

MOLOKAI PLANNING COMMISSION
REGULAR MINUTES
MARCH 24, 2021

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Lori Buchanan at 11:10 a.m., Wednesday, March 24, 2021, via BlueJeans Meeting No. 179427546

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

Chair Buchanan: Welcome, everyone. Welcome to the March 24, 2021, meeting of the Molokai Planning Commission. We're on item A., the call to order. If, for members of the public, if you can pull up the agenda of this meeting, you'll find there's several ways to participate by listening and to provide oral testimony via phone, via video, via email, and testifiers will be called by the Chair to offer their testimony and asked to mute their audio and video when they are not testifying. And if you want to testify, we're asking you to sign up using chat function to send a direct message to board chair Suzette Esmeralda conveying your wish to testify and then we'll call you. And, Commissioners, a reminder that you shall not be contacted by the chat function by any of the members or use the chat function to discuss anything. And we're going to move, if there's no amendments to offer from Commissioners or questions, we will move into item B., and seeing none, we're going to move to item B., and this is the Resolutions Thanking Outgoing Members Leonora Espaniola and John Perez, III, and, Commissioner Espaniola is on here, and I really wanted to give a mahalo to Commissioner Espaniola and Commissioner Perez for giving of their time to their community in civil service, and I really appreciate your guys' manao, and, Leonora, I really did appreciate have -- serving with you. It was my deep pleasure and my community is very appreciated -- appreciative of your time.

B. RESOLUTIONS THANKING OUTGOING MEMBERS – LEONORA ESPANIOLA and JOHN PEREZ III

Ms. Espaniola: Thanks, Chair.

Chair Buchanan: Anybody else has -- thank you, Nora. And I'm -- and usually we send the Resolution, and we all sign, but we all video the kind, but, Commissioner, you have a comment?

Ms. Mowat: I just wanted to say it was really a pleasure, and you going be missed. I going miss you.

Ms. Espaniola: So, it definitely was a pleasure working with all of you. If it's okay for me to say something. I'm in Oahu right now and the connectivity here is -- is not good. But it was really a great opportunity to serve our community. And, I do commend all of the Commissioners for their sacrifices. Keep up the good work. I really especially want to

thank Chair Buchanan for her dedication to our community, you know, I've really learned a lot, so much from your knowledge of land use and your knowledge on inform -- making informed policy judgments. You so -- you love our community and I really want to thank you and appreciate your -- your dedication as well to the community. And so, if I get cut off, I don't know, I have to dismiss myself at 12 a.m. 'cause I gotta go, I couldn't make a change for the appointment, an appointment I have at 12, so just FYI, as we going along. I go stay as long as I can on the -- the meeting. So, thank you again, Chair, and thank you, Commissioner or fellow Commissioners. Appreciate it.

Chair Buchanan: Thank you very much. Commissioner Espaniola. You will be missed very much.

Mr. Hart: Chair?

Chair Buchanan: And you going have that fancy paper come to you we all sign in one nice folder for add to your resume. So, Commissioners, we are going to move or if --

Mr. Hart: Chair, if I could?

Chair Buchanan: Yeah, go ahead. Go ahead, Jordan.

Mr. Hart: The Department does have a Resolution.

Chair Buchanan: Oh, that's right.

Mr. Hart: You will receive a hard copy of it, but I would like to read it into the record for you now. The Resolution states on behalf of the Molokai Planning Commission:

Whereas, Leonora Espaniola has served the County of Maui since February 2018 as a member of the Molokai Planning Commission; and
Whereas, Ms. Espaniola's term of service expires as of March 31, 2021;
and
Whereas, Ms. Espaniola has served with distinction and has performed her duties in the highest professional manner with the Molokai Planning Commission; now, therefore,
Be it resolved that the Molokai Planning Commission hereby commends Ms. Espaniola for her dedication and untiring public service to the people of Maui County, especially to the people of Molokai, and the Molokai Planning Commission express their sincere appreciation for Ms. Espaniola's service and extend their best wishes in her future endeavors; and
Furthermore, be it resolved that copies of this Resolution be transmitted to the Honorable Michael P. Victorino, Mayor of the County of Maui; and the Honorable Alice L. Lee, Council Chair of the Maui County Council.

And then it is to be signed by all of the Commissioners. Thank you very much. Chair, I also have a Resolution in recognition of Commissioner Perez that I would also like to read into the record, if that's OK. Thank you very much. A Resolution on behalf of the Molokai Planning Commission:

Whereas, John Perez, III has served the County of Maui since June 2018 as a member of the Molokai Planning Commission; and

Whereas, Mr. Perez's term of service expires as of March 31, 2021; and

Whereas, Mr. Perez has served with distinction and has performed his duties in the highest professional manner with the Molokai Planning Commission;

Now, therefore, be it resolved that the Molokai Planning Commission hereby commends Mr. Perez for his dedication and untiring public service to the people of Maui County, especially the people of Molokai, and the Molokai Planning Commission expresses their sincere appreciation for Mr. Perez's service and extends their best wishes in his future endeavors; and

Furthermore, be it resolved that copies of this Resolution be transmitted to the Honorable Michael P. Victorino, Mayor of the County of Maui; and the Honorable Alice L. Lee, Council Chair of the Maui County Council.

Also to be signed by each of the members and transmitted in hard copy. Thank you very much, Chair. Oh, I think that -- Chair, are you frozen? Yeah.

Ms. Buchanan: Okay, everybody can hear me?

Mr. Hart: Yeah.

Chair Buchanan: Okay. So, before we --

Ms. Espaniola: So, Chair, I -- I -- can I -- Chair, can I say something? I forgot to thank all of the staff as well. I really -- it was really fulfilling working with all of you, the staff and Planning Commission and everybody else, the County staff, and I just want to say thank you too for my learning from all of the experience that I've had in this four years, so thank you again.

Chair Buchanan: Yeah, for sure. County staff, they rock. Thank you very much.

Ms. Esmeralda: Hi, Lori. This is Suzie. Can we get a motion to accept the Resolutions since we can't get signatures that way we can have it noted that it was accepted?

Chair Buchanan: Oh, for sure. Commissioner Mowat.

Ms. Mowat: I'll move to make a -- accept the Resolutions.

Chair Buchanan: Okay, hang on, Suzie. Counsel --

Ms. Mowat: Stephanie.

Chair Buchanan: Stephanie?

Ms. Chen: Thanks, Chair. I just wanted to make sure that you open up public testimony, it is a Sunshine Law item, so on this, on the Resolutions.

Chair Buchanan: Oh, okay. I can do that.

Ms. Chen: ...(inaudible)... wants to comment. Yeah.

Chair Buchanan: Okay. I can do that. Thank you for -- at this time, I'm going to open up public testimony on item B, the Resolutions Thanking Outgoing Members Leonora Espaniola and John Perez, III. If there's any members in the public wishing to testify, please let us know. Okay, and seeing none, I will close public testimony and offer -- open the floor for a motion to accept the Resolution. Commissioner Mowat. You on mute, Bridget.

Ms. Mowat: Oh, so sorry. I move to accept the Resolutions. Is this for both of them or just one?

Chair Buchanan: Yes, for both of them. Yes.

Ms. Mowat: Okay, for both Resolutions.

Mr. Poepoe: Second.

Chair Buchanan: Okay, there's a motion, and a second Commissioner Poepoe. Any discussion? Then we do a roll call. Commissioner Mowat?

Ms. Mowat: Aye.

Chair Buchanan: Commissioner Moore?

Mr. Moore: Aye.

Chair Buchanan: Commissioner Sprinzel?

Mr. Sprinzel: Aye.

Chair Buchanan: Commissioner Poepoe?

Mr. Poepoe: Aye.

Chair Buchanan: And Chair votes -- votes in the affirmative. Thank you. Motion carried.

It was moved by Commissioner Bridget Mowat, seconded by Commissioner Laakea Poepoe, then

VOTED: to accept the Resolutions for outgoing Members Leonora Espaniola and John Perez, III.

(Assenting: L. Buchanan; W. Moore; B. Mowat; L. Poepoe; J. Sprinzel)
(Did Not Vote: L. Espaniola)
(Absent: J. Bicoy; J. Pele; J. Perez)

Chair Buchanan: Thank you very much again, everyone. Thank you. So, we are moving into now item C., under Contested Cases, and under Contested Cases, item C., there's item number 1., the SMA Minor Permit, and under that item a., and under item a.:

C. CONTESTED CASES

Pursuant to Chapter 91-10, Hawaii Revised Statutes, and Subchapter 4 of the Molokai Planning Commission Rules of Practice and Procedure, any individual wishing to testify on these items is required to do so under oath, and may be asked questions by the applicant and members of the Commission. The applicant may provide comments in response to each testifier and should notify the Commission if it wishes to do so.

1. SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT

Chair Buchanan read the following agenda item description into the record:

- a. MR. LUIGI MANERA, on behalf of MR. KEVIN MISAKI, Owner, requesting a Special Management Area Minor Permit in order to construct the replacement of an exterior south-facing wall, and repairing an approximately 940 square-foot existing second floor and the roofing situated in the Kaunakakai Country Town Business District located at 78 Ala Malama Avenue, TMK: (2) 5-3-002: 083, Kaunakakai, Island of Molokai. (SMX 2020/0277) (Valuation: \$35,000) (S. Lopez)**

The Commission may act to approve or disapprove the permit, or defer.

Chair Buchanan: Is there a staff report?

Ms. Lopez: Thank you, Chair. This is Sybil Lopez, the Staff Planner on the project that is in front of you today. The request is for approval with conditions of a special management area minor permit for the replacement of an exterior south-facing wall on what we know now as Misaki's, the Misaki Store, located right on Ala Malama in our Kaunakakai Country Town Business District. The applicant is here, Mr. Luigi Manera, and on behalf of the owner, Mr. Kevin Misaki. The land use designation is in the urban area, is the Molokai Island Community Plan is business commercial, and it is in a special management area, which is the Flood Zone is X, and you do have -- that was attached as a link to your agenda, the memorandum from the Department as well as the recommendations, and the exhibits. So, if you have any questions regarding the memorandum, I'm here to the best of my capacity to answer any of your questions. And like I said, we do have Mr. Manera in the meeting today as well. Thank you

Chair Buchanan: Okay, mahalo, Staff Planner Lopez. If, at this time, if the applicant wants to add anything to the staff report before I open for public testimony? If -- if not, I can just open for public testimony and then come back to Commissioner questions to staff, if that's okay?

Mr. Manera: Hi, Chair, Members of the Commission. This is Luigi.

Chair Buchanan: Hi, Luigi. If, Luigi, if you can hang on, I want to swear you in --

Mr. Manera: Yeah. Sure.

Chair Buchanan: 'Cause this is a contested case hearing. Okay.

Mr. Manera: Okay.

Chair Buchanan: Okay. Thank you. Mr. Manera, do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Manera: Yes, I do.

Chair Buchanan: Okay, thank you so much, Mr. Manera. You can proceed.

Chair Buchanan: Thank you, Members of the Commission, Chair, for being over here this morning. This is regard of the wall is a 38 feet long wall, and approximately 900 square feet of storage. This is -- it's for Misaki but it's actually in the back of Misaki on

what is called Maluolu Place. It's just a little dead end road in between the store and the warehouse. The wall is really in bad shape; it's mainly because of termites and whatever. We have to add couple supports on the interior already for a few months because the second wall -- the second floor is ready to collapse and we need to get this, I mean, approved as soon as possible before something happen. We not going to increase any square foot on the existing, the wall will be the same height, the same weight, we just changing the old material with the new material, and we'll be using the same, the way it is now, storage will be storage, and we try to fix it up a little bit better than what is now even just for the roof. And for now, I -- I'm going to leave it like this and I'll wait for -- for you guys after the public, you know, to call me back. That's fine. Thank you.

Chair Buchanan: Thank you, Mr. Manara. If there's no opposition from Commissioners, I'd like to open for public testimony at this time and then come back for questions. There's no opposition so --

Mr. Manera: Okay.

Chair Buchanan: At this time, I'd like to open up public testimony on item number C., number 1., under a., if there's anyone wishing to testify, please make yourself known to board secretary or if Sybil had anybody, just state your name for the record, then I can swear you in.

Ms. Esmeralda: This is Suzie. I don't have anyone signed up.

Chair Buchanan: Thank you, Suzie.

Ms. Lopez: Chair, I don't have anyone here. This is Sybil Lopez. I don't have anyone here to -- wishing to testify. Thank you.

Chair Buchanan: Thank you, Sybil. Okay, if there is no one from the public wishing to testify at this time, I will close public testimony on item C.1.a., and then call on Commissioners if you guys have any questions on this application for staff or the applicant.

Chair Buchanan: Commissioner Sprinzel.

Mr. Sprinzel: I am 100 percent behind the application. Thank you.

Chair Buchanan: Thank you, Commissioner. Any questions for staff for the staff report or the applicant?

Ms. Espaniola: I do, Chair.

Chair Buchanan: Yes?

Ms. Espaniola: Is there -- is there any ruling on the type of material that they have to use being this is a -- is it a historical building at all? I'm -- I'm not sure. I'm asking. I guess I should ask you Luigi.

Mr. Hart: Chair, you know, maybe --

Mr. Manera: No.

Mr. Hart: Maybe the Department could respond to that.

Ms. Espaniola: Yeah, go ahead.

Mr. Manera: That's fine.

Ms. Espaniola: Go ahead.

Chair Buchanan: Okay.

Mr. Hart: The Department is recommending --

Chair Buchanan: Luigi? Yeah, no, go ahead. I would like the Department to respond.

Mr. Hart: The Department has a recommended condition that the ...(inaudible)... the State Historic Preservation Architectural Branch before initiating construction, and so we believe that that would, basically, be a process of establishing that the materials used in the renovation are appropriate for the process that's being pursued.

Ms. Espaniola: Ok, thank you.

Chair Buchanan: Commissioners, any other questions or clarification? I'm sure everybody read it and everybody did have a chance to read it. I see shaking in affirmative. Okay, if there's no more questions, I have a comment. It's just a comment and it's on the staff report. This one. And I wanted to -- I wanted to thank Mr. Manera and County staff, whoever put the -- the packet together for this application. I thought it was well done. It was really easy to read and I thought it included all the pertinent information. Even the pictures was good and the architectural drawings was great. I did appreciate enlarging the really small schematics on a separate page so, Mr. Manera, if you did that, I -- I appreciated that. I really did. I didn't have to ask for it. And so, I wanted to give kudos where -- where kudos should be given to really a great application and schematics. And all of this stuff is really helpful for me. All the materials was on there, State Historic Preservation stuff was on there, comments, and I really agree, and I wanna commend the

Misakis to making the move to do the improvements to this right now within our -- our town because our town is an old town and it's costing a lot of money to do improvements and renovations, so I really give the Misaki family, ohana, kudos for making moves to shore up the infrastructure and do improvements, and I thank Mr. Manera for doing a really good application, and I thanking the staff for putting it all together. Planning Department, you guys did a really good job on this so, for that, guess what? Chair has no questions.

Mr. Hart: Chair, if I could?

Chair Buchanan: How's that?

Ms. Lopez: Thank you.

Mr. Hart: Go ahead, Jordan.

Mr. Hart: Thank you very much for saying that, you know, your Molokai Planner put a lot of extra work into this staff report and I -- I agree that I think it looks really great and thank you for recognizing it.

Chair Buchanan: Yeah, we recognize good work.

Mr. Manera: Thank you very much.

Ms. Lopez: Thank you.

Chair Buchanan: Thank you. Awesome. Okay. Oh, John -- Commissioner Sprinzel. Oh, John, I cannot hear you. Hang on. Try again. John. I think you're muted. Commissioner Sprinzel --

Ms. Mowat: He's on mute.

Chair Buchanan: I think you muted. We still cannot hear you.

Mr. Sprinzel: Okay, can you hear me now?

Chair Buchanan: Yes.

Mr. Sprinzel: We had a -- we had our power cutoff a little bit earlier, so we've had some problems. Can I propose we accept this with the conditions as outlined by Jordan?

Mr. Hart: Clarification, Chair. I only pointed out one condition in response to a question. I do believe that the Department should read all and maybe the Staff Planner can go ahead and do that if it's time.

Chair Buchanan: Okay, great. I think it's time if -- if staff can read the recommendations for this application.

Ms. Lopez: Thank you, Chair. Thank you, Commissioners. Pursuant to the aforementioned, the Department of Planning recommends approval of the SMA minor permit subject to the following four conditions: That the project shall be in accordance with the descriptions and plans submitted on August 12, 2020, including A-1 to A-5, the drawing plans, and representations made to the Department by Architectural Drafting Services; number two, that the contractor shall perform the work in a manner that minimizes environmental pollution and damage as a result of construction operations. The environmental resources within the project boundaries, and those affected outside the limits of permanent work shall be protected during the entire duration of the construction period to the satisfaction of the Department with evidence in the compliance report; number three, that the applicant shall obtain the equivalent of a no historic properties effected determination from DLNR-SHPD and provide documentation of the determination to the Department prior to commencing work; and, number four, that the applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State, and County governments for authorized projects.

So, in consideration of the foregoing, the Department recommends that the Commission adopt the Department's memorandum to the Commission for the March 24, 2021 meeting as its findings of fact, conclusions of law, and decisions and order, and authorizes the Planning Director to transmit said written D and O on behalf of the Commission. Thank you.

Chair Buchanan: Thank you, Planning staff, and again, kudos. Thank you, Planner Lopez. Commissioner Sprinzel, the floor is open. If you can reiterate your motion.

Mr. Sprinzel: Yes, that I propose we accept the motion with the conditions as outlined in our revised paperwork, which were just read by Sybil. Thank you.

Ms. Espaniola: I second that.

Chair Buchanan: Is there a second? Thank you, Commissioner Espaniola. We have a second. Commissioners, we have a motion, it was seconded, is there any discussion on the floor for this application? Okay, seeing none, I'm going to do a roll call. Commissioner Mowat?

Ms. Mowat: Aye.

Chair Buchanan: Commissioner Moore?

Mr. Moore: Aye.

Chair Buchanan: Commissioner Sprinzel?

Mr. Sprinzel: Aye.

Chair Buchanan: Commissioner Poepoe?

Mr. Poepoe: Aye.

Chair Buchanan: And the Chair votes in the affirmative. Motion carried.

It was moved by Commissioner John Sprinzel, seconded by Commissioner Leonora Espaniola, then

VOTED: to accept Agenda item C.1.a. with the conditions, as presented.

(Assenting: L. Buchanan; W. Moore; B. Mowat; L. Poepoe; J. Sprinzel)
(Did Not Vote: L. Espaniola)
(Absent: J. Bicoy; J. Pele; J. Perez)

Chair Buchanan: Awesome. Thank you. Fix our store.

Ms. Lopez: Mahalo, Commissioners and Chair.

Chair Buchanan: Okay, thank you, everyone, so --

Mr. Manera: Thank you.

Chair Buchanan: Thank you.

Mr. Manera: Thank you, Commissioners.

Chair Buchanan: Thank you very much --

Mr. Manera: Thank you. Appreciate it. Thank you.

Chair Buchanan: For a well-written document. Thank you. Okay, moving on, and we can power through and maybe Ms. Espaniola can go to the end. Commissioner

Espaniola. Hang on. Hang on. Wrong paperwork. So, we are on Director's Report, item D., and under item D., numbers 1., 2., and 3. Jordan?

D. DIRECTOR'S REPORT

- 1. Agenda items for future meetings.**
- 2. Open Molokai Applications Report generated by the Planning Department with the March 24, 2021 Agenda Packet (Appendix-A)**
- 3. Completed Molokai Applications Report generated by the Planning Department with the March 24, 2021 Agenda Packet (Appendix-B)**

Mr. Hart: Yeah, I'm going to ask Sybil. Sybil, can you make a comment on future agenda items that we're going to try and get on?

Ms. Lopez: Thank you, Deputy Director. Yes, for your future meetings, we -- we do have a renewal for a bed and breakfast that'll be coming to you, and we do plan on having our -- some SMA exemptions that is coming to you as well. That -- that's all I have. If you have any questions regarding that. Thank you.

Chair Buchanan: Sybil, I don't know if we decided to have one training, the Sunshine Law training, 'cause we're going to have new members too yeah?

Ms. Lopez: Yes. The Department is planning to add that as well on the agenda.

Chair Buchanan: Okay, thank you. Deputy?

Mr. Hart: Chair, on that note, I'll add that I did ask the Current Division to -- Current and the Zoning and Enforcement Division to emphasize some of the enforcement in SMA shoreline issues that you had ask for, so they'll be preparing for that training as well.

Ms. Mowat: Can I have a -- can I ask a question?

Chair Buchanan: Yes, Commissioner Mowat.

Ms. Mowat: And this is -- this is not anything that -- I -- I just wanted to know how many seats are open on our Planning Commission.

Mr. Hart: Let me verify. I believe it's only two at this time. I believe there's no existing vacancies so there's the two -- the two terming out. I would need to check the status of - of new members being seated.

Ms. Mowat: Okay.

Mr. Hart: Suzie --

Ms. Mowat: I just wondering what happened to Julie.

Ms. Esmeralda: This is Suzie. We have two new members coming on.

Ms. Mowat: Oh. So, two coming on and two going out.

Ms. Esmeralda: Yes.

Ms. Mowat: Thank you.

Mr. Hart: Suzie, are you able to say the names of both members now?

Ms. Esmeralda: Colette Machado and Louella Albino.

Chair Buchanan: Thank you very much.

Ms. Mowat: Thank you.

Chair Buchanan: And then go ahead, Jordan.

Mr. Hart: Okay, so item number 2., on the Directors Report, is the open applications report generated by the Planning Department and that's Appendix-A, and along with that is item number 3., which is the completed applications, Appendix-B, and then attached to that is the -- the Rosetta Stone for what all the permit numbers mean or types.

Chair Buchanan: Yay. Yay. Awesome. Thank you very much. Can you all -- Commissioners, is there any questions on -- on the Director's Report, item number 2. or 3., pending and open applications? Okay, seeing none, can you move right into item E., next scheduled regular meeting date.

E. NEXT SCHEDULED REGULAR MEETING DATE: APRIL 14, 2021

Mr. Hart: That meeting is slated for April 14, 2021.

Chair Buchanan: Okay, thank you very much. And then, Commissioners, if there's no more questions, and I going miss you, Leonora.

Ms. Espaniola: Oh yeah, I going miss you guys too

Chair Buchanan: We going call you for help.

Ms. Espaniola: Thank you, Stephanie, Corp Counsel. Thank you, Jordan and Sybil and and Suzie, was really a pleasure working with all of you.

Ms. Chen: Thank you so much.

Ms. Espaniola: I applied for the Status of Women, so I'm really still going to be serving in a different committee.

Mr. Hart: Thank you. We miss coming over there for the meetings.

Chair Buchanan: Yeah ...(inaudible)...

Ms. Espaniola: Thank you again. Aloha.

Chair Buchanan: Thank you. Thank you for considering serving in other areas. Okay, Commissioners, with that, if there's no other comments or questions, then I believe we are adjourned. Yay. Thank you, everyone. See you April 14.

F. ADJOURNMENT

The meeting was adjourned at 11:42 a.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present:

Lori Buchanan, Chairperson
Laakea Poepoe, Vice-Chairperson
Leonora Espaniola
William Moore
John Sprinzel

Absent:

Julie-Ann Bicoy (*Resigned as of March 19, 2021*)
John Pele
John Perez, III

Others:

Jordan Hart, Deputy Planning Director, Department of Planning

Sybil Lopez, Planner, Current Division, Department of Planning

Stephanie Chen, Deputy Corporation Counsel, Department of the Corporation Counsel

Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning