat amphitheater will consist of theater seating, two restroom facilities, support building, off-street parking, lawn areas and landscaping, and related improvements. The project is located at 1 Manele Bay Road on a portion of land identified at Tax Map Key No. (2) 4-9-017:001, Manele, Lanai, Hawaii (PH2 2020/0001) (K. Wollenhaupt) (Commissioners: A copy of the application book was mailed to you at a previous date.)**

Ms. Preza: . . 6:36 pm. So we're moving on to item B.3. which is Project District Phase II Approval. Lanai Resorts, LLC, doing business as Pulama Lanai, requesting a Project District Phase II Development Approval for construction and operation of the Manele Amphitheater at the Four Seasons Resort at Manele. The proposed 600-seat amphitheater will consist of theater seating, two restroom facilities, support building, off-street parking, lawn areas and landscaping, and related improvements. The project is located at 1 Manele Bay Road on a portion of land identified at Tax Map Key No. 2-4-9-017:001, Manele, Lanai. So I believe --. So we will open public testimony after the presentation. So if anyone has recently joined our call if you could, if you would like to testify on this agenda item, to directly message Leilani. So there's a chat function, and I noticed that people have been writing in the "everyone" chat. But if you could directly message -- that's the right side -- directly message Leilani Ramoran-

Quemado. Sorry, if I pronounced your name wrong. That would be very helpful. Because if everyone chats it will pop up for us and might get distracting. So please let Leilani know if you would like to testify and then we'll ask for phone testifiers after that. But I believe there is a presentation, correct?

Mr. Kurt Wollenhaupt: Good evening. I'm the staff planner. My name is Kurt, and thank you Chair for describing what the project is under consideration this evening, the Manele Amphitheater, a 600-seat outdoor project adjacent to the Four Seasons Resort Lanai at Manele. Now why are we even here tonight? So I won't deliberate on this too much except to say that as you all know this is in a project district. That project district being Manele which was established in the mid-80's. There's a process by which a district is established that is a phase one by the Council, phase two what we're in consideration this evening, and then phase three which is a Director review should this be approved this evening. So what is before you tonight and what the consultant and Munekiyo Hiraga -- Kauanoe Batangan will be delivering in just a few minutes -- will be the overview presentation of the specifics of the amphitheater. With a phase two development approval, the intent is really to allow for flexible and creative planning within the Manele Project District. In the mid-80's as with the observatory which you looked at earlier in the year, as with the adventure center that you looked at up at Koele last year, it was not anticipated that this specific project would come before you. However it is an associated use that could be allowed through a phase two. So within the Maui County Code, under the review of the Manele Project District, Special Accessory Uses, such as we are looking at tonight, do include theaters and auditoriums similar to what we'll be reviewing in the Manele Amphitheater. Therefore it's up to the Planning Commission tonight to decide if this is the proper use in this area, in the Manele Project District, and if there are conditions to be put on it should you decide to approve it. Should this be approved tonight, then the final architectural and design plans would come to the Director in order for her to assure that those plans meet what you approve tonight. That's my introduction. Mr. Batangan does have a presentation which he will share the screen from Munekiyo and Hiraga. And all the representative of their team along with the representative of Pulama Lanai would be available for your questions. Thank you.

Ms. Preza: Thank you Kurt. Sorry, I believe you're on mute. I think you're trying to talk. Sorry, the presenter, Tessa Munekiyo, your mute is on right now so we can't hear what you're saying.

Mr. Wollenhaupt: This is Kurt again. It does look like Tessa is going to be giving rather Kauanoe and she is on mute so I'm not sure how we contact her.

Ms. Preza: Leilani, is there a way we can unmute them? Okay, wait, they disappeared.

Ms. Leilani Ramoran-Quemado: I'm not able to unmute her. She might have to do it on her end.

Ms. Preza: Okay, so we'll just hang tight for the presenters. Jordan?

Mr. Jordan Hart: Tessa, at the top of the screen, when you hover the mouse up there, there are little icons will come out, and you can unmute. At the top --

Ms. Tessa Munekiyo Ng: Hello? Can you hear me now?

Ms. Preza: Yes. I think so.

Ms. Munekiyo Ng: Okay, thank you everyone. We're connected by a tel-com in the conference room so the audio is coming through via the phone not my computer so apologizes for that technical difficulty. But I'll go ahead and share my screen now. Are you all able to see the presentation? Okay great.

So good evening Chair Preza and members of the Lanai Planning Commission. My name is Tessa Munekiyo Ng from Munekiyo Hiraga, and we're here today with Pulama Lanai to present the Manele, proposed Manele Amphitheater for which we're requesting a Project District Phase II Development Approval.

The applicant for the project is Pulama Lanai. And we have several representatives here with us this evening including Kurt Matsumoto, Keiki-Pua Dancil, and Linda Lileikis. And also representing the Four Seasons is Alastair McAlpine. The design team for the project is comprised of AHL as the architect; the landscape architect, Belt Collins; and the civil engineer, RM Towill Corporation. The archaeologists were Honua Consulting and TS Dye & Colleagues. And Munekiyo Hiraga served as the planning consultant, and in addition to myself tonight, Kauanoë Batangan is also participating.

Pulama Lanai proposes to develop a first class amphitheater in Lanai that will support resort operations and create opportunities for future entertainment options and community events. We're here to respectfully request a Project District Phase II Development Approval from the Planning Commission for this project.

The amphitheater is proposed for Manele Resort on vacant lands east of the existing Four Seasons Resort Lanai at Manele Bay. On the right there's, there's an aerial map that shows the approximate location of the project site. The white boundary is the project site and represents approximately 4.2 acres of the larger 55 acre resort property which is owned by Pulama Lanai.

The project site is designated Urban by the State Land Use Commission, Manele Project District by the Lanai Community Plan, and within the Hotel subdistrict of the Manele Project District per Maui County zoning. Theaters are permitted accessory uses within the Hotel subdistrict. And I will also note that the property is -- a portion of the property is located within the Special Management Area. However, the project site itself is located outside of and mauka of the SMA.

The proposal is for a 600-seat open air outdoor amphitheater that will serve as a community benefit for the island as a whole, will also enhance returning visitor experiences, and attracting new visitors. The program's uses for the amphitheater will create a positive interface with the community at large. Up to four large community events per year are planned, along with smaller resort events on a regular basis, such as hula performances. The amphitheater will be available for one Lanai Academy of Performance Arts (LAPA) events annually. And programs will incorporate native Hawaiian culture and other engagements as well as cultures.

The facility will include a tiered seating area, a stage, two restroom buildings, a support building and off-street parking. And on this slide here, there are two renderings of what the facility will look like. The rendering on the top is looking from the stage, looking mauka. So you can see the stage in the foreground with the seating behind it. The rendering on the bottom is a view of the facility looking makai from the parking area. And so you can see the two restroom buildings on either sides. And the amphitheater is tiered downwards towards the ocean.

This slide presents a site plan for the proposed amphitheater. As I mentioned it is oriented towards the ocean with the stage located here, seating above it, and two restroom buildings. One on each side. There's a support building that will contain dressing rooms, storage and utility areas. And that's located behind the stage. And the parking is located at the top portion of the project.

Access to the site will be via an existing driveway off of Hulopoe Drive which is approximately here. In addition there's pedestrian access available from the resort. There were no archaeological sites identified within the project site. Nevertheless, archaeological monitoring is proposed for ground disturbing work. All lighting will be downward facing and shielded, and will comply with the County's outdoor lighting regulations. When the amphitheater is not in use, it will be reduced to minimal levels needed for security purposes, and so there will be no adverse impacts to the night sky. And with respect to noise the facility will comply with the State Noise Regulations which establishes maximum permissible noise levels for day time and night time uses, with night time uses -- night time regulations beginning at 10 p.m.

This is a cross section of the site. The amphitheater has been designed to utilize the natural slope of the site and minimize the cut and fill required. So I'll just point out a few features of the site here on the site -- on the cross section. So this is Hulopoe Drive here. This is where the parking is with the restroom buildings below. This is the tiered seating down to the stage. And again, the support building behind the stage. There will be shallow swales and basins incorporated into the project design to capture increases in storm water runoff.

Water service for the amphitheater will be provided by the Lanai Water Company through the resort's master water meter. The Lanai Water Company has confirmed their source and system capacity to service the project. Pulama Lanai is very mindful of water conservation on the island, and water use at the resort has significantly declined in recent years. Recognizing the importance of water conservation and in response to comments received from the

Department of Water Supply, the landscape plan for the amphitheater has been revised to reduce the overall landscape area and associated irrigation demands by 16 percent. The majority of the landscaped area, 56 percent, utilizes low water use plants. The landscape plan is shown on the right side of the screen, illustrates the low water use planting areas in light-green, and the dark green represents the regular water use planting areas. The graph on the left shows the reduction in the landscaped area with this first bar here representing the original landscaped area. And the second bar here representing the revised landscaped area. And as I've mentioned, there's been a 16 percent reduction in landscape area.

This is a sample of the proposed plantings for the amphitheater. Drought tolerant and native Hawaiian plants will be used. . . . (inaudible) . . . plants which were originally included in the landscape plans have been removed. As a landscaped base outdoor amphitheater, the selection of plant materials is paramount to meeting the design intent of the project and maintaining consistency with the overall character of the Manele Resort. Landscape planting will provide visual screening along the roadways and shade trees will be provided in compliance with the landscape requirement for a parking lot. The revised landscape plan balances plant and environmental aesthetics with the goal of reducing water use as much as feasible.

To summarize, Pulama Lanai respectfully requests a Project District Phase II Development Approval from the Planning Commission for the proposed Manele Amphitheater project. We thank you very much for your time, and the team is available to answer questions if you have any.

Ms. Preza: Thank you Tessa. So, Commissioners, before we, you know asks questions or discuss, I believe I'm going to open public testimony on this agenda item. So, Leilani, has anyone messaged you that they would like to testify at this time?

Ms. Ramoran-Quemado: Thank you Chair. Yes, I do have three people who signed up to testify. The first person is Matt Glickstein.

Ms. Preza: Thank you. And I would just remind everyone who is wanting to testify that we are keeping testimony to three minutes if possible. Thank you.

Mr. Matt Glickstein: Hi. My name is Matt Glickstein. I'm the executive director for the Lanai Academy of Performing Arts, also known as LAPA. As soon as I found out about this, Manele Amphitheater project, I was really excited about the opportunity both for LAPA and for other groups on Lanai. I founded LAPA in 2013, and over the years we have performed and practiced at several difficult venues with most of our rehearsals and performances at the school, the Lanai High & Elementary School Cafeteria. While we're extremely grateful to have a partnership with the school and a place where we can hold our regular events, we are somewhat limited by the cafeteria. The stage is pretty small so we wind up using the floor beneath the stage as a second stage. The design for this amphitheater would allow all of our kids to be on the same level together and allow for more creative blocking, choreography and

staging. The audience would also have a much better view because it's a stadium seating as opposed to the tables and benches on the floor in the cafeteria. We can't really go beyond about 40 kids in our shows due to lack of space on the stage. But having this large of an area would allow us to expand our cast to even a larger size. We also really appreciate having the dressing rooms behind the stage. Currently we have to get pretty creative with the limited back stage space and put up tents outside of the cafeteria to change during our shows.

Performing at a venue that's on Four Seasons properties could also help LAPA gain a new audience, possibly hotel guests and tourists from Maui. We hold once a year VIP performance with higher ticket prices where we hold a silent auction and serve pupus, and this would be perfect for that. I'm also really happy to hear that there would be free shuttles to and from performances for this community. We would just have to figure out transportations for our rehearsals prior to the performance, and we hope to also be able to use the shuttle service for our kids as well.

LAPA traveled to Maui, and even Sacramento to performance and experience live theaters in bigger venues, but it would be amazing to have this amphitheater right in our own backyard. The potential to bring in more outside guests and performers is also a really nice benefit and I think the possibilities are limitless. Thank you so much for your time.

Ms. Preza: Thank you Matt. Commissioners, do you have questions for him? If not, then thank you so much for your testimony.

Ms. Trevino: Yeah, I have a question.

Ms. Preza: Go ahead Chelsea.

Ms. Trevino: Matt, you know, based on their proposal to allow one LAPA performance it sounds like a year. I'm assuming one means one show. Just going on that assumption. Can you tell me about how many --? Because in the --. In what we've experienced on Lanai so far you do maybe two, sometimes three or four shows of the same show. Can you give us a number of attendance? So that we can have any idea of how many people. Again, this is based on if it was one show I guess and everyone came to one show versus the split up.

Mr. Glickstein: Got it. Yes. Well, typically our shows we do two to four shows. Our bigger shows we do four, and we usually average about 125 to 150 per show. So if we did one show, hopefully we'd get about -- we could get up to 500 people. That would be a lot for this island, but we have for other shows got over 600 people for the four shows. So I would set the goal at 500 hopefully if it was just one performance. We hope that the one event would mean multiple performances honestly because potentially double cast our shows and we'd like to get multiple kids to have that opportunity as well. So hopefully we'd have -- my goal is to actually have two performances of the same show on that, in that amphitheater.

Ms. Trevino: Thank you.

Ms. Preza: Thank you. Commissioners, any other questions for Matt? Thank you Matt for testifying. Leilani, could you let us know who is next?

Ms. Ramoran-Quemado: Chair, the next testifier is Michelle Del Rosario.

Ms. Michelle Del Rosario: Good evening Commissioners, Michelle Del Rosario, and I wanted to testify this evening in support of Pulama's application for the amphitheater. As a Lanai property owner I would really enjoy seeing LAPA and our school children to be able to have access to this amphitheater. And I would request and support that you amend the number of performances that either the school and, or LAPA could do at the amphitheater. I think that this would be a great addition for the resort. But I think it should really be a great addition for the community, and I want to be able to see the residents be able to use this facility. That concludes my testimony.

Ms. Preza: Thank you Michele. Commissioners, do you have questions for her? I've -- when -- I have a question. When you say residents be able to use the facility, what do you mean by that?

Ms. Del Rosario: Attend performances in a reasonable cost. Maybe there's a preferential cost for performances that are not done by the school or by LAPA, but either concerts or other events that are open to the community. I think that residents should discounted pricing to attend those events. And I think that if LAPA wanted to two performances a year with multiple shows they should be given that opportunity. There's 365 days a year, I can't imagine that Four Seasons would book it every night. And I would really like to see that and other facilities be used by residents.

Ms. Preza: Thank you for your testimony. Commissioners, do you have other questions for her? If not, thank you. And Leilani, if you could let us know who is next.

Ms. Ramoran-Quemado: Thank you Chair. Your last testifier that signed up is Alberta de Jetley.

Ms. Preza: Okay. Go ahead Alberta.

Ms. Alberta de Jetley: Hi. Can you hear me? Can you hear me? I'm the chair. Can you hear me? I'm the chair of the LAPA, the Lanai Academy of Performing Arts, and Matt Glickstein has just done an absolutely amazing job with the children that we have in our program. They're building to have a show at the amphitheater, it's going to be really important to us. It, it will also enable us hopefully as time goes on, other organizations will also be able to use it. You know, in the past Four Seasons has always been very generous with the community about the use of the conference center. So I imagine this, the amphitheater we'll be able to have more community based activities there. So I really hope that you will allow for this

amphitheater to be built. It's going to be a major, major and source of entertainment for so many of on us Lanai. Thank you very much for considering it.

Ms. Preza: Thank you Alberta. Commissioners, do you have questions for her? Okay, if not, thank you so much for your testimony. Leilani, has anyone else signed up?

Ms. Ramoran-Quemado: Thank you Chair. No one else has signed up.

Ms. Preza: Okay great. Is there anyone calling in via phone that would like to testify at this time? Okay, I don't hear anyone so we'll close public testimony at this time. And Commissioners, we'll move on to if you have questions for the presenters or discussion . . . (inaudible) . . . Oh, hi Richelle, go ahead.

Ms. Richelle Thomson: Just a quick one. I also wanted to add if you have questions for the Planning staff about their staff report and recommendation also.

Ms. Preza: Great. Thank you. Commissioners, do you want to hear the staff, what their recommendation is first before our discussion? Okay, perhaps Jordan or whoever -- do you have any staff, if you could present your recommendation and then we can go on with our discussion, please. So Kurt.

Mr. Wollenhaupt: Hello again. This is Kurt. The recommendation in the report is that the Planning Department does recommend approval to the Lanai Planning Commission of the Project District Phase II Development subject to 12 conditions which are outlined in the staff report. Many of them are specific to this project, but general in tone such as we would be wanting to see an archeological monitoring plan with an archaeological monitoring report at the conclusion, downward shielding lighting, appropriate measures to mitigate short-term noise, wind, water during construction. Also that they would like to see the project initiated by July 1<sup>st</sup>, of 2022, and that it would need to be completed within two-years after that date of the initiation. And finally a very specific condition which no doubt will be the subject to some discussion, up to four large events per year will be open to the community with appropriate traffic mitigation and publication. The applicant is also committed to allow at least one Lanai Academy of Performing Arts performance per year at the amphitheater.

So in consideration of the facts of the staff report and the application, the Planning Department does recommend approval of this Phase II Development. Thank you.

Ms. Preza: Thank you. Commissioners, do you have questions, comments? Sally?

Ms. Sally: Yeah, I have a number of questions. And I don't know if this goes to Kurt or the representative that made the presentation. But someone sent me a photo and it looks as if there's been some progress on starting to build this already.

Mr. Wollenhaupt: From my perspective -- this is Kurt from Planning Department -- I'm not aware. I'm not aware of that at all. So from my perspective, I don't know anything about that. . . .(inaudible) . . . I'm not aware. I've not been given any emails or photographs so someone else may be able to illuminate better than I. Thank you.

Ms. Munekiyo Ng: This is Tessa from Munekiyo Hiraga. Construction has not been initiated on the project. The application package did include some renderings of what the facility may look like that were superimposed onto photos, site photos, but construction has not begun.

Ms. Kaye: Okay. And the hotel, the Manele Hotel, is still planning on opening July 1<sup>st</sup>?

Ms. Munekiyo Ng: Yes.

Mr. Alastair McAlpine: Yes, that is correct, July 1<sup>st</sup>, both resorts.

Ms. Kaye: Oh, Koele too?

Mr. McAlpine: Yes.

Ms. Kaye: Okay, and have any events been planned for the amphitheater? Any bookings, anything like that?

Mr. McAlpine: Not at this time. We obviously would need to know a firm date of once it would be completed that we would be able to confidently sell it. We wouldn't sell something that we are -- we have not gotten ready or complete yet.

Ms. Kaye: Okay.

Ms. Preza: Sorry, just for the record. That was Alastair talking, correct?

Mr. McAlpine: Alastair McAlpine, General Manager of Four Seasons Lanai.

Ms. Preza: Okay. Before you continue, Sally, it's very important, I think, for...as presenters are, are answering questions, if you could state your name because it's being recorded but we can't, we can't see you. We don't necessarily know who is talking. So just for future reference.

Mr. McAlpine: My apologizes.

Ms. Preza: Thank you. Go ahead Sally.

Ms. Kaye: Okay, and day trippers from Maui, off island people would be allowed to attend?

Mr. McAlpine: I think it depends on what we set up. I think the focus of the, of the events would be for the local community. We do however invite some Maui over for the fifth Friday, so again . . . (inaudible) . . . depends on how we set up with the event.

Ms. Kaye: Okay. And --

Mr. Alpine: . . . (inaudible) . . . the fifth Friday as an example.

Ms. Kaye: Okay. And one of the testifiers said that someone had made representations to him, the LAPA Director, that the shuttle service was going to be offered for free. Is that true?

Ms. Munekiyo Ng: Yes. Tess from Munekiyo --

Mr. McAlpine: We have not worked out the details from our side of things. But again, you know, we are regular supporters of our community.

Ms. Kaye: So that's a maybe.

Ms. Munekiyo Ng: This is Tess from Munekiyo Hiraga. Yes, the shuttles will be free.

Ms. Kaye: Okay, thank you. And there was reference to construction jobs and bringing people in from off island, but there wasn't much information about how many, for how long, and where they might be housed.

Ms. Linda Lileikis: This is Linda Lileikis with Pulama. We will be bringing neighbor island contractors just like we have done in the past. We're also partnering with some of the local subcontractors that are on Lanai. At this time we are still looking at the construction schedules depending on when we could get started. I know the resort project we, you know, brought in several 100. This is a very small project so the numbers, you know, really would vary and we're not really sure right now about that.

Ms. Kaye: Okay. Do you have any idea once you would start about how long it would take to complete it?

Ms. Lileikis: We really, you know, we are looking at the schedule right now. I mean, we do anticipate depending on weather, you know, anywhere from about 10 to 12 months.

Ms. Kaye: Okay. And are there any permanent jobs going to emerge out of this project...once it's built?

Ms. Lileikis: This is Linda Lileikis at Pulama Lanai. So we will definitely have some landscape maintenance positions that would be open.

Ms. Kaye: Okay. And the archaeological -- there was in the application, there was an archaeological monitoring plan that Honua had apparently asked for last year. I'm just wondering what happened to that.

Ms. Munekiyo Ng: The 50 submittals to SHPD proposes archaeological monitoring. It's still under review by SHPD. We have not yet receive a response.

Ms. Kaye: Okay. And how about the one -- the preservation plan for the site 1985 that was promised in January of 2020? And now I understand that Pulama is looking at another year for that. I'm just wondering happened?

Ms. Munekiyo Ng: The preservation plan will be completed and submitted to SHPD by December of this year.

Ms. Kaye: Right. It was planned for December of last year, so I'm just wondering what happened.

Ms. Munekiyo Ng: In the submittal to SHPD that went in January of this year, it was committed to be completed by December of this year.

Ms. Kaye: Okay. The application says -- and, and this is great -- that lighting would be directed downward to protect the u'au, but there aren't any schematics that I can see that shows how much lighting is planned.

Ms. Munekiyo Ng: Are you asking about the number of fixtures?

Ms. Kaye: If you have any kind of grasp of that, yeah.

Ms. Munekiyo Ng: We don't -- the lighting is still in the design process.

Ms. Kaye: Okay. Both the Department of Water Supply and RM Towill said that the project should be using reclaimed water, and I think the answer was that none was available. And I'm just wondering that why that is.

Ms. Munekiyo Ng: All of the R1 water that is produced is utilized by the golf course.

Ms. Kaye: I understand the golf course usage of the water apparently in a presentation last December has gone way down.

Ms. Munekiyo Ng: Yes, that is true. I believe it also still true though that all of the R1 water is utilized. And the DWS comment regarding the R1 water they . . . (inaudible) . . . an ordinance that was specific to the golf course district of the Manele Project District. And this project is within the Hotel subdistrict of the project district so the regulations relating to the use of R1 or non-potable water for irrigation do not apply to this particular project.

Ms. Kaye: Right, but I think there is an overall general provision, signed provision, that applies to all of it that's in 19.70100 that also emphasizes zeroscaping and reclaimed water.

Ms. Munekiyo Ng: So the -- thank you for the comment. The provision in Title 19.070 again is specific to the golf course subdistrict of the Manele Project District and does not apply to the hotel subdistrict.

Ms. Kaye: But the general provision emphasizing zeroscaping and reclaimed water applied to all of them.

Ms. Munekiyo Ng: We're not aware of that provision, and during a correspondence with the Department of -- subsequent correspondence with the Department of Water Supply following the applicant's response to their initial March comment letter we did point out the ordinance 2408 being specific to the golf course subdistrict and the Department of Water didn't acknowledge that response.

Ms. Kaye: Okay. Is there any plans -- I know this was a problem at Koele -- to protect any kind of landscaping that potentially would go in from deer?

Ms. Munekiyo Ng: The landscape plan has incorporated deer resistant planting species to try to combat that.

Ms. Kaye: Okay. And I know --

Ms. Preza: Sorry, Sally, before you go on if I could interrupt? Maybe -- do you have many more questions?

Ms. Kaye: One more.

Ms. Preza: Okay. Sounds good. I just wanted to make sure Commissioners had time to . . . (inaudible) . . .

Ms. Kaye: Yeah, I noticed in the application that there's consideration of phasing it because of, of course we're in the middle of a pandemic, that, that you would do the seating and landscaping, but not necessarily the green room, the dressing room, the support until later. Is that correct?

Ms. Lileikis: This is Linda Lileikis with Pulama Lanai. We originally had requested a phase approach when we knew that we had a very aggressive schedule to meet. But with the COVID-19 pandemic we are getting a restart now. We will have more time so we can complete the project in one phase.

Ms. Kaye: So your intention to start it is when?

Ms. Lileikis: Well, this would be the first step for approval. And then we would need to go through all the rest of our permits so we are looking at hopefully first quarter 2021.

Ms. Kaye: Okay, thank you.

Ms. Preza: Thank you. And thank you everyone who answered all the questions. Commissioners, do you have questions, other Commissioners?

Mr. Ornellas: Yeah, I've got one. This is John Ornellas.

Ms. Preza: Go ahead.

Mr. Ornellas: At one time, at one time the dirt road leading to the bottom of Manele Hotel they used for construction, a cultural thing was done, a study was done for their -- is to do that, the bridge that they were going to, they were going to put to the hotel for the construction. How far is, how far, how far is the amphitheater from Manele road? I mean, there's a buffer, or there's a parking lot, or, or what?

Ms. Munekiyo Ng: So I'll share the screen again. So if you --

Ms. Preza: So sorry. If you could also --. Sorry to interrupt you, John Ornellas is calling so he -- I don't think he can see your screen so if you could verbally tell him also.

Ms. Munekiyo Ng: Yeah, so I can also point to the page in the staff report where you can find the site plan that shows the, that can show the approximate relationship between the facility and Manele Road. So that would be in Exhibit-4 which is page 37 of the staff report. There's a site plan, and there's a 30-foot setback from Manele Road.

Mr. Ornellas: Setback with what, vegetation, a wall?

Ms. Munekiyo Ng: Vegetation.

Mr. Ornellas: Vegetation. Okay. And then also there's a, there's derelict steam engine down there. Are you guys going to be doing anything with that steam engine?

Ms. Munekiyo Ng: The archaeological sites will be protected, and they're located outside of the Manele Amphitheater site.

Mr. Ornellas: Okay. So you consider, you consider that old, derelict steam engine as an archaeological site?

Ms. Munekiyo Ng: I believe it is within an archaeological site.

Mr. Ornellas: Okay. And the amphitheater footprint is not going to be encroaching on this?

Ms. Munekiyo Ng: That's correct.

Mr. Ornellas: Alright. Thank you.

Ms. Preza: Thank you John. Commissioners, do you have other questions or comments? Sherry?

Ms. Menze: Yes. I would like to see maybe two performances by the LAPA. I think that would be great. And, you know, if they could do the same performance like two or three days in a row would be great.

Ms. Preza: Thanks for your thoughts. Roxanne or John Delacruz, do you folks have any -- or Chelsea -- comments or --? Sorry, I'm not sure who's screen sharing, but maybe we could get off the screen share so I can see if --. Thank you. It's kind of hard to --. It's small when everyone --. I can't see if everyone is at the top. Chelsea, did you have some comments?

Ms. Trevino: I just, you know, we always want to ensure that our community and organizations here have sufficient use, you know, that was my intention of asking Matt about the attendance. Because initially, I mean, until they talked about shuttles I was looking at how many parking stalls there were. And I was doing some math for how much seating there is, and definitely there wasn't enough parking to facilitate, you know, 500 people from the town coming down and going to a performance. So I think for me the main thing is really, you know, as we tend to do getting little bit more detailed and maybe ask for a little bit more of, of Pulama, Four Seasons whoever we're asking. Because I think right now what was the statement that was made was four public performances and one LAPA performance. And I think as we heard from Matt, you know, what does one mean? Does one mean more than one show? I mean, one, one show that can have a couple of performances, you know? And so, yeah, I guess those were the things I was looking at was just ensuring community use and access works with the needs of the, of the community. So if anyone wants to --. I don't know, I don't have a suggestion, but I'm just saying I think what was stated was four public performances and one LAPA. To me, that's a total of five. We have one, I was going to say witness, one person who shared the part about school. And I don't know if school was in there. I'm not sure if we're down playing the use of an amphitheater. However, we do know that we have school functions in the gym where you have, you know, classes participating and things that many people from the community show up to. So I don't know. I'm just throwing that out there for discussion because this is the time to ask for that stuff.

Mr. McAlpine: This is Alastair McAlpine, General Manager, Four Seasons Lanai. I think that is perfectly reasonable that two LAPA events. My daughter is part of LAPA and she's very keen and eager about it. And so, I think, also from . . . (inaudible) . . . performance is the understanding of one show would be one show of two nights. So two shows of two nights through the year, we can make that.

Ms. Preza: Thank you for the clarification. Yes, Sherry, go ahead.

Ms. Menze: I just wanted to reiterate kind of make sure that -- so Alastair, what you were saying is that you don't see LAPA -- you see LAPA is being able to do two shows a year, and then two performances for each show that they have set up?

Mr. McAlpine: Yes.

Ms. Menze: Thank you.

Ms. Preza: I'm sorry. Chelsea, are you still there?

Ms. Trevino: Yes, I am. No, I am here. Sorry.

Ms. Preza: Oh, okay. Okay.

Ms. Trevino: I have another engagement at 7:30 p.m. I'm trying to postpone.

Ms. Preza: Oh, I'm sorry.

Ms. Trevino: No, no.

Ms. Preza: But thank you -- yeah, thank you for bringing up the number of events. Yeah, I think --. I personally think, you know, four of the big public events, that's okay with me. I think, you know, it seems like a lot of the testimony was regarding LAPA and making sure that --. I mean, they think it's a great opportunity for, you know, the kids to be able to perform down there. So if, you know, there's commitment to have a couple shows, I think that's a good thing.

Ms. Preza: I don't know if there are other comments. I understand -- I guess my, my, my only issues when I reading through this book, and I think maybe it was addressed. I know the landscaping has changed, but this, this occurred a few times throughout the book that bothered me a little which was the -- stating that --. And I think, you know, incorporating native plants, like, that's awesome. I work in cultural preservation that is, you know, paramount, but I understand landscaping requires, you know, to match the rest of the hotel, requires other things. But the thing I didn't like was that it was framed --. Like so, they used --. And this is just like a, you know, a small thing, but the framing of -- that it will transition to a, quote on quote, traditional, tropical Hawaiian garden with monkey pod trees and Heliconias and spider lilies and Plumeria. I don't think all of those were like necessarily included in the updated landscaping plans when they adjusted for water use. But those aren't, you know, native plants or even --. I think they referenced like Polynesian introduced plants and most of those aren't. And it just, it just was all throughout this book, like, a few times it happen, and so that's just like a comment that maybe it should not be represented that way. Like as landscaping moves forward not, you know, calling something it's not. But I'm sure no one else had a problem with

that, but I just thought I would point it out because . . . (inaudible) . . . everywhere. So anyway, Commissioners, do you have other questions or comments?

Ms. Kaye: Yeah I do. I didn't ask, but I'm going to assume that --. Well, first of all, I'm surprised that no one else is concerned that the water use really amounts to 4.6 million gallons a year of our drinking water. And I'm not entirely comfortable with the answers to date that say, oh, we just can't find enough R1, we have to use it somewhere else. And if the water that they are going to shift over to this new amphitheater is from the hotel it probably won't be -- and correct me -- separately metered. So there will be no way of tracking whether in fact it sticks to the amount that they're talking about. And given that it's probably the easiest thing to do first, it's likely to be using a lot of water for a lot of time before it's even up and running. So I, I'm just not comfortable with some of the things that they've said about how much water is not available that's R1 and I'd like to know more. I don't know if anyone else share those concerns.

Mr. Delacruz: This is John Delacruz. I was --

Ms. Trevino: Thank you for bringing that up.

Mr. Delacruz: I was trying to understand the talk about the R1 and the recycled water that, that's being all used up by the golf course. But the 15,000 gallons of water a day which I presume they're planning to use fresh water, is that part of the allocation that's assigned to the hotel, or the resort right now?

Ms. Joy Gannon: This is Joy Gannon with Lanai Water Company. I'll jump in and maybe potentially answer some questions. So we're producing roughly 60,000 gallons of R1 a day in Manele. The golf course is using, in addition to the 60,000 gallons per day of R1, about 370,000 -- 360,000 and 370,000 gallons of brackish water a day. So when you look at the amount of R1 that we are producing, it's, it's really pretty small and it's entirely being used at the golf course. I forgot the rest of the question so I will shut up now.

Mr. Delacruz: Well, the question was that 15,000 gallons of fresh water per day where is it coming from? Is that part of the resort allocation?

Ms. Gannon: You might remember John that the allocation tables were taken out of the Lanai Water Use and Development Plan, and it was -- there are resourced development plans as part of the Lanai Water Use and Development Plan. So there isn't an allocation. So what we did is we submitted resource calculations to the Lanai -- to the Department of Water Supply and they reviewed those calculations to confirm that there was water available.

Mr. Delacruz: Thank you.

Ms. Kaye: So Joy does that mean that this, this particular allocation won't be separately metered from the hotel?

Ms. Gannon: Again, there isn't an allocation as part of the Lanai Water Use and Development Plan. But what we could do is we could add an additional sub-meter to the hotel and meter it. And I can't -- I could do a sub-meter to that, to that site.

Ms. Preza: Thank you Joy. And sorry, just to refresh your memory just in general, the sustainable yield per year is six million gallons?

Ms. Gannon: Correct. Right now we're pumping about 1.56. This year we're down on our water use for obvious reasons. Last year we were around 1.6-something million gallons per day, and the sustainable yield is six.

Ms. Preza: Sorry, I said per year, but per day. Thank you. John Ornellas, do you have other questions? Sorry, since we can't see you I can't see if --

Mr. Ornellas: No, I think Sally, Sally asked the questions that I'm interested in.

Ms. Preza: Okay. Is there further discussion, or does anyone feel strongly about how we should proceed?

Mr. Ornellas: This is John Ornellas again. I do have one. When you guys do the sub-meter, Joy, to the place, will you be able to provide us with maybe a copy for the, let's say, the first year, two years, and then re-evaluate it and then, then you guys can get rid of that form? It's just -- we want to see how, how this progression goes as far as usage, yeah? Joy?

Ms. Gannon: John, John, so typically what we're doing with meters is we're doing them by cellular reads, and so they are reading every, depending on which units we use, either every 15 minutes or every hour, and so they're tracked 15 minutes, hour, daily, yearly. So it's up to the Commission to tell us when us they want us to report that, and how often they want us to report that.

Mr. Ornellas: Okay so give me, give me, give me a hint. I mean, what would be okay with you guys? Of course we don't want it daily, but I mean, we may want it quarterly. Is that something that you guys do?

Ms. Gannon: In the past what the Commission has requested is quarterly and annually.

Mr. Ornellas: Okay. Okay, and you have no heart ache with the, with the quarterly numbers.

Ms. Gannon: I do not.

Mr. Ornellas: Okay. Okay, thank you.

Ms. Preza: Thank you John. Sorry, so...I'm sorry I'm just looking through the Department's recommendation. So our options, if there's no further discussion, is to, you know, adopt -- or

not adopt -- approve with no conditions, approve with conditions, defer, or deny. So it might - it sound like maybe I don't know, it sounds like there might be conditions that we might want to place which include request for water, water usage. Do we want them quarterly or annually? Do you folks have a preference?

Mr. Ornellas: I would, I would say quarter, I would say quarterly in the beginning only because that's their main digging, and, and you know, grading the area and building. So the usage would probably be greater in the beginning than in the, on the back end.

Ms. Preza: Okay. And I know there was discussion about, you know, having two LAPA performances a year. Is that a condition that you folks to incorporate into our recommendations officially? Okay.

Ms. Catiel: Yes.

Ms. Preza: Are there other suggestions that we -- or ideas that we talked about that you folks would like to incorporate into --?

Mr. Delacruz: Comment from John Delacruz. When Kurt was talking he included 12 conditions...recommended by the County. We would leave those conditions in, right?

Ms. Preza: Yes. So I believe if we approve with conditions, we could recommend approval of --. Sorry, I don't know if this correct, but Jordan and Richelle can correct me, but it would be approval of what the Department's recommending, but then potentially with a few edits. Is that correct?

Mr. Hart: Yeah, Chair, this is Jordan Hart. That's correct. And I think that we might have had a little bit of a typographical error. I think we should categorize these as recommended modifications to the proposed project or the proposed approach of carrying out the project rather than conditions.

Ms. Preza: Okay. Okay, approval with recommended --

Mr. Hart: Modifications.

Ms. Preza: Sorry -- modifications. Okay.

Mr. Hart: Thank you Chair.

Ms. Preza: Sorry, I was just going off of the document that was in front of me.

Mr. Hart: That's our, that's our error.

Ms. Preza: Thank you. Okay, so is there further discussion or would anyone like to -- would you guys like to proceed with a motion based on what we've discussed?

Mr. Ornellas: Chair, this John Ornellas. I move that we approve it with certain conditions; with the amount of shows and water usage.

Ms. Preza: Okay, so sorry, so I can just phrase that differently? Because I think --. So are you moving to approve with the recommendation of making modifications to adding quarterly and annual water use data provided to us and also an added LAPA performance? Is that what you're recommending?

Mr. Ornellas: Yeah, yeah. I mean, people are asking for two right?

Ms. Preza: Yes. Okay, so that motion is on, is on the table. Richelle, I don't --. Maybe, or I'm not sure if I'm --. Sorry, is that worded correctly for us to proceed?

Ms. Thomson: Yes, that's fine. So the way that I understand Mr. Ornellas' motion is to adopt the staff report and recommendation including the 12 recommended conditions. You've changed condition 12 to be two LAPA performances. And then you would the condition 13 that would be quarterly and annual water usage reports to the Lanai Planning Commission.

Mr. Ornellas: Yeah, that's fine. Thank you.

Ms. Preza: Okay. Thank you for the clarification. I just wanted to make sure it was all clear. So that's the motion on the table. Is there a second?

Ms. Kaye: Can I make a clarification? I think what was, what was offered were two performances of two nights each. And I thought that was pretty, pretty important to Matt.

Ms. Preza: Okay. Right. Sorry, so would we need to --. So Richelle when you're rewriting that it would be two LAPA performances with -- I'm not sure how to word that in a clear way.

Mr. Delacruz: I think it should read up to two nights each. Because LAPA might decide to have just one performance if 600 people show up.

Ms. Preza: Up to two nights? Okay. So with that modification, is there a second to the motion?

Ms. Menze: I second.

Ms. Preza: Okay, so Sherry seconds. Thank you. Is there further discussion? If there's none, then we'll go --

Ms. Munekiyo Ng: Excuse me. Chair Preza, this is Tessa from Munekiyo and Hiraga. With respect to the condition, the 13<sup>th</sup> condition regarding quarterly and annual reporting, can we clarify if that would be for one year from initiation of construction?

Mr. Ornellas: I would, I would say two years at the minimum.

Ms. Munekiyo Ng: Okay, thank you.

Ms. Kaye: I would ask for five.

Mr. Ornellas: Holy cow.

Ms. Kaye: They have been reporting -- the company has --

Mr. Ornellas: Yeah, you're right. They have a track. They have a track history.

Ms. Kaye: The company has been reporting quarterly for many, many years in the project district. This is no different.

Mr. Ornellas: Okay.

Ms. Preza: Richelle?

Ms. Thomson: Just procedurally. Since you have a motion already, and then seconded, and on the table, and it's probably best to do this by way of an amendment.

Ms. Preza: Okay. Sorry, it's so hard to do this virtually. But sorry I actually kind of need some guidance I think. So since there's a motion on the table that's been seconded, we need to make an amendment to the current motion that is on the table. So the amendment would be --

Ms. Thomson: Right, so Commissioner Kaye, I think, is leaning toward amending condition 13 to require these quarterly and annual water usage reports for five years. And then Commissioner Ornellas was suggesting two years. So, maybe either Commissioner could offer an amendment to that condition 13.

Mr. Ornellas: Okay, I'll make an amendment. Can I make an amendment? I withdraw my two year and keep --. I withdraw that, that part of my...what you call it and then use Sally's five years.

Ms. Preza: For five years?

Mr. Ornellas: Yeah. That was Sally that made that.

Ms. Preza: Thank you. Sorry, Richelle, so procedurally, we can continue with the vote?

Ms. Thomson: Yeah. The amendment, the amendment needs a second, and then vote on that, and then go back to the main one.

Ms. Preza: Okay, sorry, does everyone understand what's going on? Sorry, I don't think we had to do this before so apologizes for my uncertainty, but so we need a second on this amendment revision, and then we can go back to the original motion. So is there a second on this revision, or this amendment?

Ms. Menze: I second.

Ms. Preza: Okay, I see Sherry. Okay. Sherry seconds, and then we have to take a vote to make sure the amendment is okay. So Roxanne, what is your vote?

Ms. Catiel: Aye.

Ms. Preza: Okay. Sherry?

Ms. Menze: Aye.

Ms. Preza: Chelsea?

Ms. Trevino: Yes.

Ms. Preza: Sally? Sorry, you're muted.

Ms. Kaye: What, what are we voting on?

Ms. Preza: We're voting on the amendment to make it five years.

Ms. Kaye: Yes.

Ms. Preza: John Delacruz?

Mr. Delacruz: Yes.

Ms. Preza: And John Ornellas?

Mr. Ornellas: Yes.

Ms. Preza: Okay, and I also vote yes, so that passes unanimously. So now we're back to the original motion which was to approve this with modi -- with recommendation of these

modifications. I believe we all understand what those modifications are. So we'll, we had a motion, a second, and so we'll move --. Is there any further discussion from this point? If not, then we'll move on to the vote for this. So Roxanne, what do you vote? Sorry, you're muted.

Ms. Catiel: Yes.

Ms. Preza: Okay. Sherry?

Ms. Menze: Aye. Yes.

Ms. Preza: Chelsea?

Ms. Trevino: Yes.

Ms. Preza: Sally?

Ms. Kaye: No.

Mr. Ornellas: What?

Ms. Preza: Delacruz?

Mr. Delacruz: Yes.

Ms. Preza: John Ornellas?

Mr. Ornellas: Yes.

Ms. Preza: And I also vote yes so that is six yeses, one no, it passes with six. Thank you.

**It was moved by Mr. John Ornellas, seconded by Ms. Sherry Menze to, and unanimously**

**VOTED: to amend condition 13 as discussed.**

*(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, J. Ornellas, S. Preza, C. Trevino)*

*(Excused: S. Samonte)*

**It was moved by Mr. John Ornellas, seconded by Ms. Sherry Menze, then**

**VOTED: to adopt the staff report and recommendations with the recommended modifications as discussed.**

*(Assenting: R. Catiel, J. Delacruz, S. Menze, J. Ornellas, S. Preza, C. Trevino)*

*(Dissenting: S. Kaye)*

*(Excused: S. Samonte)*

**C. DIRECTOR'S REPORT**

**1. Open Lanai Applications Report as distributed by the Planning Department with the June 17, 2020 agenda.**

Ms. Preza: Okay, so that was item -- sorry let me just get my agenda -- that was Item B.3., so that concludes our public hearing agenda items. We do have a couple more items to get through, but for those of you who were just tuning in, for those, thank you for participating and staying here for the meeting. We'll move on to Item C.1. which includes open Lanai applications report by the Planning Department.

Mr. Hart: Chair, thank you very much. This is Jordan Hart. That attachment was provided to the Commissioners as part of the agenda package, and it can be reviewed with the heading Open PD Projects by TMK Report, dated June 8<sup>th</sup>, 2020. Let's see, any questions or comments on that?

Ms. Catiel: Oh, I have one. What is the 843 Lanai Avenue? That's the one, two, three, four, five -- seven one down, email inquiry?

Mr. Hart: Request for Comment. That's a request for comment; I'm not certain of what exactly that is. That could be various things. I'm not individually familiar with it. But it's not an application. It's a request for the Planning Department to provide information or comment on a subject, so I don't know what that is.

Ms. Catiel: Okay. Okay. Thank you.

Mr. Hart: But it's not, it's not a project in itself if that's what you're --. It could be somebody asking for information for something that may become a project. But when, at that later time, this will become an actual application. This is just only a request for information.

Mr. Delacruz: Roxanne?

Ms. Catiel: Yes.

Mr. Delacruz: I think that building is about two buildings down from the bank.

Ms. Catiel: Oh, that's the one on Lanai Avenue. Right. Right.

Mr. Delacruz: There's a couple of . . . (inaudible) . . . structures on that block.

Ms. Catiel: Okay.

**2. Agenda Items for the July 15, 2020 meeting**

Ms. Preza: Thank you. Other questions about the open application's report? If not, then the only -- I mean, there's C.2, which agenda items for the next meeting. It sounds like we'll have our revisions back to us, the STRH and B&B, correct?

Mr. Hart: That's right. And so I actually did finish those while, while we were in the meeting, and so they're with Leilani now. They'll be transmitted to the members. And those items, the Maui County Code, 19.64 for a Bed and Breakfast, and 19.65 for a Short-Term Rental Homes, the proposed revisions by the Lanai Planning Commission are the only two items that are currently on the agenda.

**D. NEXT REGULAR MEETING DATE: July 15, 2020**

**E. ADJOURNMENT**

Ms. Preza: Thank you. And, yeah, thank you so much for your work on that. I know it was a long process, so we appreciate it. Great, Commissioners do you have any other questions or anything? If not, our next meeting regular meeting date is scheduled for July 15<sup>th</sup>. And we'll officially adjourn at 7:43 p.m.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:43 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
John Delacruz  
Sally Kaye  
Sherry Menze  
John Ornellas  
Shelly Preza, Chair  
Chelsea Trevino, Vice-Chair

**EXCUSED:**

Shirley Samonte

**OTHERS:**

Jordan Hart, Deputy Planning Director  
Jacky Takakura, Administrative Planning Officer  
Kurt Wollenhaupt, Staff Planner  
Richelle Thomson, Deputy Corporation Counsel