

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
NOVEMBER 26, 2019**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:06 a.m., Tuesday, November 26, 2019, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Mr. Carnicelli: Maui Planning Commission meeting of November 26, 2019 is now in session. My name is Lawrence Carnicelli, I'm the Chair. Also, with us in attendance today is Vice-Chair Christian Tackett.

Mr. Tackett: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner Castro.

Mr. Castro: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner La Costa.

Ms. La Costa: Aloha Chair.

Mr. Carnicelli: Aloha. Commissioner Thompson.

Mr. Thompson: Aloha Chair.

Mr. Carnicelli: Aloha. Commissioner Pali.

Ms. Pali: Aloha kakahiaka Chair.

Mr. Carnicelli: Aloha. And Commissioner Robinson.

Mr. Robinson: Aloha.

Mr. Carnicelli: Aloha. Not with us today, absent is Commissioner Gomes and Commissioner Freitas. So, we do have quorum, quorum is established. Also, in attendance is Planning Director Michele Chouteau McLean.

Ms. McLean: Good morning, Chair.

Mr. Carnicelli: Good morning. And Corporation Counsel Michael Hopper.

Mr. Hopper: Good morning.

Mr. Carnicelli: Good morning. So, today's a full agenda guys so we're gonna try to keep this thing moving as best we can. I see a lot of new faces. So just so you know we will take public testimony at each item. So what we'll do is we'll have the first item, we'll have a brief

1 presentation or discussion, you'll have the opportunity to then testify after the presentation's  
2 been made and then we will make decisions as we go so just so you guys know is that's how  
3 the Planning Commission does it here is we take testimony after each item. So, with that being  
4 said, Director.

5  
6 Ms. McLean: Thank you, Chair. The first item on the agenda is Unfinished Business. This is a  
7 proposal from R.D. Olson Development for the Planning Commission to be the accepting  
8 agency for the Final Environmental Impact Statement in support of the Community Plan  
9 Amendment from Light Industrial to Hotel for the proposed Windward Hotel, a 200-room hotel,  
10 located on approximately 5.17 acres of land in the Maui Business Park II Subdivision at  
11 778 Haleakala Highway portion of TMK: 3-8-103:014, as well as parcels 015, 016, 017, 018 in  
12 Kahului. The applicant also submitted applications for Change in Zoning and SMA Use Permit.  
13 The public hearing will be scheduled after the EIS process has been completed.

14  
15  
16 **B. UNFINISHED BUSINESS**

- 17  
18 **1. R.D. OLSON DEVELOPMENT proposing that the Maui Planning**  
19 **Commission be the accepting agency for the Final Environmental Impact**  
20 **Statement in support of the Community Plan Amendment from Light**  
21 **Industrial to Hotel for the proposed Windward Hotel, a 200-room hotel,**  
22 **located on approximately 5.17 acres of land, located in the Maui Business**  
23 **Park II Subdivision at 778 Haleakala Highway, TMK: (2) 3-8-103:014**  
24 **(portion), 015, 016, 017, 018, Kahului, Island of Maui (EIS 2018/0001)**  
25 **(CPA 2018/0001) (T. Furukawa)**

26  
27 [http://oeqc2.doh.hawaii.gov/EA\\_EIS\\_Library/2019-10-08-MA-DEIS-Windward-Hotel.pdf](http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2019-10-08-MA-DEIS-Windward-Hotel.pdf)

28  
29 **The Applicant has also submitted applications for a Community Plan**  
30 **Amendment, Change of Zoning, and a Special Management Area Use**  
31 **Permit. The public hearing will be scheduled after the Chapter 343 HRS**  
32 **process has been completed.**

33  
34 **The Commission may act on the following:**

- 35  
36 **a. That the Maui Planning Commission is the approving agency of the**  
37 **Final Environmental Impact Statement.**

38  
39 Ms. McLean: At the last meeting, the Commission provided its comments on the Draft EIS and  
40 you have a copy of those written comments in front of you today. The deferral from last time  
41 was whether the Maui Planning Commission or the State Land Use Commission should be the  
42 accepting agency and the item was deferred so that we could consult with the State Land Use  
43 Commission as well as the State Office of Environmental Control which administers  
44 Chapter 343, the EA/EIS Law.

1 OEQC indicated that when there are competing jurisdictions for an accepting authority that  
2 those agencies need to discuss and decide which agency should be the accepting authority. If  
3 the agencies cannot agree then OEQC will get involved and make a decision. And so OEQC  
4 put it back to the Planning Department and the State Land Use Commission to determine who  
5 the authority should be.

6  
7 After getting that feedback, we contacted the State Land Use Commission and their Executive  
8 Officer, Daniel Orodener and there is an email between Mr. Orodener and myself in your  
9 packets where I summarized the discussions that we had had with OEQC and the Land Use  
10 Commission where both Mr. Orodener and I agreed that the State Land Use Commission  
11 should be the accepting authority. And so, what that would mean is that the Land Use  
12 Commission would have to meet to be the accepting authority and they would be the ones to  
13 accept the Final EIS. After they do that then it would come to the Commission for the  
14 Commission to make a recommendation to the County Council on the Community Plan  
15 Amendment and Change in Zoning. That would go to the Council. If the Council were to  
16 approve it then it could come back to the Commission for the SMA permit.

17  
18 Part of the Land Use Commission's action would also be amending the existing decision and  
19 order when the land was redesignated to Urban. When it was redesignated to Urban it was in  
20 contemplation of industrial and some commercial development not hotel development. And so  
21 that Decision and Order would have to be amended first with the acceptance of the Final EIS  
22 before the County could act on the county level entitlements and so because the Land Use  
23 Commission would be the first action, we agreed that the Land Use Commission should be the  
24 accepting authority.

25  
26 What's in front of the Commission today is, it is your decision so you can decide to be the  
27 approving agency if you choose to. If you were to decide that then I'd have to go back to the  
28 Land Use Commission and see if they would concede that authority. If they wouldn't then we'd  
29 have to have OEQC decide. If today however you agree that the Land Use Commission should  
30 be the accepting authority then the process can move forward with the Land Use Commission.

31  
32 Mr. Carnicelli: So, I guess at this point, does the applicant have anything that they want to add  
33 at this point?

34  
35 Mr. Curtis Tabata: Good morning.

36  
37 Mr. Carnicelli: Good morning.

38  
39 Mr. Tabata: Curtis Tabata, attorney for R.D. Olsen. First of all, R.D. Olsen would like to thank  
40 the Planning Department for having discussions with OEQC and the State Land Use  
41 Commission and we also thank the Planning Commission here for your patience in this matter. '

42  
43 With respect to the recommendation to have the State Land Use Commission be the accepting  
44 agency R.D. Olsen will comply with that recommendation should this Planning Commission  
45 adopt that recommendation. Thank you very much.

1 Mr. Carnicelli: Great. Thank you very much. I appreciate that. So, at this point in time what  
2 we'll do is open up the floor for public testimony. Did anybody sign up? No, nobody signed up.  
3 Okay. So, and just so you know is the decision we're making is whether or not we are the  
4 authority or the Land Use Commission is the authority. So, if anybody would like to come  
5 forward and testify on that please do so now. Seeing none, and without objections we'll go  
6 ahead and close public testimony. Discussion? Commissioner Robinson.

7  
8 Mr. Robinson: Chair, I wasn't, I wasn't here at the last meeting but I have read things, but  
9 because it was...this meeting was so back to back I wasn't able to purview all the minutes. I  
10 want to see if you could ask the applicant if they feel comfortable with me voting on this or not  
11 and I will...I may yield to that.

12  
13 Mr. Carnicelli: Okay.

14  
15 Mr. Tabata: The applicant has no objection.

16  
17 Mr. Carnicelli: Okay, thank you very much. Discussion? How about a motion?  
18 Commissioner Thompson.

19  
20 Mr. Thompson: So moved.

21  
22 Mr. Carnicelli: Okay, so you are moving to make the Land Use Commission the approving  
23 authority for this matter?

24  
25 Mr. Thompson: Yes.

26  
27 Ms. La Costa: Second.

28  
29 Mr. Carnicelli: Okay, that is the motion. Seconded by Commissioner La Costa. Discussion on  
30 the motion? Commissioner Robinson.

31  
32 Mr. Robinson: I think the Land Use Commission doesn't have as much local representation as  
33 the Maui Planning Commission does. I don't they're...even though we do have representation I  
34 think that, that we're actually more qualified to, to understand the needs of the community and  
35 the pulse and just the comments that I've seen and the questions that you guys brought up the  
36 last meeting. I don't think those would, would come up...(inaudible)...I'm not saying it wouldn't  
37 but I think that we actually are favorable to Maui if the Planning Commission takes it up. That's  
38 just my two cents. And I do have a question, Chair.

39  
40 Mr. Carnicelli: Go ahead.

41  
42 Mr. Robinson: During...just reading the notes and I apologize I wasn't here during the  
43 conversation is a few of the testifiers you know went back to the Maui General Plan and it went  
44 to the plan of population, tourist and stuff like that, is there any clarification from the Department  
45 on where that stands on what the...I mean with that being brought up is there a certain type of  
46 recommendation should we follow, are we...is it arbitrary, is there any kind of clarification on  
47 that testimony?

1  
2 Ms. McLean: It's an appropriate comment to make to the Draft EIS which this Commission did  
3 and which the Department also did and presumably members of the public did. The EIS should  
4 then address that comment and discuss it and apply it to the proposed action. That policy in the  
5 Maui Island Plan...and it's in the Maui Island Plan, that policy, so there's the EIS step and it's  
6 something the Land Use Commission may wish to consider when they consider amending the  
7 Decision and Order. If the matter comes back to the Commission or when the matter comes  
8 back to the Commission and you're considering the Community Plan Amendment and the  
9 Change in Zoning that would also be one of the policies that you consider in making your  
10 recommendation on those actions. So, it's...it's a policy that guides future action and so the  
11 Department will be making its recommendation to the Commission at that time and the  
12 Commission will be making its action at that time in consideration of that policy and other  
13 applicable policies and criteria. So, it doesn't need to be resolved and figured out right now. It  
14 will be considered throughout the process.

15  
16 Mr. Robinson: Is, Director has the Department ever had an opinion on this, on this subject  
17 before or do they plan to have an opinion since it's been brought up?

18  
19 Ms. McLean: The issue has come up before when we've talked about various types of vacation  
20 rentals in the discussion of the adoption of the B&B bill, the Short-Term Rental Homes bill and  
21 amendments to those, the impacts of the visitor industry in general does get, does get  
22 discussed. In applying it directly to a specific application I don't believe that it has been so  
23 directly applied before where there's been such an entitlement before. And so, we have had  
24 discussions with the Mayor in terms of new hotel development and its relationship to this policy.  
25 And so, this will probably be the first time that that policy finds its way to a specific  
26 recommendation from the Department.

27  
28 Mr. Robinson: Thank you, Chair.

29  
30 Mr. Carnicelli: No problem. Also, that policy in the Maui Island Plan I do believe it says, strive  
31 for is that ...do you recall that it's not like a hard and fast okay, we have to have this, but I do  
32 believe that the actual policy in the Maui Island Plan is to strive for one to three ratio. I mean,  
33 again, we don't have to iron that out exactly right now.

34  
35 Ms. McLean: Right.

36  
37 Mr. Hopper: At this stage, also you're deciding on if you're accepting authority and discussing  
38 the merits of the project. You will have...the Commission and the...not necessarily this  
39 Commission but if this project moves forward this Commission will have the opportunity to  
40 review a Community Plan Amendment, I believe a Change in Zoning as well and I believe an  
41 SMA Permit and it will have the opportunity to discuss the merits of the project, to the extent that  
42 relates to the EIS then that can be addressed in the EIS document, but again as a Commission  
43 will have the opportunity to review those issues when the project comes before you for your  
44 recommendation and approval for the SMA Permit.

45  
46 Mr. Carnicelli: Yeah. Thank you. Thank you, I was just...since we're having the conversation,  
47 just wanted clarification is all.

1  
2 Ms. McLean: Chair, if—

3  
4 Mr. Carnicelli: Yeah.

5  
6 Ms. McLean: --assuming that Dick Mayer properly quoted the Maui Island Plan in his opinion  
7 piece and I trust that he did, it states, promote a desirable island population by striving to not  
8 exceed an island wide visitor population of roughly 33 percent of the resident population.

9  
10 Mr. Carnicelli: Okay, thank you very much for that clarification. Any other further discussion on  
11 the motion? I will just add that I do agree with Commissioner Robinson in that I think when it  
12 comes to these types of matters we do have a better understanding of Maui, and our  
13 community, and our communities than the Land Use Commission does, however, I will be  
14 supporting the motion in just that you know through the due diligence of what we did and the  
15 process with which the Director explained that I think it's easy to go ahead and concede this to  
16 the LUC. So that's my two cents worth. I guess call for the question, Director.

17  
18 Ms. McLean: The motion is for the Land Use Commission to be the accepting authority.

19  
20 Mr. Carnicelli: All those in favor please raise your hand. That is one, two, three, four.  
21 Opposed, one, two. One abstaining, so that would be five-two, motion passes.

22  
23 **It was moved by Mr. Thompson, seconded by Ms. La Costa, then unanimously**

24  
25 **VOTED: For the Land Use Commission to be the Accepting Authority.**

26  
27 **(Assenting – D. Thompson, P. D. La Costa, K. Pali, S. Castro,**  
28 **Abstained - C. Tackett)**  
29 **(Dissenting - K. Robinson, K. Freitas)**  
30 **(Absent - T. Gomes)**

31  
32 Ms. McLean: And Chair I would like to apologize to the applicant for this jurisdictional issue  
33 coming up so late in the process.

34  
35 Mr. Carnicelli: Right.

36  
37 Ms. McLean: It's something that we should have resolved with the applicant before coming to  
38 the Commission and that's ...(inaudible)...some delays into their project and we bear  
39 responsibility for that so I am sorry for that and we'll work with them to make this as smooth as  
40 possible moving forward.

41  
42 Mr. Carnicelli: Yeah, thank you again for your due diligence guys. Next item, Director.

43  
44 Ms. McLean: Thank you, Chair. There are five public hearing items on the agenda today. The  
45 first one is a request from the County of Maui, Department of Transportation through Charlene  
46 Shibuya of Munekiyo Hiraga for a Special Management Area Use Permit for the proposed  
47 transit hub relocation project. The project will involve the removal of bus shelters at the current

1 transit hub located at the Queen Kaahumanu Center and the development of a 0.85-acre site off  
2 of Vevau Street for the new transit hub with a ticket booth, restroom, storage building, covered  
3 bus loading and passenger waiting areas, a parking lot and related onsite improvements as well  
4 as offsite improvements. The existing transit hub is located at TMK: 3-7-002: 020 (por.) and the  
5 new proposed transit hub is to be located at parcels 3-7-004: 003 (por.) and 3-7-005: 003 (por.).  
6 Tara Furukawa is the project planner. I see she has Charlene Shibuya with her as well as Mark  
7 Takamori who is the County's Director of Transportation and Michael Dupont the Deputy  
8 Director of Transportation is here as well.

9  
10 Mr. Carnicelli: We're gonna stall a little bit, we'll say...are you ready or do you want a little  
11 recess?

12  
13 Ms. Furukawa: No, I'm ready.

14  
15 Mr. Carnicelli: Oh, okay.

16  
17 Mr. Furukawa: Yeah.

18  
19 Mr. Carnicelli: Go ahead.

20  
21 **C. PUBLIC HEARINGS**

- 22  
23 **1. MS. CHARLENE SHIBUYA OF MUNEKIYO HIRAGA, on behalf of the**  
24 **COUNTY OF MAUI DEPARTMENT OF TRANSPORTATION, requesting a**  
25 **Special Management Area Use Permit for the proposed transit hub**  
26 **relocation project. The project will involve the removal of bus shelters at**  
27 **the current transit hub located at the Queen Kaahumanu Center and the**  
28 **development of a 0.85-acre site off of Vevau Street for the new transit hub**  
29 **with a ticket booth, restroom, storage building, covered bus loading and**  
30 **passenger waiting areas, a parking lot and related onsite improvements.**  
31 **Offsite improvements include roadway frontage improvements, moving**  
32 **overhead utilities underground, sewer and water utility connection**  
33 **upgrades, installation of sidewalks and driveway access improvements.**  
34 **The existing transit hub is located at Tax Map Key: (2) 7-002:020 (por.) and**  
35 **the new proposed transit hub is to be located on Vevau Street, Kahului,**  
36 **Maui, Hawaii, Tax Map Keys: (2) 3-7-004:003 (por.) and (2) 3-7-005:003**  
37 **(por.). (T. Furukawa)**

38  
39 Ms. Tara Furukawa: Good morning Commissioners. The project involves the dismantling of the  
40 existing transit hub at the Queen Kaahumanu Center and the construction of a new transit hub  
41 off of Vevau Street in Kahului with onsite and offsite improvements.

42  
43 As background, an Environmental—

44  
45 Mr. Carnicelli: Tara, I'm sorry, I'm gonna interrupt you just real quickly, I apologize.

46  
47 Ms. Furukawa: Okay.

1  
2 Mr. Carnicelli: I forgot to put on the record that Commissioner Freitas had actually joined us at  
3 the very, very, very beginning of the first item and so anyways, I apologize that I didn't put that  
4 on the record, so I'm sorry, and I'm also apologizing to you for interrupting you but I did need to  
5 put that on the record, so thank you.

6  
7 Ms. Furukawa: Okay, no problem. As background, an environmental assessment was because  
8 of the use of State land and County funds. The land is owned by the State and the County  
9 Department of Transportation is funding the project. The Final Environmental Assessment and  
10 Finding of No Significant Impact was published by the Office of Environmental Quality Control  
11 on October 8, 2019. The County of Maui, Department of Transportation is the applicant and  
12 was the accepting agency for the EA. The EA challenge period ended on November 8, 2019,  
13 so this item has come to you for review because the proposed project falls within the Special  
14 Management Area and the total valuation is more than \$500,000, requiring review by the Maui  
15 Planning Commission as per HRS 205.

16  
17 We want to note that the applicant's license to occupy with QKC expires in January 2020, and  
18 the County DOT has secured an amendment to the license to continue to utilize the space up  
19 until July 31, 2021, but time is definitely a factor to consider...(inaudible)...approval of the SMA  
20 Permit. The project was reviewed by various government agencies and there are no significant  
21 concerns and any comments received by agencies were able to be mitigated by conditions to  
22 the project. The project was reviewed by the Urban Design Review Board at their regular  
23 meeting on July 2, 2019 and they recommended approval to the Maui Planning Commission  
24 with six design related recommendations. The project consultant, Charlene Shibuya of  
25 Munekiyo Hiraga will present the project and can answer any questions you might have  
26 regarding the proposal.

27  
28 Ms. Charlene Shibuya: Good morning, Chair Carnicelli and Members of the Commission. My  
29 name is Charlene Shibuya, I'm from the planning firm of Munekiyo Hiraga.

30  
31 Mr. Carnicelli: Good morning, Charlene.

32  
33 Ms. Shibuya: And I have a project team here with me, basically the bosses of the County of  
34 Maui, Department of Transportation agency and Marc, Marc Takamori, I'm pretty sure you're  
35 familiar with him and Michael Dupont, the Deputy Director. Yeah, sorry little technical problems.  
36 And the project team includes, I'm not sure all team members are here, but basically the  
37 applicant, Maui Department of Transportation which I'll refer to MDOT and it's represented by  
38 Marc Takamori, the Director and Michael Dupont, the Deputy Director which sits behind me, and  
39 the civil engineering firm of Fukumoto Engineering represented by Mike, Vice-President, Mike  
40 Silva, Vice-President, and the Sean Ogata, the project engineer. I don't think they've arrived  
41 yet, but the traffic engineer is Tyler Fujiwara from Austin Tsutsumi, he's in the back corner, and  
42 the landscape architect, Bill Mitchell of Hawaii Land and Design, and the architect Anthony  
43 Riecke-Gonzales will be here later on. The biological resource consultant is Bob Hobdy who's  
44 not here today and as well as the archaeologist Erik Frederickson from Xamanek Research,  
45 he's not here today. And again, I'm Charlene Shibuya from the planning firm of Munekiyo  
46 Hiraga who will be doing the presentation. So, I might be repeating some of the items that Tara  
47 had gone over.



1  
2 Okay, the project description and the purpose is basically MDOT, you know, needs to relocate  
3 their existing bus hub from the current location at the Queen Kaahumanu Center to a new .85-  
4 acre site off of Vevau Street in Kahului also, so it really just on the east side of the shopping  
5 center and the existing shelters at the QKC, Queen Kaahumanu Center will be removed and  
6 MDOT's current lease for the QKC location, actually they were able to extend it to July 2021. In  
7 the original EA it said January 2020, so they got a little bit extension because obviously it was  
8 almost impossible to do the bus hub by that time. And this proposed relocation, you know it  
9 really aims to have permanent location and also serve you know as a centrally located stop for  
10 most bus routes, you know, so that riders can transfer between lines.

11  
12 Oh, I guess this overview is pretty difficult to see, yeah. Let's see. Yeah, so this is, this is an  
13 aerial view of the entire area where Queen Kaahumanu Shopping Center and the future bus  
14 hub location sits. This is Kahului Harbor, this is Kaahumanu Avenue and this is Kamehameha  
15 Avenue, Kane Street, and Vevau Street is the little street right in between, between Kane and  
16 Lono Avenue. And I'd like to kinda point out you know, all the uses surrounding this place, you  
17 know, you have like UHMC over here, you have Water Front Apartments over here, you have  
18 the Maui Beach Hotel across, you have a series of churches off of Kane Street, you have a  
19 public library and Foodland shopping center, so a lot of variety of land uses around this area as  
20 well as the old Kahului Shopping Center and nearby there's a lot of you know, doctor's offices,  
21 different kinds of services.

22  
23 So, you know after describing that...you know, essentially you can see that this transit hub is in  
24 a appropriate location, you know, as far as getting people, you know from the central area it, it  
25 kind of carries, it's a transfer station carrying riders to like the Island Routes to Upcountry, Kihei,  
26 West Maui and Kula and then the Kahului Loop and Wailuku Loop, and then the Island Routes,  
27 you know transfer to Villager Routes that circulate within larger subareas.

28  
29 This is the project timeline that occurred so far. So essentially the SMA Use Permit was filed  
30 back in earlier this year, May 13<sup>th</sup> and a Draft EA was published on May 23<sup>rd</sup> shortly thereafter.  
31 Then we went before the Design Review...Urban Design Review Board on July 25<sup>th</sup> as Tara  
32 mentioned and then a Final EA with a Finding of No Significant Impact was published on  
33 October 8<sup>th</sup>. So, this is where we are now today, November 26<sup>th</sup> meeting before the planning  
34 commission on the SMA application.

35  
36 This is how the ownerships go. Basically, the shopping center property which is outlined in  
37 green is owned by the QKC, and then the actual activity on this property is only really that small  
38 part where we remove, we propose to remove all the shelters. Then the new site is located on  
39 the I guess the east makai corner of this larger State of Hawaii owned lot. It's outlined in red  
40 and the reason why we have this property involved is because Vevau Street is actually privately  
41 owned and is part of this Kahului Lani senior affordable apartment housing project.

42  
43 And as far as the land use, you know all three properties basically, you know, as far as the land  
44 use district, you know it's all Urban, the Maui Island Plan is all Urban, it's all within the Urban  
45 Growth Boundary and in the Wailuku Community Plan they're all business, B  
46 Business/Commercial and then the only difference is the large Kaahumanu Shopping Center

1 parcel for County zoning is M-2, Heavy Industrial whereas the State and Kahului Lani parcel is  
2 B-2, Community Business and of course, all three parcels belong in the...sit in the SMA.

3  
4 So, as Tara mentioned earlier, use of State lands and the State and County funds trigger  
5 compliance with the HRS Chapter 343 EA requirements and that's, that's why we went through  
6 the Environmental Assessment process and a Final EA was published on October 8<sup>th</sup>, and of  
7 course in addition, because the property is in the SMA that we must have an approval on the  
8 SMA application from the commission, and therefore, you know, MDOT respectfully request the  
9 Maui Planning Commission's review of the project and approval of the Special Management  
10 Area Use Permit. So, I'll kinda go briefly into the project after this.

11  
12 Anyway, this is, this is the existing Vevau Street, but right now because of the senior affordable  
13 housing has construction going on you can't see this road any more but there used to like an old  
14 go-cart track here, you know, and then it was basically vacant. So, this is the view you would  
15 see of the property from Vevau Street and then this is the Water Front Apartments in the  
16 background. And this is the typical bus shelters that exist at QKC existing transit hub site and  
17 these will all be removed.

18  
19 And then this is what the site plan is gonna look like. This is Vevau Street again, and then  
20 there's gonna be like a large roof covering overhang and then the buses will route this way  
21 inwards there's two bus lanes and then they'll route out. There's gonna be a ticket booth,  
22 restroom and these are just the pillars to hold up the roof structure and then if you can see  
23 these faint things it's gonna be benches for people to wait, there's gonna be bike rack here and  
24 then the parking is only for employees 'cause this is only a transfer site, yeah, it's not a...like a  
25 large how you say like a bus station or whatever. And then...oh, and then there's gonna be a  
26 eight-foot-high block wall, concrete block wall between the site and the Water Front Apartments  
27 over here and then the rest is going to be perimetered with a chain link fence.

28  
29 And then, I'll show you the elevations which will show you like the...how the pedestrian gates  
30 look like when it's open during operation hours. So, this is the elevation, so this is what you  
31 would see, this view is what you would see if you were standing on Vevau Street, so you're  
32 gonna see the entrance driveway here, you'll see the big open pedestrian gate and the walls for  
33 the facility itself and the exit gate. This upper view is a larger view of what it looks like on this  
34 side to give you an idea of how the structure will sit and the landscape...landscaping trees along  
35 the border and then a...like a eight-foot-high concrete wall and this is, this is one of the towers,  
36 the nearest tower that the Water Front Apartments will be near the site just to show you that  
37 there's gonna be a buffer area. And this other elevation is probably not gonna be as well seen  
38 because it, you know, as I pointed out earlier the property sits kinda mauka corner of the  
39 property so this is what you would see, you know, Kaahumanu Avenue would be way out here  
40 and right now the property is vacant so you'd probably see faintly this in the background so  
41 again you would see the wide open pedestrian gateway and then you would see the drive...this  
42 is the entrance driveway, the buses would come through here and exit and then you see the  
43 benches where people can wait. This is the ticket booth with the windows and the restroom  
44 areas. And then you'll see...it doesn't show but the Water Front Apartments would be  
45 somewhere this side.

1 And then of course this is the elevation view on the end so you can see it's kind of a real wide  
2 open very airy structure so again, you can see the west elevation would be what you would see  
3 from the West Maui Mountain side and this side would be from the side, yeah. So, it's very,  
4 very spacious, open. You'll see the two bus lanes, the benches where people can wait, and  
5 then of course the ticket booth and restrooms. And this is the landscape plan, I think it's kinda  
6 hard to see but it's gonna have like a series of Lolou palms, Pohinahina and Hao trees, Milo  
7 trees, these are Milo trees, the large trees and a lot of low ground cover.

8  
9 And of course, because this is an SMA application, the project was elevated as far as you know  
10 being consistent with all of the HRS 205A-2, the Coastal Zone Management Project Objectives  
11 and Policies and I'm pretty sure you guys know this by heart already, but there's, you know, the  
12 ten criteria which one was the recreational resources, historic resources, scenic and open  
13 space, coastal ecosystem, economic use, coastal hazards, managing development, public  
14 participation, and beach protection, and marine resources. And if you look in the application, it  
15 is covered in more detail and it would take me too long to, you know, go through everything, but  
16 let me point out the pages it's on in case you have your document in front of you. Yeah, so the  
17 analysis is detailed on Pages 137 to 146 of the SMA.

18  
19 And then there's also HRS 205A-26, SMA Guidelines, and Chapter 202 of the SMA Rules of the  
20 Maui Planning Commission significance criteria and that is outlined on Page 154 to 158 of the  
21 application. And you know, before I continue, you know, I kinda like to read off the Planning  
22 Department's comments to the Draft EA as far as I'd just like to cite something 'cause I thought  
23 it was something would be important for you guys to know that they're saying that the MDOT  
24 transit hub project embodies smart growth principles as they relate to transportation and land  
25 use because the relocation of the Central Maui Transit Hub to Vevau Street provides  
26 transportation choices in a central location in close proximity to jobs, schools, shops, health,  
27 civic and financial services and relocating the transit hub in Central Maui strengthens  
28 opportunities commonly seen by transit-oriented development, you know, TOD projects around  
29 the country. So, the benefit of this type of development commonly referred to as TOD is that it  
30 includes a mix of land uses. You know, I kind of described to you all the surrounding land uses  
31 as well as I think forgot to mention that the two six-story senior affordable housing apartments  
32 that's going to be right across and you know we all seniors, a lot of them cannot drive, right, so  
33 they'll have the bus...a bus hub right across the road from them, and you know, get offices and  
34 other amenities that you know, basically everybody can walk to, yeah. And so, even the  
35 Planning Department feels like this is a good location and good project. So, with that, and you  
36 know, again, MDOT requests the Planning Commission's review and approval of the Special  
37 Management Area Use Permit application and if you have any questions, please ask them and  
38 then you know whomever can answer the question the best will come forward or I'll just pull  
39 somebody from the back of me.

40  
41 Mr. Carnicelli: Thanks Charlene. I'm sure we'll have a couple of questions, maybe one or two.  
42 So, at this point in time, I think what we'll do is we'll go ahead and open up the floor for public  
43 testimony. P. Denise has anybody signed up for this item, C.1?

44  
45 Ms. La Costa: No.

46

1 Mr. Carnicelli: No? Would anybody like to testify on this item, please come forward. Please  
2 state your name.

3  
4 Mr. Tom Croly: Aloha Chair. Tom Croly.

5  
6 Mr. Carnicelli: Do you promise to be truthful?

7  
8 Mr. Croly: I do.

9  
10 Mr. Carnicelli: You have up to three minutes.

11  
12 Mr. Croly: Thank you, sir. Obviously, this is a project in the public interest and I support the  
13 project. In the presentation, the only thing that I didn't hear that I would hope that would come  
14 out of this would be how people who might be catching the bus there are going to get there and  
15 get out, you know, sidewalks and so forth, people dropping them off and that kind of thing  
16 because obviously we're talking about this little spot where the buses are making the transfer  
17 but it really has a greater reach to people crossing the busy roads around there and exactly how  
18 they're gonna make egress to this property. Thank you.

19  
20 Mr. Carnicelli: Great. Thank you. Any questions for the testifier? Thank you, Tom. Would  
21 anybody else like to come forward and testify on this particular item? Seeing none, then without  
22 objections we'll go ahead and close public testimony and open up the floor for questions. I'll go  
23 ahead and let's see we'll start with Commissioner Freitas do you wanna, do you have any  
24 questions at this point in time?

25  
26 Mr. Freitas: Yes, I do.

27  
28 Mr. Carnicelli: Okay.

29  
30 Mr. Freitas: First of all, I think the shopping center was...is a better choice because my son  
31 catches the bus from Lahaina and transfers at Queen Kaahumanu to go Upcountry and many  
32 times, he gets stuck in traffic and I feel that the Queen Kaahumanu Center was a great place for  
33 him, there's security there, he was able to shop, he was able to use the restroom, there's food.  
34 One question is why are we not just renewing our lease agreement there? Why are we  
35 moving?

36  
37 Ms. Shibuya: Let me have Marc come up and maybe he can give you a lot more background  
38 other than me just saying that their lease expires.

39  
40 Mr. Freitas: Well, that's good enough if that's what it is.

41  
42 Mr. Carnicelli: And government can't afford the new lease.

43  
44 Mr. Marc Takamori: Good morning everybody. Thank you for allowing us to present today. So  
45 I guess to answer your question, basically we had a ten-year license to occupy, it was coming  
46 up towards the ending of the ten years and so when we went in for an extension we were  
47 notified that they weren't gonna be extending our extension so we're kind of put in a tough spot

1 essentially and so at that point we were basically told as it's coming to the end, we want you to  
2 look for a new place and they did offer a spot, another spot on their property but it wasn't large  
3 enough and they I guess, they don't understand our operations so in the end it became where  
4 the State had this parcel available for us to move right across the street. So, we figure people  
5 that have the time would be able to still walk across to Kaahumanu Shopping Center and do  
6 what they need to do and then walk back. So yeah, in the end it was Kaahumanu asked up to  
7 find a new place to relocate to but they were also, because they know we're working towards  
8 moving and building out a new transit hub they've offered to extend it knowing that we're still  
9 gonna be moving along.

10  
11 Mr. Freitas: Okay, thank you, and maybe you can answer another one for me. It says that the  
12 extended permit goes to July 2021, but construction must start by 2023 what will happen  
13 between that time? I know that's when they have to start but if the construction isn't completed  
14 by that time where will be the...where will this new hub station be? Is there a temporary or...?

15  
16 Mr. Takamori: Okay, so thank you for that question.

17  
18 Ms. La Costa: What's your name please.

19  
20 Mr. Takamori: Oh, my name is Marc Takamori.

21  
22 Mr. Carnicelli: He already gave it.

23  
24 Ms. La Costa: No, he didn't.

25  
26 Mr. Carnicelli: Oh, he didn't. Okay.

27  
28 Mr. Takamori: Sorry, I'm Marc Takamori, I'm Director for the County Department of  
29 Transportation. I guess the goal is to start construction at early to middle of...or start the  
30 process early to middle of this upcoming new calendar year, but if, if we're getting closer to the  
31 deadline, we have a pretty good working relationship with the management team of Kaahumanu  
32 Shopping Center so we will definitely keep them informed of our progress in terms of if we're  
33 hitting any...if there's any, any issues that are kinda gonna be dealing our construction, but what  
34 was nice was that they allowed us to extend for another I guess year and a half and so they  
35 understand the process that we go through. They actually thought that we were exempt from a  
36 lot of things, but that's not the case, we still have to go through the same process as other  
37 people, so I think that's probably the reason why they, you know, they've been working with us  
38 on this.

39  
40 Mr. Freitas: Okay, then I also—

41  
42 Mr. Carnicelli: What we're gonna do...let's first round we'll do two questions each and then we'll  
43 come back around. So, Commissioner Thompson.

44  
45 Mr. Thompson: Just one question. How long do the buses stay there?

46

1 Mr. Takamori: Typically, buses may be there for maybe up to ten minutes. They'll come in,  
2 drop off people, turn off their engines, you know, drivers use the restroom and then start to  
3 reload and then they head back out.

4  
5 Mr. Thompson: And is some of that parking available for people to park their cars then take the  
6 bus or is that employees only?

7  
8 Mr. Takamori: It currently is designated for employees only.

9  
10 Mr. Thompson: Okay, thank you.

11  
12 Mr. Carnicelli: Thanks. Commissioner Pali.

13  
14 Ms. Pali: So, I was thinking the same thing about security but at this particular stage we  
15 wouldn't be addressing the details but moving forward I would have huge concerns on additional  
16 security cameras 'cause I imagine this big, open space and there isn't a lot of activity around the  
17 area so we can deal with that later, but my question for you is, is moving forward to highlight the  
18 traffic issues, I really like the new blinking,...(inaudible)...you know when you push a button and  
19 I know that we have a lot of them in Kihei and now up here in Wailuku where people crosswalk  
20 and you just really can't miss it, so I'll suspect you'll integrate all these for safety to getting to  
21 and from, I suspect there's gonna be a lot of activity between that property now and the mall so  
22 that would be my first concern and then the other one is why not consider what the future holds.  
23 I know your immediate need is hey, we need a place, but I would really consider the parking  
24 spaces because if we're trying to have walkable, bikeable communities and we're trying to clear  
25 the roads and we don't want to be Honolulu and everybody has to own a car then why aren't we  
26 planning for that future and incorporating the spaces now. And so, you're a pivotal moment  
27 where you can not just worry about what your immediate needs are but what is it going to be in  
28 ten and 20 years and I think we would be remiss if we went back to this day and realized in five  
29 years you need to add those spaces. So, if you can, and if it's in the budget, I'd really highly  
30 recommend that.

31  
32 Mr. Carnicelli: Just based on your first question, Public Works, 'cause I believe Commissioner  
33 Robinson brought it up when the senior housing came in and we were having the same SMA  
34 conversation about the crosswalk across to Kaahumanu Center because the reality is, is if  
35 people are gonna park and come over, they're gonna walk across, what is it, it's Kane, is that  
36 Kane? You know, and so it was gonna be either raised or blinky lights or whatever it is and that  
37 was going to be I think Rowena said that you know, we were gonna work on it or something to  
38 that effect. Do you know where we are in that process as far as pedestrian crossing Kane?

39  
40 Mr. Jordan Molina: Good morning, Commission.

41  
42 Mr. Carnicelli: Good morning.

43  
44 Mr. Molina: Jordan Molina, Deputy Director of Public Works. We currently have in the Fiscal  
45 2020 budget a project to look at Kane Street complete streets improvements which will include  
46 assessing pedestrian, bicycle accessibility, some on-street parking, landscaping, traffic calming,  
47 lighting, et cetera to evaluate that whole Kane Street corridor. That work is just beginning so we

1 don't have a...any sort of preliminary scope developed just yet, but we're looking to encumber  
2 that contract early next year.

3  
4 Ms. Pali: And so just to be specific it would be where Vevau and Kane Street, that junction and  
5 then Vevau where it meets Kaahumanu that junction because I can see a lot of the college kids  
6 now having to cross from that property in front of Kaahumanu and then again across to the  
7 community college, the university, sorry, and so yeah, if can just make a note that that would be  
8 the two major ones.

9  
10 Mr. Carnicelli: Got it. Got it. And I forgot your second point.

11  
12 Ms. Pali: Oh, the second question was just consider because if you don't do it, they'll park in  
13 Kaahumanu parking lot and at some point are they gonna get frustrated with that, are they  
14 gonna start putting notices and fines and then are people gonna be able to utilize...people that  
15 have their own vehicles but want to have more minimalist living, save the environment, you  
16 know, don't buy gas, all those, you know, if we're really encouraging the walkable, bikeable,  
17 better environment then why aren't we then building the infrastructure to support it so people  
18 that do own cars or even just have the college kid that can't afford to go, you know, all over can  
19 they just drive there, park, and then utilize the bus system. I just, we should just build it and  
20 they will come, right, so...

21  
22 Mr. Carnicelli: TOD. Commissioner Robinson.

23  
24 Mr. Robinson: Thank you, Chair. This is for the consultant. Do we have any ridership  
25 numbers? You have it all? Marc got it all? So, and, and so Marc since you have it then let me  
26 go in and state why I'm doing this. I'm very familiar with these streets, I travel it all the time and  
27 I actually have a business that's on the backside of Kaahumanu and I see where over a  
28 hundred people I see walking, walking the sidewalk up to Onehee. I see them coming back  
29 there, I see people parking, waiting for people to come off the buses so I understand the  
30 volume. I think, I think almost three to four dozen of my employees alone use the bus and use  
31 Kaahumanu, so the concerns I have is that there's no parking and like my fellow Commissioner  
32 said, they're gonna...you know, Kaahumanu allows them to park there, I assume they gather,  
33 garner some business from the ridership of people and it's kind of a trade off there, but the  
34 streets that they're not improved all the way through the neighborhood which means the bus  
35 routes now comes on Wakea, you know comes down there and then takes a right turn into the  
36 Kaahumanu if this is going to then now change into Kaahumanu Avenue and that Vevau Street  
37 if the crosswalks are now gonna be pressed and it's going to be a minimum of 25 seconds every  
38 single time somebody goes over there and you're gonna have on both sides of the streets,  
39 you're gonna affect the left-turn coming out of Wailuku Industrial area, you're gonna affect the  
40 turn coming out, going into the other side, you know, and that's a hub there, you know. So, no  
41 parking, a lotta crosswalks, and we want to take care that and the thing that I haven't heard  
42 about and that we also address with the senior living is that is a low-lying water area so when  
43 we need people to get out of a zone that we're gonna have some type of stuff that buses is  
44 gonna be shut down because that corridor gets shut down when it's the King Tides and the high  
45 water and that's susceptible too. So, to have it as a kind of a infrastructure that people don't  
46 have cars and people who are going to need to get out of there I think those are all the kind of  
47 concerns and I know it's in the early...I know it's in the stage that you guys are coming to us, but

1 I think there needs to be a lot more information that you guys need to look at, look at variables.  
2 I was disappointed when I saw this packet, I didn't see arrows of where they have the flow, they  
3 just have oh, our buses are kinda coming and going, you know, we need ridership to study how  
4 many, many people actually have people pick up at the cars which is easy to study there 'cause  
5 somebody can just sit there one day and count how many people walk to a car and don't, and  
6 then those cars are they're now going to come onto Kane Street. So, I don't want it to be a  
7 cluster, you know, and I understand that we have to move somewhere that maybe the mall isn't  
8 the best or biggest place but maybe we could use part of the parking lot and not have to go with  
9 that end of the parking lot right next to infrastructure but maybe move it out with Kaahumanu  
10 and maybe give them some shared parking across the street as their overflow parking because  
11 I know they have a requirement of how many parking we can do. So, I think it's good you guys  
12 are working with them, but I think, I think where it's at it's safer, it's at the edge of the tsunami  
13 zone instead of the beginning of the tsunami zone where it currently is. It's, you know, safer  
14 there, and I think that you guys should look at, you guys should look at ways to try to stay on  
15 that side of the parking lot than try to go across the street. Thank you, Chair.

16  
17 Mr. Carnicelli: Thank you. Commissioner Tackett. Oh, yeah, I'm sorry, Mark did you want to  
18 respond to that or Charlene?

19  
20 Ms. Shibuya: Charlene Shibuya again from Munekiyo's office. You know, the project site was  
21 actually looked at, you know, with respect to, you know, tsunami zones and even sea level rise  
22 and I know you mentioned it was on the fringe, but it is, you know, in Zone X which is, you  
23 know, outside of the flood hazard area and, and the County has a good emergency procedures  
24 in place to, you know, have things, equipment and things moved, but also even looking at  
25 the...if you look in the EA, you know, Figure 8, you know everybody talks about also being  
26 outside of inundation zones and whatnot, it is outside of the sea level rise encroachment, so  
27 if...I don't know if you got –

28  
29 Mr. Robinson: Yeah, and actually it's not because I saw it close down. I saw it shut down. I  
30 saw that whole street flooded from there all the way to Puunene that whole area was flooded.  
31 So, I know what the maps say, but, yeah, I don't know when that last study was done but we  
32 know and the senior living that went next to it they even agreed to it and that's why they had to  
33 adjust their building heights so I don't know if you guys are going to build up but the streets get  
34 closed that's the thing. So, if the streets gets closed, the people coming to pick up people  
35 coming from the bus during that time is, it's gonna be chaotic and like I said—

36  
37 Ms. Shibuya: Yeah, I mean it is going to be chaotic—

38  
39 Mr. Robinson: --again, whatever you guys decide, those are my concerns, you know, and if  
40 guys can answer them, and you guys could have data for it that would be fantastic.

41  
42 Ms. Shibuya: Yeah, but essentially they do have things in place 'cause everything in Kahului  
43 essentially gets affected, yeah.

44  
45 Mr. Robinson: Well, that side of the...well, is, is from that intersection, right towards, towards  
46 the airport that's where the water is, not up, not up towards the college, not where the bus  
47 passes so you—



1  
2 Ms. Shibuya: ...(inaudible)...  
3  
4 Mr. Robinson: --have the intersection. So, if we're going on Kane Street, Kane was inundated.  
5 Puunene was inundated and, and that's where...that's why DAGS didn't build over there, you  
6 know, that's why they stopped. I mean, that's just the reality, you know it kind  
7 of...(inaudible)...but that spot there was kinda the, the water catchment area.  
8  
9 Ms. Shibuya: Yeah, but unfortunately, they're kinda for—  
10  
11 Mr. Robinson: I know.  
12  
13 Ms. Shibuya: But they did look at other sites, but this was, you know, out of the sites it was best  
14 as far as, you know, looking at stuff like tsunami—  
15  
16 Mr. Robinson: Yeah, bus riders are people who don't have access to cars, who are elderly, who  
17 are younger, right. You know, we have to look at our ridership and who we're gonna have and  
18 put in a situation for a worst-case scenario that's all.  
19  
20 Ms. Shibuya: Yeah, yeah and hopefully all the systems stops early on.  
21  
22 Mr. Robinson: Mahalo.  
23  
24 Mr. Carnicelli: Commissioner Tackett.  
25  
26 Mr. Tackett: I have, I have nothing at this time.  
27  
28 Mr. Carnicelli: Okay, Commissioner Castro.  
29  
30 Mr. Castro: Just, just a couple of questions. One is Commissioner Pali mentioned something  
31 about security, you know, which I think is really important. But also, people are gonna be  
32 waiting around is there gonna be any type of provisions for snack shops or anything like that?  
33  
34 Mr. Takamori: Thank you for your questions. To answer your question with regards to security,  
35 the plan is that we have camera systems installed and as well as onsite security. So, when the  
36 transit hub opens till when it closes, we'll have a security officer there the entire time, and then  
37 once the hub closes the plan is to have a roving security person come through every so often to  
38 check the site. The site is able to be locked down completely so there will be gates that will be  
39 closed off when the, when the hub is closed in the evening.  
40  
41 Mr. Castro: One more question, there's a Coast Guard beacon for coming in from the harbor,  
42 the ships, is the...is the view being impacted in any way?  
43  
44 Mr. Takamori: Oh, good question, it's a great question.  
45  
46 Ms. Shibuya: No, it's not gonna be, 'cause it's on actually just on the edge of the Kahului Lani  
47 Senior Affordable lot, let me just get to one of the...oh, I guess this is easier to look at yeah. So,

1 you know, this is the Kahului Lani senior affordable housing, now you see this small little  
2 property here, that's where the Coast Guard beacon is and then we're kinda on this side, and  
3 then, they you know, basically all the agencies get touch bases with, yeah so, apparently this  
4 project is not gonna affect the way this beacon operates.

5  
6 Mr. Castro: Thank you.

7  
8 Mr. Carnicelli: Commissioner La Costa.

9  
10 Ms. La Costa: Thank you, Chair. I'll start with my two questions and you can come back to me.

11  
12 Mr. Carnicelli: I know you've got more than two questions.

13  
14 Ms. La Costa: So, this is for our consultant. Yes, thank you. In the information that we have it  
15 shows that the location is approximately .73 acres. On your presentation you said it was .85  
16 where's the difference please?

17  
18 Ms. Shibuya: Yeah, I believe if, correct me civil consultant, the .85 includes a little bit of the  
19 roadway, Vevau, yeah, Vevau Street so that's the difference.

20  
21 Ms. La Costa: Okay. And I didn't see anything about solar on here. I saw an indication that  
22 you were looking at, let me see, on Page 23, it says you want to accommodate future energy  
23 efficient systems and then on your Exhibit 8, it shows the drawing and there is indication that  
24 that's where it would go, but I don't see anything that you are purposely putting solar on there  
25 and you know that's my hot button.

26  
27 Ms. Shibuya: Yeah, at this time solar is not proposed, but let me have the architect come in to  
28 kinda explain maybe you know, what kind of provisions are being made to accommodate the  
29 future solar panels, Anthony.

30  
31 Mr. Anthony Riecke-Gonzales: Good morning Commission. My name is Anthony Riecke-  
32 Gonzales with RSK Architects. For the solar question, there is a large roof surface that's south  
33 facing and we are planning on doing a standing seam roof so it would be fairly easy to clip on  
34 photovoltaic solar panels on about 40 percent of the roof area which would be a very large area.  
35 My understanding right now is it's just not in the budget and so, you know, the County would  
36 either have to be looking at, you know, some kind of arrangement with somebody to come put  
37 the solar panels and then have some of kind of cost, you know, agreement between them, but  
38 yeah, right now the budget would not support putting solar panels on that.

39  
40 Ms. La Costa: Okay, thank you very much, appreciate it.

41  
42 Mr. Carnicelli: Thank you. I have a couple of questions, maybe Charlene, you can help me out.  
43 So, improvements to Vevau, I remember when we had the senior affordable, they were going to  
44 be Vevau basically to the library and they weren't gonna go like from the Library to Lono.

45  
46 Ms. Shibuya: Yes.

47

1 Mr. Carnicelli: And so, if we're talking about okay, no parking, this is, you know, walkable areas,  
2 I would think that we're gonna have to complete the street that people are gonna be walking on  
3 to go to the bus.

4  
5 Ms. Shibuya: Yes so, do...(inaudible)...this drawing is hard to see, but yeah so, you're right  
6 'cause Kahului Lani project is this property.

7  
8 Mr. Carnicelli: Right.

9  
10 Ms. Shibuya: So, they're actually putting sidewalks along School Street, Vevau Street, Kane  
11 Street their frontage as well as they're gonna improve the whole Vevau Street so that got curbs,  
12 gutters and sidewalks on the other side.

13  
14 Mr. Carnicelli: All the way to Lono?

15  
16 Ms. Shibuya: The thing is they're only doing it along their frontage, yeah, so this area is actually  
17 outside of their, how you say, you know, what they're obligated to do. Usually, you only do your  
18 frontage.

19  
20 Mr. Carnicelli: It's the County.

21  
22 Ms. Shibuya: No, the senior affordable housing is not.

23  
24 Mr. Carnicelli: Oh, I'm talking Kahului Lani. Oh, yeah, yeah, yeah.

25  
26 Ms. Shibuya: Yeah, Kahului Lani is a private project.

27  
28 Mr. Carnicelli: Okay, yes, yes, yes, yes.

29  
30 Ms. Shibuya: And then there's existing sidewalks, you know, it's hard to see but you know like  
31 the blues in front Waterfront, yeah, you have sidewalks, but there's a gap here. On Lono you  
32 have sidewalks, Kaahumanu you have sidewalks, this side Kane Street you do, and you see the  
33 dashed blue lines there's bike lanes but with the County's project to complete street Kane Street  
34 I would imagine then it will be perfectly accessible by both bicycles and pedestrians from either  
35 way, yeah into Vevau Street, and Vevau Street is only like a two-lane minor road, so you don't  
36 really have a lot of room to start putting in bike lanes and all that stuff. Essentially you know,  
37 you'll have shared use lanes 'cause it's gonna be not as high volume as say, Kane Street.

38  
39 Mr. Carnicelli: Right.

40  
41 Ms. Shibuya: Oh, and then Kahului Lani will also put in a crosswalk, crosswalk over here.  
42 There's a crosswalk I guess on both sides here, yeah.

43  
44 Mr. Carnicelli: Okay. So, my next question's for Mark. Is this viewed as a permanent move or  
45 a temporary one?  
46

1 Mr. Takamori: Thank you for your question. It depends I guess, right so, as of right now it looks  
2 to be more permanent but as we look at the system as a whole, and the change in how we're  
3 seeing growth in the Central Valley as well as you know, just in terms of different services too, I  
4 mean, at a certain point if we continually seeing a lot more traffic on our roads that in itself holds  
5 up our buses, our buses fall behind schedule, we can't keep our current schedules then you  
6 have to change how we do our business right now. So right now, we're set up as a hub and  
7 spoke, Kaahumanu Center is at the heart of the system and then every hour, hour and a half we  
8 have buses that get sent out and return either in an hour, in a hour return time or every hour and  
9 a half there's buses that are coming back. So, right now based on how our system is set up this  
10 is permanent but there's always talks in terms of expansion of services, potentially creating  
11 another transit center within the Central Valley maybe pushing out closer to where you have  
12 Hookele. There was talks about that in the future. There's talks about adding transit hubs  
13 within West Maui, South Maui, so it really depends but as of right now because we to move it's  
14 permanent until—

15  
16 Mr. Carnicelli: It's permanent until it's not.

17  
18 Mr. Takamori: Yes.

19  
20 Mr. Carnicelli: Okay, well cause here's, here's how I'm looking at this. This is not just moving it  
21 because what we have right now is we basically have a TOD now. I mean we transportation-  
22 oriented development at Kaahumanu Center and we're gonna put it out off by itself, so what we  
23 currently have is you know, like Commissioner Freitas's son, whoever else it would be, people  
24 can park, they can say, okay, I'm gonna...I'm not going to drive to Lahaina, I'm going to park  
25 Kaahumanu, I'm gonna go. This isn't just a place where people just transfer where it exists  
26 now. And what we're creating is a place where it's literally just a transfer station. So, we're  
27 going from a hub to a transfer station. So that's why I'm asking if this is permanent or not  
28 because all of these things, we're talking about...cause you know, we just...there was a guy  
29 that just gave a presentation in front of the Planning Committee at upstairs on the eighth floor,  
30 he said, people will walk five minutes, that's how long people will walk and it has to be  
31 meaningful, meaning there has to be a destination, it has to be safe, it has to be interesting. If  
32 I'm currently somewhere that's getting to here within five minutes there's not a whole lot of safe  
33 and interesting. It's meaningful because I had to get there, but...so, that's just where I'm...I  
34 mean, I'm sorry I'm going on and on here, but I just think that that there's a way with which we  
35 have to look at this in a manner with which is...this can't be what we're, what we're going  
36 towards if that makes sense.

37  
38 Mr. Takamori: Right. I guess from within the County side there's other projects that are in the  
39 pipeline where we're looking at like a transit corridor study from Wailuku into Kahului.

40  
41 Mr. Carnicelli: Right.

42  
43 Mr. Takamori: So we're looking you know, the Wailuku Civic Center, the Kahului Civic Center,  
44 looking at the corridor how we can bring in...I guess there's just...there's a study, we got  
45 funding from the State Legislators as well as from the County side to do the study and right now  
46 we're working, there's a pretty good team that's put together with our Transportation  
47 Department, Planning Department, Public Works and Housing as well as in Parks and we're all,

1 we all sit on this small little team that, you know, talk about these TOD types of projects and  
2 what we foresee and we're also bringing in like the discussions we're looking at A&B's Kahului  
3 Shopping Center, I mean, what, what do we foresee that looking like, how can that work into  
4 being a TOD type project, so things like that. So, I mean, our hub is a small portion of a larger  
5 discussion that our different departments are working together on.  
6

7 Mr. Carnicelli: Director.  
8

9 Ms. McLean: If I could add to that. I am participating with Mark and the other departments he  
10 described. It's a total of \$600,000 to contract for this study, this plan to be done for that entire  
11 corridor because of the reasons you described. I mean, the Department of Transportation  
12 would be very happy to stay at Queen Kaahumanu Center, but they just cannot, and so rather  
13 than completely overhauling their system they were able to find a site very close by that will  
14 have minimum disruption to their routes. But that is not the only thing planned for this area.  
15 That entire parcel is being worked on by DAGS to put in some government facilities as well as  
16 looking at housing because we do want to create those mixed-use areas. That's not gonna  
17 happen right now with this because these other steps have to happen in their proper sequence,  
18 but that's a significant amount of funding to come up with a plan for that whole corridor, looking  
19 at redevelopment opportunities, affordable housing opportunities, so unfortunately what's before  
20 you today is only taken in isolation and your comments are very well taken, but all those pieces  
21 of the puzzle just aren't on the table yet, but they're being worked on.  
22

23 Mr. Carnicelli: Right, and I do believe you also said that, you know, this is an SMA permit which  
24 they're coming here for and I believe, Tara this is the last approval that they need correct?  
25

26 Ms. Furukawa: Yes.  
27

28 Mr. Carnicelli: Okay. Thank you. Commissioner Freitas, you're good? Commissioner  
29 Thompson, Commissioner Pali, Commissioner Robinson.  
30

31 Mr. Robinson: I'm not convinced that this is a safe area for the transfer. What I'd like to see or  
32 if you guys have it is I'd like to see on top...some input from the ridership, you know, I'd like to  
33 on the bus, you know have a placard with you know, comments, we're gonna relocate this and  
34 www. wherever it is where people can send comments to because those are the people we  
35 really need to listen to, you know, and the majority of the people I see either drive there or they  
36 walk that I've seen from the neighborhood which means that some of these streets aren't  
37 improved and I don't want buses on top of Kaahumanu Avenue, I like them on Wakea and I like  
38 them on Kamehameha, I like them in that backroads and for a traffic study that way I think, that  
39 way with other people driving that's just my personal feelings. Thank you.  
40

41 Mr. Carnicelli: Do you have stuff on ridership numbers and outreach that you've done? I'm sure  
42 you've done some of that stuff, correct?  
43

44 Mr. Takamori: We have ridership number but I don't think we have the other portion of what  
45 you're asking for.  
46

47 Mr. Carnicelli: Okay.

1  
2 Mr. Takamori: I mean like, ridership...I mean, ridership numbers with regards to we know how  
3 many people transfer within the transit hub on a daily basis and so, something like that we're  
4 seeing around, around 1,200...1,100 to 1,200 daily boardings at the Kaahumanu Shopping  
5 Center on a daily basis. However, when you think about it if it...I guess every time...every time  
6 a bus gets to Kaahumanu Center everybody has to get off the bus because we shut the bus  
7 down, drivers have the ability to take a break and then we, then we reboard everybody. So, if  
8 people are transferring there are...it is possible that we're counting them...counting them  
9 multiple times. But with regards to that, that's kinda ridership data I have right now. We, we did  
10 have...Michael, my Deputy and myself, we did sit out at Kaahumanu Center earlier this year just  
11 telling people what we were up to and while we didn't get anything written we were answering  
12 questions. People were really just curious about if it was true and if we are gonna be moving,  
13 and so I mean, pretty much at that time we were answering those types of questions. We didn't  
14 have, we didn't have what the new drawings were gonna look like at that time, that came more  
15 finalized after that.

16  
17 Mr. Robinson: Yeah, Mark maybe even at the bus stop location on those, on those shelters you  
18 could put a couple of posters up with a comment line or something, you know, and you can kind  
19 of show them where it's gonna be, just something simple so...I mean, the...the only people that  
20 are gonna comment, they're not gonna comment great, they're comment if it's a problem.

21  
22 Mr. Takamori: Right.

23  
24 Mr. Robinson: So, hopefully if there's you know, few or minimal to that then therefore, that's  
25 where the resistance where you can, you know, decide that way.

26  
27 Mr. Carnicelli: Commissioner Tackett.

28  
29 Mr. Tackett: So, I agree with pretty much the majority of what I've heard here and I believe if  
30 you do put comments up, you will get the negative for sure. The question is, is what's gonna  
31 happen if your, if your lease expires and you got no place to go, you know what I mean? Then  
32 that might be the worse of all evils right there in that situation. So, I though I think, I think  
33 security is probably pretty major, could possibly be why we not getting renewed, you know over  
34 there. So, I think over where you are you have a lot of homeless people and stuff like that that  
35 seem to hang out around those kinds of places cause they can get out of the rain cause they  
36 can use a restroom, they could do things like that. So, I think security is big, I think getting back  
37 and forth is big. I think if you do decide to build it right there that you want to take into  
38 consideration what kind of materials. I heard you're gonna use like a standing rib roof, standing  
39 metal roof, is it gonna be galvanized, it is gonna be aluminum, I grew up on the windward side  
40 and whatever metal you guys expose right there right off of, right off of the harbor with the winds  
41 and the big waves you're gonna make a maintenance nightmare, it's gonna cost you if you don't  
42 prepare for that type of environment. So, when I look at...when I think about the other options  
43 that you guys have, I totally understand why you guys are here, but I also agree with Keaka  
44 would be nice if there would be something that you could offer the mall that would, that would  
45 cure whatever reason that they decided to not want this as part of their...because I'm sure they  
46 made this part of their facility because numbers wise it was good for them, but there's  
47 something negative that impacted them along the way that said, no, no, no we don't, we don't

1 want this no more. So, I don't know if a cheaper way would be to find out what that is and if that  
2 could be remedied, but yeah, that's the, that's my concerns with it. It looks fairly nice, but it is a  
3 lot of money that's gonna be invested and would be nice if it would be...if it is gonna be that kind  
4 of numbers and that kind of money that it could be something permanent with the parking, with  
5 the future, future taking it into consideration. But as it stands right now with the options that you  
6 presented, it looks like the best thing you guys got going, so anyways, that's my only question is  
7 did you take into consideration the materials for that spot because you got one of the saltiest  
8 places on earth right there, you know.

9  
10 Mr. Takamori: I think Anthony if you wanted to...I mean, that is definitely a big concern. We do  
11 build our bus shelters and we definitely make our contractors aware that everything needs to be  
12 either stainless steel, not galvanized steel or anything like that, so here's Anthony.

13  
14 Mr. Anthony Riecke-Gonzales: Okay, I'm just gonna contradict Mark on that.

15  
16 Mr. Carnicelli: Just identify yourself again.

17  
18 Mr. Riecke-Gonzales: This is Anthony Riecke-Gonzales with RSK Architects. The building,  
19 standing seam tends to hold up much better than I'm sure you've seen some of the industrial  
20 buildings there where they have the screws exposed on the top rib. So, it's already up step  
21 from that. We were thinking galvalume with a powder coat painting. If you want that to last you  
22 know, 30 to 50 years then you do need to do maintenance every 15 years have someone come  
23 out and recoat it cause that's actually where you get the problems is that they let it go until they  
24 see the red rust and then it's too late, right. And then, you know, it is a prefab metal building  
25 again that's budget driven. We will be putting in the bid documents to have an epoxy coating on  
26 it, but I'm sure if anyone has seen the Kaahumanu Shopping Center, you know, they use some  
27 epoxy coating there, though they also use some regular paint and again, it's a maintenance  
28 issue. You gotta come back every ten years and you know, recoat. Now at, you know,  
29 Kaahumanu Center they had areas where it got direct rain and you know puddles sitting on it,  
30 so we're hoping, you know, we'd be better than that. The buildings themselves, the restroom  
31 and a little administration that's all CMU so that definitely, you know, handles that, but this is  
32 budget driven. You know, yes, we could upgrade to a nice 24-ounce copper roof, all I need is  
33 another million dollars in the budge you know, or you can go you know, ...(inaudible)... or  
34 stainless steel, but you know, and that's not common here in Maui and there's a reason for that,  
35 but if you go with a galvalume and powder coating and you maintain it, you'll get 50 years out of  
36 it. If you don't want to maintain it, then yes, then you want to go with, you know, say copper, but  
37 that's very expensive.

38  
39 Mr. Tackett: And then I guess into that same line, the way it faces it's open, the buses so the  
40 rain, the wind, the salt gonna come in towards onto the buses, the beam work and the stuff in  
41 that large roof is it exposed?

42  
43 Mr. Riecke-Gonzales: No, it's going to be soffitted in and the reason for that actually was more  
44 for birds, right because with a metal building you have all the purlins up there and so you have  
45 lots of perches for birds and that's the last thing you want when you got, you know, a hundred  
46 people waiting down below for the bus, their odds are pretty good at hitting at least one. So,

1 yeah that is soffitted in and even on the wide flanges we will be putting you know, the bird  
2 stickers up there so that it discourages the birds from coming and roosting in the area.

3  
4 I did have one comment for the Chairperson because I work in that area, I work at the Kahului  
5 Building which is where the Casanova Restaurant is and I walk everyday at lunch whether it's to  
6 go pay my bill at Maui Electric or just you know to get out and exercise. There is actually a lot of  
7 places to walk to including Kaahumanu Center only takes me five minutes so from this bus area  
8 it's gonna take them about three. There's Foodland, there's a couple of churches if you need  
9 your soul saved, and there's the library and then the other thing that to me that is key is there's  
10 a lot of apartments going either up or already existing. There's the young people and the  
11 Kaunoa Center, there's going to be seniors across the way and we're hoping you know they  
12 keep an eye on this because they're going to be looking down on it. It's a six-story building  
13 across the street, and then I understand you know, that DAGS is having additional both housing  
14 and business you know opportunities in that area and that's how you build an urban core,  
15 somebody's gotta be first, right. And it actually makes sense to have it be a government agency  
16 that can kinda take that hit and say, yeah, you know, we're not going there because there's a  
17 whole bunch of people that will bring us business, we're going there 'cause we have a need to  
18 have this kind of transfer station. With the people there, other businesses, you know, like where  
19 I'm at the Kahului Building, right they had a huge masterplan for that area but it's very hard for  
20 them to be the first to say yeah, we'll give it a try, we'll put this in and we'll see if the people  
21 come. If the people are already there because they're transferring on the bus, you have a much  
22 more likelihood of businesses like someone like A&B saying, yeah, now we have the property  
23 across the street that's only...actually that's only about a minute and a half walk away we  
24 should develop that, we should put stuff in to be able to service these people that are going in  
25 that area.

26  
27 Mr. Carnicelli: I appreciate that, thank you. Bring back Dairy Queen.

28  
29 Mr. Riecke-Gonzales: Yeah, I was going to point that out too, you know, there's at least three  
30 restaurants in that area including the, you know, the drive-in, but if you walk around the library  
31 there you know, you can catch a quick burger and get back on your bus.

32  
33 Mr. Carnicelli: Right, right. Thank you, thank you. Commissioner Castro.

34  
35 Mr. Castro: Yeah, just one question. During the construction phase will there be any impact to  
36 the ...(inaudible)... Adult School.

37  
38 Mr. Riecke-Gonzales: Well, I mean, there might be some utility shutdowns that will be brief,  
39 there's actually a lot of issues with that site and it includes kind of the adult school, cause you  
40 know, we tried to actually tear down, there's like this little wooden building in the back there and  
41 so we were actually hired by the DOE to tear that down and they wouldn't let us tear it down  
42 because they were like well, you gotta have a sewer manhole on the site and you know what,  
43 nobody knows where that is. Nobody knows where the sewer line is. And then the DOE  
44 doesn't have any money to go find that out, and then when they do find it out it's going to be  
45 very expensive to do, so I think in some ways this should actually benefit the existing school  
46 because it will clean some of that up hopefully. But there will be, you know, some...I don't know



1 if you're familiar with that, but there's like this little shack in the back that has all the main  
2 electrical, yeah, it's a little sketchy.

3  
4 Mr. Castro: Thank you.

5  
6 Mr. Riecke-Gonzales: But directly affected as far as you know tearing parts of it down or any of  
7 that kind of stuff, no.

8  
9 Mr. Castro: Thank you.

10  
11 Mr. Carnicelli: Commissioner La Costa.

12  
13 Ms. La Costa: Thank you, Chair. So, the direction that the building is facing because I'm  
14 directionally challenged is the...where the buses and everyone loads is that, is that leeward,  
15 windward, I mean how is the weather going to affect?

16  
17 Mr. Riecke-Gonzales: It's windward, so you're looking out towards the north when you're  
18 standing there waiting for your bus and there's a little bit of you know contradiction there  
19 because in some ways, we would love to have you know, some kind of shelter there because  
20 when it's windy, when the rain and the wind is coming but we have to have height there. So, if  
21 there's a bus there, you'll get sheltered a little bit by the bus, but when the bus isn't there, you're  
22 gonna have to be standing back 20 feet or so otherwise, yes, the rain is going to come in  
23 because the roof is very high at that area.

24  
25 Ms. La Costa: Okay, then my next question is for Mark please. Thank you. You have 11  
26 shelter buildings at Kaahumanu, where are those going?

27  
28 Mr. Takamori: Those are gonna be repurposed. I believe the Department of Parks and Rec.  
29 would like to utilize that. We weren't, we weren't going to be reinstalling those at the new hub  
30 because we're already building a structure. So, Parks and Rec. I believe are the ones that are  
31 gonna be taking that, so it's going to be reused that's the plan.

32  
33 Ms. La Costa: So, from what I just heard from the architect there's going to be a weather factor,  
34 so wouldn't it make sense to move those over so people who are waiting for the bus will be  
35 protected from the wind and rain if they can't...if there are 50 people waiting and it's terrible  
36 weather which it does get over there wouldn't it make sense to move those and repurpose them  
37 so that people can enjoy being dry before they get on the buses?

38  
39 Mr. Riecke-Gonzales: If I can speak to that? The current shelters they protect from rain coming  
40 straight down and because it's kind of in a courtyard right now it's surrounded by buildings, that  
41 helps as well, but I would suspect even in Kaahumanu Center right now when we get the windy,  
42 rainy weather in the winter and it's not that often you get maybe four or five days you know,  
43 each month from say December to April where that wind is kinda coming in horizontally even  
44 the current shelters would not protect you from that. And in this current scheme, if you can go  
45 far enough back from where the buses are actually going to pick you up which is I think I  
46 mentioned about 20, 25 feet, then you'll pretty much be out of the rain, but if you're standing  
47 right at the curb edge where the bus is gonna come and there's no bus there and the rain is

1 blowing horizontally yes, this is not going to protect you from that, but if you stand back towards  
2 the entrance, if you stand back to where the restroom entrances are that will be far enough back  
3 that it will be damp, but you're not going to be getting poured on. And I don't see how you  
4 know, putting these existing shelters underneath the roof that's already there would protect you  
5 any more, it won't.

6  
7 Ms. La Costa: Then I have one more question for you please?

8  
9 Mr. Riecke-Gonzales: Sure.

10  
11 Ms. La Costa: When we talked about solar and that's just my thing, we have to be energy  
12 efficient by 2045. There are many solar companies who say we will install and you know how  
13 that works with the lease back, right?

14  
15 Mr. Riecke-Gonzales: Right.

16  
17 Ms. La Costa: So, I don't know if you're the person that is in charge of that decision or if it's  
18 Mark...

19  
20 Mr. Riecke-Gonzales: Well, I don't even know if it's Mark.

21  
22 Ms. La Costa: But you're the architect.

23  
24 Mr. Riecke-Gonzales: But it definitely be the County—

25  
26 Ms. La Costa: To decide, right.

27  
28 Mr. Riecke-Gonzales: --because you know, unfortunately I think with the County it's a little  
29 different than a private company where they can sit down and come to an agreement and draft  
30 a contract right, I mean, the County has to go through different processes to get something like  
31 that approved and usually they have to put it out to bid, right, you can't just say, hey, I heard  
32 you're doing solar well, we'd like you know you to give us a proposal and we'll go with you,  
33 usually they have to you know, get several proposals from different companies.

34  
35 Ms. La Costa: But as the architect you would need to determine where on the building those  
36 panels go, correct?

37  
38 Mr. Riecke-Gonzales: No, actually I would leave it up to the solar company, there'll be some  
39 solar companies that would probably do it different than I...what I've done is given them an  
40 opportunity. There's a lot of square footage that will be facing to the south and I think most of  
41 us would agree that's where you want to put your solar panels to get the maximum efficiency.

42  
43 Ms. La Costa: Thank you very much, appreciate it.

44  
45 Mr. Carnicelli: I think there's a lot of solar salesmen out there that have been knocking on the  
46 County's door trying to get that. So, I got two questions. Mark, why don't you...you've been on

1 the hot seat for an hour or so, let's keep you there. Seating, 'cause we're taking out the other  
2 things and one for one butts and seats, new place old place?

3

4 Mr. Takamori: At minimum one for one, but there are plans for additional seats.

5

6 Mr. Carnicelli: More than what we have now?

7

8 Mr. Takamori: Anthony knows the exact amount, the number.

9

10 Mr. Carnicelli: How many booties we got?

11

12 Mr. Riecke-Gonzales: Yeah, so the calculations that I have on the layouts that I've done is  
13 about 150 seats. Under this current budget and what you'll be approving today, is gonna be  
14 about half that about 75 seats and the reason for that is we're gonna put the benches in as part  
15 of the what the contractor can do. But we've done layouts and there's a lot of opportunities to  
16 put in, I'm sure you've seen like in the airports where you have seats around like a little table or  
17 something, but that's not in my budget. So, the County has come up with additional funds or  
18 you know some other creative way to be able to put that in. But there's definitely room  
19 underneath roof to do that and you could definitely bump it up you know, to putting, you know,  
20 right now I've done it where it would be like in an airport where there's a lot of space between  
21 the seats. If you wanted to tighten that up, I'm sure you could get probably even 250 seats in  
22 there. From what they've indicated to me right now there usually aren't that many people  
23 waiting for the bus, right. I think right—

24

25 Mr. Carnicelli: Well, there's either no one or there's everyone is what it seems like when I'm at  
26 Kaahumanu Center, so...you answered my question though, so I understand and at this point,  
27 there's not a ton that I can do. Who's going to address a question in regards to traffic flow?

28

29 Mr. Riecke-Gonzales: Not me.

30

31 Ms. Shibuya: It's not gonna be me, but I'm gonna bring Tyler, Tyler Fujiwara up.

32

33 Mr. Carnicelli: We haven't heard from you yet, Tyler.

34

35 Mr. Tyler Fujiwara: Morning, Tyler Fujiwara, Austin Tsutsumi and Associates.

36

37 Mr. Carnicelli: Good morning. Commissioner Robinson brought it up but I don't know if we got  
38 a clear answer. Pickups and drop offs, you know, we've said that okay, Vevau is narrow. Have  
39 we considered making Vevau a one-way street? But I just, you know, we're talking about  
40 safety, kids, seniors, that whole things, pickups and drop offs where, is there, is there a turn in, I  
41 don't see a turn in, I don't see where exactly is that?

42

43 Mr. Fujiwara: Well, the likelihood, you know we don't have—

44

45 Mr. Carnicelli: I'm sorry, pickups and drop offs not from public transportation. I'm dropping my  
46 daughter, I gotta just stop on Vevau and she's gotta hop out on the curb, correct? Is that what  
47 we're doing? That's what I'm talking about pickups and drop offs, not bus to bus.

1  
2 Mr. Fujiwara: That would probably be an option, maybe ideally School Street would be the  
3 better option for a drop off. You know, you do have some I believe some on-street parking stalls  
4 there. Traffic flow on School Street is I think 20 to 30 vehicles an hour so it's a very low vehicle  
5 volume roadway and as part of the Kahului Lani Senior Affordable Housing Project there  
6 constructing that continuous sidewalk along their entire frontage so there should be at least  
7 continuous pedestrian connectivity to get to and from the Vevau transit hub.

8  
9 Mr. Carnicelli: Okay. Okay, thank you. Any other questions? Commissioner Pali.

10  
11 Ms. Pali: I'm looking at the Exhibit 4, Tyler. And I'm seeing the sidewalk that runs in front of the  
12 property on Vevau Street and from what I can see you got a nice wide sidewalk and then it  
13 looks like what to be the entrance of the building sort of kind of pitched roof for a nice pretty  
14 entrance as shown on the elevation picture. I don't like the answer of jumping out on School  
15 Street and then crossing Vevau to then get over, that's not okay with me, and I would like you  
16 guys to consider a single lane that you can pull into, stop safely, let your child or a grandma or a  
17 cousin who's always bugging you for a ride off safely and then continue on back into Vevau and  
18 merge that way very similar to what we do for the Maui County Fair, they cone off a lane so the  
19 kids, the parents that are dropping their kids off at the front gate can pull off to the main road in  
20 just one single lane, the kids can leave and then continue on into the flow of traffic. I would  
21 really like you guys to reconsider if it's not too late something like that right at the front of the  
22 property would be very easy. It would impact the sidewalk going in front, but the sidewalk would  
23 be enough to cross Kane Street and then enter the property before you hit that safely drop off  
24 pedestrian lane and then anyone entering from the other side, they would have a sidewalk at  
25 any point entering the property safely so they would not have to cross in front of the property. I  
26 know it might have been a really pretty exit for everybody, but getting there, it doesn't make  
27 sense so, I know I'm not an engineer, but I feel like if that's not an option or you couldn't get  
28 really smart engineers to work that in, then you would have to make some provision within the  
29 property because again, that's not an acceptable answer for me.

30  
31 Mr. Carnicelli: Tyler do you want to address that?

32  
33 Mr. Fujiwara: Well, it is my understanding that the engineers for Kahului Lani is still in the  
34 process of designing Vevau Street so maybe that should be...can be something that can be  
35 considered.

36  
37 Ms. Pali: Okay. I got one more.

38  
39 Mr. Carnicelli: Go ahead Charlene.

40  
41 Ms. Shibuya: I think to put in a pull out, you know, probably this site, the existing transit hub site  
42 is limited and then if we were to put a pull out in front of this site it would sacrifice the sidewalk,  
43 so it would have to be something like you know negotiating something else with Kahului Lani  
44 that's doing the improvements in conjunction with HHFDC, the State property to possibly you  
45 know give a little bit more past the site or something like that 'cause the site is too tight at this  
46 point to, you know, encroach a pull out lane and push the sidewalk back.

47

1 Mr. Carnicelli: Right and –

2

3 Ms. Pali: You just have like a 40-foot entrance of nothing space other than building  
4 infrastructure so it doesn't seem like if the sidewalk went from the curb and then just adjusted  
5 five feet and then on the site and came back down, I feel like you guys could work it out.

6

7 Ms. Shibuya: You meant in the pedestrian opening is that what you're talking about.

8

9 Ms. Pali: Yeah, you just got a really massive entranceway which I know it's a grand entrance  
10 and ideally like a Harry Potter film you know you guys are all coming into this beautiful grand  
11 entrance and that's great but I'd like to sacrifice the beauty of it and make it practical for our  
12 families.

13

14 Ms. Shibuya: Yeah, I guess it would have to be like a future design cause then, then you know  
15 the public sidewalks they kinda like to keep in the roadway but—

16

17 Ms. Pali: I understand.

18

19 Ms. Shibuya: But, yeah, yeah, so, essentially as Tyler said, you know, Kahului Lani is still you  
20 know working on the design, the full design as well as getting the utilities in its correct location  
21 that can be a consideration but of course, you gotta HHFDC.

22

23 Ms. Pali: Yeah, I understand.

24

25 Mr. Carnicelli: Commissioner Robinson.

26

27 Mr. Robinson: So, Tyler in your study did you by chance count any parked cars from the  
28 Kaahumanu side to see any flow on that?

29

30 Mr. Fujiwara: Our data does not, no.

31

32 Mr. Robinson: Okay, with your, with your years of experience have you ever heard of an  
33 operation that has customers and services and has zero parking or zero drop off area for any of  
34 their customers?

35

36 Mr. Fujiwara: Well, you know this is a different case in that it's a transit...bus transit hub.

37

38 Mr. Robinson: So, if we maybe did a study we could see people that actually walk to the  
39 Kaahumanu Mall to use the service because, because we don't prohibit people from walking to  
40 enter this so we have to assume and I guess with the traffic study, and I guess guys I'm just  
41 really you know, we're not adding to this benefit we're taking away from the benefit cause we're  
42 not having parking spaces, we're not having mall security, we're not having facilities and I get it,  
43 I get we have to do something, but we have to understand who our ridership is and the services  
44 that we're offering as a county, and we have to do it first by studying what we do, and with us  
45 not studying what's happening at the Kaahumanu Mall how can we propose something at  
46 another location that's to me is what and I see this, and I'm like, guys it's just simple spend a  
47 couple days there, count the amount of cars that park there cause I see it, a lot of people park

1 there and I think Commissioner Pali's idea of just having a drop off lane will prevent a traffic  
2 problem of people driving around in circles waiting for the bus to come, waiting for the person to  
3 come or to it up and if they're not allowed to even pick up somebody in the benches you know,  
4 that's gonna be a concern, so I think there's ways to mitigate it, I think there might be some  
5 ways to make this property work but we can't say employees are allowed to park inside that  
6 area but nobody else and everybody else is going to have to walk or they're gonna have to go  
7 drive around or they gonna have to inundate Kaahumanu Center to go back over there,  
8 hopefully they won't get kicked off and then we get into crossing the streets, we get into the 25  
9 seconds, we get into the traffic and all that stuff, so I think we gotta quantify what the numbers  
10 are. If you guys come to me and says, we were there commissioner and there was eight cars  
11 all day, I'm like okay, you know what, you guys get it, but I know there's not, I just know there's  
12 not, and so, and so, we have to make that people that are going to walk there that the sidewalks  
13 are safe and we just have to make sure that we're...you know, we're doing something better for  
14 the bus ridership, otherwise we're gonna spend all this money and nobody's gonna ride the bus  
15 and then we're gonna be subsidizing stuff, it's gonna be a losing situation. Thank you Chair.

16  
17 Mr. Fujiwara: I will say, you know we did do observations for I believe one or two weekdays and  
18 a Saturday but that was more to just observe flow of pedestrians with the bus, bus flows in and  
19 out of the existing hub.

20  
21 Mr. Robinson: And so were the pedestrians coming from Onehee up above or where they  
22 coming from Kaahumanu Avenue.

23  
24 Mr. Fujiwara: The difficulty I think for us at the time was you know, seeing where the  
25 pedestrians were going cause you know some of them would be going to mall, go to the  
26 restroom, some to the parking garage, so it's not...it wasn't easy to assess the exact  
27 percentage then. You know, with the question you're asking is probably the better route would  
28 be to maybe just ask individuals sitting at the bench or something like that.

29  
30 Mr. Robinson: Yeah, cause, cause we know that Kaahumanu Mall has that back lane where,  
31 you know, where the bus kinda sits and waits sometimes and has that overflow parking where  
32 they had that carwash area on the, on the Wakea Street side, you know, they kinda had that  
33 blank and that's where I see a lot of people parking, they kind of sit there and then I see them  
34 then drive out, swing by, pick the people up with their buses and go it that way. I see that way,  
35 and I know Kaahumanu can't just give up spaces because being a business you have to have  
36 so many stalls per so many things and that's why they even have the overflow parking lot above  
37 that area that's on Onehee and Wakea, but you know that's where you know we might be able  
38 to work out something where we let this location be an overflow parking lot on that side and we  
39 can use some of that safer location on top Kaahumanu to trade those stalls if we do want to a  
40 depot, still do it in that area but maybe trade their land for that overflow parking across the  
41 street, I think that's something that you know you guys can maybe look at because it's not in a  
42 low lying area, it's higher, it's safer, it's easier, people are already using it, you know, that's my  
43 idea. Thanks, Chair.

44  
45 Mr. Carnicelli: Thank you. So, Mark how many employees are gonna be there? We have five  
46 stalls. Actually, I think it's kinda ironic that it's public transportation and the employees are  
47 gonna drive to the public transportation place, but how many employees will be there?

1  
2 Mr. Takamori: So, we know that there, let's see, at minimum two but depending on services  
3 that's being provided in terms of cleaning and caretaking and things like that, I mean, it could, it  
4 could go up to five, five people at any given time.

5  
6 Mr. Carnicelli: So that's why you have the five spots. So, is...the director just kinda floated an  
7 idea, because we're trying to get real specific, oh okay, let's put it here, put it there, something  
8 like that, one of the things as you guys all know is that you know, we can put conditions on an  
9 SMA Permit, right. What if one of the conditions was something to the effect that you know, the  
10 applicant has to have pick up, drop off, turn around, whatever it might be and make them figure  
11 it out, you know, if that's, you know, I mean, I think we're all kinda stuck on this right and it's  
12 something that is legit so is there a way with which we can do that, so I mean, I don't know if  
13 that, just the idea, I'm not making that a condition right now, but just the idea if that seems to be  
14 something that we could live with. Commissioner Robinson.

15  
16 Mr. Robinson: I don't want to speak for the other commissioners.

17  
18 Mr. Carnicelli: Why don't you speak for you.

19  
20 Mr. Robinson: Yeah. But I'd like to see an actual study of the Kaahumanu Center and what the  
21 flow is and the amount of cars there, do a Q&A with the ridership and maybe put a post board  
22 up for 30 days for comment, and I mean, you know I think we want to make it easier for the  
23 ridership, we want to increase ridership, so we wanna you know, be rider friendly and I think you  
24 know, slowing down 30 days or 45 days to make it better is not a bad thing. Thank you.

25  
26 Mr. Carnicelli: On that note, would it make a difference for anybody to do a site visit? I see  
27 everybody's jaw tense up like.

28  
29 Ms. Pali: I see it once a week.

30  
31 Mr. Carnicelli: Okay, you see it all the time, I see it all the time as well, so okay, we can take  
32 site visit off the table.

33  
34 Mr. Robinson: I'm very familiar with that location.

35  
36 Mr. Carnicelli: Yes, I know you are. Okay, any other questions at this point in time?  
37 Commissioner Freitas.

38  
39 Mr. Freitas: Thank you. Because we're in a kind of a flood zone, we're not in a flood zone?  
40 Okay, so according to Commissioner Robinson the last time we had a big rain that area was  
41 kinda flooded, so okay, my question is should it get flooded cause it has before and now that  
42 we're in this location the operation of the transportation will that...the regular operation be  
43 handled to be moved to another location and have you thought of a alternate Plan B like could  
44 we go back to Kaahumanu while the flooding is there so that the buses can continue to go or  
45 was there no thought of what would happen should there be flooding.

46

1 Mr. Takamori: I guess, from...I know for...because Kahului Lani is improving Vevau Street in  
2 front of their area there's gonna be drainage that's gonna be in. I think currently right now  
3 there's none, and that's why if there is flooding that's probably the reason why there's flooding,  
4 but the infrastructure is gonna be installed in that vicinity including fronting our site.

5  
6 Mr. Freitas: So, there won't be any flooding then, no need to worry then?

7  
8 Ms. Shibuya: Can I comment? Charlene Shibuya. I'm also working with the Kahului Lani  
9 developers so I'm somewhat familiar with what they're doing, but they're adding a lot of  
10 underground retention systems as well as this project is also installing, it's hard to see again,  
11 you know, underground retention system, so you know, I can see undeveloped yeah, the water  
12 probably didn't have anywhere to go, but at this point it will have, it will get processed, but you  
13 know as far as whether we can guarantee it's not going to flood is hard to say, cause if you get  
14 you know 150-year storm or something you know probably everything is gonna flood, yeah. But  
15 at least under, you know, like acceptable conditions it will probably be able to handle yeah, a lot  
16 more than it had been before the two sites, yeah.

17  
18 Mr. Carnicelli: Commissioner Pali.

19  
20 Ms. Pali: So, to just piggyback, my question was drainage, can I just have someone talk a little  
21 bit more about specific type of drainage that will be placed on the property.

22  
23 Ms. Shibuya: Yes, we'll have the engineer come up.

24  
25 Mr. Sean Ogata: Good morning, my name is Sean Ogata with Fukumoto Engineering.

26  
27 Mr. Carnicelli: Good morning, Sean.

28  
29 Mr. Ogata: So, drainage on the site—

30  
31 Ms. Pali: What exhibit is that?

32  
33 Mr. Ogata: So, for the onsite drainage you'll see we have the flow will flow toward the north end  
34 of lot. There's a curbing here, but there will be curb openings where the storm water or the  
35 flood water will be able to flow into the landscaping here and it will be directed to drain inlets, so  
36 there's two of them, one here and one there and then from there they'll go to hydrodynamic  
37 separator here and that will kinda mitigate some of the pollution that might be collected. And  
38 from there we have a underground detention/retention basin as you can see here and then from  
39 there it will flow out to the drainage improvements that will be put into the Vevau Street.

40  
41 Ms. Pali: And how large or what is the capacity that that underground system can hold before it  
42 no longer working the way it's made to? Do you know that?

43  
44 Mr. Ogata: We've designed for the 50-year storm per the County standards.

45  
46 Ms. Pali: I don't think we had this one in our packet. I have something similar but it's not called  
47 the grading and drainage plan, but it's almost similar.



1  
2 Mr. Carnicelli: And very, very small arrows.

3  
4 Ms. Pali: Yeah, okay, I think this is what I'm looking at here. Okay, great. Thank you.

5  
6 Ms. McLean: Exhibit 9.

7  
8 Ms. Pali: Oh, nine.

9  
10 Ms. Shibuya: Yeah, if I could—

11  
12 Mr. Carnicelli: Go ahead, yes.

13  
14 Ms. Shibuya: Yeah, if I could add another thing, Charlene Shibuya again. You know, the  
15 Emergency Management System it works pretty good. I used to work for Department of  
16 Transportation and well in advance they get all of the departments together and they make sure,  
17 you know, all the equipment is moved to higher ground, all operations are shut down so you  
18 know, I kinda wanted to just add that you know, when there's a tsunami coming in you know,  
19 bus service will be shut down and there's a lot of preparations that are done and I think the  
20 warning systems are a lot better than maybe 30 years ago so you know, you know they get  
21 brought together really early even before the storms or tsunamis come in, yeah. So, you know,  
22 that will be in place.

23  
24 Mr. Carnicelli: Commissioner...go ahead.

25  
26 Mr. Freitas: So, my question is maybe not just for the area that's being developed but if the  
27 areas around and the streets are flooded and we had a pretty good spot up by Kaahumanu  
28 Center that didn't really disrupt the bus system. What would happen if the flooding on the  
29 surrounding streets do not allow them to go to this spot?

30  
31 Ms. Shibuya: Well, essentially you know the Kahului Lani property is quite large, yeah, and so  
32 once that gets developed, this property gets developed, this property gets developed and then  
33 maybe until the HHFDC larger property gets developed you know, you know, it might have  
34 some, some flooding but we're not sure, but the fact that the HHFDC property is still all grassed  
35 and sand, you know, hopefully it does, it's able to retain something until they get fully  
36 developed, but definitely the two properties will improve the area, you know, quite substantial.

37  
38 Mr. Carnicelli: Okay, thank you. Commissioner La Costa.

39  
40 Ms. La Costa: Thank you, Chair. Engineer please come back. Sorry, I didn't catch your name.

41  
42 Mr. Ogata: Sean Ogata, Fukumoto Engineering.

43  
44 Ms. La Costa: Mahalo, Sean. So, we've been talking a lot about water, rain, et cetera, what is  
45 being planned for the mitigation of any pollutants from the buses, the gas, the oil, that kind of  
46 thing if you're looking at going into retaining and the water.

47

1 Mr. Ogata: Yes, so there's a few systems in place, so one, we're directing the storm water out  
2 to the...some landscaping so that's our first I guess line of defense. From there, as they go into  
3 the drain inlet they'll go to the hydrodynamic separator and that will separate, it will take out  
4 some of the pollutants or most of it, that's what it's designed to do, and then from there it will go  
5 to a detention/retention basin where it will get further treatment, and you know, that's retaining  
6 water and it's also letting any kind of solids settle out. So, you know, there's multiple systems in  
7 place to combat any kind of, you know, litter that gets caught in the storm water or you know,  
8 fuel that might hit the ground and anything like that.

9  
10 Ms. La Costa: Thank you, Chair. And how high above the water table is the separator and the  
11 retention basin please?

12  
13 Mr. Ogata: I'd have to check but we do keep it around two to three feet above the...above the  
14 \*/ground water, where we anticipate ground water.

15  
16 Ms. La Costa: So, then there wouldn't be an incident where the pollutants would get into the  
17 ground water and then cause an issue with drinking water or any of the surrounding water  
18 usage?

19  
20 Mr. Ogata: Well, the...yes, so the separator is designed to contain as much pollutants as  
21 possible so that's kinda where majority of it will be caught, but substantially  
22 it's...(inaudible)...system should take out the pollutants before they hit the ground water, they're  
23 designed to do that.

24  
25 Ms. La Costa: And the separator is cleaned at some point?

26  
27 Mr. Ogata: Yes.

28  
29 Ms. La Costa: I'm concerned about pollutants.

30  
31 Mr. Ogata: Yes, it does have to be maintained periodically.

32  
33 Ms. La Costa: Thank you.

34  
35 Mr. Carnicelli: Commissioner Tackett.

36  
37 Mr. Tackett: So, my question is, is if this doesn't happen and none of the scenarios that have  
38 gone through here happens and your time runs out what, what happens to our bus service?

39  
40 Mr. Takamori: It essentially will come to halt. Kaahumanu is giving us a...like if we're not going  
41 to be able to move forward, basically our extension will run out and they will definitely kick us  
42 out. That's kinda, that's kinda where they've been working with us because they know we're  
43 moving the process along, and I wouldn't want to see that day happen. We're gonna have to  
44 really figure out where else we would be able to relocate to temporarily. We definitely know it's  
45 going to impact certain routes, where routes aren't going to be able to keep their current  
46 schedules, so yeah, I mean, that's really a...that would become our dooms day scenario.

47

1 Mr. Tackett: And that date would be?

2

3 Mr. Takamori: Right now, we're, we have our extension up to July 2022...

4

5 Mr. Carnicelli: 21.

6

7 Mr. Takamori: 21. That's right, yeah, 2021.

8

9 Mr. Tackett: And then my next question is why, what was your feeling as to why Kaahumanu  
10 didn't renew the space that you guys had before/  
11

11

12 Mr. Takamori: I guess part of the different meetings that we've had with them, they just felt that  
13 the site that we are currently occupying wasn't built to handle the capacity of the amount of  
14 people that are waiting for the buses and coming in and out of that back facility so that's why  
15 they were, they're wanting us to relocate to a different, a different area. I guess, within  
16 Kaahumanu's side though, their owner was the one that wanted us to be smack dab where we  
17 are right now, and so I guess now that we've been there almost ten years, they've noticed that  
18 maybe the capacity for that area wasn't made to handle it being a transit hub. It was never  
19 designed to be a transit hub but I guess at the time that's where the owner wanted us to be.  
20

20

21 Mr. Tackett: And the chances of a partnership on something like that not too good?

22

23 Mr. Takamori: You know, when our ten-year license to occupy was coming to an end we  
24 actually did ask them if we...if they would allow us to pay rent to be there, but also, I guess at  
25 the same time they knew we were looking at another location just because we were told they  
26 weren't gonna re-opt us, so they just came back with extending our lease for another year and a  
27 half. They didn't...we didn't go down the line of paying rent.  
28

28

29 Mr. Carnicelli: So, now we'll all just be sitting at the new transit hub shopping on Amazon.

30

31 Mr. Tackett: Those were, those were my questions. Thank you.

32

33 Mr. Carnicelli: Thank you, Commissioner Tackett. Commissioner Robinson.

34

35 Mr. Robinson: Okay Mark, we gotta find a solution. So, I guess the question is because again,  
36 I'm still with Commissioner Pali where we gotta have some type of pick up/drop off and  
37 whatever it is, ride sharing to the bus, do we need six buses to be at a, to be at a...why does it  
38 have to be a transit hub, why can't it just be a bus stop where one bus has to sit to catch up, you  
39 know, I'm from Honolulu and when I was young I rode the bus everywhere and there was no  
40 hubs except for one in the main area, so but we're trying to make it a hub, and I see we have  
41 six-bus parking. Do we have to have six? Can we take one of those lanes to be a drop off/pick  
42 up?  
43

43

44 Mr. Takamori: So, to answer your question, because our Maui Bus system is not frequent like  
45 Oahu our bus services are either on an hour or hour and half basis. You...to make it the most  
46 convenient, you want the buses to arrive at the same time and depart at the same time so  
47 people can transfer. Like if, if you were to come in at the top of the hour and then miss your

1 bus, you might have to wait another hour. So, how our system is set up is a hub and spoke  
2 where buses always come in at the top or at the bottom of the hour and that allows riders to  
3 transfer between buses and that's the most convenient because if not, then they would be  
4 essentially waiting for another hour or at least half an hour for the next bus, and so, we don't  
5 have the frequency like Oahu does. I mean, if we, if we had the operational budget to do what  
6 Oahu does, I mean, it would be so much more convenient, but we don't have that and so the  
7 most, the most convenient type of system that we can do for here on Maui at this point in time is  
8 a hub and spoke and that's where at the top and the bottom of the hour we allow buses to...we  
9 have the buses come in and the riders can transfer at that time. And that's, why we were set up  
10 the way we are right now.

11  
12 Mr. Carnicelli: Does anybody else have a question? Commissioner La Costa.

13  
14 Ms. La Costa: I'll wait till they're finished.

15  
16 Mr. Carnicelli: Did you have something else you wanted to add? Hang on, or Charlene, do you  
17 have something you wanna?

18  
19 Ms. Shibuya: ...(inaudible-not speaking into a mic)...

20  
21 Mr. Carnicelli: No, you gotta speak into the mic.

22  
23 Ms. Shibuya: Oh no, it was just a internal conversation, trying to figure out some things.

24  
25 Mr. Carnicelli: Okay. Commissioner La Costa.

26  
27 Ms. La Costa: Thank you, Chair. I have many concerns and they're echoed by all of my fellow  
28 commissioners from safety to lighting to crosswalks to dropping kids off to expansion for future, I  
29 mean, if you're gonna spend that kind of money it's like putting two tires on your car instead of  
30 four, makes no sense because the other two are gonna wear out and you don't...gas mileage is  
31 affected, et cetera, et cetera. So, within this design there has to be a way to be able to have  
32 buses in two lanes and drop off in another one irrespective of the half hour and hour. I mean,  
33 your buses can't they back to each other, they don't have to be one and then another. I mean,  
34 I've seen them at Kaahumanu. So, if we can't get past this issue, then you may have more of a  
35 problem than whether the rain comes this way or that way.

36  
37 Mr. Takamori: With regards to the design right now, you'll see that there's two lanes and it  
38 kinda mimics what we have at Kaahumanu Center where we have buses that are in tandem,  
39 they all pull up behind each other, they drop off, they pick up people and then they all head out  
40 again. If we were to have gotten more land allocated from the State, I mean, we could have  
41 done a lot more, but we are, we are working within confines of what the State is allowing us to  
42 use in terms of that, that parcel and we are limited to space as well.

43  
44 Mr. Carnicelli: So, Commissioners do you think that we have information to be able to make a  
45 decision?

46  
47 Ms. La Costa: I don't.

1  
2 Mr. Carnicelli: No? You need more information to make a decision? What else do you need to  
3 know to make a decision at this point?

4  
5 Ms. La Costa: I need to know whether or not there is...can be some accommodation made in  
6 the design as Commissioner Pali said, not so pretty but more functional. So, as it stands right  
7 now, I just don't have a level of comfort with it on many levels as I just said.

8  
9 Mr. Carnicelli: Okay. Commissioner Robinson.

10  
11 Mr. Robinson: I actually think it could be redesigned to accommodate six buses instead of in a  
12 easy driving flow they could all pull up to six and then they could when the time reverse and  
13 drive back around and still have a pick-up lane, that's just my opinion. I'm not comfortable with  
14 not having any type of pick up, drop off...any...this is just in a spot, I understand the situation  
15 we're in, but we're just, we're just creating another problem.

16  
17 Mr. Carnicelli: And I think that we're all in agreement on that, but like I said earlier is when it  
18 comes to approvals can we condition it to mitigate our issue? So, is there a way with which we  
19 can draft a condition and as the Director normally does when we're showing our concerns, she's  
20 scribbled some notes so there's a couple of things that we've addressed that I believe that she  
21 has, so why don't...at this point, Director would you just go ahead and read kinda the draft of  
22 what you have as far as conditions and then we can say like okay, would these conditions  
23 mitigate our concerns?

24  
25 Ms. McLean: Thank you, Chair. Related to a drop off, prior to occupancy the applicant shall  
26 provide a dedicated location onsite or on Vevau Street for vehicles to stop, to pick up or drop off  
27 bus passengers or ensure that such a location is provided.

28  
29 Mr. Carnicelli: Does that sound as though...Commissioner Robinson, okay. What were the  
30 other...I think there was...as far as the crosswalk and something else?

31  
32 Ms. McLean: Again, prior to occupancy, the applicant shall install a pedestrian crosswalk with  
33 flashing lights across Kane Street if the County Department of Public Works improvements do  
34 not include one. I think that the Public Works improvements will include that but in the event  
35 that they don't then it would be the applicant's responsibility.

36  
37 Mr. Carnicelli: But what...okay, so that's true because these guys might finish before Public  
38 Works as well, right 'cause you're just studying it in next year's budget, right? So, okay.

39  
40 Ms. Shibuya: May I, may I comment—

41  
42 Mr. Carnicelli: Yeah.

43  
44 Ms. Shibuya: --on that? You know, right now that type of improvements are not budgeted with  
45 this project, so you know we were actually counting on the County's Kane Street improvements,  
46 so you know, would be hard to kinda put that comment on this project.

47

- 1 Mr. Carnicelli: Shoot, I saw Councilmember Sugimura in here earlier, should have just asked  
2 her can we have more money.  
3
- 4 Mr. Castro: Chair?  
5
- 6 Mr. Carnicelli: Commissioner Castro.  
7
- 8 Mr. Castro: Yeah, wasn't there provision when they built that senior housing to provide that  
9 flashing crosswalk?  
10
- 11 Mr. Carnicelli: I don't think we conditioned it. Do you remember if we conditioned?  
12
- 13 Mr. Robinson: I think they agreed to it.  
14
- 15 Mr. Carnicelli: They agreed to it...or I thought Rowena agreed to do it...  
16
- 17 Ms. McLean: Charlene...  
18
- 19 Mr. Carnicelli: Oh, Charlene worked on that project, okay.  
20
- 21 Ms. Shibuya: Well, yeah I mean, I didn't take care of the project but I took care of the  
22 permitting and it wasn't put on Kahului Lani at that time, and it's probably because you know,  
23 the County was already planning this Kane Street improvements, so it wasn't on that project and  
24 it's hard to put it on this project 'cause it's not budgeted in this project.  
25
- 26 Mr. Castro: Thank you.  
27
- 28 Mr. Carnicelli: Okay, what was the other, what was the other condition, was there a third  
29 condition?  
30
- 31 Ms. McLean: Yeah. That the applicant shall request funding to install PV system to satisfy the  
32 project's energy demand and shall install such a system provided funding is available.  
33
- 34 Mr. Carnicelli: I mean, what if we put the same funding language then on the crosswalk? I  
35 mean, basically, I mean, what we would do is just say, hey listen, guess what we got this SMA  
36 but here's this other thing that you know, the planning commission wanted was this cross walk  
37 and then Council can say now, but at least we're the bad guy going to Council, you're not saying  
38 you need more in your budget, you're saying hey listen the planning commission said we have  
39 to do this.  
40
- 41 Ms. Shibuya: Yeah, I think that would be more reasonable and that would probably prompt  
42 them to perhaps fund something upfront since they will be...it would have been in, you know,  
43 the other project, but it will be funded earlier.  
44
- 45 Mr. Carnicelli: Yeah, that's a good question by Corporation Counsel, if you have to get a budget  
46 amendment is that gonna mess up your construction schedule, although I guess it's an offsite  
47 improvement though, right?

1  
2 Ms. Shibuya: Yeah, I would imagine it can be handled, you know, separately, it's just the timing  
3 yeah, right now it's not...

4  
5 Mr. Carnicelli: Okay. Okay, any other questions at this point in time from the Commission.

6  
7 Ms. Pali: Can you read the language on that last conditions please?

8  
9 Ms. McLean: If you want to have it contingent on funding then it would read, the applicant shall  
10 request funding to install a pedestrian crosswalk with flashing lights across Kane Street if the  
11 County Department of Public Works improvements do not include and shall install such a  
12 crosswalk if funding is available.

13  
14 Ms. Pali: I'm sorry, the last condition was on the solar.

15  
16 Ms. McLean: Oh, I'm sorry. The applicant shall request funding to install a PV system to satisfy  
17 the project's energy demand and shall install such a system provided funding is available.

18  
19 Mr. Carnicelli: And then go back to the drop off one again, just read that one more time please.

20  
21 Ms. McLean: Prior to occupancy the applicant shall provide a dedicated location on Vevau  
22 Street or onsite for vehicles to stop, to pick up or drop off bus passengers or ensure that such a  
23 location is provided because I don't know what the...exactly what the Vevau Street  
24 improvements are going to be. It could be that a turn out can be provided that wouldn't  
25 necessarily be onsite.

26  
27 Mr. Carnicelli: And, and it takes the onus of us trying to design it out of the equation too.  
28 Commissioner La Costa.

29  
30 Ms. La Costa: Thank you, Chair. So, the wording, if funding available, if funding is not provided  
31 then those conditions never exist then, correct?

32  
33 Ms. McLean: For the crosswalk and the PV, yes, those are the only ones that have...I mean,  
34 it's the Commission's choice whether those should be contingent on funding being available.

35  
36 Mr. Carnicelli: So, then I'm gonna go ahead and...you guys have heard this, so as far as the  
37 applicant's concern, are you guy okay with these three additional conditions that we're  
38 considering?

39  
40 Ms. Shibuya: I guess, the only one that's, you know, that first one about the applicant providing  
41 parking, drop off parking, as long as it's a little open you know, where we can explore whether it  
42 can be accommodated offsite because you know, we're talking about the eight stalls, you know,  
43 designating some of them for drop off, but then that would entail having you know, cars mixed  
44 with, mixed with the bus traffic, so if we can sorta work, work all the safety concerns out then  
45 just leave some flexibility, but in case something cannot be worked out, it might not be ideal, so  
46 we don't wanna, how you say, hang ourselves, just make something—

47

1 Mr. Carnicelli: Well, I think we're stuck though, right?

2

3 Ms. Shibuya: Yeah.

4

5 Mr. Carnicelli: 'Cause I think right now I get that you're saying okay, well gosh if it doesn't work,  
6 we still want this, and we're kinda saying, if it doesn't work, we don't want it. I mean, that's  
7 kinda where...that's the feeling that I'm getting from the Commission right now, and so to say,  
8 like, oh hey give us an out, and we're saying, nah, we don't want to give you an out.

9

10 Ms. Shibuya: Or even like maybe not say, 'cause say if we can do something maybe on School  
11 Street or, or not necessarily Vevau Street and not too far away, you know, of course then, just  
12 maybe just leave the street, street stuff a little bit flexible, is that okay?

13

14 Mr. Carnicelli: Commissioner Robinson.

15

16 Mr. Robinson: Could I have a...I got a question can you go to Figure 3 of your presentation  
17 please?

18

19 Ms. Pali: Exhibit 4 of 8.

20

21 Mr. Robinson: Exhibit, is it Exhibit 4? Exhibit 4 please.

22

23 Ms. Pali: It shows the benches.

24

25 Mr. Robinson: Okay, so on the top of the page, we have the, we have the roofline and we have  
26 the buses off of that roofline, so I guess is, what is the distance where you have those arrows  
27 and the buses, what is that to the end of the property line? Yeah, from the bus to the top of  
28 the...yeah, what's that, what's that distance we have there?

29

30 Ms. Shibuya: Maybe around 30 feet.

31

32 Mr. Robinson: Yeah, okay. Yeah, see we like that. Is, is Commissioner Pali and I have been  
33 scratching our paper up, and we feel if you're able to move the buses up to the top and you're to  
34 able to move the benches up too, we think you could do a drive thru lane maybe on the bottom  
35 third thru to that property, a little bit higher, yeah but, so move the benches up and have a...so  
36 the people would drive to where those benches and the drive thru lane there coming entrance in  
37 and entrance out and that way you separate the people, the drive thru from the buses, you have  
38 the benches and you have a drop off and pick up right there. We think that's something that  
39 could easily done and could get our vote.

40

41 Ms. Shibuya: Well, actually we're possibly looking at see this extra space was in case any of  
42 the buses gets stalled so there was like a pass thru lane, it's just trying to address the concern  
43 of mixing passenger cars with the buses around here, but you were talking moving—

44

45 Mr. Robinson: Well, you got 30 feet, right. You got 30 feet, so all we need is 16 feet, right for  
46 two lanes for cars, eight feet right?

47



1 Ms. Shibuya: No, well 16 feet is a little narrow, ...(inaudible)...20 feet.  
2  
3 Mr. Robinson: ...(inaudible)...  
4  
5 Ms. Shibuya: You can go 20 feet, yeah ten feet.  
6  
7 Mr. Robinson: Okay, so 20.  
8  
9 Ms. Shibuya: Oh, so you're actually talking about two-way, two-way back here or something?  
10  
11 Mr. Robinson: It's one-way, it's one-way.  
12  
13 Ms. Shibuya: Yeah, following, following the pattern, right?  
14  
15 Mr. Robinson: Kellie, go and shown um.  
16  
17 Ms. Pali: Well, yeah okay. Call me, the Hawaii Vanna White.  
18  
19 Ms. Shibuya: I have a laser.  
20  
21 Ms. Pali: Okay, so how do I work this thing. Oh, this is so cool. Okay, so what Keaka is  
22 referring is having a lane come through this building here and coming out, but then what  
23 Carnicelli is saying, is hey let's not touch the infrastructure or the plan site let's the take the  
24 buses, push them all back and have the one-way roundabout come through with the cars this  
25 way.  
26  
27 Mr. Carnicelli: The other way.  
28  
29 Ms. Pali: Oh, sorry, wrong way. Okay, there. So, so, I mean, it would be kinda cool to have a  
30 single lane coming through, uninterrupted traffic, the cars could stop, let their kupuna out, but if  
31 that messes with your building structure and budget, pushing all the buses back and then just  
32 having this most single lane coming through here. Got it?  
33  
34 Ms. Shibuya: I guess one of the concerns is you know this big opening here, this is where the  
35 pedestrians go in and I guess it's just increasing the pedestrian/vehicle conflict, so it would be, I  
36 mean, I mean, ideally would be better to keep everybody away from this area so that  
37 pedestrians and cars don't have to cross each other.  
38  
39 Mr. Robinson: Well, I mean, you already have the pedestrian—  
40  
41 Ms. Shibuya: This is the entrance.  
42  
43 Mr. Robinson: You have the entrance for pedestrians coming from all over the streets and then  
44 now we're concerned about the pedestrians. I mean, I think that's a controlled area where  
45 actually people are slowed down it's not a, it's not a highway and we could, and we could speed  
46 bump it.  
47

1 Mr. Carnicelli: So again, Charlene this is, this is, is you guys have a lot of really talented  
2 engineers, you got a very talented architect. We've got a fill lane, we've got an overflow lane, I  
3 think if you listen to the condition, it might behoove you guys to say okay, we can figure them  
4 out.

5  
6 Ms. Shibuya: Yes, and I guess leave some flexibility to use the street too if we can.

7  
8 Mr. Carnicelli: Right.

9  
10 Ms. Shibuya: Yeah, if can.

11  
12 Mr. Carnicelli: Maybe a bunch of consultants can make a lot more money, who knows, no more  
13 money, sorry.

14  
15 Ms. Shibuya: Yeah, so I think we'll try to...I mean, to clean things up, you know, I think the  
16 initial statement about trying to get a pull out, I forget which commissioner it was, we'll try look at  
17 that first, yeah, I mean, yeah something to that effect.

18  
19 Mr. Carnicelli: Maybe we don't need five employee parking stalls. I mean, there's, there's you  
20 know, maybe this, maybe this, maybe that. We don't have any money, but you know, to make  
21 changes, but...you know. I'll tell you what, you want to, you want to take a quick recess and talk  
22 about it and then we can come back?

23  
24 Ms. Shibuya: I think that maybe just leave the condition flexible whether it's onsite, offsite, I  
25 think you kinda had it, onsite, offsite or something.

26  
27 Ms. Pali: The condition reads, onsite or on Vevau, it won't read any other street.

28  
29 Ms. Shibuya: Oh yeah, I would—

30  
31 Ms. Pali: And so, I'm very adamant about that.

32  
33 Ms. Shibuya: Yeah, well yeah, I guess and what we probably could do is, you know, work with  
34 the State HHFDC because eventually they're going to redevelop the project if they could maybe  
35 give us a pull-out space you know on Vevau but not immediately there because I think they  
36 want to do a driveway too right next to, you know, the bus entrance, so...but being that, you  
37 know, it's all under design at this time, we can probably negotiate with them.

38  
39 Mr. Carnicelli: Sounds good. Thank you. So, I think at this point in time, Tara why don't you go  
40 ahead and give us what the Department's recommendation is.

41  
42 Ms. Furukawa: So, the Planning Department recommends approval based upon the 13  
43 conditions and the Planning Department recommends that the Maui Planning Commission  
44 adopt the Planning Department's report and recommendation prepared the November 26, 2019  
45 meeting as its finding of fact, conclusion of law, and decision and order and to authorize the  
46 Director of Planning to transmit the written decision and order on behalf of the Planning  
47 Commission.

1  
2 Mr. Carnicelli: So just for clarification, 13 includes the three that we've discussed.  
3  
4 Ms. Furukawa: Yes.  
5  
6 Mr. Carnicelli: Thank you, just for the record you do include that, yes.  
7  
8 Ms. Furukawa: It's ...(inaudible)...in the report. Yes.  
9  
10 Mr. Carnicelli: Okay. Can I have a motion please? Commissioner Pali.  
11  
12 Ms. Pali: So, I will make motion to approve this project pending the strict conditions set forth by  
13 the Director, adding the three.  
14  
15 Mr. Carnicelli: Yeah, that's included. The 13 is including the three, so, it's ten plus the three we  
16 added. Do I have a second?  
17  
18 Mr. Castro: Second.  
19  
20 Mr. Carnicelli: Seconded by Commissioner Castro. Discussion on the motion.  
21  
22 Ms. Pali: I respect and appreciate everyone who's worked on this project to be able to provide  
23 something where operations will not be impacted because of the expiration lease on  
24 Kaahumanu Mall. There are many families that depend on this transportation and so for that I  
25 have much respect, but I also am against doing emergency temporary things and then never  
26 being able to circle back and make them fit today in our future. And so, if we can just have a  
27 little bit more foresight and be more, a little bit, be kinda visionaries in this and saying hey, this is  
28 a temporary relocation but it might end up permanent like many things are then going ahead  
29 and spending that extra time to create it so we can really help our infrastructure for the next five,  
30 ten, twenty years, and so...And then lastly, safety is a concern and that's the reason for the last  
31 condition is, I don't know believe that the people that we're servicing currently from the  
32 Kaahumanu Mall are all walk-ins. They're not all walk-ins. I would suspect if the proper  
33 research is done, 25 percent or more are drop offs. Being a parent of four, drop offs are  
34 probably highly and so that's why it's important for safety and so that's the reason for the last,  
35 the second to the last condition.  
36  
37 Mr. Carnicelli: Thank you. Would anybody else like to speak to the motion. Commissioner  
38 Castro.  
39  
40 Mr. Castro: I think it's a good project, actually not having really a choice, but I think it is a good  
41 project with the added conditions. I'll be in favor of this motion.  
42  
43 Mr. Carnicelli: Great. Thank you. Commissioner La Costa.  
44  
45 Ms. La Costa: I also will vote in favor of it with those stringent conditions, and just hope that  
46 maybe MDOT can take chocolate chip cookies to the State and get a little more land. Thanks.  
47

1 Mr. Carnicelli: And maybe that County Council will give us some more money. Commissioner  
2 Robinson.

3  
4 Mr. Robinson: I'll support this, this motion with these three added conditions. I am disappointed  
5 however, that we did not do a study at all of how many people are dropped off and picked up  
6 when it's something that we're...that we need to know when it comes to traffic. Thank you.

7  
8 Mr. Carnicelli: Anybody else like to speak to the motion? Commissioner Tackett.

9  
10 Mr. Tackett: I'm also supportive of it. I think what was said here is that it may end up being the  
11 permanent fix, but it's not intended to be the permanent fix and we all know that nothing is really  
12 permanent in this world, everything grows, everything changes, so I think it's important that the  
13 people that that require buses who are probably some of the neediest people that we have in  
14 this county that they don't end up with no access to get to work or to get their children or their  
15 grandparents or their family to the places they need to, to do in everyday life, so I'm in favor of it  
16 for those reasons, and thank you for your guy's time.

17  
18 Mr. Carnicelli: Commissioner Freitas.

19  
20 Mr. Freitas: I would like to say, like Commissioner Castro said, we're kind of pressed for time  
21 and we should have had more time to think of other alternatives, but I think we would do an  
22 injustice to our community if we do not vote this through with the conditions that we have set.  
23 Thank you.

24  
25 Mr. Carnicelli: I'll just say that again, time and time again, there is no perfect project, you know.  
26 There's always a reason to be against something, there's always a reason to say no, but this  
27 obviously one of those ones that ultimately is a feel good. It's like Commissioner Tackett said,  
28 this is something that helps our community, so I'll also be supporting the motion. So, with that  
29 be said, Director.

30  
31 Ms. McLean: Thank you, Chair. The motion on the floor is to approve the SMA Permit subject  
32 to the ten conditions in the staff report and the three added conditions from today.

33  
34 Mr. Carnicelli: All those in favor, please raise your hand. That is seven ayes, unanimous. So,  
35 thank you very much, appreciate it.

36  
37 **It was moved by Ms. Pali, seconded by Mr. Castro, then unanimously**

38  
39 **VOTED: To Approve the Special Management Area Use Permit as**  
40 **Recommended by the Department with the 10 Conditions in the**  
41 **Recommendation and the 3 Additional Conditions as Discussed by**  
42 **the Commission.**

43  
44 **(Assenting – K. Pali, S. Castro, K. Freitas, D. Thompson,**  
45 **K. Robinson, C. Tackett, P. D. La Costa)**

46 **(Absent – T. Gomes)**  
47

1 Mr. Carnicelli: And as much as everybody grumbles about taking a break, I'm sorry we're here  
2 for multiple things not just one so we need a break. So, ten minutes, we'll be back.

3  
4 A recess was called at 11:20 a.m., and the meeting was reconvened at 11:33 a.m.

5  
6 Mr. Carnicelli: The Maui Planning Commission meeting of November 26, 2019 is now back in  
7 session. Director.

8  
9 Ms. McLean: Thank you Chair. Your second public hearing item today is the transmittal of  
10 Council Resolution No. 18-195 referring to this Commission a Proposed Bill for Zoning Changes  
11 from Open Zone and R-3 Residential District to R-1 Residential District for a 6.943-acre property  
12 located off of South Kihei Road at TMK: 3-9-004:141. So, this is a Council initiated change in  
13 zoning and Tara Furukawa again is the Project Planner.

14  
15 Mr. Carnicelli: And Tara before you go just so everybody understands what's gonna happen is  
16 we're gonna hear from the Department then we're also gonna hear from the landowner and then  
17 we will take public testimony after that so just so you guys know that's sort of how the ball  
18 bounces. Tara.

19  
20 **2. MICHELE MCLEAN, AICP, Planning Director, transmitting Council**  
21 **Resolution No. 18-195 referring to the Maui Planning Commission a**  
22 **Proposed Bill for Zoning Changes from Open Zone and R-3 Residential**  
23 **District to R-1 Residential District for a 6.943-acre property located off of**  
24 **South Kihei Road at TMK: (2) 3-9-004:141, Kihei, Island of Maui**  
25 **(CIZ 2019/0001) (T. Furukawa)**  
26

27 Ms. Tara Furukawa: Okay, so this item's under your review because the County Council  
28 initiated Resolution No. 18-195, a bill to change the zoning from Open Zone and R-3 Residential  
29 for the 100 percent affordable Kilohana Makai Workforce Housing Project for a property in Kihei  
30 at TMK (2) 3-9-004: 141. The total acres is 6.943 and 28 single-family lots are proposed  
31 ranging from 6,000 to 7,499 square feet. The Planning Commission must make a  
32 recommendation to the County Council. Howie Kihune from Ainalani Pacific and  
33 Sandy Duvauchelle from Lehua Builders is here to discuss what their proposing. Please keep in  
34 mind that they will return once again for the SMA Permit and at that time they'll have studies  
35 prepared and more plans so you'll be able to review the project once more prior to final  
36 approval.

37  
38 Mr. Carnicelli: Thank you.

39  
40 Ms. McLean: Chair if I may comment in the interim. This is a somewhat unusual situation  
41 where the Council is initiating a change in zoning, the property owner is not the likely developer.  
42 There is a likely developer who will be speaking to you today but there are three different  
43 entities we're dealing with, the Council initiating it, the person or the family who owns the  
44 property, and then the likely developer. So this is somewhat unusual. Typically with Council  
45 initiated projects the landowner is actively involved or it's a developed property like a church or  
46 a school where the County is able to get information about the site. Oftentimes it's fully  
47 developed. This is, again this is just an unusual thing for the County to initiate when it's

1 undeveloped and then when the landowner isn't the likely developer. So it may seem a little bit  
2 different than what you typically see and that's the reason why.

3  
4 Mr. Carnicelli: And again, right Director is since it's a CIZ we are nothing more than a  
5 recommendation, the Council makes the final decision on that. If they approve the CIZ they  
6 come back to us...these guys come back to us for the SMA.

7  
8 Ms. McLean: Correct.

9  
10 Mr. Carnicelli: So there's still steps to be taken here. This isn't the final, final.

11  
12 Ms. McLean: With a more detailed development proposal.

13  
14 Mr. Carnicelli: Commissioner Robinson.

15  
16 Mr. Robinson: Chair, Commission at this time I'd like to state the fact that I know  
17 Ms. Duvauchelle and Mr. Kihune pretty well. Never been to their house or anything, but just  
18 wanted to make sure with the discussion and that you guys are comfortable with it and if you  
19 have any questions for me?

20  
21 Mr. Carnicelli: Do you have any financial interest in this project?

22  
23 Mr. Robinson: I do not.

24  
25 Mr. Carnicelli: You feel you could be objective?

26  
27 Mr. Robinson: I do.

28  
29 Mr. Carnicelli: I don't have a problem with it. Anybody else have a problem?

30  
31 Mr. Castro: I too, know Ms. Duvauchelle and Mr. Kihune as well.

32  
33 Mr. Carnicelli: Okay, do you have any financial interest in the property?

34  
35 Mr. Castro: None.

36  
37 Mr. Carnicelli: Do you feel like you can impartial?

38  
39 Mr. Castro: Yes.

40  
41 Mr. Carnicelli: Okay.

42  
43 Mr. Thompson: The same for me. It's a small island. I could be objective.

44  
45 Mr. Carnicelli: Okay, thank you. Commissioner Pali.

46

1 Ms. Pali: I may or may not have had a few phone calls, but I mean did not recollect nothing  
2 personal, no financial and I can be impartial.  
3  
4 Mr. Carnicelli: Thank you.  
5  
6 Mr. Freitas: Same for me with Mr. Kihune.  
7  
8 Mr. Carnicelli: Okay.  
9  
10 Ms. La Costa: Ditto. Same for me.  
11  
12 Ms. Sandra Duvauchelle: Okay, well I'll say good morning.  
13  
14 Mr. Carnicelli: Do you want to wait for them or do you want to go?  
15  
16 Ms. Duvauchelle: I want to wait. No, no we'll wait for them.  
17  
18 Mr. Carnicelli: Okay.  
19  
20 Ms. Duvauchelle: We'll wait for them, but it's a little bit different standing on this side of the  
21 podium I'll tell you.  
22  
23 Mr. Carnicelli: Right, former Chair.  
24  
25 Ms. Duvauchelle: Yeah.  
26  
27 Mr. Carnicelli: Let's take a brief recess while they set up.  
28  
29 A recess was called at 11:38 a.m., and the meeting was reconvened at 11:42 a.m.  
30  
31 Mr. Carnicelli: November 26, 2019 is now back in session. Ms. Duvauchelle.  
32  
33 Ms. Duvauchelle: Thank you. Aloha Chair Carnicelli, Director Michele and Mr. Hopper and  
34 Members of the Planning Commission and Carolyn. Aloha, thank you for allowing us to be here  
35 today. I will be honest, we're gonna keep it very short.  
36  
37 Mr. Carnicelli: Do say your name for the record though.  
38  
39 Ms. Duvauchelle: Sandra Duvauchelle.  
40  
41 Mr. Carnicelli: Thank you.  
42  
43 Ms. Duvauchelle: Thank you, I forgot that. So we're gonna keep it short for you, to the point  
44 and hopefully address what the plan is and questions that could be coming up. So we're, we're  
45 proposing on this 6.9 acre parcel, 28 single-family workforce housing residences. And we feel  
46 in a world where downtime is more wishful thinking than reality it's essential that your home

1 offers a sense of community, space and comfort for your ohana. We are introducing Kilohana  
2 Makai.

3  
4 Oh, I can't read that. Oh, thank you. Workforce housing located near Wailea Resort, live, work  
5 and play. Providing housing for firemen, police, nurses, hotel employees, hotel managers, life  
6 guards, county employees, teachers and more. Working within County of Maui Housing AMI  
7 Sales Guidelines, 80 percent, 100 percent and 120 percent. Attached here is the zoning  
8 confirmation for this particular parcel showing that it is in the community plan, Single Family, in  
9 the County zone, it's Open Zone with a portion being R-3 Residential. Our Flood Zone being X.

10  
11 This is the topography survey of that parcel. As you can see, and we just we know from looking  
12 at it it's fairly flat, not a lot of challenges as far as the topography goes. This is a conceptual  
13 layout and again it's premature. What we're hoping for is 28 lots. The lots would be anywhere  
14 from 7,000 to 8,500 square feet. There would be an ingress and an egress out of  
15 Wela Street...did I say wrong?

16  
17 Mr. Kihune: 6,100 to 7,400.

18  
19 Ms. Duvauchelle: 6,100 to 7,400, sorry.

20  
21 Mr. Kihune: Thinking about another project.

22  
23 Ms. Duvauchelle: I'm thinking of...I'm...I apologize. I'm a little nervous. And then next up is the  
24 tax records that the Ferreira Family attached to this parcel and just to see that they have been  
25 paying residential property taxes on this parcel for many, many years.

26  
27 Mr. Kihune: It's classified—

28  
29 Ms. Duvauchelle: Pardon?

30  
31 Mr. Kihune: It's classified as residential.

32  
33 Ms. Duvauchelle: It's classified as residential. In the Kihei Community Plan you can look down  
34 on Item No. 27 where Ferreira's Family was designated...the Ferreira parcel property was  
35 designated as Single Family. Here's an aerial view of the parcel. Kilohana behind the project,  
36 Keawakapu Views and Kilohana Waena, across the street is...I'm sorry I'm drawing a blank,  
37 across—

38  
39 Mr. Kihune: Mana Kai.

40  
41 Ms. Duvauchelle: The Mana Kai. The Mana Kai Hotel. This is actually the sea level rise  
42 snapshot showing that at 3.2 this parcel is not in the sea rise level area you can see the dark  
43 blue. And this is the flood map showing that our parcel is in the light green portion which is a  
44 low risk, and we're done.

45



1 Okay, in addition to that I wanted to say that are the homes that we are...we are proposing will  
2 all have two-car garages, driveways for two cars, there will be no parking allowed on the  
3 street—

4  
5 Mr. Kihune: Overnight.

6  
7 Ms. Duvauchelle: Overnight. And I am...and if this goes forward I'm slated to be the builder for  
8 this project and we are a local company and we will be providing jobs for all local subs and  
9 contractors and that's it.

10  
11 Mr. Carnicelli: Thank you.

12  
13 Ms. Duvauchelle: Thank you.

14  
15 Mr. Carnicelli: At this point in time, Mr. Hopper if you would please explain to us change in  
16 zoning initiated by the Council.

17  
18 Mr. Hopper: I think the Director did touch on this a bit. This is a case where the Council is  
19 permitted to send a resolution to you requesting review of a change in zoning in this case for an  
20 individual parcel. Now this is a legislative decision by the Council so they're asking for  
21 your...they're required to ask for your comments on this and your analysis on this. Now the odd  
22 thing here a bit is that there's been a discussion of the project being a 28-unit residential  
23 subdivision but as of now the draft ordinance is just to change the zoning and that's it. So it will  
24 be R-1 zoning and without any further conditions or anything like that the property would be  
25 allowed to develop consistent with the R-1 standards.

26  
27 Now you have a recommended condition in your, in your staff recommendation that would say  
28 the project has to be developed as workforce housing only as defined by 2.96 of the County  
29 Code, but I wanted you to be aware that because this was Council initiated which meant an  
30 application did not to be filed with all of the application requirements that there wasn't really  
31 anything on the record specifying what the project would contain. So for example the  
32 presentation you heard unless there are conditions or things like that placed on the property  
33 that's not something that's part of this ordinance. So right now as you approve as  
34 recommended the property would have to develop as...the only that could be built on the  
35 property is workforce housing as defined by 2.96 of the County Code but as far as anything else  
36 that would be it. So the R-1 standards would apply separate from that, any other base  
37 requirements including the SMA Permit would apply there.

38  
39 Again, you're making a recommendation to the County Council and the County Council is taking  
40 a legislative act on this so they have broad discretion to approve or deny or ask for additional  
41 information and condition the project so what's developed is something that is consistent with  
42 what's being represented and with the Council or you are comfortable with. So I wanted you to  
43 understand that and if there's, if there's...based on the record that you have if you need more  
44 information, if you want additional conditions, things like that, those are all options for you to  
45 recommend to the Council, but I wanted to...I was asked by the Chair to comment a bit about  
46 the nature of the application and what you have before you. And I wanted to caution you just to  
47 make sure that, you know we have one condition there and absent a condition on something

1 there's nothing clear saying that a certain thing will be developed on the property or anything's  
2 restricted on the property you know, and it doesn't necessarily have to be, but your change in  
3 zoning if approved with this condition would require that affordable housing be the only allowed  
4 use and all the other standards in the R-1 zone would be the standards that would apply to the  
5 project.

6  
7 Mr. Carnicelli: Great. Thank you Mike, and so I just...so we kinda understand where we're  
8 coming from on this and also to help those of you that want to testify to give meaningful and  
9 relevant testimony as well. So anything else from you? Okay, I think at this point in time we'll  
10 go ahead and open up the floor for public testimony. And just so you guys know that you get  
11 three minutes to testimony, up to three minutes to testify. Please...Carolyn will say...when  
12 three minutes is up she'll say three minutes, I will ask you to stop and just to be respectful of  
13 everybody else please end your testimony at three minutes 'cause if somebody goes like four  
14 and somebody else was respectful and stopped at two then...anyways just to make it fair for  
15 everybody that's all. So our first testifier is Wayne McDonald.

16  
17 Mr. Wayne McDonald: As you said, Wayne McDonald.

18  
19 Mr. Carnicelli: Thank you Wayne.

20  
21 Mr. McDonald: Thank you Commissioners for allowing me to speak. I'm a resident of Maui and  
22 I own a home in Kilohana Ridge. Do I need to get closer? It's a development of 73 homes that  
23 are immediately east of the subject property. I'm president of the homeowner's association.  
24 We have quite a few people here supporting us today.

25  
26 The property in question has been zoned Open zone since the last South Maui Community Plan  
27 in 1998. The County of Maui web page on community plans states that the community plans  
28 will be updated every ten years. Not doing so is ...(inaudible)...reliance on the benefits of the  
29 current zoning. A drastic change to the status quo for 21 years will affect the property values,  
30 traffic and safety of the adjacent neighborhoods and erode our private roads.

31  
32 Kilohana Ridge Homeowner's Association opposes this change in zoning for the following  
33 reasons. One, lack of sufficient notice and opportunity for public comment. Maui County Code  
34 19.510.020, Subsection A requires public hearings regarding zoning changes. However, in this  
35 requested zone change the exception process in Subsection B was used for the Maui County  
36 Council has already been stated proposing the change. The process purposely avoids  
37 notification of public hearings required in Subsection A, notice to property owners within 500  
38 feet and published notices. Property owners who may be impacted have the right to notice a  
39 proposed change in zoning and participation in public hearing, obviously I'm here but it's  
40 obviously...(inaudible)...process, this didn't happen.

41  
42 Congestion. R-1 Zoning designation is inconsistent with the surrounding property developments  
43 which share a boundary with street entrance. All adjacent developments are either R-2 or R-3.  
44 Further auxiliary dwelling units are not allowed by any of the other adjacent HOAs.

45  
46 Impact on private streets. The traffic assessment report in Exhibit 27 does not address some of  
47 our concerns. Wela Street may not meet the County Code in width and/or layout. Streets that

1 tie into the proposed development are private streets and maintained by the HOAs. No one has  
2 addressed how the County will control either construction, new residential traffic. These private  
3 streets were not built to County Code for public access. The adjacent HOAs will face additional  
4 costs including gates on a projected plan is not addressed who will pay for those costs?  
5

6 Appropriateness for dwellings. There's a genuine need for workforce housing in Maui.  
7 However, building affordable housing in a tsunami zone, hurricane storm surge area is  
8 inconsistent with affordability. Cost of additional necessary insurance my prohibitively  
9 expensive to the perspective homeowner. This is inconsistent with principles of safe and  
10 prudent planning. The specific purpose of the zoning change is to create housing for working  
11 families in such location may risk their investment.  
12

13 Five, value impact. Proposed homes are not consistent with the surrounding community and  
14 could impact values. More importantly the additional traffic and congestion may significantly  
15 impact the desirability of current neighborhoods.  
16

17 And Number Six, environmental impacts. As this property is close to the ocean --  
18

19 Ms. Takayama-Corden: Three minutes.  
20

21 Mr. McDonald: Is that my three minutes?  
22

23 Mr. Carnicelli: Yeah, that was three.  
24

25 Mr. McDonald: Okay, thank you.  
26

27 Mr. Carnicelli: Thank you Wayne. Any questions for the testifier? Seeing none, thank you  
28 Wayne. Tom Griffith.  
29

30 Mr. Tom Griffith: My name's Tom Griffith. I live at 10 Hoohale, I backed up to the proposed site  
31 we're describing. I'm fundamentally opposed to the zone change from Open Space mostly  
32 because the surrounding area is made up of houses all of which sitting on lots of 8,000 feet or  
33 better. The higher density that you're proposing here would not flow with what we have  
34 happening in the area. I believe that the use for, the need for housing for the workers is great  
35 and getting them closer to the proximity to Wailea where they're gonna be working is also great  
36 but I don't know that they need to be done on Kihei Road. Kihei Road is already getting way too  
37 much traffic down that way. There is no open space down there other than the State owned  
38 property across the street and I think that Open Space as it was zoned originally it should  
39 maintain. At very least it should be considered for a zoning for a residential that would  
40 concurrent with what's around the area. It should be no more...no higher density that what is  
41 surrounding into the area. I never had any idea that that would stay open forever. I don't have  
42 the expectation that you may not develop because I have my piece of paradise that's...that's  
43 absolutely wrong thinking, but I do think that the idea that it would stay with a similar zoning or  
44 at least if we're gonna be changed to a residential use that it would, again, would be concurrent  
45 with what's around the area. That's all I have to say on the matter. Thank you for your time.  
46

47 Mr. Carnicelli: Thank you very much Tom. Any questions for the testifier? Commissioner Pali.

1  
2 Ms. Pali: Sir, I'd like clarification on staying concurrent with the area. Specifically what would  
3 be acceptable by your definition of concurrent within the area?  
4  
5 Mr. Griffith: Well, right now in our area Kilohana Ridge we have a mix of single story and two-  
6 story homes. The two-story homes like my own is 2,800 square feet. I sit on a 9,000 square-  
7 foot lot. A little more than half of the units inside of Kilohana Ridge are single story units also on  
8 8,000 foot lots. So we have generous setbacks. We have front lot setbacks, we have rear lot  
9 setbacks, we have side lot setbacks. We are in such a fashion that our density we're not on top  
10 of each other.  
11  
12 Ms. Pali: So if I understand you correctly if I can repeat what I think I understand back to you.  
13 You would then be okay with moving forward with developing this as long as the lots were  
14 larger?  
15  
16 Mr. Griffith: I would say that the way it's drawn right now I'd fundamentally be opposed to it. I  
17 don't think that the ohana units are gonna be kept as ohanas for mother-in-laws as they are  
18 originally designed. I think that they will become rental units that close to the beach especially.  
19 We have a lot of units inside of Kilohana—  
20  
21 Ms. Pali: Well just sir, just to go back to my question 'cause I think you're veering and I just  
22 wanna come back. You said that you would be okay if it was similar to what's there, and I just  
23 want to define did you mean larger lots?  
24  
25 Mr. Griffith: I would mean...yes. Larger...I would be more apt to consider a zone change for  
26 something that would be more like what is in surrounding community.  
27  
28 Ms. Pali: Specifically by larger lots?  
29  
30 Mr. Griffith: Yes, specifically—  
31  
32 Ms. Pali: Okay, thank you sir. Thank you.  
33  
34 Mr. Carnicelli: Thanks Tom.  
35  
36 Mr. Griffith: Yeah, the ohanas are big deal.  
37  
38 Mr. Carnicelli: Thank you Tom.  
39  
40 Mr. Griffith: I think you got too many bodies, too many cars, not enough area, thank you.  
41  
42 Mr. Carnicelli: Thank you Tom. Pat McGilvray. How bad did I butcher your name?  
43  
44 Mr. Pat McGilvray: Not bad.  
45  
46 Mr. Carnicelli: Okay.  
47

1 Mr. McGilvray: So I'm also a resident there in Kilohana Ridge.

2

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

4

5 Mr. McGilvray: Pa McGilvray.

6

7 Mr. Carnicelli: Thank you.

8

9 Mr. McGilvray: And I submitted a letter to the Council members. You got each...each one of  
10 you got one. I don't have that in front of me. I'll just let that stand as it is. And I agree with what  
11 the previous speakers have said about the area and especially for access. I don't understand  
12 why Wela Street is not connected to Kilohana Drive for access to Piilani Highway. It seems  
13 critical to me. Also, as previously stated our roads are narrow, private they're under extreme  
14 stress as it is adding to that is gonna be detrimental to the whole neighborhood. I also think that  
15 looking at the development I would think you would need a four-foot wide sidewalk going along  
16 the whole length of Wela Street for the length of the development for safety purposes. Also  
17 right now we have a well-established pathway leading to the beach off of Ahekoa Street it goes  
18 across the property comes to a flashing light and a crosswalk that goes across the street. I  
19 think that should be maintained for street access for residential access to the beach. So any  
20 questions to me?

21

22 Mr. Carnicelli: Great. Thank you Pat. Any questions to the testifier? Seeing none, thank you.  
23 Eric Romerdahl.

24

25 Mr. Eric Romerdahl: My name's Eric Romerdahl.

26

27 Mr. Carnicelli: Please everyone if we could have decorum, thank you. You have the floor.

28

29 Mr. Romerdahl: I submitted written testimony which I assume you have from my wife and I. I've  
30 lived here 20 years and I've lived on three of the streets abutting this property so I know the  
31 area really well. One thing that I think you have to remember is that there's a steep hill and the  
32 subject property is at the bottom of this steep hill and I rented Hokai Place which is one of the  
33 lowest streets next adjacent to it and we weren't able to get homeowner's insurance because  
34 insurers said that we was in tsunami flood evacuation zone. So I'm just saying the thing about  
35 having 28 ohana units if people can't get insurance it's a bad thing.

36

37 Secondly, I didn't see anything about beach parking. We have a problem with access right now  
38 so if anything could be done to alleviate that it would be proper. Also, on the third page I  
39 mentioned, the other gentleman mentioned the same thing is that there's no connection to the  
40 other public street Kilohana so right now there...this whole property is abutting a public road and  
41 there's no access to the public road directly. There's none to South Kihei Road and there's  
42 none to Kilohana. So I don't know the rational of not having a new development connect to a  
43 public road.

44

45 And just overall this whole proposal though I'm sort of surprised that we didn't have more public  
46 knowledge notice that changing zoning from a public place, public zone to a residential. The  
47 area is used by everybody in Kihei and we also get a lot of people from other parts of the island

1 that come back there and go to Keawakapu Beach. So not having any requirement for public  
2 parking or at least having the roads connect through so people can park easily 'cause like I said  
3 it's a steep hill and I live one block away from the subject property and I'm at 60 feet sea level  
4 so it goes up pretty fast. So to say that people are gonna be parking on private roads uphill isn't  
5 really the best thing. We could be having public parking closer to the beach.  
6

7 Mr. Carnicelli: Thank you Eric. Any questions for the testifier? Seeing none, thank you. Jeff  
8 starts with an L and then scribbles off. Jeff Lang, Luhung? 74 Arrow Circle? No? All right,  
9 Jeff. Lea Ann Kjome.

10  
11 Ms. Lea Ann Kjome: Kjome.

12  
13 Mr. Carnicelli: Ah, of course, K-J-O-M-E, of course that's how it's spelled.

14  
15 Ms. Kjome: My name is Lea Ann Kjome and I live on Ahekolu Street. I'm also on the Board of  
16 Kilohana Ridge and I just wanted to finish up something that Wayne didn't have a chance to  
17 read.

18  
19 Environmental Impacts, as the property...this property is close to the ocean, an Environmental  
20 Impact Statement needs to be done. Exhibit 10 shows the Department of Environmental  
21 Management had no comments. So in summary, again this is finishing what Wayne had  
22 prepared for...on behalf of our Board and homeowners, there's not been sufficient community  
23 notice or opportunity to public comment and discussion regarding the proposed change in  
24 zoning of the property in question. Please take into careful account the above referenced  
25 reasons why this proposed zoning change should be denied and recommend that the Maui  
26 County Council not approve this request for zoning change.

27  
28 So just quickly, I'm shocked and most of the people that I've talked to in the neighborhood are  
29 really surprised at what's happening and not having been notified and this Council initiated  
30 zoning request I think is the real problem here that because it is something that came directly to  
31 the Council that there was not the requirement of notifying the people within 500 feet. And have  
32 that been done, it would have been overflow crowd here today. So that's kind of my main  
33 objection to this that it's, it's kind of a not a transparent process and I think it's too dense of a  
34 development for that area and especially with the ohanas that they're proposing putting in. So  
35 that's it. Any questions?

36  
37 Mr. Carnicelli: Thank you Lea Ann. Any questions to the testifier? Commissioner Robinson.

38  
39 Mr. Robinson: Chair, I got a question. Is I've heard from the last few testifiers that they say that  
40 it's been subverting some type of process. So if developer wanted to develop his own property  
41 he would still come to here and then it goes to the Council. So it's...it's the same process. Am  
42 I...did we skip a process? Just because the Council initiated it, it still comes here and then after  
43 our recommendation then they still are able to go to the Council to testify again for a public  
44 hearing is that correct?

45  
46 Ms. McLean: That's correct. The...what...one step that did not occur is the mailing of  
47 notification to surrounding property owners. That does not occur with the Council initiated

1 entitlement change. However, the Department did post the public hearing notice in the  
2 newspaper and other notification requirements were followed. But the mail out to surrounding  
3 property owners did not occur, is not required to occur. If the zoning gets approved and there is  
4 a desire to develop the property then the SMA Permit would have to do the notice of application  
5 and notice of public hearing before that comes back to the Commission.  
6

7 Mr. Robinson: Okay, that's what I, that's what I thought thank you.  
8

9 Mr. Carnicelli: Lea Ann, actually I do have a question for you. I meant to ask Wayne and then it  
10 popped out of my head. He had mentioned that if this were to go through that you guys would  
11 want to gate your streets is that...is that...did I hear that correctly?  
12

13 Ms. Kjome: It might come to that. It might come to that if we—  
14

15 Mr. Carnicelli: Why would that be though? I don't understand by putting workforce housing  
16 would mean you guys have to put up a gate.  
17

18 Ms. Kjome: It's we already have a lot of traffic that cuts through our neighborhoods from  
19 Kilohana down to South Kihei Road and I can only imagine that it will increase especially  
20 they've laid out the entrances and exits from the neighborhood and not trying to connect it to  
21 Kilohana Drive. So we just assume that there will be a lot more traffic, construction traffic and  
22 people that live in those homes or ohanas would be coming through our neighborhood.  
23

24 Mr. Carnicelli: Okay, thank you. Mike Wysocki, see this is your handwriting not my  
25 pronunciation I'm promising you on that one.  
26

27 Mr. Mike Wysocki: I should go into the medical industrial right now, no it's okay.  
28

29 Mr. Carnicelli: What's your name, I'm sorry.  
30

31 Mr. Wysocki: My name is Mike Wysocki. I live at 150 Hoolapa Street down in South Kihei right  
32 in the same neighborhood as everybody else here so...Well, obviously thank you very much for  
33 your time in listening to me. I definitely appreciate it. Obviously I want to keep the land to Open  
34 instead of R-1. Couple of the reasons why in my view is little different. It's more or less on the  
35 idea of congestion. I mean, I don't know if you guys walk down the South Kihei area, South  
36 Kihei Road, et cetera. I mean, it's getting a little excessive with cars, traffic, noise, more  
37 pollution, you know more excessive...you know excessive already.  
38

39 And the other thing too is I've also noticed that the hotels are starting to expand and the variety  
40 of other businesses are starting to expand so South Kihei Road the traffic already is bad enough  
41 as it is so it's going to obviously affect the infrastructure. The other thing too is there's a lot of  
42 pavement that's needed on South Kihei Road. You see a lot of potholes and that will increase  
43 with more people. And the other thing too is earlier today somebody mentioned one of the  
44 greatest points I heard today was why be the next Waikiki? You know, if you guys go over there  
45 that often it's pretty excessive so I just...more housing, more issues, more problems that's what  
46 my angle is.  
47

1 But other thing too is where there's a problem how to come up with the resolution and my  
2 thoughts were if you're looking for affordable housing why not do what's called retrofitting? We  
3 can retrofit some buildings over here in different sections of the island or whatever. I mean,  
4 even the, you know State and County buildings a lot of people can remote workforce. We can  
5 retrofit these buildings and have them as affordable housing too. So there's a variety of other  
6 ways to resolve some issues and with that you guys don't have to commute to work, you know  
7 you get less pollution, less issues, less problems, less people on the road, resolve a lot of  
8 issues that way so that's my thoughts and opinions. Thank you for your time.

9  
10 Mr. Carnicelli: Thank you Mike. Any questions for the testifier? Thank you Mike.

11  
12 Mr. Wysocki: Take care.

13  
14 Mr. Carnicelli: Scott Shapiro, and it's only because I know your name.

15  
16 Mr. Scott Shapiro: I know your name. I know where you live, no...My name is Scott...hold on  
17 for one second, sorry, I gotta put my glasses on before the clock starts. My name is  
18 Scott Shapiro and I'm just gonna read off my testimony here.

19  
20 Today's issue is simple, you're to make a recommendation back to the Council for or against  
21 this proposed zone change. Shouldn't be looking or have any advanced knowledge of potential  
22 plans good or bad because they mean nothing at this point. They could change, nothing's been  
23 permitted. A change to R-1 means any type of housing allowed in R-1 zone could be built there  
24 so you should be cautious.

25  
26 Lack of affordable housing is a crisis on Maui in the immediate sense we all know that. But  
27 we're learning daily about a new crisis which is...could be much more important to us is sea  
28 level rise. Our oceans are projected to rise by we all know 3.2 feet to up to six feet in 2100.  
29 Thirty years from now in 2050 new projections are coming in with over three feet of sea level  
30 rise to our coasts. These are new projections that I'm sure you are well aware of. We'll  
31 experience flooding and damage to all near coastal structures. We cannot, you guys cannot  
32 ignore sea level rise in community planning.

33  
34 Mayor Arakawa signed a Proclamation in 2018 discussing sea level rise and climate change  
35 that you as the Planning Commission are directed to take into account. In the 2017 Sea Level  
36 Rise and Adaptability report referred to in the Proclamation it says you must plan for 3.2 feet of  
37 sea level rise now and be ready to adjust that upwards. So we need to be ready. At 3.2 feet of  
38 sea level rise South Kihei Road at this location and its infrastructure will be at the new  
39 vegetation line as was shown on the slide by the developer where the ocean meets the land and  
40 all of this will need to be moved mauka. This open parcel just happens to be outside of that  
41 3.2 foot zone. This land and two vacant abutting parcels can be saved now and should never  
42 be built on. They need to be preserved as sea level rise buffer zone.

43  
44 If sea level rise predictions come true and a project gets approved here then what do we do?  
45 We gotta buy back 38, 48, 56 houses take by eminent domain whatever houses are built here to  
46 clear the way for a new road. We can do better. Putting people in harm's way is no way to  
47 solve a crisis. In the 1998 Kihei-Makena Community Plan as was mentioned there's no one



1 mention of sea level rise, not one mention. I guarantee that the next Kihei Community Plan that  
2 gets updated in the next year or two it will speak to sea level rise and very likely not allow this  
3 parcel to be developed. I urge you not to recommend the zone change. Thank you.

4  
5 Mr. Carnicelli: Thank you Scott.

6  
7 Ms. Furukawa: I just need to state something. So in my report we did address sea level rise on  
8 Page 15 of your report.

9  
10 Mr. Carnicelli: Hang on Tara.

11  
12 Ms. Furukawa: Okay.

13  
14 Mr. Carnicelli: We're in public testimony right now.

15  
16 Ms. Furukawa: Okay.

17  
18 Mr. Carnicelli: So we'll have time to ask questions and get into all that.

19  
20 Ms. Furukawa: Okay, I just wanted to clarify cause his knowledge is incorrect.

21  
22 Mr. Carnicelli: I know, we'll clarify, we'll clarify.

23  
24 Mr. Shapiro: ...(Inaudible-speaking from audience)...

25  
26 Mr. Carnicelli: That's okay. We'll...everybody has concerns and that's part of us as volunteers,  
27 this is not our job, is to try to address all of your concerns. So I just want to let you guys know  
28 you're being heard but we also have to do our due diligence as well. Richard Endean.

29  
30 Mr. Richard Endean: Aloha to the Commission. Thank you for giving me some time to talk. My  
31 name is Richard Endean. My wife and I are residents at Maui Hill which is a condominium  
32 complex that is west of the particular Kilohana Ridge and the property that is under  
33 discussion. I am President of the Homeowner's Association and we are not in favor of the zone  
34 change and I will summarize some of the reasons that we are not.

35  
36 First, we like everybody else were concerned about lack of notification and I know there's a lot  
37 of process left but it would have been nice that we had notification 'cause I agree we would  
38 have had greater numbers here. I think a zone change at this time without an Environmental  
39 Impact Statement is a bit premature. I think the Environmental Impact Study should be done  
40 first to make sure that implications of sea level rise, et cetera are taken into consideration rather  
41 than take a lot of time to go through it.

42  
43 The other concern we have is once you give zone Residential 1 zoning anything can be put in  
44 there because you're not approving anything specific. You're saying just change the zoning so  
45 we're very concerned about that.

46

1 Access, right now the access is shown twice or coming into Wela Street twice, but they don't  
2 show how you get out of Wela Street. Well, where you're gonna get out of Wela Street if they  
3 don't gate Kilohana Ridge is you're gonna go up through that neighborhood or you're gonna  
4 come over to Alakoa which is the street that gives access to Maui Hill so all of a sudden we're  
5 gonna have more congestion coming down through that entry way to our property. The other  
6 thing with congestion is the expansion of the KRC, the Kilo...the Kahoolawe Research Center  
7 has been approved, they're looking for funding that driveway is going to be right across from  
8 Alakoa. So now all of a sudden you're gonna have visitor traffic, people going to KRC are going  
9 to be coming in and out of their property there, you're gonna have this development coming  
10 probably over to Alakoa because it's closer and the congestion at that point for the people living  
11 in Maui Hill is going to increase there's no question it has to increase, okay.

12  
13 We also are concerned about the density. This is just the number of cars, we don't know  
14 anything about the units themselves, how many square feet, how many bedrooms there gonna  
15 be. We heard that there's two cars, but if you take two cars times 28 units and then they have  
16 visitors and guests you can imagine that with the access, egress from the property we would  
17 advocate that there be access or egress to South Kihei Road off the property rather than using  
18 anything through Kilohana Ridge or using Alakoa.

19  
20 Mr. Carnicelli: Thank you Richard.

21  
22 Mr. Edean: Thank you.

23  
24 Mr. Carnicelli: Any questions from...for the testifier? I have one question for you. How many  
25 units in your multi-family apartment complex?

26  
27 Mr. Edean: A 140.

28  
29 Mr. Carnicelli: Okay, thank you. Is anybody else wish to testify on this particular item at this  
30 time? Please come forward.

31  
32 Ms. Melissa Rippy: Hello, my name's Melissa Rippy and I'm an owner in Papali and also the  
33 AOUC President and I just found out about this yesterday so I apologize if I don't know all the  
34 information that's in the packet. I cross the crosswalk at Kilohana across to the beach park  
35 several times a day most often there's lots of traffic on South Kihei Road and most time it  
36 doesn't stop because there is no flashing lights on those two side...crosswalks the one right in  
37 front of where the proposed development is gonna go as well as the one from Kilohana parking  
38 lot. I think there needs to be a traffic study done. I'm really concerned about children even  
39 children that are living in the new development if nothing is done on South Kihei Road. I'm all  
40 for workforce housing, however I think that's the wrong location. What if we move it above the  
41 fire station or somewhere else in Kihei where there's more land, more parking. I also feel people  
42 are gonna park if they have guests over, they're not gonna be able to park they're gonna park in  
43 the park that's designated for beach parking. So I'm just really concerned. I would like to see  
44 something built for the workforce, I just think that it's the wrong location.

45  
46 Mr. Carnicelli: Thank you. Hang on Melissa. You said that you were President of I  
47 don't...association?

1  
2 Ms. Rippy: Yeah, Papali which borders Kilohana and Wailea Alanui, and that's another  
3 situation—

4  
5 Mr. Carnicelli: Hang on, hang on, I'm asking you a question here. So that's part of the same  
6 residential or is it multi-family, I'm sorry I'm not—

7  
8 Ms. Rippy: No, single family and there's 24 units.

9  
10 Mr. Carnicelli: Okay, 'cause like in that area right there's three associations? Is that what it is?  
11 There's like Kilohana...I mean, 'cause he's...

12  
13 Ms. Rippy: Oh, no, no, no, I'm on the other side of Kilohana. So I'm to the south of this  
14 development on Kilohana Road.

15  
16 Mr. Carnicelli: Oh, okay, I get it now. Thank you, I was just confused. Appreciate it. Thank  
17 you.

18  
19 Ms. Rippy: Okay.

20  
21 Mr. Carnicelli: Is anybody else like to testify? Going one, going twice, all right if there's no  
22 objections we're gonna go ahead and close public testimony at this time. So Commissioners,  
23 12:20 I don't think this is a short discussion unfortunately. Do you want to do lunch and come  
24 back? Yes. Okay, we are gonna break for lunch, we will be back 1:15 p.m.

25  
26 A recess was called at 12:20 p.m., and the meeting was reconvened at 1:19 p.m.

27  
28 Mr. Carnicelli: Good afternoon, Maui Planning Commission of November 26, 2019 is back in  
29 session. So Commissioners we are on C.2 and we've had our public testimony and the Director  
30 and I were just sitting here talking about it as far as you know what is it that if we were to...what  
31 is it that we would transmit to the County Council. We have several options but one of the  
32 things that came up in testimony was and Mr. Hopper addressed it as well is that right now the  
33 only sort of condition on the zoning would be that it has to conform to 2.96 which is the  
34 Workforce Housing Ordinance, and so do we want to go down that rabbit hole and add a bunch  
35 a conditions that are zoning related 'cause it is going to come back for SMA, right so not SMA  
36 things but zoning things or do we want to just say send whatever we're sending up there  
37 "clean". So I don't know Director if you could address that for us.

38  
39 Ms. McLean: Thank you Chair. If there are conditions that the Commission wants to see on  
40 this development you can try to separate those between are those zoning related conditions or  
41 are those more development related conditions that would be more appropriate to be on the  
42 SMA Permit.

43  
44 Zoning conditions, the reason the Department recommended putting the workforce housing  
45 condition on as a condition is because when the resolution was sent to us it was for the  
46 purposes of developing workforce housing and so that was the reason the Council initiated this  
47 and so we felt that was an appropriate condition. We generally like to send recommendations

1 up to the Council for changes of zoning, community plan that are clean because that's a higher  
2 level approval. We think this area is appropriate for residential development. Then  
3 development related conditions about density, building heights, things like that could go on the  
4 SMA. If this property weren't in the SMA and this was your only chance to look at it then you  
5 might want to put those conditions in now only because that would be your only opportunity.  
6 But if the zoning does get approved by the Council, any development of the property would  
7 have to come back to you for SMA and you could put conditions on it at that time.

8  
9 So zoning level conditions could be like we recommended the workforce housing condition, it  
10 could be density but what's being proposed is R-1 zoning and that in and of itself has a density,  
11 has a minimum lot size of 6,000 square feet so you can go that small. You could talk about  
12 roadways, you could talk about drainage those are sort of higher level, but when it comes to  
13 specific development conditions those might be more appropriate to wait for SMA but you could  
14 recommend them at this time. So there's no hard and fast line but if the zoning does get  
15 approved you will have the opportunity to place conditions on any development that gets  
16 proposed.

17  
18 Mr. Carnicelli: Mr. Hopper.

19  
20 Mr. Hopper: Just to add though the SMA conditions you have a more limited subset of  
21 conditions that you could impose on an SMA Permit than you could or the Council could for a  
22 change in zoning so keep in that mind. SMA conditions are limited to the goals, objectives and  
23 policies of the Special Management Area. They focus primarily on coastal hazard and coastal  
24 environmental impacts and things like that. So the zoning conditions you may have broader  
25 authority to recommend zoning conditions to the Council than you would if it comes back to you  
26 as an SMA so just to keep that in mind. A lot of them, there is a big overlap. I mean there are a  
27 lot of conditions you could put on an SMA Permit and a zoning change, but generally the zoning  
28 change there are a wider level of things that Council will look at in a change in zoning than the  
29 commission does when it does a Special Management Area Permit so you could keep that in  
30 mind as well.

31  
32 Mr. Carnicelli: So I don't know, either one of you answer this. What if we're coming from a  
33 place though that is certain representations made by the applicant or I guess they're not the  
34 applicant...but like when Sandra was giving her presentation she went more specific into 2.96  
35 than just 2.96, she said 80 percent to 120, 2.96 goes up to 140 so the representation is there so  
36 I mean is that something would be appropriate, not appropriate or is that something you say like  
37 okay those representations will be made at the Council level too so let them handle that.

38  
39 Mr. Hopper: If the Council in acting on a zoning change is taking a legislative act. So they have  
40 relatively broad discretion on the types of conditions it could impose. If you believe you want to  
41 be specific as to this project based on representations made you are certainly welcome to  
42 recommend those as conditions to the Council to get into the specifics of the project that  
43 would...if that's what's planning on being built and the Council wants to see that then yes, they  
44 can say we're granting a change in zoning, you can do things for example like limit the permitted  
45 uses and other things to require as you said you know that all of the housing be affordable or  
46 workforce housing as defined by 2.96 or other requirements it's up to the Commission to  
47 recommend if it believes it's an appropriate condition for the Council to have on its change in

1 zoning. So you do have relatively broad discretion. I can read...it's in your report the basis for  
2 granting a change in zoning and the basis for adding conditions, but it's relatively broad.  
3  
4 Mr. Carnicelli: You guys wanna hear those? How quick is it?  
5  
6 Mr. Hopper: I'll have to find it, I can give—  
7  
8 Mr. Carnicelli: Okay, never mind. So at this point we're gonna go to questions and comments  
9 from the Commission. I'll start with you Commissioner La Costa.  
10  
11 Ms. La Costa: Thank you Chair. This is a question about the property tax exhibit that was  
12 shown.  
13  
14 Mr. Howard Kihune, Jr.: Howard Kihune, Jr.  
15  
16 Ms. La Costa: Thank you Howard. So you mentioned that the tax record shows that it was  
17 residential.  
18  
19 Mr. Kihune: The tax records classification is residential, correct.  
20  
21 Ms. La Costa: There are two parcels on this map and the one in the corner is residential and  
22 this one doesn't even show in the tax records that I could find.  
23  
24 Mr. Kihune: If you pull it up it does state it. If you go to the report for the actual property it does  
25 pull up and it shows taxes paid and it shows that the classification is residential by the  
26 Department of Finance.  
27  
28 Ms. La Costa: So it appears that there is a misclassification by the Tax Department  
29  
30 Mr. Kihune: I don't know. I'm just stating that it is, it is in the tax records as residential.  
31  
32 Ms. La Costa: Okay, thank you.  
33  
34 Mr. Kihune: You're welcome.  
35  
36 Mr. Carnicelli: Commissioner Castro.  
37  
38 Mr. Castro: No questions at this time.  
39  
40 Mr. Carnicelli: Okay. Commissioner Tackett.  
41  
42 Mr. Tackett: Not at this time.  
43  
44 Mr. Carnicelli: Commissioner Robinson.  
45  
46 Mr. Robinson: Director my first question is for you. I read the Resolution and it mentioned  
47 ohana housing. Is that a ADU requirement or is that something that the Council's trying to throw

1 in, is it lot sizes, I mean there's certain rules to be able to have an ohana house, parking and all  
2 sorts of stuff correct?

3

4 Ms. McLean: Yes, ohanas have a parking requirement all their own.

5

6 Mr. Robinson: And so, and so, Mr. Kihune.

7

8 Mr. Kihune: Yes sir.

9

10 Mr. Robinson: Was it your understanding that you guys were lobbying for ohana housing or  
11 ADUs or this is workforce housing and this is something that you guys didn't put in?

12

13 Mr. Kihune: We're only, we're only here for the 28 single family residences. The ohana, the  
14 zoning for that...the current zoning allows for an ohana, the ohana, sorry and when we spoke  
15 with Tara we included that. We did not, we're not planning on building any ohanas. So we're  
16 leaving it up to the property owner themselves at some point should that happen or should the  
17 Council decide that you know, condition that we cannot, but right now, no we don't have any  
18 plans to build an ohana.

19

20 Mr. Robinson: So I guess with that and the restrictions you know even though I don't agree with  
21 some of the testimony that was done earlier I still heard them because we're all citizens of Maui,  
22 even though they don't want me driving through their streets and they're gonna put up a gate to  
23 keep me out and it feels kind of offensive I thought, but I think is there a way that we as a  
24 Commission can help mitigate the amount of, the amount of persons on these lots. You know, I  
25 mean, you know is...I lived on a 6,000 square foot lot and I raised my whole family on it, you  
26 know, then I moved to...I was lucky enough then move to a larger one and you know I would  
27 have loved 7,000. But as far as the ADU requirements is there a restriction on lot size? I  
28 though lot size had to be a certain size amount before to even to think of it. I mean, 'cause I  
29 know this is kind of clouding it so I want to see if we can, if we can eliminate that these don't  
30 even qualify for that that might help some of the other concerns.

31

32 Ms. McLean: The law changed at the end of 2018 so that any size lot can have an ohana.

33

34 Mr. Robinson: If it has the proper setbacks.

35

36 Ms. McLean: It needs, of course, buildings have to follow setbacks. They need to have parking  
37 no site. They need to be served by all necessary infrastructure, et cetera, but this being  
38 a...potentially this being a new development they could build the main houses in such a way to  
39 allow room for ohanas on each lot.

40

41 Mr. Robinson: Like anybody else.

42

43 Ms. McLean: Like anybody else.

44

45 Mr. Robinson: Right.

46

47 Ms. McLean: And the ohana for a lot this size would be limited to 500 square feet.

1  
2 Mr. Robinson: 500 square feet and what would be the setbacks on the property, what is it? Do  
3 you know off the top of your head what the current is?  
4

5 Ms. McLean: Residential setbacks is six feet for a single story, ten feet for two stories.  
6

7 Mr. Robinson: Well, two story ADUs huh, 250, 250 or you're talking about the main house with  
8 ADU.  
9

10 Ms. McLean: Or it could be a garage or carport underneath with the ohana upstairs.  
11

12 Mr. Robinson: Okay, all right, thanks. I'll let you come back around and thank you.  
13

14 Mr. Carnicelli: Commissioner Pali.  
15

16 Ms. Furukawa: Can I add to the discussion a little bit? The reason why we told him leave the  
17 ohanas I mean don't...because at first his proposal did not include ohanas, but we said because  
18 it's you know per the Maui Island Plan it's in the Urban Growth Boundary and right now housing  
19 is definitely something that's needed we told them that they should probably include the ohanas.  
20

21 Ms. McLean: For traffic counts, for infrastructure service, et cetera.  
22

23 Ms. Pali: This is for Howard.  
24

25 Mr. Kihune: Yes, Commissioner Pali.  
26

27 Ms. Pali: So, I too, wanted to just pull out what we could to validate because we appreciate  
28 people taking their time to you know voice their concerns and I do believe I have the concern in  
29 regards to the infrastructure now and so my question to you in regards to roads capabilities is  
30 your plan when you're ready to do more specifics on the development assuming you can move  
31 forward with the zoning change are going to incorporate all the infrastructure needed to improve  
32 and upgrade the current roads that surround the property to address those safety concerns and  
33 also the infrastructure of more cars? Is that something that you would be taking on as a  
34 developer or are you going to be partnering with the County to make sure that the roads, the  
35 sidewalks, and the crosswalks, all of those concerns are addressed and mitigated?  
36

37 Mr. Kihune: Yes and yes, meaning that whatever the current codes are based from  
38 Public Works and working with the County we'll meet those standards. We'll improve all the  
39 necessary improvements that need to be made for the subdivision at that time for when we  
40 come back, if we get back to this body.  
41

42 Ms. Pali: Okay, so if you don't mind I'm gonna press you further.  
43

44 Mr. Kihune: Sure.  
45

46 Ms. Pali: I would say that we might all agree that the current roads in place supposedly met  
47 those rules but they've not been maintained the way we would like them to with the potholes,

1 constantly with the flooding it's deteriorating the current quality of the road on South Kihei Road  
2 specifically and so not to give you a total pass but also respectfully I would say due to our  
3 rotation schedule of maintenance at any given time our current roads don't always meet the  
4 current new standards and so if you find that the current roads apparently meets the standards  
5 but the quality is not acceptable for higher traffic are you committed to making sure that those  
6 improvements are made to be a good neighbor to the other people that will be personally  
7 impacted by trying to get home that would not without the additional people driving on the  
8 roads?

9  
10 Mr. Kihune: To answer your question with regards to potholes I would think that would come  
11 under the Public Works Department and their current maintenance program. Any other  
12 improvements whether it be a stop sign or a crosswalk or whatever that may be we would  
13 definitely address that and make sure that we meet those standards for sure, yeah.

14  
15 Ms. Pali: Because you recognize that going from a vacant lot with no extra bodies and now  
16 putting if you get 28 homes, tuck in three, four people you know you're about 150 people more  
17 that weren't there on a daily basis would increase the wear and tear of the current infrastructure.

18  
19 Mr. Kihune: Correct.

20  
21 Ms. Pali: And so I would suspect and I just wanna make sure that you're hearing them too and  
22 that maybe the County doesn't always have access to improve those as often but with new  
23 development we have an opportunity to strengthen that infrastructure around the neighborhood.

24  
25 Mr. Kihune: Yeah, I mean...we'll definitely take a look at that. I think we all pay taxes here and  
26 that's property taxes and that money goes for improvements and maintenance of our highways  
27 and stuff so as 28 taxpayers I'm pretty sure they'll be contributing to that one way or the other  
28 as we go forward, so yeah.

29  
30 Ms. Pali: So are you representing that you are gonna take personal responsibility for making  
31 sure if you develop this lot that you will make sure that the infrastructure around the lot adjacent  
32 would have proper strengthening or are you...am I misunderstanding you in saying that our  
33 current taxpayer dollars whatever they've been doing will be keep doing 'cause I'm not looking  
34 for the status quo in this particular incident.

35  
36 Mr. Kihune: Well as far as maintenance to the current South Kihei Road—

37  
38 Ms. Pali: I'm not talking about maintenance, I'm saying that you're gonna bring in another  
39 150 people and that's gonna cause a problem on top of a problem we already have and so I  
40 would just like some sort of commitment that you recognize it's like you have a weight and it's  
41 been carrying ten pounds but that ten pounds continues to eat at the bottom and now you want  
42 to add another ten pounds and do nothing for it. I would just like some sort of commitment that  
43 you are willing to strengthen the foundation if you're gonna add ten more pounds to the scale.

44  
45 Mr. Kihune: I understand your question Commissioner. Again, that's gonna be dependent upon  
46 our engineer working with Public Works and trying to determine and make sure that when we  
47 leave that project it's better than when we got there, so just FYI okay.



1  
2 Mr. Carnicelli: Commissioner Thompson.

3  
4 Mr. Thompson: So is this development similar in scope as the workforce housing that you did in  
5 Kaanapali.

6  
7 Mr. Kihune: Pretty much identical, correct. The standards will be the same, the quality of the  
8 homes. We're taking that template and dropping it right in here. That's our goal.

9  
10 Mr. Thompson: Excellent. Well, nice job. I would maybe recommend to some of neighbors go  
11 see what they did up in Kaanapali if that helps you feel how much...that's...how many  
12 33 homes was it?

13  
14 Mr. Kihune: Thirty-three, correct.

15  
16 Mr. Thompson: Thirty-three, yeah and how much that generates.

17  
18 Mr. Kihune: Well, thank you very much. I appreciate that.

19  
20 Mr. Carnicelli: Commissioner Freitas.

21  
22 Mr. Freitas: Mr. Kihune, there was a letter from the Department of Homelands that had asked  
23 that you go along with the kapa`akai which is to make sure that cultural traditions and practices  
24 and things that you may find will be monitored and addressed and the response from  
25 Ms. Duvauchelle was that you will be which I'm happy to hear.

26  
27 Another thing that she had listed was, as the Maui County Code also requires that rezoning  
28 applications demonstrate conformance with the community plan and the list of owners within  
29 500-foot distance of the project area, an effort to be made to consult with the community  
30 throughout the process, and in Ms. Duvauchelle's response she said that we will be fully  
31 transparent in our due diligence. And I am hearing from those that came to testify that they  
32 didn't sound like that was done and I know that maybe you might be waiting until the SMA but I  
33 think this paragraph that was written from Ms. Hussey kinda pointed that out. Is there a reason  
34 for that?

35  
36 Mr. Kihune: Well, with this particular CIZ, change in zoning and it being Council initiated it's not  
37 required. We, from this point going forward should we get through, and get through Council  
38 then the SMA process application will actually hit on all those points and we're required to do  
39 that and we will make all those notifications as necessary and required and as far as cultural  
40 assessment that will definitely be done as part of our application, but at this point because it's  
41 Council initiated it's not required so...

42  
43 Mr. Freitas: Okay, thank you.

44  
45 Mr. Kihune: You're welcome.

46

1 Mr. Carnicelli: So, I know that neighborhood, I mean go to Keawakapu Beach all the time and  
2 I've always felt the ingress/egress into that neighborhood is goofy. One street,  
3 turn...(inaudible)..., turn up and then it's three different subdivisions that all the things that  
4 everybody's saying now, the new guys...or the old guys didn't like the new guys and the new  
5 guys didn't like the next guys and then all then all three of them now don't like you so because it  
6 is goofy and how come you can't do ingress/egress off of South Kihei Road?

7  
8 Mr. Kihune: The curbing and all the sidewalks have been completed by the County for that area  
9 so our egress is coming off of Wela. And just to make a quick point, Wela was actually part of  
10 this property at one time. The Ferreira's were generous enough to give access, utility  
11 easements to those neighborhoods above them and now they're here trying to help the local  
12 people and develop housing for local people and it's their turn to get...to do what they need to  
13 do to help the help the local people so that's why they've contacted us to put this together.

14  
15 Mr. Carnicelli: Got it. Got it. So I mean, other than the fact that curbs, gutters, sidewalks are in  
16 is there a say, a logistical reason or I don't know an engineering reason why you wouldn't come  
17 off of South Kihei Road, you know, bust out the curb, you know you make swale and you come  
18 in that way, I mean is there a reason why we wouldn't do it that way?

19  
20 Mr. Kihune: Well, we've got that egress/ingress that's currently there.

21  
22 Mr. Carnicelli: Right.

23  
24 Mr. Kihune: And with the KRC that's gonna be developed and doing that project across the  
25 street that was mentioned—

26  
27 Mr. Carnicelli: Right.

28  
29 Mr. Kihune: They will be part of that intersection now.

30  
31 Mr. Carnicelli: Right.

32  
33 Mr. Kihune: And for us to have another intersection 150 feet down the road will not make any  
34 sense and we'll be entering into probably Mana Kai's driveway or you know the parking where  
35 the State is, so we don't probably see any real reason how we can make that work with that  
36 intersection that's gonna change because of the KRC to some degree.

37  
38 Mr. Carnicelli: Got it. It's kind of like Waipuilani and Maui Sunset, it's like this really weird thing.

39  
40 Mr. Kihune: You know, you're kinda like...(inaudible)...right, you got to different—

41  
42 Mr. Carnicelli: Right, right.

43  
44 Mr. Kihune: Yeah, exactly.

45  
46 Mr. Carnicelli: Okay. I'll go ahead and just...Commissioner La Costa.

47

1 Ms. La Costa: Wela Street does not go through as we all know. Are there any plans if that  
2 belongs to the Freitas are there any plans to incorporate that and make it go through to  
3 Kilohana to take some of the pressure off the traffic?  
4

5 Mr. Kihune: No, that was not part of their plan. I believe they're gonna leave that as is that  
6 portion. That will not be part of the development. It's gonna be a single lot that they're gonna  
7 hang onto.  
8

9 Ms. La Costa: Okay, because I think if there's a way that that can be incorporated, what I hear,  
10 what I read, what I have seen is that that's one of the biggest bones of contention for this it's not  
11 that it's not in my neighborhood it's that they're worried about sea level rise, they're worried  
12 about traffic and if it can be alleviated in any way this would be that little piece of land being  
13 incorporated and having an ingress/egress there. You may have some of the neighbors a  
14 whole lot happier than they are now.  
15

16 Mr. Kihune: I would say that you're possibly correct, but I'm not the neighbor that lives on both  
17 side of that strip, so that would be a question for them because those two properties are  
18 adjoining to that to put a street in there.  
19

20 Ms. La Costa: Okay, I thought it was just a vacant lot right now.  
21

22 Mr. Kihune: It is a small remnant piece vacant lot, correct, correct, but as part of this  
23 development they were gonna keep that lot to at some point maybe put a residence there, I  
24 have no idea because that portion is zoned R-3.  
25

26 Ms. La Costa: That...the one little remnant piece is R-3?  
27

28 Mr. Kihune: It's part of the R-3, yes, correct.  
29

30 Ms. La Costa: Okay. Okay, then let's address the walk through that people use from the  
31 developments up above to go to the beach.  
32

33 Mr. Kihune: Okay. Private property, right, right now. It's private property parcel, correct.  
34

35 Ms. La Costa: That is correct. Again, just trying to be pono. Is there a way that you could  
36 incorporate something like to accommodate the folks up above?  
37

38 Mr. Kihune: If the liability of that would be covered by the homeowner's above, insurance  
39 probably liability walking into a sidewalk off of South Kihei could be accommodated by some  
40 type of guarantee or waiver then possibly.  
41

42 Ms. La Costa: Okay, so maybe that's the homeowner's association should look into that if  
43 that's, you know another hot bottom that they had a problem with.  
44

45 Mr. Kihune: 'Cause you're putting the burden on this project for access so we would think that  
46 those homeowners or those areas is going to have to take the burden of that the liability.  
47

1 Ms. La Costa: The hold harmless part of it.

2  
3 Mr. Kihune: Correct.

4  
5 Ms. La Costa: Liability. Okay, those are my two questions for right now. Thank you.

6  
7 Mr. Carnicelli: Commissioner Castro.

8  
9 Mr. Castro: No questions.

10  
11 Mr. Carnicelli: Commissioner Tackett.

12  
13 Mr. Tackett: You stated you're gonna use primarily local builders for this?

14  
15 Mr. Kihune: Only really basically. Sandy's our general contractor. In all of our projects she  
16 hires only local companies, with local workers.

17  
18 Mr. Tackett: And then do they generally pay prevailing wage or union wages or they just kinda  
19 go by whatever they go by?

20  
21 Mr. Kihune: We have accommodation, you know a civil contractor is union wages, prevailing  
22 wages and then some of our subs are not, some of our subs are it all depends on you know  
23 what's available and what's out there at the time.

24  
25 Mr. Tackett: On your last project what did you use on that one?

26  
27 Mr. Kihune: Prevailing wages for our civil contractor which was Goodfellow and then prevailing  
28 wages or union wages on some of our other subs and then I think couple of them, couple of  
29 them were not because at the time there was nobody bidding for what we put forth.

30  
31 Mr. Tackett: And what is your plan for this? And the reason why I ask is 'cause if you are  
32 gonna use local labor which is awesome would be nice if they made a decent wage out of it  
33 because it is a tract you know, so that's why I asked.

34  
35 Mr. Kihune: No, we put it out for bid. We get a bunch of proposals, a bunch of bids, but it  
36 comes down to money as far as building. You know, somebody is going to proposal \$10.00, the  
37 other is going to propose \$8.00. So you know it comes down to bottom line these are workforce  
38 housing projects. There's not a lot of money involved. You know our whole concept is to  
39 provide more housing for our local people and that's the key. You need an example, the  
40 Kaanapali project which we started four years ago, by the time we get done I'm lucky if I made a  
41 wage myself of \$50,000 a year. So you know, it's not like it's something we're all making money  
42 on but we're providing something that's very much needed in our community and we wanna put  
43 the best product forward that we can and I think we've achieved that in Kaanapali and we'll  
44 achieve the same thing here.

45  
46 Mr. Tackett: And I admire that although I'm not really looking at the top level guys, I'm kinda  
47 looking at the guy with shovel, the guy in the heat, you know what I mean, the guy with blisters,

1 the guy with the stitches, you know what I mean, I'm kinda looking at that guy, but it was just my  
2 question on what the socio economic impacts would be for the local people because I've seen  
3 local contractors that take great care of their workers and I seen local contractors where the  
4 guys been at \$13.00 an hour his entire life you know so I've seen both ends of the spectrum so I  
5 was just wondering where you guys fall on that.

6  
7 Mr. Kihune: No, I appreciate that comment. We're very adamant about hiring local, local subs  
8 so we wanna make sure we keep everything here.

9  
10 Mr. Carnicelli: Commissioner Robinson.

11  
12 Mr. Robinson: I just want to make a comment, I think we have to remember that this is  
13 affordable housing so it's everything that the developer will incur the people who are purchasing  
14 the homes will incur as you stated before and if you've been involved with affordable housing  
15 the margins almost none. You know these guys are...these contractors they usually have other  
16 projects that they do and that's why there's supposed to be percentage for the affordable, so  
17 when we say you know we want you to fix the street next to you, you know, it's the developer is  
18 not going to pay for it, the homeowners are gonna pay for it, you know, and every little thing,  
19 every little piece it rings up their bill higher and higher. These homes are for the contractors that  
20 are digging the dirt, these homes are for the people that need these affordable housing that are  
21 marginalized. This is, this is what we need. I mean, in Kihei does anybody even know when  
22 the affordable housing project was done 100 percent in Kihei?

23  
24 Mr. Kihune: I do, 1989.

25  
26 Mr. Robinson: 1989.

27  
28 Mr. Kihune: That was my first house. I'm a product of affordable housing.

29  
30 Ms. Pali: What was the project?

31  
32 Mr. Kihune: Up in Hale Kai Street, up above, up above Tesoro, my first house.

33  
34 Mr. Robinson: We have not in my backyard, we have not this, we have the hotels...since I've  
35 been on at least half a dozen to a dozen that come out with rooms and I don't hear people  
36 grumbling at all about, you know just a few associations and traffic, but we try to put affordable  
37 housing, we try to put people who work in our stores and our firemen, our policemen and our  
38 teachers and I hear people saying I don't want you to drive through my street that the same  
39 people let you use their street and I don't think people understand that. This family gave their  
40 street for the people to drive and now they're saying oh, we don't want you on the street you  
41 gave us, we don't want that, oh, oh but you know what you gotta give us access to the beach,  
42 you mean across my property? You know it's like, it's like I don't know where our thought  
43 process is coming from.

44  
45 The number one concern of Maui is affordable housing and affordable housing is something that  
46 we need. We had a, we had a meeting about Maui Tomorrow being here saying that our tourist  
47 to resident ratio is upsid, we have this Commission, not to say anything but we keep on giving

1 away homes for more hotel rooms with short-term rentals and B&Bs and we've never balancing  
2 it with affordable housing and so to me affordable housing this is just a recommendation for us  
3 to give to the Council and the Council can go ahead and deal with what they want to do. But  
4 I've been involved in a couple of housing projects and everything single thing always goes back  
5 to the homeowner. Every single change that curb, move that sewer, move that tree, the  
6 developer he already has his management fee and that's about it, you know what I mean, he's  
7 not gonna make any more, any less, all the other fees go on top of these people and I think  
8 people when we get to the Council, I think we'll hear from more affordable developer owners we  
9 went to...we go to...we go to luncheons where everybody's trying to talk about how do we get  
10 people to afford an affordable house on Maui, how do we do it? It's a...this is a challenge guys  
11 and I'm just happy that these people don't want to change it to a TVR, a hotel where this family  
12 can make five to ten times more. They're actually letting it become affordable housing when  
13 they could be turning it into something that everybody else did.

14  
15 You know I heard about lot sizes, Kilohana Ridge lot sizes they're a little bit bigger, but they're  
16 not, they're not 15,000 square foot lots, these are not you know quarter acre lots, there's some  
17 that are bigger but there's...seven to eight is kind of the norm, I mean, we have a few that are  
18 six, a few that are seven and guys we have to look at, at really what our goal is. Our goal is...at  
19 least what my goal is you know for Maui is to have workforce housing in a area where people  
20 can walk to work, workforce housing where people don't have to commute and drive in and then  
21 find a parking space. I saw a comment the other week, where it says, oh well we should turn it  
22 into a parking space. So we want somebody to live somewhere else, drive and then park and  
23 then go to work when somebody who lives there can just go to work. I mean, you know, I don't  
24 know why we have this mentality. I don't know why we're not, we're not more supportive and  
25 say you know what we're for affordable work housing but we wanna make sure that we abate all  
26 the ill falls of it, make sure that you know that there isn't too many ADUs because these streets  
27 can only handle so much, you know, that's extra, to me ADU is extra. You know, is that we  
28 keep the flow off of South Kihei so that the feeder doesn't slow down the whole traffic down the  
29 line. You know, that we have some help and some communication and that we have some  
30 aloha from the people who had the free street all these years you know because otherwise they  
31 wouldn't...they'd be going all the way out the other way up the top road. I mean, that's what we  
32 need, we need everybody to get together and yes, hold these developers accountable for what  
33 they promise 'cause that's what we're here to. But let's understand that every hurdle that we  
34 put we're not putting hurdles on the developer, it's either gonna be they can or they cannot do it  
35 and if they can do it, it's gonna cost the person purchasing the homes.

36  
37 Please go look at the one at Kaanapali, they are next to...and I heard this talk from people  
38 around there is they people was saying oh well, that's gonna bring my home pricing down, well  
39 if you're gonna sell, it brings your home price down, but if you plan to live here and be part of  
40 Maui it brings your taxes down so it's a benefit for you and those people all work in the resort  
41 area so there's not the driving you know what I mean. What's wrong with people who service us  
42 and who works for hard for us of living in a central area? Why does it have to be oh, this ridge  
43 out there is better or that. Like he said, 20 something years guys no affordable housing in Maui,  
44 20 something years, our ratio is off balance. We're talking about not even letting any more  
45 hotels being built. We gotta...we gotta do whatever we can to help this affordable housing  
46 projects work. Again, keep them in line, everybody gotta follow the rules, but let's not put  
47 obstacles in their way. Thank you Chair.

1  
2 Mr. Carnicelli: Commissioner Pali.

3  
4 Ms. Pali: Thank you.

5  
6 Mr. Carnicelli: Let you follow that.

7  
8 Ms. Pali: Commissioner Robinson. I appreciate all those comments and not to take away from  
9 my concerns about the infrastructure and roads I'm still gonna be a big advocate for that but I  
10 didn't want you to misconstrue that I'm against affordable housing. All the other issues I'm  
11 appreciative of. The ADUs you've already sort of validated that right now, it's not your plans to  
12 build those, those would just be left up to the homeowners like any other lot that meets the  
13 criteria. And so if there is a way you can work with the County, again, not to be a broken record  
14 to just make sure the infrastructure is there for the roads I am in support of the affordable  
15 housing because I've been fighting for that since 2003 on committees and different, you know  
16 putting the two percent affordable housing property tax into the affordable housing fund, all  
17 these things I've been a part of and so for that I appreciate it, but I have one more question for  
18 you.

19  
20 Mr. Kihune: Sure, go ahead, and thank you for your comments and I did not think—

21  
22 Ms. Pali: I know I kinda drilled you a little bit but it's because I want a direct answer and I'm  
23 kinda like that, sorry that's the German in me.

24  
25 Mr. Kihune: No problem.

26  
27 Ms. Pali: So I have a question, you elected in your proposal 80 percent to 120 percent, I have  
28 two questions, why start at 80 and then why stop at 120, medium income?

29  
30 Mr. Kihune: Well, it was a misprint, but we're gonna stick to 2.96 so it starts at 80 and then we  
31 go all the way up just below 140, so 120 yeah.

32  
33 Ms. Pali: Okay.

34  
35 Mr. Kihune: So we're gonna stay with...we think 2.96 works really well and we like to follow  
36 that.

37  
38 Ms. Pali: You're just going stay within the umbrella.

39  
40 Mr. Kihune: Whatever the umbrella is.

41  
42 Ms. Pali: Now question, and I haven't memorized 2.96 yet, but from the other developments  
43 that have been following 2.96 like for instance Waiale that's going up now they have like three  
44 homes at the 80 percent and like four homes at the...and then everything else is kind of at the  
45 high end, do you have any kind of rough estimates as your calculation spread? I know that you  
46 need the higher ends to make the lower ones affordable, but have you broken those numbers  
47 yet or are you still preliminary?

1  
2 Mr. Kihune: So 2.96 allows you to develop, you have to develop 30 percent of the homes in the  
3 low/below moderate which is the 80 to 100 –

4  
5 Ms. Pali: Okay.

6  
7 Mr. Kihune: And then you need to develop 50 percent of the homes in the moderate, and then  
8 20 percent in the above.

9  
10 Ms. Pali: Oh so 20 percent on the above?

11  
12 Mr. Kihune: Very little, yeah.

13  
14 Ms. Pali: Yeah, okay 'cause it's backwards, but maybe those got approved from before.

15  
16 Mr. Carnicelli: Those are 50 percent affordable not 100 percent affordable.

17  
18 Ms. Pali: Oh okay, wonderful, okay.

19  
20 Mr. Kihune: So it's...the sweet spot is the 80 to...the below and the moderate, the above is  
21 always right at that point where we just get enough buyers, so like for Kaanapali it was exactly  
22 as many homes as we had we had as many buyers for that so it worked out.

23  
24 Ms. Pali: Okay, okay that's it. Thank you.

25  
26 Mr. Carnicelli: Commissioner Thompson. Commissioner Freitas.

27  
28 Mr. Freitas: Mr. Kihune I know some people that have lots in the Kaanapali and they're very  
29 happy with what you've done and I know that there was mention about the neighbors making  
30 some kind of the comments that we heard today from those opposing this. I congratulate you  
31 for what you're doing. That's all I need, that's all.

32  
33 Mr. Kihune: Thank you Commissioner Freitas.

34  
35 Mr. Carnicelli: My question is why 28? I mean, why go to 6,500 square foot lots, I mean why  
36 not go 4,000 square foot lots and put 50 homes in there, I mean, like how did you guys when  
37 you were sitting there drafting up or opposite you know like one of the neighbors said hey, you  
38 know it's matchy, matchy and make them all tens, you know why did you pick that?

39  
40 Mr. Kihune: We sat and discussed this for some time and we decided that 6,000 was the  
41 minimum lot size that we wanted to have and it works well for our homes which are  
42 1,300 square feet to almost 1,800 square feet. We could have put more density, we don't want  
43 to. We think it's comfortable for the surrounding area with homes lots being around 7,000 or  
44 7,500 square feet. So we're trying to match to some degree whether it be aesthetics or just the  
45 look of the neighborhood to be the same as the neighborhood across the street. So we could  
46 have went more but we decided 28 works well for us.

47



1 Mr. Carnicelli: Okay, yeah and I mean I've seen your product before and it's, you know it's just  
2 gonna be, you know the workforce version of kinda what's around there or at least that's...if you  
3 keep consistent with what it is you've done before.

4  
5 Mr. Kihune: Correct.

6  
7 Mr. Carnicelli: Are you gonna make them layout in a way with which...I mean, depending upon  
8 like what happens at Council and whether or not they like the idea or not you lay them out to  
9 where you give the opportunity to these working families to save up a couple of nickels and go  
10 get a Honsador home and put an ohana in you know so like they can build equity themselves  
11 and maybe one day they can move across the street into, you know the upper neighborhood, do  
12 something like that is that...you know, position them in a way with which you can do that?

13  
14 Mr. Kihune: Well it's interesting you ask that question we looked at it from the ohana  
15 standpoint, if we decide and Council and this body allows us to move forward with ADUs which  
16 is by law we can—

17  
18 Mr. Carnicelli: Right.

19  
20 Mr. Kihune: We would actually set the ohana pad prior to building.

21  
22 Mr. Carnicelli: Oh wow.

23  
24 Mr. Kihune: So you can build your pad here, we would rough in the utilities for that ohana so  
25 that that homeowner at that point does not have to get into the ground to develop his ohana  
26 whether he wants to do it five years later or 15 years later whatever it be, but we want to provide  
27 that and that's the discussion that we've had numerous times and it's a little more expense on  
28 our part but I think having consistency in the neighborhood, the community and not having to  
29 get back into the ground for utilities and stuff would be a big advantage for someone who wants  
30 to build an ADU.

31  
32 Mr. Carnicelli: That's you leaving money on the table.

33  
34 Mr. Kihune: That's correct. Probably about \$3,000 a home.

35  
36 Mr. Carnicelli: Right, well plus if you've actually built the home and then CPR and blah, blah,  
37 blah, blah.

38  
39 Mr. Kihune: Whatever, yeah.

40  
41 Mr. Carnicelli: Yeah, I mean so that's a whole nother rabbit hole we could go down.

42  
43 Mr. Kihune: Right.

44  
45 Mr. Carnicelli: You had another question? Go ahead.

46  
47 Ms. La Costa: On the elevations, well I have two questions.

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Mr. Kihune: Sure.

Ms. La Costa: First of all, how are you going to address the concerns that we have heard and read about for the sea level change irrespective of what the map says are you gonna do any kind of elevation rise or any kind of site work to mitigate that?

Mr. Kihune: I think the current property based on our initial review with our civil engineer will probably be wherever the highest point on that property is. That's pretty much what the entire subdivision is going to be. So if the highest part is on the edge of Wela Street then the entire subdivision will be at that level. So in other words, so if that curb is the highest point, that's the highest point, yeah.

Ms. La Costa: And what about view planes?

Mr. Kihune: View planes we're restricted in residential to 30 feet.

Ms. La Costa: I mean I'm talking about view planes for homes or neighbors is there any kind of plan for that so that you don't have a two-story home in front of someone who had an ocean view or setting them anywhere on the lot so that you would mitigate that for the people in the back as well?

Mr. Kihune: I don't see us going through that process, but is there a view right now?

Ms. La Costa: I don't live there. I have no idea.

Mr. Kihune: Okay, yeah just a question. I'm not sure. All I know is there's kiawe trees through the entire property so there is really no view at this point, but...

Ms. La Costa: I'm just concerned because a lot of developments have view planes so that the houses in back don't get blocked by the houses in front irrespective of whether or not they're in the same subdivision.

Mr. Kihune: I think that elevation in that subdivision has got to be at least five or six feet higher than our location to be honest. We'll stagger our homes, you know two-story, one-story, we'll stagger them throughout the subdivision but that's our plan, our current plan. We won't wanna put them all in one line let's put it that way.

Ms. La Costa: Okay, thank you.

Mr. Carnicelli: Just so you know in the SMA process there is a view requirement in the SMA process but it is to protect public views, not private views. Yeah, okay. Anybody else have any questions or comments at this time? Commissioner Pali.

Ms. Pali: One last question. In this diagram, Figure 1.

Mr. Kihune: Yes.

1  
2 Ms. Pali: Are the homes facing in towards each other?  
3  
4 Mr. Kihune: Yes, they're all facing into the interior of the street.  
5  
6 Ms. Pali: So back towards Kihei road and then back towards Wela Street?  
7  
8 Mr. Kihune: Correct, yes.  
9  
10 Mr. Carnicelli: Commissioner Robinson.  
11  
12 Mr. Robinson: I wanted to give Tara that opportunity. She wanted to state something during  
13 testimony Tara and I know it came up again regarding the...was it sea level rise or was it...  
14  
15 Ms. Furukawa: Yeah, I just...I just wanted to clarify that we did address it in our report so in the  
16 staff report, Page 15 we talk about and we looked at from 3.2 foot sea level rise exposure as  
17 well as six-foot and it's out of the area so there's figures to show you as well.  
18  
19 Mr. Robinson: Is, is Tara do you have information of what it is at besides just saying it's clear of  
20 six feet?  
21  
22 Ms. Furukawa: No, we just—  
23  
24 Mr. Robinson: No.  
25  
26 Ms. Furukawa: Yeah, it's Exhibit 28, that shows the 3.2 foot area and then Exhibit 29 shows  
27 six foot.  
28  
29 Mr. Carnicelli: And that bodes the question because that line is going to be adopted by us, right.  
30 We're in the process, just so you guys know that we're in the process of going through SMA and  
31 setback line changes and so that actually is changing, but I believe in when Dr. Fletcher was  
32 here and we were discussing that they were gonna incorporate new data. Do we know if that's  
33 actually going to happen or not Director?  
34  
35 Ms. McLean: It is going to happen.  
36  
37 Mr. Carnicelli: It is going to happen, so that line's gonna change as well. So anyway so we  
38 don't actually know where it's going to be officially right now or —  
39  
40 Ms. McLean: If I could?  
41  
42 Mr. Carnicelli: Okay go ahead.  
43  
44 Ms. McLean: --add onto that. The reexamination I don't know if that would take place in this  
45 general area because that reexamination was gonna be looking at the different sub-strait which  
46 is more prevalent on the north shore where you don't have the sandy bottom going out quite a

1 distance where which is the case here. So I...it could change here but my...if I...my guess is  
2 that it probably won't change.

3  
4 Mr. Carnicelli: Yeah, I think this is also one of those ones where the line ends, you know,  
5 because it's in front of this because where the Kahoolawe thing is gonna go is all rocky and  
6 so there's not actually a line there so anyways...

7  
8 Ms. La Costa: I have a question for the Director please.

9  
10 Mr. Carnicelli: Go ahead.

11  
12 Ms. La Costa: Director this question is for you please. When is the community plan for  
13 Makena-Kihei going to be revisited and changed?

14  
15 Ms. McLean: It is the next plan after West Maui. We are in the CPAC process with West Maui.  
16 As soon as the CPAC process finishes which is presently scheduled for toward the end of  
17 January but they are talking about or they are requesting an extension so that might extend  
18 another couple of months or several months. So until we are able to move out of the CPAC we  
19 will not be beginning the community engagement process for South Maui. So we wouldn't be  
20 starting community engagement for South Maui until sometime next calendar year and then that  
21 would be quite a while before the CPAC is empaneled. So it's still easily more than a year away  
22 before the CPAC is empaneled, once the CPAC begins it's a two-year process

23  
24 Ms. La Costa: Thank you.

25  
26 Mr. Carnicelli: Any other questions, comments? Corporation Counsel, Mr. Hopper.

27  
28 Mr. Hopper: Just a clarification. There was some discussion about the distribution of the  
29 workforce units and I think that brings up an issue with the...the wording of the condition. The  
30 wording of the proposed condition says that the property shall not be developed for any purpose  
31 other than workforce housing as defined by Chapter 2.96, Maui County Code. There's a  
32 definition which I assume this is based on 2.96 for residential workforce housing unit and that  
33 just says means a unit or lot to be sold or rented to residents within one of the following income  
34 groups as established by the Department and that goes all the way up to above moderate  
35 income which is whose gross annual family income is more than 120 percent but not more than  
36 a 140 percent of the area median income. That definition itself doesn't have a income group  
37 distribution so technically a residential workforce housing unit could include all units from 120 to  
38 140. If the intent is to...what this...this ordinance also has another Section 2.96.040(c) that  
39 defines income group distribution and it basically says, unless waived by the Director the  
40 following income group distributions are required and that goes over the distribution, 30 percent  
41 for below moderate, 50 percent for moderate income and 20 percent for above moderate  
42 income.

43  
44 I don't know what the Commission would recommend that the Council do, but simply saying that  
45 the only permitted use is residential workforce housing units does not specify income group  
46 distribution necessarily. It also doesn't go over if there's gonna be like an affordable housing  
47 agreement with the Department of Housing and Human Concerns which you normally would

1 have in a 2.96 situation. So I think that's something that you can look at specifying a bit more in  
2 this case. I would at least change the wording to, any purpose other than residential workforce  
3 housing units as defined by Chapter 2.96 starting from there and then if you have a particular  
4 income group distribution if you want to say consist with that subsection or something else you  
5 can say that but as it stands now the condition I think would potentially allow them to build...I'm  
6 not saying this is their intention, it would allow them to build all 120 to 140 range housing if they  
7 wanted to 'cause those technically would be residential workforce housing units, so you may  
8 want to think about if you wanted to limit that further and go over that issue.

9  
10 Mr. Kihune: Appreciate that Mr. Hopper. Just to clarify some additional information. We  
11 already have an executed workforce housing agreement with the Department of Housing which  
12 is 30, 50, and 20 and that's been executed for about six months now and we're getting ready to  
13 record that. We don't plan on changing that. We're doing a ten-year buy back so we're not  
14 following the five, seven, and ten, so just wanted to give you some clarity so we are under  
15 agreement with the County as far as 100 percent workforce housing for this project.

16  
17 Mr. Carnicelli: Okay, thank you.

18  
19 Mr. Kihune: With the Department of Housing.

20  
21 Mr. Carnicelli: Mr. Hopper.

22  
23 Mr. Hopper: And you may want to consider having that reflected in the condition.

24  
25 Mr. Carnicelli: Yeah, I think that that would be appropriate just like as per the already executed  
26 agreement or something to that effect.

27  
28 Ms. La Costa: May I please?

29  
30 Mr. Carnicelli: Commissioner La Costa.

31  
32 Ms. La Costa: Thank you Chair. So Mr. Kihune when you talked about a ten-year buy back  
33 how are you going to allocate that is...does it go back into an affordable housing and the owner  
34 gets a portion of the appreciation or is it just going to market and then—

35  
36 Mr. Kihune: In ten years the owners or the buyers will have their prerogative whether they want  
37 to sell, want to get some equity on their house to send their kids to college, send those kids to  
38 school, maybe use some of that money to buy another piece of property somewhere but that is  
39 their prerogative and we don't want to control their life that way.

40  
41 Ms. La Costa: So it's going back into market so the affordable ten years and then it just goes  
42 back to market.

43  
44 Mr. Kihune: That is correct.

45  
46 Ms. La Costa: Thank you.

47

1 Mr. Carnicelli: Any other questions at this time? Okay, thank you.

2  
3 Mr. Kihune: You're welcome.

4  
5 Mr. Carnicelli: Director as she does is madly scribbling again. You know what I'll do, while  
6 you're doing that –

7  
8 Ms. McLean: I'm done.

9  
10 Mr. Carnicelli: Okay, you're done. Okay, as per kind of like what Mr. Hopper brought up in  
11 remaking the condition what you have.

12  
13 Ms. McLean: The proposed condition could be replaced with in accordance with the workforce  
14 housing agreement executed with the Department of Housing and Human Concerns the  
15 property shall be developed for residential workforce housing units pursuant to the income  
16 distribution requirements of Section 2.96.040(c), Maui County Code.

17  
18 Mr. Hopper: And clarify that's the sole purpose permitted on the property as well. I know  
19 developed in accordance to that but the original condition shall not be developed for any  
20 purpose...well, maybe you were assuming that but it does say shall not be developed for any  
21 purpose other than workforce housing. And so I don't know if you want a separate condition  
22 that says what you just said or change the condition and just make clear that that's the sole  
23 purpose permitted on the...sole use allowed on the property.

24  
25 Ms. McLean: Okay, in accordance with the workforce housing agreement executed with the  
26 Department of Housing and Human Concerns the property shall not be developed for any  
27 purpose other than residential workforce housing units pursuant to the income distribution  
28 requirements of Section 2.96.040(c), Maui County Code.

29  
30 Mr. Carnicelli: That works for me. So Commissioners should this you know we will have to  
31 have a motion as to how we want to handle this recommendation to the Council. If we were  
32 gonna add this condition are you guys okay with having just this one condition or do you guys at  
33 this point in time would like to put additional conditions into this CIZ. Commissioner Pali.

34  
35 Ms. Pali: Whether it's the developer that pays it or the County or the State that pays it, I would  
36 like to be able to put a condition for the project moving forward about just highlighting the  
37 special crosswalks from the new subdivision over to crossing over South Kihei Road at that  
38 intersection you know the highlighted ones.

39  
40 Mr. Carnicelli: Okay.

41  
42 Ms. Pali: I don't know what the County Code is or requirements but again if we're talking about  
43 safety measures I imagine these families are gonna wanna enjoy the beach.

44  
45 Mr. Carnicelli: And again, that's something that an SMA—

46  
47 Ms. Pali: Okay, all right, all right.

1  
2 Mr. Carnicelli: And we just beat up the bus hub although Mr. Hopper is gonna say that's not  
3 within the SMA rules though.

4  
5 Mr. Hopper: I would say in general the SMA doesn't look at traffic conditions per se if it deals  
6 with coastal access and things like that it could, but if you do have traffic conditions that you  
7 think are relevant I would advise looking at them at this time, you can maybe look at SMA as  
8 well, but you've got broader authority or at least the Council does in imposing traffic conditions  
9 on a change in zoning than you would for an SMA so that might be something to look at if  
10 you've got a concern there.

11  
12 Ms. Pali: So specialized traffic crossing for crossing Alakoa Street, crossing South Kihei Road  
13 for beach access, something for even our families.

14  
15 Mr. Carnicelli: So you want trying to think how to word it, I'll let Michele do that and then  
16 Commissioner Robinson.

17  
18 Mr. Robinson: I don't want any conditions besides it has to be 100 percent affordable housing  
19 with their promise that they're gonna stick to those, you know the workforce housing agreement.  
20 I think when it comes back, and again, it's not because I don't think that's a great idea, I think it  
21 is, I just don't want...I want it to go clean to the Council. If the Council going to have stuff,  
22 there's gonna be testimony, people are gonna go back and it's gonna, it's gonna come back and  
23 for the safety I think there's recommendations we want them to look at and then there's  
24 conditions, you know and I think we're always about safety and I think we could look at that, but  
25 I don't know what the cost of the entail is to have that light. You think there's a crosswalk there  
26 now I'm not sure, but if and we don't that and it's a you know, then those 28 people are gonna  
27 have to carry that burden and that's what I'm concerned about.

28  
29 Mr. Carnicelli: So would you like to make a motion?

30  
31 Mr. Robinson: I'd like to...well, if there's no other discussion?

32  
33 Ms. La Costa: I have some more as I always have.

34  
35 Mr. Robinson: Yeah.

36  
37 Mr. Carnicelli: Okay, Commissioner La Costa.

38  
39 Ms. La Costa: Thank you. So there isn't anyone in this room who doesn't agree that we need  
40 workforce housing. If you're gonna do a workforce housing project and you allow accessory  
41 dwellings then those can be rented to someone that income will then change for the people who  
42 are renting it and the density will increase. So I have a problem with that because you're no  
43 longer "eligible" for workforce housing if you're getting \$1,200 or \$1,800 a month out of an  
44 accessory dwelling. So that kinda shoots that in the foot. If it's an attached ohana for grandma,  
45 for mom, whatever that's one thing with no entrance except interior, but when you're looking at  
46 two different dwellings and...I mean, there isn't anybody here also who doesn't know the  
47 expense that it cost to rent a place now, 500 square foot in Kihei next to Wailea or half a mile

1 from Wailea you're looking \$1,500 to \$2,000 a month that takes people out of the affordable  
2 range. So I am not for the accessory dwelling aspect of it at all.

3  
4 Mr. Carnicelli: You have any other questions or comments? Okay, Commissioner Freitas.

5  
6 Mr. Freitas: I would like to share a few things. Some of the letters in opposition that were  
7 written I just wanted to address a few. One of them said the trees in the area are home to a  
8 large and diverse population of birds and small mammals and as we heard and if I remember  
9 that that area is kiawe which is a invasive species and the mammals that would be there would  
10 rats, centipedes and you know insects and scorpions so I think this development is actually  
11 benefiting that area.

12  
13 The second is that there were some comments about the value of the neighbors and I had a  
14 friend that lived across the street and the reverse happened to them. The development around  
15 them made them have to sell their property and they don't live there anymore.

16  
17 And third, we are aware of the sea level rise. We've been listening to presentation after  
18 presentation and I would like to those that did make those comments that that is a concern we  
19 are aware of it. But I still agree with Commissioner Keaka here that we should approve. Thank  
20 you.

21  
22 Mr. Carnicelli: Commissioner Robinson.

23  
24 Mr. Robinson: I think Commissioner La Costa brought up a great point about being a rental  
25 instead of a ohana and I don't know enough about the subject or when to take that up or what it  
26 is and not so much a condition but it's something that I think that somebody must of thought of  
27 somewhere if they're gonna have, if they're gonna allow the ADUs in a development housing  
28 compared to a ohana. So you know I mean she's right, you know, it will just jump out. So do  
29 you have any...can you share any light on that?

30  
31 Ms. McLean: There was discussion at the Council when they were considering various 201H  
32 affordable housing, the fast track projects whether to include ohanas in some of those and the  
33 discussion would have put restrictions on the rental prices of the ohanas as well so that the  
34 ohanas would also be affordable rentals so that's an additional opportunity for housing. It  
35 wouldn't be as much income for the property owner but that lower income could, I don't know,  
36 but could keep them—

37  
38 Mr. Robinson: The spirit is affordable, affordable, and keep everything affordable so it stays  
39 within the spirit I understand that.

40  
41 Ms. McLean: So that could be a condition or that could be something you want the Council to  
42 consider.

43  
44 Ms. Pali: I can just speak to the motion on a person who continues to qualify people through the  
45 current affordable housing agreement and income qualifications the current verbiage is written  
46 and they can't look at future income because we don't know what the future holds. You think  
47 that one day that you'll have an ohana and you think one day you'll get it but you don't have it



1 and there's no proof that you have it now or have had it and so when they do income  
2 qualifications based off these income mediums and AMIs they're going on what you have gotten  
3 and your past so much so that I hope that they update one day because they're actually a year  
4 behind.

5  
6 We are December or November of 2019, the last filed tax return was 2018. So if I were to walk  
7 in to try to qualify for an affordable housing through the Housing Human Concerns Department  
8 they would be looking at my 2018 tax returns that's a year behind and so right now that needs  
9 some updating but unfortunately they won't be qualifying on new income or proposed income  
10 cause it hasn't happened yet so that's how they get around that whether it's okay with you or not  
11 that's how they work on it now.

12  
13 A side note, I'm kind of in between both of you because number one, they need affordable  
14 housing and so we want to give it them, but then why do we limit them? We say, hey we want  
15 to give you an affordable house but you don't get the luxuries and the benefits of  
16 homeownership like everyone else does that's my pet peeve, why don't they? Are we now  
17 discriminating them because we gave them a hand up so everyone else can have a cottage and  
18 get money and subsidize their own living expense but we don't want the people who we gave a  
19 hand up to have the same benefits so I actually disagree and I'm grateful to find a first project  
20 that the County is for an affordable rental for the ADU and allowing the people that we gave a  
21 hand up to then turnaround and give other people who can't buy a hand up in an affordable  
22 rental. So that's how I feel.

23  
24 Mr. Carnicelli: Commissioner Robinson.

25  
26 Mr. Robinson: Commissioner Pali that's a great point. Unfortunately in our world there are  
27 people that like to bring other people down and they find any reason to try to stop projects and  
28 one of those is trying to find well that they don't qualify anymore, they're making some money.  
29 So even though we may think that they should be able to do everything everybody has  
30 unfortunately we have to set some limits to prevent people of abuse, because one person that  
31 might abuse it or do an illegal rental might shutdown future affordable housing projects and  
32 that's what my concern is. My concern is I don't want any doubts, I don't want any NIMBYs out  
33 there, I don't want anybody to find anything wrong with a project that they can try to say it has a  
34 room for abuse. But like, I'm with you everybody should be able to have the same opportunities  
35 as everybody else and it's a good question and with that I'd like to make a motion Chair to  
36 approve with the added condition of them following the workforce agreement.

37  
38 Mr. Carnicelli: So it's been moved to accept the staff's recommendation. Do I have a second?

39  
40 Mr. Freitas: I second.

41  
42 Mr. Carnicelli: Seconded by Commissioner Freitas. Discussion to the motion. Based on the  
43 revised condition, yes. Discussion to the motion? I'll go ahead and chime in. This is obviously  
44 a very, very passionate, sensitive subject, housing, affordable housing, it's the number one  
45 issue on our island, the thing that everybody talks about. It's a 100 percent affordable project, is  
46 it perfect? No. There is no perfect project. Does it have some warts? Yeah, it has some warts.  
47 Do I have some concerns? Yes, I have some concerns. But it's affordable housing, it's

1 workforce housing, it's our people. We're gonna have a couple of vacation rentals after this and  
2 neighbors are gonna show up and they're gonna freak out that we're losing one house to a  
3 vacation rental, right? We sit there all the time here, right? We see that all the time, here, right?  
4 People show up, no, we can't have that one house become a vacation rental, we have a  
5 housing crisis and now we're turning 28 homes into housing potentially. So this is, you know, to  
6 me we need more of this. I like the fact that our workforce housing people are going to live that  
7 far south in Kihei, you know good for them. Somebody is gonna win the lottery, 28 families are  
8 gonna live the lottery if this goes through. So I'm in favor of it and I understand the concerns,  
9 we see it a lot every time one of these come before us you know we see this. There's fears,  
10 there's a lot of unknown right now, right? You don't know what's going to happen. You don't  
11 know what your home prices are gonna do? You don't know what's gonna happen to the  
12 neighborhood. You don't know what's gonna happen to traffic and it's the fear of the unknown,  
13 but this is 28 families that we're gonna be able to help out so I will be supporting the motion.  
14 Commissioner Robinson.

15  
16 Mr. Robinson: And I just wanna say that some people have a fear they think it's Section 8  
17 housing, they think it's poverty level housing, so of a union construction worker qualifies for this  
18 affordable housing, I mean we went through this before, we're talking you know people that  
19 make 30 something dollars an hour, we're talking policemen, firemen, teachers, we're not...this  
20 isn't, this isn't low, low, low level, this is just working class workforce housing and they're good  
21 neighbors, they're good neighbors, they're safe neighbors, they're neighbors that, you know,  
22 that take care of other neighbors, you know and I've actually visited the other project up in  
23 Kaanapali and that's the kind of neighborhood that we used to have, you know everybody talks  
24 to each other. It's not full of landscaping and you don't even see your neighbors when you pull  
25 into your garage. It's...let's give it a shot and I think hopefully we'll get more built 'cause none  
26 has been built in decades and we need to start somewhere. Thank you.

27  
28 Mr. Carnicelli: Any further comments? Commissioner Freitas.

29  
30 Mr. Freitas: After Mr. Kihune said 1989 was last affordable in the Kihei area compared to all of  
31 the development of hotels I think it's due for us to get more affordable homes built. Thank you.

32  
33 Mr. Carnicelli: Thank you. Anything else? Commissioner Castro.

34  
35 Mr. Castro: I can go back a little further 1982 affordable housing, 8,400 square foot lot, three  
36 bedrooms, one and a half bath, \$78,000 unreal, we'll see it again but it's time. We're overdue,  
37 way overdue.

38  
39 Mr. Carnicelli: Thank you.

40  
41 Mr. Tackett: No, I have nothing at this time. Director.

42  
43 Ms. McLean: The motion on the floor is to recommend approval of the change in zoning to the  
44 County Council subject to the revised condition.

45  
46 Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes. Unanimous.

47

1 **It was moved by Mr. Robinson, seconded by Mr. Freitas, then unanimously**  
2

3 **VOTED: To Recommend Approval of the Change in Zoning to the**  
4 **County Council Subject to the Revised Condition.**

5  
6 **(Assenting – K. Robinson, K. Freitas, D. Thompson, K. Pali,**  
7 **C. Tackett, S. Castro, P. D. La Costa)**  
8 **(Absent – T. Gomes)**  
9

10 Mr. Carnicelli: So I would just...you guys get a lot more bites at the apple here, right. This is  
11 just a recommendation. It's gonna go up to the County Council. They have all the authority.  
12 We have none, you know. We just make a recommendation. So rally your troops, do whatever  
13 you want to do, go up and talk to the County Council and express your concerns up there  
14 'cause they actually are the decision makers. So I want to let you know that it's not that you  
15 weren't heard, it's just we came to our conclusion the way we did and you guys have more say.  
16 So I would just say go ahead and take advantage of that, that opportunity that you guys are  
17 gonna have.

18  
19 That's being say, Director or I believe we need to take brief break to setup for this next item. So  
20 let's just take a five-minute break.

21  
22 A recess was called at 2:24 p.m., and the meeting was reconvened at 2:30 p.m.

23  
24 Mr. Carnicelli: The meeting of November 26, 2019 is back in session. Director.

25  
26 Ms. McLean: Thank you Chair. Your third public hearing item today is a request from  
27 Mark Smith Logan and Kathleen Down Logan for a Bed and Breakfast Home Permit to operate  
28 Hale Hai Hai, a four bedroom B&B in the main dwelling in the County R-3 Residential Zoning  
29 District and State Urban District located at 71 Waimahaihai Street, at TMK: 3-9-012:012 in  
30 Kihei. Kurt Wollenhaupt is the project planner.

31  
32 **3. MARK SMITH LOGAN AND KATHLEEN-DOWN LOGAN requesting a Bed**  
33 **and Breakfast Home Permit to operate Hale Hai Hai, a four-bedroom B&B in**  
34 **the main dwelling in the County R-3 Residential Zoning District and State**  
35 **Urban District located at 71 Waimahaihai Street, TMK (2) 3-9-012:012, Kihei,**  
36 **Island of Maui (BBKM T2019/0003) (K. Wollenhaupt)**

37  
38 **The Maui Planning Commission is the approving authority for the Bed and**  
39 **Breakfast Home Permit because "an existing bed and breakfast home is**  
40 **operating on a lot within a five hundred-foot distance from the lot on which**  
41 **the bed and breakfast home is proposed." 19.64.050(A)3(c), Maui County**  
42 **Code**

43  
44 Mr. Kurt Wollenhaupt: Good afternoon, Members of the Maui Planning Commission. So what  
45 brings us here today—

46  
47 Mr. Robinson: Hello, Kurt.

1  
2 Mr. Wollenhaupt: Hello, Commissioner Robinson. How are you?

3  
4 Mr. Robinson: I'm good. Thank you.

5  
6 Mr. Wollenhaupt: That's good to hear. Why are we here today? Well, we're here today to  
7 review an application by Mr. and Mrs. Logan to operate a four-bedroom bed and breakfast  
8 home in the home that they live in right now which has a total of six bedrooms. So this is a Bed  
9 and Breakfast application, the Logans live there, this is their home. They're wishing to get  
10 permission to rent out four of their bedrooms.

11  
12 In addition on the site there is an ohana. That ohana cottage has been rented out long-term to  
13 a family and that is not part at all for this application today. Just to give you a background, we  
14 have a hearing today because there's one other bed and breakfast within 500 feet, that's one.  
15 Now interestingly enough just from a policy point where they do applied for a short-term rental  
16 there would have had to have been two short-term rentals of a hundred feet, there is only one  
17 short-term rental within a hundred feet and we could have already given them a short-term  
18 home permit, so it's an interesting policy question that a B&B is actually can be more  
19 challenging to get than a short-term rental with the number within 500 feet. But today, one of  
20 the criteria that we look to examine is how many bed and breakfast are within the 500 feet and  
21 there is one which triggers today's hearing.

22  
23 The property as you know in reading it is in the Halama Street area adjacent to Kalama Beach  
24 Park. As indicated before this is a proposal for four bedrooms. They have met all the  
25 requirements in the sense that they've allowed the Planning Department to go out and look at  
26 their property. There have been no RFSs with regards to rental in the past, there's been no  
27 policy reports with regards to illegal activities. Their building permits have all been taken care  
28 of. And so that brings us to the Logan's presentation. They have a short presentation in which  
29 they are going to describe operation. It was noted that they have a long-term history of visiting  
30 or owning on Maui, I believe in their brief description since 1979, and they have a strong interest  
31 in conservation and Mrs. Logan is an artist and they will describe the reasons that they would  
32 like this body to give them a permit today and I'm here for any questions either now or later.

33  
34 Mr. Carnicelli: Thank you, Kurt.

35  
36 Mr. Mark Logan: Good afternoon, my name is Mark Logan.

37  
38 Mr. Carnicelli: Good afternoon, Mark.

39  
40 Mr. Logan: I want to thank the Chairman and Committee for considering my application today, I  
41 know it's been a tough day so far, and Happy Thanksgiving.

42  
43 Mr. Carnicelli: Thank you.

44  
45 Mr. Logan: Next slide please. So, we...so Kurt already gave probably half of my presentation  
46 so I'll go pretty quickly. So, we spend a lot of time here, we've owned property here since the  
47 early 2000s. We had a long-term rental on Wailuku area, we had a condo in Wailea it was

1 going to be our retirement until we built this home. We spend a lot of time here. We, in fact,  
2 recently renewed our vows down at Grand Wailea. Kathy is an ...(inaudible)...artist and she  
3 specializes in all that's wonderful about Hawaii. We have two daughters and we built this home  
4 with their rooms and rooms for their families. They're grown and married, and we will be doing  
5 a lot of cooking and cleaning for them when they get here, but we also want permission from  
6 your guys to rent out when they're not here. One of our daughters is a travel writer, the other is  
7 an oceanographer and so they really helped us understand you know all the wonderful things  
8 again about Hawaii.

9  
10 Next slide. So we, our home was built in full compliance with all the recent changes for sea  
11 level rise and SMA. That made us build on 10-foot stilts to get above...(inaudible)...for the main  
12 house. The ohana or cottage are also on stilts, though they're shorter 'cause it's further up, up  
13 the mountain. But once we realized what we had to do we decided just go for it and build a tall  
14 house with plenty of rooms for our family. It's not a big house, it's floor is about a thousand  
15 square feet, but it's tall to get above, above the intending climate changes. So, we again, would  
16 like to the Commission to use the family space for short-term rental when our family is not in  
17 residence. We expect to use those rooms for single families not multiple families, just one  
18 family at a time. There are three bedrooms that we can dedicate to that. There's a fourth room  
19 which is Kathy's studio that could be made available for bigger families if they want to, but  
20 again, single families. We're pretty quiet folks. We understand the need to keep our  
21 neighborhood quiet and so we're going to picking hopefully guests that are similar in that  
22 respect to us. Another note that we, you know, we spent the time to make both the house and  
23 the cottage and our cars fully solar power because we think that's important going forward.

24  
25 Next slide please. So long-term housing. We've heard a lot about that in the last few hours, I  
26 know you have, we've rented long-term before. We know that's a problem. We've owned long-  
27 term rentals here in the past so we've already rented out our ohana or cottage to a very nice,  
28 local couple, you can see their cute pictures there. And we always intend to rent the ohana or  
29 cottage as a long-term property. It's not at all connected to the B&B activity. Again, now we  
30 have, we have understanding that we'll have our family here a lot. It's just not practical to rent  
31 rooms in our on a long-term basis, but we will always have the cottage.

32  
33 We've spend a lot of time talking with our neighbors. We had a meeting at our house. We've  
34 gone around to all their doors, understand what their concerns are, and try to help use their  
35 thoughts to mitigate our approach to help them feel better. They all seem to feel better. They  
36 all seem to feel pretty good with one exception, get to that in a second. So, when we bought the  
37 property there were two older houses there that were extremely rundown and a big source of  
38 community problems. We've learned after we bought it from Police and drugs and whatnot. So,  
39 part of what...(inaudible)...of the neighbors was hey, thank you for buying this property and  
40 thank you for building this house because before it was literally the worst thing in the  
41 neighborhood. So they're happy with us from that point of view, for no other reason.

42  
43 One neighbor, a part-time resident, did provide a letter of protest. We responded to them as  
44 best we could trying to address their concerns. We think we addressed their concerns. One of  
45 them of course, was parking and we have parking on our property for eight cars because the  
46 way we designed it. See, we wanted to have a lot of parking for our relatives.

1 The area compatibility or the area is a very odd area. The whole corner where we live of  
2 Halama and Waimahaihai there's commercial businesses, there's the library, the fire house, a  
3 B&B, a short-term rental, and a few private homes...(inaudible)...used as long-term rentals and  
4 so I think what we're doing is a good fit, not a bad fit for what's already in the area. Next slide.  
5

6 We feel strongly about education, given our daughters and what they do. We couldn't really find  
7 great material to educate our guests, so we're doing a few things. I'm working with both my  
8 daughters to develop a book or a booklet that we can give to our guests that discuss Hawaii,  
9 how important the ocean is, and we're still learning ourselves, this will help us learn faster, the  
10 ocean, climate control, we're gonna give those materials to all our guests to take back with them  
11 as souvenirs including a nice kids book we found on the NOAA website. We also live next door  
12 to the library where there is a fish shrine there and we're going to be providing information about  
13 that as well. See the little picture there of the library shrine. And we intend to provide copious  
14 quantities not just samples of all the reef safe sun products. So, thank you.  
15

16 Ms. Kathy Logan: Hi, my name is Kathy Down Logan. I've been married to Mark for a very long  
17 time before 1979, and we first can to Hawaii in 1979 when we could start affording vacations  
18 and when we started thinking about going to other places, we had been so deeply touched by  
19 the people and the culture on our first visit that we kept coming back and coming back and  
20 coming back and it's also inspired me quite a bit with art as I've gone through my own slow  
21 learning journey with art, and so there's a couple pieces of art on the slide. We also intend to  
22 use the income from our bed and breakfast to subsidize a gallery in Kihei. We don't expect the  
23 gallery to make income at all, and I do a lot of wearable art, this is not mine, but it's a local artist  
24 and I just love colors and art and sharing that with people and making them happy so that's part  
25 of what the intent is for us to share. Next slide, and this is another piece of art actually  
26 something that embodies the fishing shrine and it's right off the shore. I took it when we had a  
27 low tide and sort of added it to try to catch the spirit of the beauty and the sunsets and the  
28 water. This has been a long time dream and we've done everything that we could possibly think  
29 of to work with our neighbors and go out and meet with people one on one, invite them into our  
30 home and show them what we have and how it's structured. As Mark said, a bed and breakfast  
31 seems to be a very good with the neighborhood, it's been something that I've been just  
32 ...(inaudible)...thinking about for such a long time and talking to so many people, I'm just so  
33 excited to be able to welcome people into our home in addition to our family. It's a great joy to  
34 meet a lot of different people.  
35

36 The property has been as you've heard significantly improved from its prior state and in our  
37 cottage which is closer to the library a little bit uphill we do have already...first thing we did was  
38 get a long-term rental, a really nice family with a really cute little baby are living there and  
39 they're looking at that as a long-term home.  
40

41 We also appreciate the need to educate our guests that sort of rooted in our daughters having  
42 just really dug into over the years a lot about Hawaii. Our youngest Paige, who is in her last  
43 year of the PhD on oceanography went for three at U of H on Oahu when she was in high  
44 school and that's part of how she's really gotten deeply rooted in it. So, we appreciate the need  
45 to educate our guests and we've just learned that there's so much we don't know and we're just  
46 sort of excited to begin the journey to help educate people. We want to be part of the  
47 community, we really want to help add value, it's something that's sort of part of our core of our

1 nature and we thank you very much for considering our application and we hope you're going to  
2 approve. Mahalo.

3  
4 Mr. Carnicelli: Thank you very much. So at this point in time we will go ahead and open up the  
5 floor for public testimony. Is there anybody that would like to testify on this particular item?  
6 Going once, going twice, seeing none, then if there are no objections we'll go ahead and close  
7 public testimony. Okay, Commissioners questions, comments? Commissioner La Costa.

8  
9 Ms. La Costa: Mr. and Mrs. Logan, thank you for coming. Have you rented any portion of your  
10 home for short-term rentals prior to your application?

11  
12 Mr. Carnicelli: You gotta come to the mic, it's gotta be on the record.

13  
14 Mr. Logan: My name is Mark Logan. No, we have not.

15  
16 Ms. La Costa: Thank you very much.

17  
18 Mr. Logan: Should I stand up here?

19  
20 Mr. Carnicelli: Yes, stay 'cause we'll probably have more questions for you possibly.  
21 Commissioner Castro.

22  
23 Mr. Castro: No questions at this time.

24  
25 Mr. Carnicelli: Commissioner Tackett.

26  
27 Mr. Tackett: None at this time.

28  
29 Mr. Carnicelli: Commissioner Robinson.

30  
31 Mr. Robinson: Have a comment, not a question.

32  
33 Mr. Carnicelli: Okay. Commissioner Pali.

34  
35 Ms. Pali: Just a quick one for staff planner. Hi, so I always want to try to understand like the  
36 layout of the property and I like the overview but it's so blurry that you really can't understand  
37 like which way I'm looking and then I look at your north, south, east, west and it doesn't really  
38 help much. So, if you look at the site parking plan, 71 here, Exhibit 3, do I take it that the library  
39 is behind the ohana so the entrance is on—

40  
41 Mr. Wollenhaupt: Waimahaihai.

42  
43 Ms. Pali: --yeah, instead of the other street.

44  
45 Mr. Wollenhaupt: Halama.

46  
47 Ms. Pali: So there's no street, there's no access for that Halama?

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Mr. Wollenhaupt: Just a, just a gate.

Ms. Pali: Okay, okay, so it's situated like that. Okay, that's it. Thank you.

Mr. Carnicelli: Commissioner Thompson.

Mr. Thompson: When was this house built?

Mr. Wollenhaupt: I believe it was built in 2017.

Mr. Thompson: Okay, and they reside there now? This is your permanent residence?

Mr. Wollenhaupt: Yes, they do. I was down and did the inspection check.

Mr. Thompson: And why are we going for four rooms of Airbnb versus one or two?

Mr. Wollenhaupt: It's a six-bedroom house so you can apply for a bed and breakfast up to six bedrooms, but one bedroom needs to be the bedroom that the person lives in, so you can apply for five bedrooms in a six-bedroom house. The way that this home is configured is that on the floor above the elevation it really is a private area for the guests of the B&B and then the two bedrooms of the family unit are on the top floor. So the four bedrooms which would be rented for possible B&B those are just all connected on the same floor so it seemed reasonable I believe, the homeowner may have a logic but that seemed reasonable with most of the time there'll be the owners there and so that would allow four bedrooms.

Mr. Thompson: Thank you.

Mr. Carnicelli: Commissioner Freitas.

Mr. Freitas: I have no questions, but I do have comment later.

Mr. Carnicelli: Okay. Any more questions for either Kurt or the applicant. Seeing none, thank you. Or actually why don't you, oh sorry.

Ms. La Costa: Little missed question here. So this is for Mr. Logan, Mrs. Logan, please. We have a print out here of your assessed value but I don't see a homeowner exemption on there. Have you filed for that?

Mr. Logan: I was looking at that before I came over and I was trying to understand the form, so not yet, but it's my intention to do so.

Ms. La Costa: Okay.

Mr. Logan: But I realize that they may not give it to me if this goes through is that your question?



1 Ms. La Costa: That tells us that that's your primary residence.

2  
3 Mr. Logan: Right, it is.

4  
5 Ms. La Costa: Okay, thank you.

6  
7 Mr. Carnicelli: Any additional questions? So, Kurt why don't you go ahead and give us your  
8 recommendation.

9  
10 Mr. Wollenhaupt: The application for the bed and breakfast home does comply with the Maui  
11 County Code 19.64.030 for the restrictions and standards. The Department does recommend  
12 approval of this bed and breakfast home for the four bedrooms as represented in the staff report  
13 and in the presentation along with the 17 conditions. It is noted that the applicant is making a  
14 considerable good faith effort in their education program about the history and the potential  
15 impacts to the natural and cultural resources which is something that's relatively new. In light of  
16 all that and in light of the Department's inspection of the property, the Department does  
17 recommend approval of this application for the bed and breakfast. Thank you.

18  
19 Mr. Carnicelli: Thank you. Can I have a motion on the floor please? Commissioner La Costa.

20  
21 Ms. La Costa: I move to approve the Bed and Breakfast Permit as recommended by Staff.

22  
23 Mr. Carnicelli: Move to approve as recommended.

24  
25 Mr. Freitas: Second.

26  
27 Mr. Carnicelli: Seconded by Commissioner Freitas. Discussion. As the movant you have the  
28 opportunity to go first.

29  
30 Ms. La Costa: Thank you. We really appreciate when people do things properly. The fact you  
31 built a beautiful home and you have children who come and go makes sense to be able to  
32 parcel that and also that you have an ohana that you are long-term renting to local people is  
33 very important to us, so thank you for that.

34  
35 Mr. Carnicelli: Commissioner Freitas.

36  
37 Mr. Freitas: Thank you. That's exactly what I was going to say. I haven't seen a lot of these  
38 come through but I felt this was a textbook application. I like the part that they've lived here for  
39 more than two years, they've been here a while. I like the fact that when they built the place  
40 they thought of parking. I looked at all the pictures. Very well planned. I liked that when they  
41 came on board they joined their neighborhood security group. I liked the fact that one of the  
42 opponents that sent testimony, Mr. Logan sent a very respectful and detailed response that  
43 really showed his aloha and also the fact that he went personally to some of the homes around  
44 his area instead of just sending a notice. For those reasons, this was a slam dunk for me.

45  
46 Mr. Carnicelli: Thank you. Would anybody else like to speak to the motion? Commissioner  
47 Robinson?

1  
2 Mr. Robinson: Commissioners, you know, this is why I don't get Maui Tomorrow and I don't you  
3 know, people like Dick Mayer that comes and they testify when we have big projects. We've got  
4 hotels for 120 rooms and the sky is falling but every other meeting we give away eight, ten  
5 rooms, twelve rooms, ten rooms, five rooms, we give away more than all these hotels but yet  
6 there's no, there's no input about the balance, you know, and this to me is just another example  
7 of where is our, where is our thought process, where is our island plan, we have, we have  
8 saying where we're supposed keep a certain ratio, but then we have laws saying that people  
9 can do it, you know, that's the thing that I never, never really always sits, you know sits right  
10 with me. Great people, have my support, but I would like somehow, some way, some day in the  
11 near future to where we have something that crosses all levels of either we have too many  
12 rooms or we don't have too many rooms because that's just what it is and hopefully Maui  
13 Tomorrow and Dick Mayer them will be a more affordable housing summits asking for more  
14 homes instead of saying for less hotel rooms. Thank you.

15  
16 Mr. Carnicelli: Thank you. Would anybody else like to speak to the motion? Seeing none,  
17 Director.

18  
19 Ms. McLean: The motion on the floor is to approve the Bed and Breakfast Permit subject to the  
20 conditions in the staff report.

21  
22 Mr. Carnicelli: All those in favor, please raise your hand. It is seven. Unanimous.

23  
24 **It was moved by Ms. La Costa, seconded by Mr. Freitas, then unanimously**

25  
26 **VOTED: To Approve the Bed and Breakfast Home Permit as Recommended**  
27 **by the Department.**

28  
29 **(Assenting – P. D. La Costa, K. Freitas, D. Thompson, K. Pali,**  
30 **K. Robinson, C. Tackett, S. Castro)**

31 **(Absent – T. Gomes)**  
32  
33

34 Mr. Carnicelli: Congratulations and thank you for getting a B&B and not an STRH. So,  
35 congratulations. Who's next on the agenda? Do we need to take a brief, oh, brief recess to set  
36 up for the next agenda item.

37  
38 A recess was called at 2:52 p.m., and the meeting was reconvened at 2:54 p.m.

39  
40 Ms. McLean: Your fourth public hearing item this morning is a request from Marty Herling and  
41 Helaina Di Martino, daughter of Marty Herling for a time extension and permit transfer of a  
42 Conditional Permit and State Land Use Commission Special Permit for the transient vacation  
43 rental named as Banyan Tree Bed and Breakfast within the RU-1 Rural Zoning District located  
44 at 3265 Baldwin Avenue, at TMK: 2-4-002:002 in Makawao and again, Kurt Wollenhaupt is the  
45 project planner.

46

1           **4.     MARTY HERLING AND HELAINA DI MARTINO (Daughter of Marty Herling)**  
2           **requesting a Time Extension and Permit Transfer of a Conditional Permit**  
3           **and State Land Use Special Permit for the Transient Vacation Rental named**  
4           **as Banyan Tree Bed and Breakfast within the RU-1 Rural Zoning District**  
5           **located at 3265 Baldwin Avenue, TMK (2) 2-4-002:002, Makawao, Island of**  
6           **Maui (CP 2000/0012 and SUP2 2000/0007) (K. Wollenhaupt)**  
7

8     Mr. Kurt Wollenhaupt: Good afternoon again. The Members of the Maui Planning Commission  
9     this project is before you for a transfer of an existing project that has been successfully  
10    operating since the County Council granted a Conditional Permit to Mr. Marty Herling in the  
11    Rural Zone for what's known as the Banyan Tree Bed and Breakfast. So if we go all the way  
12    back to 2006, the Council approved this project. Today is not for any changes except, except to  
13    transfer this permit from Mr. Marty Herling to his daughter, Helaina Di Martino who is in the  
14    audience today and the reason that we go through this rather lengthy process having the  
15    Commission make a recommendation to the Council and also that the Commission looks at the  
16    Special Permit is that the County Council put a condition in their Conditional Permit that said  
17    that all transfers shall only be approved by ordinance so that means we move through this  
18    whole project again. But I just want to emphasize that there's no expansion to this. This project  
19    has been vetted thoroughly by previous planning commissions and the County Council for  
20    a...now this is where it gets a little complicated, it's a transient vacation rental operating as a  
21    bed and breakfast needing a Condition Permit because it's over six bedrooms. So they don't  
22    have any ability to apply for what we just read about a B&B, they have more than six so they  
23    needed to go through the more lengthy process of getting a Conditional Permit and being  
24    reviewed Council and having conditions on.  
25

26    So there's two permits that this operation has to go through. The need a Special Permit to  
27    operate in the Rural District and you are the final decision making body to grant a Special  
28    Permit. Now you've done this many times, Special Permit in the Ag District for a Short-Term  
29    Rental or a B&B. This is a Special in the Rural District and so today, we're also wishing a  
30    request to transfer this Special Permit and also to extend the permit. And we're also looking at  
31    the Conditional Permit to send a recommendation to the Council. So there is, there is a  
32    presentation that the partners at Chris Hart and Partners will give right now.  
33

34    Mr. Brett Davis: Good afternoon, my name is Brett Davis. I'm a planner at Chris Hart and  
35    Partners. I have a brief presentation to show you on the Banyan Tree Bed and Breakfast.  
36

37    Mr. Carnicelli: Kurt, we took a break to have you set up.  
38

39    Mr. Wollenhaupt: It went to Acrobat, sorry about this.  
40

41    Mr. Carnicelli: So Director while we're waiting I have a question and maybe Brett will address  
42    this but what is the survivorship of a B&B Permit? Do they...if the permit holder passes away is  
43    there survivorship to the next of kin in a B&B Permit. Mr. Croly might even know the answer to  
44    that one.  
45

46    Ms. McLean: I would need to check the Code to be certain.  
47

1 Mr. Carnicelli: Okay, thank you.

2  
3 Mr. Wollenhaupt: It's coming up as a PDF but it doesn't seem to be connecting to the projector.

4  
5 Mr. Carnicelli: I hope AKAKU is on you right now. They might edit this part out. Brief recess.

6  
7 A recess was called at 3:00 p.m., and the meeting was reconvened at 3:02 p.m.

8  
9 Mr. Carnicelli: The meeting is back in session. Brett go ahead.

10  
11 Mr. Davis: Good afternoon my name is Brett Davis. I'm a planner with Chris Hart and Partners.  
12 I have a few brief slides just to show you the character of the building. I'm gonna speak on the  
13 side of the podium so that I can make sure I'm seeing the correct slide while talking.

14  
15 Mr. Carnicelli: I tell you what Brett, why don't you...let's just go ahead. Why don't you just start  
16 to tell us the gist of where it is that you're going and if we've got additional questions and we  
17 want to drill down into your presentation we can do that.

18  
19 Mr. Davis: Understood thank you.

20  
21 Mr. Carnicelli: So we're going to test your memory how well you know that slide presentation.

22  
23 Mr. Davis: Good afternoon, my name is Brett Davis planner with Chris Hart and Partners.  
24 We're here for the request for transfer and time extension today for Banyan Tree Bed and  
25 Breakfast. As you can see here this is an aerial photograph of the site. It's located on Baldwin  
26 Avenue just below the Makawao Cemetery. Here's a picture of the driveway entrance into the  
27 Banyan Tree. Attached is a site plan to show you the two existing structures. They have a  
28 swimming pool and an accessory dwelling that the Di Martinos currently live in. Here's a few  
29 photos of the existing parking lot just to give the character of the area. This is the accessory  
30 dwelling that the owners live in currently. This is the office at the Banyan Tree. And they have  
31 a few small cottages. This is the Gardenia Cottage, you will see that all of the units are single  
32 story. It's a older style plantation form. This is a photo of the Plumeria and Banyan Suites. The  
33 swimming pool is last and those are photos of the property and we're just here to answer any  
34 questions that you have, and again the owner is available. Thank you.

35  
36 Mr. Carnicelli: Thank you. At this point in time, we're gonna go ahead and open up the floor for  
37 public testimony. Would anybody like to testify on this particular item? Seeing none, we are  
38 gonna go ahead without objection close public testimony. And at this point, do we have any  
39 questions from the Commission? I have a question. So as I understand this we, Kurt coming  
40 back to you, why are we here, so we're making a recommendation on the Conditional Permit to  
41 the Council.

42  
43 Mr. Wollenhaupt: You're making a recommendation on the Conditional Permit on the Council  
44 that the...there will be two things that happen. One is that the permit will be transferred to  
45 Martino...Helena Di Martino and that the SUP would be valid for a period of five years from the  
46 effective date of the ordinance the Council would adopt or December 31, 2024, but getting to  
47 the Council will be a multi-month process. So it's a extension and a transfer.

1  
2 Mr. Carnicelli: Right.

3  
4 Mr. Wollenhaupt: That's what you're approving. Recommendation to the Council and approval  
5 of the Special Permit by the Commission.

6  
7 Mr. Carnicelli: Okay, but I'm trying to separate this out because I kinda remember...it may not  
8 have been this one specifically but the whole part of okay, I'm running the B&B, I'm gonna put  
9 my daughter on there. Oh, but it's not a transfer that's not what we're doing here, right, we're  
10 just adding, and we're going wait a second, this is an end around, this is an end around and so  
11 now suddenly this is from March, we're talking you know six, half a year later it's like oh, now  
12 we're transferring it. So how is this not an end around of transferring of a permit which is not  
13 transferrable?

14  
15 Mr. Wollenhaupt: Oh well, a couple of things. Yes indeed there was a staff report that was  
16 done to add Helena's name to the existing permit that was approved by this body.

17  
18 Mr. Carnicelli: Right.

19  
20 Mr. Wollenhaupt: It was determined that was a nonsubstantive amendment and the applicant  
21 was made fully aware that Martin Herling who has the permit was the primary runner, he was  
22 permit holder that it would be appropriate for a nonsubstantive amendment to add the daughter,  
23 but she could not just take over this permit without what the processes we're going through. So  
24 the ordinance allows a transfer as long as they go through the whole process. So they're going  
25 to have a new ordinance written. They're going to have to be agendaized before the Planning  
26 Committee of the Council, they're going to have to try to get a majority of those members to  
27 send it up to the Full Council. So the ordinance allows a transfer by the Council. So they're  
28 going through the whole process and also they're requesting a transfer for the Special Permit  
29 and the condition is the subject...shall not be transferred without the prior written approval of the  
30 Commission. So that's indeed why we didn't let them transfer with the addition of the daughter  
31 on the permit and told them they have to go through this whole process. So—

32  
33 Mr. Carnicelli: Right, and so then our approval on our part we could make conditional on like  
34 okay, if the Council doesn't approve their end of it then we don't approve our end of it.

35  
36 Mr. Wollenhaupt: Well, if you approve the Special Permit and the Council doesn't approve then  
37 there's no deal, it doesn't move forward. They'll have to cease and stop.

38  
39 Mr. Carnicelli: Okay.

40  
41 Mr. Wollenhaupt: And you can of course add...the project is now open for review, so that does  
42 not prevent you from adding conditions as you might see fit at this time or making conditions  
43 that you'd recommend to the Council.

44  
45 Mr. Carnicelli: So, I'm just trying to look at this as far as any precedence, a precedent setting  
46 type of thing. So let's just say that they're not father-daughter, it's just like okay, it's Fred and  
47 Sally and Fred wants to sell this Sally is this this way with which okay is that...if I'm

1 understanding it, if you go up to the Council and you go through this whole entire process, the  
2 Council can approve a transfer of a B&B Permit and a Conditional Permit then 'cause that's how  
3 I'm understanding you're saying this right now is that as long as it goes through the Council  
4 process they can.

5  
6 Mr. Wollenhaupt: Well, this is not a B&B or Short-Term Rental. The conditions a B&B is that it  
7 shall not be transferred that's it.

8  
9 Mr. Carnicelli: Period, full stop.

10  
11 Mr. Wollenhaupt: With one exception for a short-term rental, upon the death of the individual  
12 there can be a movement of the short-term rental to an immediate family member as defined by  
13 father, daughter, mother, sister, but this all...this is all running on a whole different program than  
14 short-term rental or B&B that's because the Council puts the conditions they want. It shall not  
15 be transferred except by ordinance. So if they decide they're not going to transfer it, this is  
16 dead. And if they decide they wish to transfer it then it will move on. So there's a difference  
17 between the B&B and these short-term rentals you're seeing that actually has a condition it shall  
18 not be transferred. You'd have to apply for a whole new permit again. There's no opportunity  
19 for transferring.

20  
21 Mr. Carnicelli: Okay, as long my Commissioners, you guys understand this 'cause I'm still a  
22 little slow, I'm still not—

23  
24 Ms. Pali: Can I repeat it back to you? So we can say if we think it's a good idea, then we can  
25 say yes we recommend County Council to do it, but County Council can then either agree with  
26 us and we move forward with a whole new process or County Council says no or we say no and  
27 either way it would be dead in the water.

28  
29 Mr. Wollenhaupt: If you make a no recommendation on the Special...or if you would not  
30 approve the Special Permit today then it would be dead.

31  
32 Ms. Pali: Well, we recommend and say okay, hey let's give the applicant, feed them to the  
33 wolves, right and then they say no, it's dead.

34  
35 Mr. Wollenhaupt: Done.

36  
37 Ms. Pali: So they would just have to get a yes, a yes and then they would still then start the  
38 process.

39  
40 Mr. Wollenhaupt: Well, this...they're in the process.

41  
42 Ms. Pali: Oh, so this is it. This is our review and then they get their review.

43  
44 Mr. Wollenhaupt: That is correct.

45  
46 Ms. Pali: Okay, so it's like a whole nother review then.

47

1 Mr. Wollenhaupt: And just to go further on the previous B&B you just approved—

2  
3 Mr. Robinson: We're good. So Director, why is it even coming to us, why isn't it already inside  
4 the rules and then it comes the Director's discretion instead of even having to have this item?

5  
6 Ms. McLean: That would be what the Council spelled out in the ordinance when they first  
7 approved the Conditional Permit. That's up to the Council to decide how they want renewals to  
8 happen if and how they want transfers to happen. So they tailor make each conditional permit  
9 based on what the project is. Some they allow the Director to do things and others they do not.

10  
11 Mr. Carnicelli: Any other questions? Yes, Kurt?

12  
13 Mr. Wollenhaupt: In the previous B&B you just approved, Condition 3 says, the B&B Home  
14 Permit shall not be transferred. This one says that the Special Permit shall not be transferred  
15 except without the approval of this body and the County Council said it shall not be transferred  
16 except by approval of a new ordinance by the Council that's why they can ask for this transfer.

17  
18 Mr. Carnicelli: Is the ownership of the property transferring?

19  
20 Mr. Wollenhaupt: The ownership I believe is transferred.

21  
22 Mr. Carnicelli: Concurrently or it is already transferred?

23  
24 Mr. John Di Martino: Hi, I'm John Di Martino, yeah it already transferred.

25  
26 Mr. Carnicelli: Okay, thank you. All right, I have no further questions. Does anybody else have  
27 further questions? Kurt, we'll go ahead and take your recommendation then.

28  
29 Mr. Wollenhaupt: There's two things, one is the Special Permit and that would be, it  
30 recommends approval of the Land Use Commission Special Permit transfer and time extension  
31 as outlined with 15 conditions and it would be a recommendation that the Maui Planning  
32 Commission recommends that the Council will approve the Conditional Permit with seven  
33 conditions and that it would be for a period of five years from the effective date of an ordinance  
34 that the Council would prepare and pass.

35  
36 Mr. Carnicelli: Thank you. Can I have a motion please?

37  
38 Mr. Freitas: Motion to pass.

39  
40 Mr. Carnicelli: Moved by Commissioner Freitas to approve as recommended by Staff.

41  
42 Mr. Freitas: Yes.

43  
44 Ms. La Costa: I second.

45  
46 Mr. Carnicelli: Seconded by Commissioner La Costa.

47

1 Ms. La Costa: I have a question are we doing two different?  
2

3 Mr. Carnicelli: We're gonna do this altogether.  
4

5 Ms. La Costa: Okay.  
6

7 Mr. Carnicelli: Yeah, the whole recommendation all at once.  
8

9 Mr. Hopper: So it's a recommendation to approve the Special Permit as recommended by Staff  
10 and to recommendation approval to the Council of the Conditional Permit as recommended by  
11 Staff all in one motion.  
12

13 Mr. Carnicelli: Correct. All in one motion. Director.  
14

15 Ms. McLean: There is a typo in the Conditional Permit, Condition No. 4 it says that the  
16 Helena Di Martino, "the" should be deleted.  
17

18 Mr. Carnicelli: Unless you're royalty. Discussion on the motion?  
19

20 Mr. Freitas: I would like to go first. As a neighbor to this property, I live on Baldwin Avenue and  
21 I have met Marty. I have stayed at this property. I see it as a very well-run operation, a lot of  
22 parking. They have recycle going on. I approve of this.  
23

24 Mr. Carnicelli: Great. Thank you. Anybody else? Commissioner La Costa.  
25

26 Ms. La Costa: Thank you. I seconded the motion because I feel the same way as  
27 Commissioner Freitas. My question is when I read through this I didn't see the specific  
28 conditions that we usually put on short-term rentals because this is a STR and a B&B hybrid  
29 kind of thing, it doesn't say anything about the ocean safety or other things so I'm just  
30 wondering why that's the case.  
31

32 Mr. Carnicelli: Would you like to amend the motion then?  
33

34 Ms. La Costa: Can I? Should I have him amend the motion?  
35

36 Mr. Carnicelli: Well, you can recommend a friendly amendment to the main motion.  
37

38 Ms. La Costa: Okay, I make a motion to amend the terms under which the STR and the B&B  
39 are taken care of under the SUP to add the ocean...the language what we usually do for the  
40 ocean care of the aina.  
41

42 Ms. Pali: You want him to read it into the record?  
43

44 Ms. La Costa: s'il vous plait.  
45

46 Mr. Wollenhaupt: Now I should be able to say it in French. The applicant shall ensure that all  
47 guests are educated about Maui Nui's history and culture and about potential detrimental



1 impacts to natural and cultural resources particularly to the coastal environment and near shore  
2 waters. Evidence of such an education program shall be provided to the Planning Director, well  
3 prior to operation. It might be evidence prior to the adoption of the ordinance 'cause we're in  
4 usual situation of the operate.

5  
6 Mr. Carnicelli: Commissioner Freitas are you okay with that amendment?

7  
8 Mr. Wollenhaupt: Yes.

9  
10 Mr. Carnicelli: Are you okay with it?

11  
12 Ms. La Costa: I am, thank you.

13  
14 Mr. Carnicelli: So that is a friendly amendment. Any further discussion? Director.

15  
16 Ms. McLean: Thank you Chair. The motion on the floor is to recommend approval of the  
17 Conditional Permit to the County Council as recommended by Staff and to approve the State  
18 Special Permit as recommended by Staff with the addition of the natural and cultural education  
19 condition.

20  
21 Mr. Carnicelli: All those in favor please raise your hand. That is six ayes. Opposed, seeing  
22 none, one abstention that is seven. Congratulations. Good luck up at County Council.

23  
24 **It was moved by Mr. Freitas, seconded by Ms. La Costa, then unanimously**

25  
26 **VOTED: To Recommend Approval of the Conditional Permit to the County**  
27 **Council as Recommended by the Department and to Approve the**  
28 **State Land Use Special Permit as Recommended by the Department**  
29 **with the Addition of the Natural and Cultural Education Condition.**

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

34  
35 Mr. Carnicelli: Director.

36  
37 Ms. McLean: Thank you Chair, the last public hearing item of the day is a request from Donna  
38 Lei Jaecker and Sterling A. M. Church for a State Land Use Commission Special Permit in order  
39 to operate a four bedroom short-term rental home in the State and County Agricultural Districts  
40 located at 800 Olinda Road, TMK: 2-4-013: 027 in Makawao. Tara Furukawa again is the  
41 project planner.

42  
43 **5. DONNA LEI JAECKER AND STERLING A.M. CHURCH requesting a State**  
44 **Land Use Commission Special Permit in order to operate a four bedroom**  
45 **short-term rental home in the State and County Agricultural Districts**  
46 **located at 800 Olinda Road, TMK (2) 2-4-013:027, Makawao, Island of Maui.**  
47 **(SUP2 2019/0015) (T. Furukawa)**

1  
2 Ms. Tara Furukawa: So, this item's come to for review because the applicant is proposing a  
3 four-bedroom bed and breakfast, sorry, short-term rental home, sorry, on 14.301 acres of State  
4 Land Use Commission and County designated Agricultural land. There are two dwellings on  
5 site. One of the dwellings, the one proposed short-term rental was built in the 1920s. The  
6 dwelling has four bedrooms and three bathrooms. It was always in agricultural use and there  
7 was a pasture and a variety of crops. Currently the property is leased to Dicky Boteilho who  
8 raises cattle and rotates the cows through the property. There are also a few protea plants but  
9 the vast majority is on the adjacent property also owned by the same family. The owners  
10 Sterling Church and Donna Jaecker now live away from the property on the mainland and return  
11 to Maui approximately six months of the year and they want to keep the property in agricultural  
12 use, however, they wish to supplement their income with the proposed STRH. Sterling's son  
13 and daughter-in-law live on the property in the second farm dwelling which is in close proximity  
14 to the primary farm dwelling. Sterling's daughter-in-law, Emily Church co-owns and operates  
15 the Anueha Flower Protea Farm. Emily will serve as the designated manager of the STRH.  
16 Sterling is here to respond to any questions you might have regarding the proposed operation.

17  
18 Ms. Sterling Church: Good afternoon Commissioners.

19  
20 Mr. Carnicelli: Good afternoon.

21  
22 Ms. Church: Thank you for hearing me. I'm sorry that Emily is not here with me yet, she's the  
23 one that actually went through this very lengthy and complicated application process.

24  
25 Mr. Carnicelli: I do need you to just say your name for the record.

26  
27 Ms. Church: I apologize, my name is Sterling Church.

28  
29 Mr. Carnicelli: Not a problem. My grandfather's name was Sterling so I'm partial to that name.

30  
31 Ms. Church: Good. So that's interesting, he's a guy and I'm a girl. Anyway, yeah, so Emily  
32 was expected to be here and she's the one that went through the application process and she  
33 lives on island. Can't hear me? Is that better? Okay, so I'm not gonna present to you anything  
34 that you already have in front of you, but I wanted to read a brief statement and then also, my  
35 sister, who is not able to be here, and is co-owner to the property sent a brief statement as well  
36 if I may proceed with that.

37  
38 Mr. Carnicelli: Go ahead.

39  
40 Ms. Church: This gives just a little bit of history. So, during World War II my dad born and  
41 raised in Hawaii and with ag experience in macadamia nuts and then pineapple was assigned to  
42 search out good farming land and assist farmers in increasing their production to adequately  
43 supply the troops and local population with food...sorry, with food while imports were cut off  
44 from the mainland. During that time he found 42 acres of undeveloped land in Olinda, including  
45 an abandoned home and purchased them shortly after the war. From then on he kept the  
46 property in agriculture with various crops, his beloved garden and pastureland. Our family was  
47 pretty well self-sustained with beef and dairy cattle and an extensive garden. The property is

1 divided into two parcels. The house where we want to develop a short-term rental sits on a 12-  
2 acre parcel that except for the yard remains in pasture. The adjoining lot has a 12-acre protea  
3 farm and additional pastureland, total acreage being 28 acres.

4  
5 We have two goals in creating a short-term rental, one, practical and the other emotional. As  
6 you probably know, farming and ranching produces very little income not even enough to cover  
7 the property taxes. We are badly in need of an additional source of income to retain the land  
8 and to keep it in agriculture. We have never wanted to develop the property, but desperately  
9 want to keep it in agricultural production. We are surrounded by additional pastureland on all  
10 sides. We also believe this land has been given to us as a gift and we share...love sharing its  
11 beauty with others.

12  
13 We know the County' concern about short-term rental housing properties not being available for  
14 badly needed long-term housing. In fact, if we do not use the home for personal use, much of  
15 the year that would be viable option. However, my sister and I and our families occupy the  
16 house approximately six months of the year scattered at different intervals so we cannot make  
17 the home available for long-term rental. We are ideally located away from close neighbors with  
18 excellent access and plenty of parking. Our daughter-in-law owns the protea farm that she and  
19 our son and she and our son live in an ohana on the property and are available to oversee and  
20 manage the short-term rental.

21  
22 We are excited about being able to expose our guests to two types of agriculture on Maui, the  
23 flower farm and the ranching. Some flowers are provided to the farm from the house property.  
24 Guests would be able to tour the farm as well as receive information about ranching from our  
25 long-time rancher. They would be able to get up close and personal with a kind of life on Maui  
26 that few visitors get to experience. They would also be able to enjoy a part of Upcountry Maui  
27 that few tourists ever see, and that's my statement.

28  
29 Mr. Carnicelli: Thank you, Sterling.

30  
31 Ms. Church: Yes. And may I proceed with my sister's statement?

32  
33 Mr. Carnicelli: Sure.

34  
35 Ms. Church: Okay, my sister Donna Jaeker resides in California and could not be here. She  
36 says, aloha, the farm, pastures and homes at 800 Olinda Road are deeply precious to me and  
37 family. One of the greatest blessings of my life was growing up on Maui at this location. It is  
38 now our hope to bring in enough income to help cover our expenses so that the land can  
39 continue as field and pasture. Emily Church and her business partner, Tasha Wright have  
40 amply demonstrated their ability to operate their business, Anuheia Farms on this property.  
41 Neither had any agricultural background but when they enthusiastically took over this  
42 existing...but then they enthusiastically took over this existing operation. They have taken  
43 classes, learned how to plant, grow and harvest and get their product to customers as promised  
44 while adhering to strict ag standards. They have been detailed in planning and creative in  
45 solving the many problems that arise in any farming operation.

46

1 The trust that the original owners of Anuheia Farm, Bill and Judy Mertins put in Emily and Tasha  
2 to uphold the farm's reputation for excellence has been fully justified. They have an excellent  
3 relationship with Dicky Boteilho who rents the rest of the property for raising cattle. Emily's  
4 relations and business accumen are top notch.

5  
6 As property managers of the ohana in which they live and of the main house, Emily and Dan  
7 Church have earned my complete trust in their competence. Bills are paid on time, tax forms  
8 are completed and submitted on time without prodding from Sterling or I. Close attention is paid  
9 to repairs and needed upgraded upgrades to the ohana and the main house. They keep a close  
10 eye on the landscape and swiftly attend to issues with trees and fences. They are in regular  
11 communication with Sterling and me regarding all aspects of the property and respond promptly  
12 to any of our inquiries. In this roll, too, they have earned my admiration and trust. I have no  
13 doubt they will continue to do so while overseeing a short-term rental. I am certain, they will  
14 ensure a short-term rental on the property will not interfere with agricultural practices and if  
15 anything will enhance visitor's appreciation and understanding of agricultural life on Maui, and  
16 thus their support for it. Aspects of this property have changed many times, people come and  
17 go, buildings rise and fall, crops and landscape change, fences and roads move, the one  
18 constant it remains in agriculture. That's all, thank you.

19  
20 Mr. Carnicelli: Thank you. Appreciate it. Is that everything?

21  
22 Ms. Church: Yes.

23  
24 Mr. Carnicelli: Okay, then at this point in time I'm gonna go ahead and open up the floor for  
25 public testimony. Please come forward. So I need you to step down so he can come up and  
26 speak. Thank you.

27  
28 Mr. Tom Croly: Aloha, Commissioners. Tom Croly, and I swear to tell the truth.

29  
30 Mr. Carnicelli: Thank you, Tom.

31  
32 Mr. Croly: I didn't know anything about this application. I don't know the applicants in any way,  
33 but I do know Anuheia Farms. I have purchased their protea and they are a wonderful,  
34 wonderful part of Maui's agriculture. They make these beautiful wreaths, they sell them on the  
35 internet and so forth and that is something that is worth supporting. I also, while I was sitting  
36 here looked up how long have these people owned this property and it looks like this property  
37 has been in their family for many, many years, and that made me think about when the Council  
38 created the ordinance, the short-term rental ordinance, one of the groups that they wanted to  
39 protect was exactly this, was people who owned property for a long time but their life had  
40 changed, their lifestyle and what they need...their needs of their life has changed but they don't  
41 want to sell the property. So, they want to keep the property in the family and in this case they  
42 want to continue to do the farming that they're doing and a short-term rental is one of the  
43 vehicles to do that. So, while you might look at this and say, why should we give these guys a  
44 short-term rental in some ways, I think this is exactly what the Council intended for some of  
45 these short-term rentals. So, I just want to express my own support for this application. Thank  
46 you.

47

1 Mr. Carnicelli: Thank you, Tom. Is there anybody else that would like to come forward and  
2 speak to this item? Seeing none, then without objection we'll go ahead and close public  
3 testimony. Questions? I'm sorry, do you have any questions for the testifier? Yeah, do you  
4 have any questions for him?

5  
6 Ms. Church: No.

7  
8 Mr. Carnicelli: Okay, that's fine. You just have a...you have a chance to cross-examine them is  
9 all, so it's if you wanted to, but if not, then that's fine. Commissioner Robinson.

10  
11 Mr. Robinson: Commissioners, I apologize, I have to run, but I just wanted to point one thing if  
12 we do approve this I think on the other one with the cattle we make sure there wasn't a bull that  
13 could break through since this is a STRH and somebody on the property that they rotate it to a  
14 different pasture, I just know we had that in the past. Thank you.

15  
16 Mr. Carnicelli: Thank you, Commissioner Robinson. Any questions, comments from the  
17 Commission? Commissioner La Costa?

18  
19 Ms. La Costa: Thank you so much for coming today.

20  
21 Ms. Church: Thank you.

22  
23 Ms. La Costa: Have you rented your home previously in a short-term rental situation?

24  
25 Ms. Church: I have not.

26  
27 Ms. La Costa: Thank you.

28  
29 Mr. Carnicelli: Any other questions? Yes, Director.

30  
31 Ms. McLean: Thank you, Chair. Just in the interest of disclosure, one of the partners in the  
32 protea farm Tasha Wright is the spouse of one of our zoning inspectors, Kai Wright. I think you  
33 folks might know Kai. He and his wife, mostly his wife but he spends a lot of time there on the  
34 weekends assisting with the flower farm, so in terms of staff's familiarity with the property  
35 through Kai we are familiar with it and can verify that there is active agriculture going on.

36  
37 Mr. Carnicelli: Great.

38  
39 Ms. McLean: Thank you, Chair.

40  
41 Mr. Carnicelli: Thank you very much, Director. Tara, could you give us our recommendation  
42 please?

43  
44 Ms. Furukawa: Okay, so there are no permitted STRH or B&B operations located within 500  
45 feet of the property. As of September 30, 2019 there are 11 permitted STRHs and the cap is  
46 40, there are 19 permitted B&Bs, the cap is 40. There are no open requests for service, no

1 protest letters were received and there are two letters of support from the former owner of the  
2 protea farm adjacent to the property and the lessee of the property for cattle ranching.

3  
4 The application meets all the criteria for a SUP2 Permit, therefore, the Department's  
5 recommending approval of the permit until December 31, 2022. The Department is also asking  
6 that the Commission authorize the Director of Planning to transmit the written decision and  
7 order on the behalf of the Planning Commission.

8  
9 Mr. Carnicelli: Thank you, very much. Commissioners, can I have a motion from the floor?  
10 Commissioner La Costa.

11  
12 Ms. La Costa: I so move.

13  
14 Mr. Castro: Second.

15  
16 Mr. Carnicelli: Moved to approve as recommended by staff by Commissioner La Costa,  
17 seconded by Commissioner Castro. Would anybody like to speak to the motion?  
18 Commissioner La Costa.

19  
20 Ms. La Costa: Thank you, Chair. Pursuant to what Commissioner Robinson said, we probably  
21 should put a condition in there that if there are residents in the short-term rental that a bull is  
22 nowhere near or at least a bull and cow are not in the area.

23  
24 Mr. Carnicelli: Actually Sterling will you come forward please? Can you speak to that? Do  
25 you...how well do you know the cattle operation on property.

26  
27 Ms. Church: I know it very well. Dicky has been running cattle on there as long as I can  
28 remember.

29  
30 Mr. Carnicelli: Okay, so are...I mean, it's kinda hard to tell form the pictures like where the  
31 layout is and how close the pasture is to where the people would be staying is, I guess how  
32 close is this? I mean, like if you...you heard Commissioner Robinson, are concern is that a bull  
33 would be some place in the vicinity of your guests.

34  
35 Ms. Church: Right. The house property is about an acre and then the pasture where the cattle  
36 including a bull are basically on the borderland of the house property.

37  
38 Mr. Carnicelli: Is it possible to rotate the bull away?

39  
40 Ms. Church: He rotates all the cattle all the time, so I think that could be arranged so that when  
41 it's breeding season, he could make sure the bull wasn't somewhere beside by the house that  
42 definitely could happen. There's a number of pastures there that he rotates the cattle too.

43  
44 Mr. Carnicelli: So, are you okay then with a condition that says something to the effect of you  
45 know, while are guests are on property that the bull shall not be near the house or however...

46  
47 Ms. Church: Sure, I mean, we could say not...in a pasture adjacent to the house property.

1  
2 Mr. Carnicelli: Okay, yeah, not in a pasture adjacent to the home, to the residential lot or  
3 residential portion.

4  
5 Ms. Church: Sure.

6  
7 Mr. Carnicelli: Okay.

8  
9 Ms. Church: That should not be a problem.

10  
11 Mr. Carnicelli: Okay, great. Thank you. Would anybody else like speak to the motion? So, as  
12 we've done a couple of times I'll stall a little bit while the Director trying to come up with  
13 language.

14  
15 Ms. McLean: The applicant shall ensure that the ranching operation shall not include bulls in  
16 any pasture adjacent to the short-term rental home while guests are present.

17  
18 Mr. Carnicelli: Okay, and so as the seconder are you okay with the amendment to the motion?  
19 Okay, so that's a friendly amendment to the motion. Any further discussion? Seeing none,  
20 Director.

21  
22 Ms. McLean: The motion on the floor is to approve the permit subject to the seven conditions in  
23 the staff report plus the additional condition about keeping bulls away from guests.

24  
25 Mr. Carnicelli: All those in favor, please raise your hand? That is six ayes. Unanimous.  
26 Congratulations.

27  
28 **It was moved by Ms. La Costa, seconded by Mr. Castro, then unanimously**

29  
30 **VOTED: To Approve the State Land Use Commission Special Permit as**  
31 **Recommended by the Department with the Seven Conditions and**  
32 **the Additional Condition Regarding Keeping Bulls Away from**  
33 **Guests.**

34  
35 **(Assenting – P. D. La Costa, S. Castro, K. Freitas, D. Thompson,**  
36 **K. Pali, C. Tackett)**

37 **(Excused – K. Robinson)**

38 **(Absent – T. Gomes)**

39  
40 Ms. Church: Thank you very much.

41  
42 Mr. Carnicelli: Thank you very much for enduring the long day with us.

43  
44 Ms. Church: Well, we didn't get down here till 3:00

45  
46 Mr. Carnicelli: Oh, okay. Thank you. Director.

47

1 **D. DIRECTOR'S REPORT**

2  
3 **1. SMA Minor Permit Report**

4  
5 **This is for notification and review purposes. No action is anticipated.**

6  
7 **2. SMA Exemptions Report**

8  
9 **This is for notification and review purposes. No action is anticipated.**

10  
11 Ms. McLean: Thank you, Chair. Next on the agenda you have the SMA Minor and Exemptions  
12 Reports. Are there any questions on any of these items?

13  
14 Mr. Carnicelli: Seeing none...

15  
16 **3. Discussion of Future Maui Planning Commission Agendas**

17  
18 **a. December 10, 2019 agenda items**

19  
20 Ms. McLean: And lastly is the memorandum listing five public hearing items and the adoption of  
21 a decision and order for the December 10<sup>th</sup> meeting.

22  
23 Mr. Carnicelli: So potentially another full agenda?

24  
25 Ms. McLean: Another long day.

26  
27 Mr. Carnicelli: Another long day potentially. So, we're gonna jam everything in before the  
28 holidays. December 10<sup>th</sup>.

29  
30 Ms. La Costa: I do have a question.

31  
32 Mr. Carnicelli: Yes, Commissioner La Costa.

33  
34 Ms. La Costa: And I apologize for not asking this, in the conditions for this STRH, again, I didn't  
35 see anything in here about the educational aspect. Is that always in our STRH?

36  
37 Ms. McLean: Those conditions go on the STRH permit. What you approved today was the  
38 State Land Use Commission Special Permit so we will issue the STRH administratively.

39  
40 Ms. La Costa: Thank you so much for the clarity.

41  
42 Mr. Carnicelli: All right, with that being said, I want to thank Carolyn for the long day, I want to  
43 thank Akaku for long day, and aloha everyone. Meeting is adjourned.

44  
45 **E. NEXT REGULAR MEETING DATE: December 10, 2019**

46  
47 **F. ADJOURNMENT**



1  
2 The meeting was adjourned at 3:36 p.m.

3  
4 Respectfully Submitted by,

5  
6  
7 CAROLYN TAKAYAMA-CORDEN  
8 Secretary to Boards and Commissions II  
9

10  
11 **RECORD OF ATTENDANCE**

12 **Present**

13 Lawrence Carnicelli, Chair  
14 Stephen Castro  
15 Kawika Freitas (in attendance @ 9:09 a.m.)  
16 P Denise La Costa  
17 Kellie Pali  
18 Keaka Robinson (excused @ 3:30 p.m.)  
19 Christian Tackett, Vice Chair  
20 Dale Thompson

21  
22 **Absent**

23 Tina Gomes

24  
25 **Others**

26 Michele McLean, Director, Department of Planning  
27 Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
28 Jordan Molina, Deputy Director, Department of Public Works  
29